

Falls City Municipal Code CHAPTER 50: SEWERS

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GENERAL PROVISIONS

§ 50.01 DECLARATION OF INTENT.

The city, in a further desire to define its responsibilities and the responsibilities of property owners to the community sewer system and the on-site sewer systems and the availability of that system and requirement for its use of its residents, sets out the following requirements.

(Ord. 420, passed 10-5-1987)

§ 50.02 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUILDING DRAIN. Defined by the Oregon Plumbing Specialty Code, and extends from a building and terminates five feet outside of a building.

BUILDING SEWER. Defined by the Oregon Plumbing Specialty Code, and is the extension from the building drain to the interceptor tank.

COMMERCIAL BUILDING. All premises, except those designated as public buildings by the City Council, that are used for any purpose other than as a residence.

COMMUNITY SEWER SYSTEM. All public sewers operated under city authority.

EFFLUENT SEWER. The part of the community sewer system located between an interceptor tank and a street sewer.

INTERCEPTOR TANK. A tank installed between the building sewer and the community sewer. **INTERCEPTOR TANKS** are city property and part of the community sewer system.

ON-SITE SYSTEM. A septic tank and drainfield or mounded or other collection, treatment, and disposal system that is initiated and completed on private property and is not connected to the community sewer system.

PERSON. Any individual, company, firm, association, society, corporation, or group.

PUBLIC BUILDING. Any premises or part of any premises used primarily for public purposes and designated a public building by the City Council.

PUBLIC SEWER. All community sewer systems.

PUBLIC TREATMENT WORKS. Any treatment works owned and operated by the city.

RESIDENCE. A structure used primarily for residential purposes.

SANITATION MANAGER. The Chairperson of the Sewer Board of the city or the individual authorized to act on behalf of the city.

SEWAGE. Water-carried human wastes, including kitchen, bath, and laundry wastes from residences, buildings, industrial establishments, or other places, together with any groundwater infiltration, surface waters, or industrial waste as may be present.

SLUGS. Any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation.

STORM DRAIN. A sewer which carries storm and surface waters, but excludes sewage and industrial wastes and other polluted waters.

(Ord. 420, passed 10-5-1987)

§ 50.03 USE OF ON-SITE OR COMMUNITY SEWERS.

(A) It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner, on public or private property within the city, any sewage.

(B) It shall be unlawful to discharge to any natural outlet or stream within the city or in any area under the jurisdiction of the city any sewage or other wastes except where suitable treatment has been provided in accordance with subsequent provisions of this subchapter.

(C) It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage, except as provided in this subchapter and approved by the city, or as approved by the State Department of Environmental Quality or its agent, the County Sanitarian.

(D) Except as stated in division (F) below, the owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the city and abutting or within 300 feet of any street, alley, right-of-way, or easement, in which there is now located or may in the future be located a community sewer belonging to the city, is hereby required at owner's expense to install suitable facilities therein, including an interceptor tank as specified by the Sanitation Manager, and arrange for connection of the facilities directly to the community sewer system. The connection shall be made under the direction of the Sanitation Manager within 90 days after official notice to do so.

(E) The Sanitation Manager shall establish, by written policy, the materials, including interceptor tank and effluent sewer piping, to be used in the installation, construction, and connection of all new facilities, and shall establish leakage allowances for both interceptor tanks and effluent sewers using a standard exfiltration test.

(F) (1) During the initial construction phase of the sand-filter sewer system, the city shall install all interceptor tanks and sewer lines from the interceptor tank to the community sewer system, and from the interceptor tank to within five feet of the structure to be serviced.

(2) After initial construction phase, all connections will be subject to the permit provisions contained in § 50.04(B) if on-site and § 50.05(B) if community sewer system connection.

(G) Within one year of construction completion, owners shall, at their expense, abandon and fill all existing on-site septic tanks not connected to the community sewer system in accordance with the regulations of the State Department of Environmental Quality.

(Ord. 420, passed 10-5-1987; Ord. 492, passed 4-9-2001; Ord. 502-B, passed 1-21-2003)
Penalty, see § 50.99

§ 50.04 ON-SITE SEWER SYSTEMS.

(A) Where the community sewer system is not available, building sewers shall be connected to an on-site disposal system.

(B) Before commencement of construction of an on-site sewage disposal system, the owner shall first obtain a written permit from the State Department of Environmental Quality or the County Department of Environmental Quality or equivalent agency as may be required. The permit for an on-site sewer system must be approved by the city prior to the issuance of a building permit. An on-site disposal system will not be allowed if connection to a community sewer system is possible.

(C) When the city determines, by written notice to a property owner, that its community sewer system is available to property served by an on-site sewage disposal system, the provisions of § 50.03(D) through (G) shall apply.

(D) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the State Department of Environmental Quality or the county.

(Ord. 420, passed 10-5-1987) Penalty, see § 50.99

§ 50.05 COMMUNITY SEWER SYSTEM CONNECTIONS.

(A) The community sewer system, as presently designed, is limited in capacity for both initial hookups and flow through the system. All connections to the community sewer system shall be permitted only after the Sewer Board has determined that there is a demonstrated need for the connection. No connections shall be allowed outside the corporate city limits.

(B) No unauthorized person shall uncover, make a connection with or opening into, use, alter, or disturb any community sewer system without first obtaining a written permit from the Sanitation Manager. All permit applications shall be approved by the Sanitation Manager and must meet specifications specified by the city. A permit inspection fee, in an amount established by the City Council, shall be paid at the time the permit application is filed.

(C) The property owner shall pay all costs and expenses incident to the installation of the building sewer and its connection to the community sewer system, including, but not limited to, the costs of interceptor tanks and effluent lines required to service the property. The property owner shall reimburse the city for any loss or damage that may directly or indirectly be caused by the installation of the building sewer. Nothing contained in this section shall prevent any person from applying for and receiving any grant monies available through the County Housing Authority and Urban Renewal Agency.

(D) The city may, on a one-time basis only, pay or cause to be paid the partial cost of installations to the community sewer from the execution of this subchapter until final designs of the public sewer system have been approved. At all other times, the costs shall be assessed the property owner.

(E) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by the building drain shall be lifted by an approved means and discharged to or from the interceptor tank and public sewer system at no cost to the city.

(F) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to the public treatment works.

(G) A person applying for connection to the community sewer system shall notify the Sanitation Manager when the effluent sewer is ready for inspection and connection to the public sewer. The Sanitation Manager will inspect the proposed connection to the street sewer, including the installation of the interceptor tank and piping. The connection shall be under the supervision of the Sanitation Manager or his or her representative. No pipings, fittings, or tankage shall be backfilled or covered in any way until the Sanitation Manager has inspected and approved the completed work.

(H) All excavations for effluent sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Private contractors involved in the construction described in this subchapter shall defend, preserve, and shall hold the city harmless from any claims made by third parties injured due to the contractor's negligence. Streets, sidewalks, parkways, and private property disturbed in course of the work described herein shall be restored in a manner satisfactory to the City Council.

(I) The city shall have the right, at all times, to enter property by way of the appropriate easement, in order to inspect, repair, clean, or otherwise service the community sewage system, including the interceptor tank.

(Ord. 420, passed 10-5-1987) Penalty, see § 50.99

§ 50.06 CONNECTION FEES.

(A) The City Council shall establish a connection fee schedule which it may change by resolution from time to time. The current fee schedule shall be attached as Exhibit A to the ordinance codified in this subchapter, and by this reference is incorporated herein. Fees for the connection of existing buildings to the community sewer system shall be due within 30 days of the notice to connect sent to all affected property owners by the city. Where permits have been obtained pursuant to § 50.05(B), connection fees shall be payable in advance. Applicants for connections to be made after completion of construction of the system shall pay all costs of making the connection.

(B) Those residences and commercial buildings located within the area served which are not offered the opportunity to connect to the community sewer system due to the limited number of connections may later be allowed to connect at the initial hookup rate with applications for grant money, if available, made by the property owner to the city. (Ord. 420, passed 10-5-1987) Penalty, see § 50.99

§ 50.07 USE OF THE PUBLIC SEWERS.

(A) No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial waters to any sanitary sewer.

(B) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas;

(2) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including, but not limited to, cyanides in excess of two mg/l as CN in the wastes as discharged to the public sewer;

(3) Any waters or wastes having a pH lower than five and one-half, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works;

(4) Solid or viscous substances in quantities or of the size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, and the like, either whole or ground by garbage grinders; and/or

(5) Any wastes not pretreated by an interceptor tank.

(C) No person shall discharge or cause to be discharged the following substances, water, or wastes, if it appears likely in the opinion of the Sanitation Manager that the wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance.

In forming his or her opinion as to the acceptability of these wastes, the Sanitation Manager will give consideration to the factors as to quantities of subject wastes in relation to flows and velocities in the sewers, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

- (1) Any liquid or vapor having a temperature higher than 150°F (65°C);
- (2) Any water or waste containing fats, gas, grease, or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 and 150°F (65°C);
- (3) Any garbage that has not been properly shredded;
- (4) Any waters or wastes containing strong acid, iron, pickling wastes, or concentrated plating solutions, whether neutralized or not;
- (5) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances, or wastes exerting an excessive chlorine requirement, to the degree that any such material received in the composite sewage at the sewage treatment plant exceeds the limits established by the Sanitation Manager for the materials;
- (6) Any waters or wastes containing phenols or other taste- or odor-producing substances, in the concentrations exceeding limits which may be established by the Sanitation Manager as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies or jurisdiction for the discharge to the receiving waters;
- (7) Any radioactive wastes or isotopes of the half-life or concentration as may exceed limits established by the Sanitation Manager in compliance with applicable state or federal regulations;
- (8) Any waters or wastes having a pH in excess of nine and one-half;
- (9) Materials which exert or cause:
 - (a) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);
 - (b) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);
 - (c) Unusual BOD, chemical oxygen demand, or chlorine requirements in the quantities as to constitute a significant load on the sewage treatment works; and/or
 - (d) Unusual volume of flow or concentration of wastes constituting "slugs," as defined in § 50.02.
- (10) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to the degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
 - (D) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in division (C) above, and which, in the judgment of the Sanitation Manager, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Sanitation Manager may:
 - (1) Reject the wastes;
 - (2) Require pretreatment to an acceptable condition for discharge to the public sewers at no cost to the city;
 - (3) Require control over the quantities and rates of discharge; and/or

(4) Require payment to cover the added cost of handling and treating the wastes not covered by wasting taxes or sewer charges.

(E) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Sanitation Manager, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients. All interceptors shall be of a type and capacity approved by the appropriate governmental agency and the city, and shall be located as to be readily and easily accessible for cleaning and inspection. Interceptors shall be provided by persons discharging into the sewer.

(F) Where preliminary treatment of flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense.

(Ord. 420, passed 10-5-1987) Penalty, see § 50.99

§ 50.08 RESPONSIBILITY FOR DAMAGE.

(A) No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the public sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct or criminal mischief.

(B) At all times, all building sewer lines to any interceptor tank belong to the private property owner and are the owner's responsibility for maintenance and upkeep. Where pumping from an interceptor tank is allowed, the owner shall be responsible for installation of the electrical panel and wiring from the residence or business to the interceptor tank and shall pay all associated power costs. The electrical panel and its wiring will be installed on the exterior of the building for access. The interceptor tank and all lines leading from the tank to the public treatment works shall be the responsibility of the city for maintenance and upkeep.

(C) If any damage to the interceptor tank, public treatment works, or connecting lines is the result of a negligent or intentional act of any individual, that individual shall be responsible for the cost of any and all repairs to the lines. If an agreement for payment is not reached between the city and the parties, the parties causing the damage shall also be responsible for any reasonable attorney's fees incurred by the city regarding this matter in any court of appeals.
(Ord. 420, passed 10-5-1987) Penalty, see § 50.99

§ 50.09 POWERS AND AUTHORITY OF INSPECTORS.

(A) The Sanitation Manager and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this subchapter.

(B) While performing the necessary work on private properties referred to in division (A) above, the Sanitation Manager or duly authorized employees of the city shall observe all safety rules applicable to the premises and shall hold harmless the property owner for injury or death to the city employees and the city shall indemnify the property owner against loss or damage to its property by city employees and against liability claims and demands for personal

injury or property damage asserted against the property owner and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the property owner to maintain safe conditions.

(C) The Sanitation Manager and other duly authorized employees of the city shall be permitted to enter all property for the purpose of inspecting and maintaining the community sewer system or a city easement. All entries and work, if any, shall be by way of the city's easement granted by the owner at the time their permit was approved or connection made to the public sewer.

(Ord. 420, passed 10-5-1987)

§ 50.10 CONSTRUCTION OF BUILDING SEWERS.

(A) All building sewers shall be laid on a grade of not less than three and sixteen-hundredths inch per foot for four-inch pipe and of not less than one-eighth inch per foot for six-inch pipe.

(B) If the grade of the building or side sewer is to be less than three and sixteen-hundredths inch per foot for four-inch pipe or one-eighth inch per foot for six-inch pipe, the property owner shall sign and acknowledge a grade release in a form approved by the city, the effect of which shall be to release the city from all future claims for damages due to the installation of the sewer. If there is doubt about grade, a grade release shall be procured before the pipe is laid. If, upon inspection, the grade is inadequate, the grade release shall be filed in the office of the City Recorder/Administrator before any backfilling takes place.

(C) All materials, pipes, and fittings used in the construction of effluent sewer lines on private property must meet published specifications of good construction as specified by the Sanitation Manager to prevent leakage and infiltration into the system.

(D) Pressure piping, fittings, and cleanouts shall be Class 160 (SDR 26) pressure-rated PVC piping with rubber gasket joints conforming to ASTM D 1784 and ASTM D 2241. Pippings and fittings for pressure sewer service lines shall be Class 160 (SDR 26) pressure-rated PVC piping with rubber gasket joints conforming to ASTM D 1784 and ASTM D 2241 or polyethylene piping, pressure Class 160 (SDR 26) conforming to ASTM D 2122.

(E) Interceptor tanks shall be of concrete construction from a supplier approved by the city. The city shall keep on file at all times currently approved manufacturer and/or supplier of approved interceptor tanks with their current prices as per agreement with the city.

(F) Minimum interceptor tank sizes shall be 1,000 gallons per residence. Minimum interceptor tank sized for businesses or multi-residences shall be in accordance with requirements set forth by the Department of Environmental Quality, the requirements to be on file with the city.

(Ord. 420, passed 10-5-1987) Penalty, see § 50.99

SEWER USER CHARGES

§ 50.25 GENERALLY.

(A) User charges shall be levied on all users of the public sewers or public treatment works which may cover the cost of operation and maintenance, debt service, taxes, and other administrative costs of the treatment works.

(B) There shall be established classes of users such that all members of a class discharge approximately the same volume of wastewater per user.

(C) The flat charge per appropriate unit shall be established so that each user pays their proportionate share of the treatment cost. As the flow of wastewater and discharge is not metered, each user in the particular class shall be assigned an approximate wastewater volume based on the equivalent residential unit (ERU) rate.

(D) The user rate per ERU shall be established by resolution to be passed at the same time this subchapter is on its final passage, and the resolution may be amended from time to time as deemed necessary by the City Council by a subsequent resolution.

(E) Any change in the number of units on the premises of a user shall be reported by that user to the Sewer Board.

(F) Should any user believe that they have been incorrectly assigned to a particular user class, that user may apply for review of the assigned user charge, as provided in § 50.29.

(G) Should the Sewer Board or other individual as designated by the Board determine that a user is incorrectly assigned to a user class, or that the strength and/or volume of the user's wastewater flow is inconsistent with the assigned user class, the Sewer Board or other designated individual shall reassign a more appropriate user class to that user and notify that user of the reassignment.

(H) Records of all assigned rates shall be kept on file with the Sewer Board and shall be open for public inspection.

(I) The public sewer system user charges shall be established and adjusted by resolution of the City Council.

(J) The sewer user charge for all occupied property shall begin upon the acceptance of the public sewer system by the city. The sewer user charge for all unoccupied property shall begin within 30 days after the property is ready for occupancy or on the first day of occupancy, whichever occurs first. All unoccupied property which is ready for occupancy at the time sewer service becomes available shall be treated as occupied property. Once the sewer user charge has commenced, no credit shall be given for vacancy. If the dates upon which the user charge is commenced or altered do not fall on the first day of billing, the rates shall be appropriately prorated.

(Ord. 411, passed 6-4-1985)

§ 50.26 REVIEW AND REVISION OF RATES AND NOTIFICATION.

The sewer user charges established by resolution shall, as a minimum, be reviewed biennially, and revised periodically to reflect actual costs of operation, maintenance, replacement, and financing of the treatment works and to maintain the equitability of the user charges with respect to proportional distribution of the costs of operation and maintenance.

(Ord. 411, passed 6-4-1985)

§ 50.27 RESPONSIBILITY; PAYMENT DELINQUENCIES.

(A) The person who owns the premises served by the public sewer system shall be responsible for payment of the sewer user charge for that property, notwithstanding the fact that the property may be occupied by a tenant or other occupant who may be required by the owner to pay the charges.

(B) Sewer user charges shall be due and payable to the city not later than 15 days after the date of billing.

(C) Sewer user charges levied in accordance with this subchapter shall be a debt due the city and a lien upon the property in accordance with O.R.S. 454.225. If this debt is not paid within 60 days after it shall become due and payable, it shall be deemed delinquent and may be recovered by civil action in the name of the city against the property owner, the person, or both. At the Sewer Board's discretion, water may be shut off when the bill is 60-days' delinquent.

(D) Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these charges.
(Ord. 411, passed 6-4-1985)

§ 50.28 HANDLING OF FUNDS.

(A) Bills for sewer user charges shall be mailed to the address specified in the application for permit to make the connection unless or until a different owner or user of the property is reported to the city.

(B) All collections of sewer user charges shall be made to the city.

(C) The Sewer Board or other designated individual is hereby directed to deposit in the Sewer System Improvement Fund all of the gross revenues received from charges, rates, and penalties collected for the use of the sewerage system as herein provided.

(D) The revenues thus deposited in the Sewer Improvement Fund shall be used exclusively for the operation, maintenance, and repair of the public sewer system; reasonable administration costs; expenses of collection of charges imposed by this subchapter and connection fees provided for in this subchapter and payment of the principal and interest on any debts of the sewerage system of the city.

(Ord. 411, passed 6-4-1985)

§ 50.29 APPEALS.

(A) Any sewer user who feels his or her user charge is unjust and inequitable as applied to his or her premises, within the intent of the foregoing provisions, may make written application to the Sewer Board requesting a review of the user charge. Written requests shall, where necessary, include all information necessary for the Board to compare this unit charge to other similar units to determine appropriate charges.

(B) Review of the request shall be made by the City Council and it shall determine if it is substantiated or not, including recommending further study of the matter.

(C) If the request is determined to be substantiated, the user charge for that user shall be recomputed based on the approved unit charge. The new charges thus recomputed shall be applicable retroactively up to six months, as applicable.

(Ord. 411, passed 6-4-1985)

§ 50.99 PENALTY.

(A) *Generally.* Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) *Sections 50.01 through 50.10.*

(1) Any person found to be violating any provision of §§ 50.01 through 50.10 shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in the notice, permanently cease all violations.

(2) Violation of any of the provisions of §§ 50.01 through 50.10 which shall pose a danger or threat to any inhabitant of the city, or which may harm any part of the community sewer system, as determined by the Sanitation Manager, shall be cause for the city to enter onto the violator's property and to break and plug the connection to the community sewer system, or to disconnect and discontinue water service to the property, until the time as the cause of the damage or threat shall be shown to no longer exist, and until all damages to the community sewer system have been paid.

(3) Any person continuing any violation beyond the time limit provided for in division (A) above shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding \$500 for each violation.

(4) Any person violating any of the provisions of §§ 50.01 through 50.10 shall become liable to the city for any expense, loss, or damage occasioned the city by reason of the violation.

(5) Each day any provision is violated, or continue to be violated after notice is given, is a separate violation. Successive notices are not required for successive violations. (Ord. 420, passed 10-5-1987)