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ORDINANCE NO. 780

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, REPEALING CHAPTER 13.05 WATER AND SEWER SYSTEMS CODE OF THE SHORELINE MUNICIPAL CODE IN ITS ENTIRETY AND REPLACING IT WITH A NEW CHAPTER 13.05 WASTEWATER UTILITY.

WHEREAS, on June 26, 1995, the City Council adopted Ordinance No. 15, establishing an interim Water and Sewer Systems Code, incorporating by reference King County Code Title 13 and, on June 24, 1996, the City Council adopted Ordinance No. 88 specifically adopting Title 13 as it existed on June 26, 1995, as the City's Water and Sewer Systems Code; and

WHEREAS, the City's Water and Sewer Systems Code is set forth in Shoreline Municipal Code (SMC) Chapter 13.05; and

WHEREAS, on October 22, 2002, the City of Shoreline and the Ronald Wastewater District entered into an Interlocal Operating Agreement which allowed the City to assume the full management and control of the Ronald Wastewater District pursuant to chapter 35.13A RCW; and

WHEREAS, on June 12, 2017, the City of Shoreline and the Ronald Wastewater District entered into a First Amendment to the 2002 Interlocal Operating Agreement, extending that agreement for two years from the effective date of the First Amendment, unless terminated sooner pursuant to its terms or written agreement of the parties; and

WHEREAS, the City of Shoreline and the Ronald Wastewater District are currently negotiating a Wastewater Utility Operating Services Agreement, as identified in the First Amendment to the 2002 Interlocal Operating Agreement, which is intended to identify the governing wastewater system code during the term of the First Amendment of the 2002 Interlocal Operating Agreement; and

WHEREAS, while the Services Agreement will identify the governing wastewater system code during this interim period of time, upon full assumption of the Ronald Wastewater District by the City, the City must have an adequate wastewater system code; and

WHEREAS, the City's existing Water and Sewer System Code set forth in SMC Chapter 13.05 does not adequately provide for the management and control of a wastewater utility within the City's governance; and

WHEREAS, a new SMC Chapter 13.05 is necessary to establish the wastewater utility and to provide for uniform regulations for the management and control of the utility; and

WHEREAS, new regulations were developed to ensure the orderly management and control of the utility and are in compliance with state and federal wastewater requirements so as to protect the public health, safety, and welfare; and

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WHEREAS, an amendment is needed to SMC Title 13 to repeal the existing SMC Chapter 13.05 and replace it with a new SMC Chapter 13.05 to reflect these wastewater utility regulations;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Repeal of SMC Chapter 13.05. SMC 13.05 Water and Sewer Systems Code is repealed in its entirety.

Section 2. New Chapter SMC 13.05. A new Chapter SMC 13.05 Wastewater Utility is hereby adopted as forth in Exhibit A to this Ordinance.

Section 3. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and/or the Code Reviser are authorized to make necessary corrections to this ordinance, including the corrections of scrivener or clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering and references.

Section 4. Severability. Should any section, subsection, paragraph, sentence, clause, or phrase of this ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to any person or situation.

Section 5. Publication and Effective Date. A summary of this Ordinance consisting of the title shall be published in the official newspaper. This Ordinance shall take effect upon the official assumption of the Ronald Wastewater District by the City of Shoreline.

PASSED BY THE CITY COUNCIL ON OCTOBER 2, 2017

Mayor Christopher Roberts

ATTEST:

Jessica Simulcik Smith
City Clerk

APPROVED AS TO FORM:

Margaret King
City Attorney

JULIE AINSWORTH-TAYLOR
ASST. CITY ATTORNEY

Date of Publication: October 5, 2017
Effective Date: _____, 2017

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Chapter 13.05

WASTEWATER UTILITY

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13.05.100 Purpose

This code is enacted as an exercise of the City of Shoreline's ("City") police power as set forth in Section 11 of the Washington Constitution to protect and preserve the public health, safety, and welfare. The purpose of this code shall be liberally construed to:

A. Provide for the planning, security, design, construction, use, maintenance, repair, and inspection of public and private sanitary sewer systems;

B. Establish programs and regulations to provide for the appropriate use of public and private sanitary sewer systems;

C. Provide for the enforcement of the provisions of this code, the engineering standards and related city manuals and code provisions; and

D. Provide for and promote the health, safety, and welfare of the general public and not to create, establish, or designate any particular class or group of persons who may be especially protected or benefitted.

13.05.110 Definitions

Except where specifically defined herein, all words used in this code shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular; the word "shall" is always mandatory, whereas the word "may" denotes a use of discretion in making a decision. The following words and phrases, when used in this code, shall have the following meanings:

"Accessory Dwelling Unit" (ADU) means a single family residential structure as defined in Title 20 of the SMC.

"As-built" means a final drawing of the actual installation of the structures, materials and equipment as defined in the Engineering Design Manual.

"City" means the City of Shoreline.

"Connection charges" means charges imposed as a condition of providing utility service so that each connecting property bears its equitable share of the costs of the public sewer system and the utility's share of the cost of any regional sewer collection system and of the costs of facilities that benefit the property. Connection charges include those charges as defined by the utility's financial policies.

"Dangerous waste" means those solid wastes designated in WAC 173-303-070 through 173-303-100 as dangerous or extremely hazardous or mixed waste, as further defined under WAC 173-303-040.

"Developer extension" means an extension of existing city utility facilities to enable previously

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unserved properties to be served, which extension is undertaken and paid for by any person, partnership, corporation or governmental entity other than the city.

"Director" means the City of Shoreline Public Works Director or designee.

"Emergency" means any natural or human caused event or set of circumstances which disrupts or threatens to disrupt or endanger the operation, structural integrity, or safety of the public sewer system; endangers the health and safety of the public; or otherwise requires immediate action by the utility.

"Engineering Development Manual" (EDM) means the city's utility engineering standards, which include minimum standards for the design and construction of storm and surface water drainage and sanitary sewer facilities.

"FOG" means fats, oils, and grease.

"General facility charge" means a charge imposed on improvements, developments, redevelopments, or existing structures that place additional demand on the utility system. The capital recovery charge shall be based on an allocation of the utility capital investment costs as defined in the utility's financial policies.

"Grinder Pump" means any privately-owned pump used by its owner to convey sewage into the sanitary sewer system.

"Industrial waste" means any liquid, solid or gaseous substance or combination thereof, resulting from any process of industry, manufacturing, commercial food processing, business, trade, or research, including development, recovering or processing of natural resources.

"Illicit connection" means any manmade conveyance that is connected to a public sewer without a permit, or that is not intended for collecting and conveying only sewage discharge. Examples of illicit connections include storm sewer connections, exterior floor drains, channels, pipelines, conduits, footing drains, downspouts, inlets, or outlets that should be connected directly to the municipal separate storm sewer system.

"Illicit discharge" means any discharge to a public sewer system that is not composed entirely of sewage and contains any liquid, solid or material prohibited by 40 Code of Federal Regulations and King County Code 28.84.060.

"Latecomer agreement" means an agreement, authorized by RCW 35.91.020

"Licensed side sewer contractor" means any person, partnership, corporation, or association licensed, with bonding and insurance as required by Washington State as a Contractor, duly qualified and competent to do work incident to the construction or repair of side sewers.

"Local Facilities Charge (LFC)" means a charge that applies to property owners in three areas defined in Ronald Wastewater District resolutions 2005-23 and 2006-15, where local sewer

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infrastructure was not originally built by developers. The LFC is payable at the time a property is connected to the City sewer system. It recovers a proportionate share of the utility's investment in the local sewer infrastructure

"Local improvement districts" is a method of assisting benefiting properties in financing needed capital improvements through the formation of special assessment districts. Special assessment districts permit improvements to be financed and paid for over a period of time through assessments on the benefiting properties.

"Nonpolar fats" means fats, oils or grease of animal or vegetable origin.

"Polar fats" means fats, oils, or grease of mineral origin.

"Pretreatment device" means any approved device, structure, system, or method used and maintained for the purpose of bringing a waste stream within acceptable limits and standards of quality prior to its discharge to the public sewer system.

"Private sewer system" means any part of the sewer system that is not part of the public sewer system as defined in the code. This may include side sewers, sewer pipes, man holes, grinder pumps and other facilities that are specified as private facilities.

"Procedure" means a procedure adopted by the utility, by and through the director, to implement this code, or to carry out other responsibilities as may be required by this code, engineering standards, related manuals, or other codes, ordinances, or resolutions of the city or other agencies. "Procedure" as defined herein is often referred to as a standard operating procedure or SOP.

"Prohibited Discharge" means any material other than discharge intended from domestic plumbing fixtures and as defined by 40 Code of Federal Regulations, and King County Code 28.84.060.

"Property owner" means any individual, company, partnership, joint venture, corporation, association, society, or group that owns or has a contractual interest in the subject property or has been authorized by the owner to act on his/her behalf, including but not limited to an agent, contractor, applicant, or developer.

"Public sewer system" means the sanitary sewer system owned and operated by the utility.

"Redevelopment" means a site that is already substantially developed which is modified as defined by SMC Title 20 and the Engineering Design Manual.

"Residential Structure" means any structure whose primary purpose is to provide living quarters for customers. Residential Structures may be single family, multi-family, accessory dwelling unit, or micro-unit structures.

"Sanitary Sewer System" means any private or public facility that accepts and conveys sewage

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or wastewater.

"Sewage" means liquid and solid waste discharged from the domestic plumbing fixtures of buildings and may include industrial wastes.

"Sewer facility" means any facility for the conveyance or storage of sewage, whether part of the public sewer system or a private sewer system, which is connected to or intended to be connected to the public sewer system.

"Sewer main" means a pipe designed or used to transport sewage, including the public side sewer stub, excluding private side sewers.

"Sewer pretreatment" means the treatment of industrial waste before discharge to the public sewer system.

"Sewer service" means providing for the disposal of sewage from a structure into the public sewer system.

"Sewer system" means any private or public facility that accepts and conveys sewage or wastewater.

"Sewer system plan" means the Wastewater Master Plan for the utility, as adopted by the City Council, as now or hereafter amended.

"Side sewer" means a privately owned pipe extending from the public side sewer stub to the connection with a building's plumbing system.

"Side sewer stub" means that portion of the side sewer in the right-of-way or easement dedicated to the utility.

"SMC" means the City of Shoreline Municipal Code.

"Unsafe condition" means any condition on any premises, or in any private sewer system thereon, that is a hazard to public health, safety, welfare, or environment that does or may impair or impede the operation or functioning of any portion of the public sewer system or that may cause damage thereto.

"Utility" means the wastewater utility of the City of Shoreline.

"Utility developer extension agreement" means a contract between the utility and a property owner and/or developer that provides for plan review and inspection of wastewater system facilities that satisfy all applicable code requirements.

"Utility service area" means that geographic area defined by City of Shoreline as the area served by the Wastewater Utility and as may be expanded through subsequent Interlocal agreements.

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"Wastewater" means sewage that is contained in and conveyed by any part of the sewer system.

"Wastewater Master Plan" means the sewer system plan or wastewater master plan as adopted by the City or as amended.

13.05.120 Utility Created

A. There is hereby created and established the wastewater utility of the city of Shoreline under which the provisions of this chapter shall be carried out.

B. The utility, by and through its director or his or her designees, including enforcement officers, is authorized to administer, implement, and enforce the provisions of this chapter, including but not limited to:

B.1. Develop, adopt, and carry out procedures as needed to implement this code and to carry out other responsibilities of the utility, including, but not limited to, emergency management and operations plans, procedures pertaining to the billing and collection of sewer service charges and all other fees and charges imposed pursuant to this code and procedures for periodic adjustment of fees and charges imposed pursuant to this code;

B.2. Prepare, adopt, update, administer and enforce, as needed, engineering standards to establish minimum requirements for the design and construction of sewer facilities and requirements for protecting existing facilities during construction. The engineering standards shall be consistent with this code and adopted city policies;

B.3. Administer and enforce this code and all procedures relating to the planning, acquisition, design, construction, inspection, maintenance, management, operation, and alteration of the public sewer system, including capital improvements;

B.4. Administer and enforce this code and all procedures relating to permitting and inspection of private side sewers and private sewer systems;

B.5. Advise the city council, city manager and other city departments and commissions on matters relating to the utility;

B.6. Direct the preparation of, prepare and recommend the Wastewater Master Plan for adoption by the city council and implementation by the utility;

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B.7. Perform or direct the performance of financial review and analysis of the utility's revenues, expenses, indebtedness, rates, and accounting and recommend budgets, rates, and financial policy for adoption by the city council;

B.8. Develop and implement programs related to sewer use, including an industrial pretreatment waste management program for protection of the public sewer system;

B.9. Direct Code enforcement action;

B.10. Advise the City Council regarding easement agreements with property owners that are necessary for public facilities;

B.11. Approve variances to the Wastewater Municipal Code in accordance with SMC Title 20;

B.12. Advise the City Council pursuant to Chapter 35.91 RCW, the Municipal Water and Sewer Facilities Act, including contracts that provide for the reimbursement of owners constructing facilities (latecomer agreements) and agreements with private property owners for the extension of the sewer system (utility developer extension agreements);

B.13. Advise the City Council regarding agreements with property owners for maintenance agreements;

B.14. Advise the City Council regarding interlocal agreements with public agencies for procurement of personnel or equipment necessary in direct support of the public sewer system; and

B.15. To accept ownership of private sewer facilities into the city's utility system.

13.05. 130 City liability provisions

A. Nothing contained in this code is intended to nor shall be construed to create or form the basis for any liability on the part of the city, or its officers, employees or agents, for any injury or damage resulting from the failure of property owners or responsible parties to comply with the provisions of this code, engineering standards, or related manuals, or by reason or in consequence of any inspection, notice, order, certificate, permission or approval authorized or issued in connection with the application or enforcement of this code, engineering standards, or related manuals, or by reason of any action or inaction on the part of the city related in any

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manner to the application or enforcement of this code, engineering standards, or related manuals by the city, its officers, employees, or agents.

B. Nothing in this code, engineering standards, or related manuals shall impose any liability on the city or any of its officers, employees, or agents for cleanup or any harm relating to sites containing hazardous materials, wastes or contaminated soil.

C. Nothing contained in this code, engineering standards, or related manuals shall require city involvement or enforcement of this code for private disputes occurring between property owners.

13.05.140 Duty to serve

A. The utility is responsible for providing service to all customers within the utility service area, subject to the requirements of the Wastewater Code, other provisions within the Shoreline Municipal Code, and applicable Washington State law.

B. The utility does not guarantee that sewer service will be continuously available within the sewer system.

C. Sewer service may be interrupted or temporarily unavailable due to planned, unplanned events, unforeseen circumstances, or emergencies.

D. The utility is not responsible or liable to any property owners, tenants or third parties for costs, damages, or other consequences for the service interruptions.

13.05.150 Severability

A. If any provision of this code, engineering standards, or related manuals, or its application to any person or circumstance, is held invalid by a court of competent jurisdiction, the remainder of the code, engineering standards, or related manuals, or the application of the provision to other persons or circumstances is not affected, and to this end the provisions of this code are declared to be severable.

13.05.160 Minimum requirements and Conflict of Provisions

A. The requirements of this chapter are the minimum requirements.

B. They do not replace, repeal or supersede more stringent requirements, rules, regulations, covenants, standards or restrictions.

C. Should a conflict occur between the provisions of this code, the engineering standards or manuals adopted by the city in relation to this code, or between this code, the engineering standards and related manuals with laws, regulations, codes, or rules promulgated by other authority having jurisdiction within the city, the

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most restrictive requirement shall be applied, except when constrained by federal or state law, or where specifically provided otherwise in this code.

13.05.170 Requirements for connection

A. Property owners seeking to or who are required to connect to the sewer system shall make application through the City's permit process.

B. The applicant shall provide all designs, engineering plans and other documents required by the Engineering Development Manual.

C. The applicant may proceed with construction only when approval of the designs and engineering plans are received from the Director.

D. The applicant shall pay all permit fees, connection and treatment charges, as applicable.

E. The applicant shall have received all approvals for final inspections on the sewer work.

13.05.180 Revenues and expenditures

A. Fees, rates, and charges associated with the Wastewater Utility are set forth in Title 3 of the SMC. All fees, rates, and charges pursuant to this chapter shall be credited and deposited in the Wastewater Utility enterprise fund pursuant to Title 3.

B. Fees deposited in the Wastewater Utility enterprise fund shall be expended for:

1. Administering, operating, paying treatment costs, costs required to reduce treatment that may be required by King County Wastewater, maintaining, or improving the Sewer system, including any part of the cost of planning, designing, acquiring, constructing, repairing, replacing, improving, regulating, public education, or operation of the Sewer system owned by the City; and

2. Paying or securing the payment of all or any portion of any debt issued for the purposes set forth for the improvements or operations of the system and the related reserve and coverage requirements.

C. Fees shall not be transferred to any other funds of the City except to pay for expenses attributable to the Wastewater Utility.

13.05.190 Customer classifications

A. The City Council may establish classifications of sewer customers based on criteria determined by the City Council, and may establish rates and charges for each customer classification.

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13.04.200 Establish monthly rates and charges

A. The City Council shall establish rates for sewer facility use and service. The utility may establish classifications of customers or service, using any method or methods authorized by law.

B. Sewer rates shall be based on revenue requirements necessary to cover all costs of the utility, as authorized by the City Council by the adoption of City budgets and subsequent amendments.

C. The sewer rates determined shall be guided by adopted financial policies and bond covenants.

D. The sewer rates shall be evaluated periodically; rate adjustments shall be recommended as determined by the City Council and as needed to meet revenue requirements.

13.05.210 Qualified low income senior and low income disabled customer rate discount

A. The City may establish service rates for qualified low income senior and low income disabled customers. The determination of qualified accounts shall be as defined in the City's financial policies.

13.05.220 Capacity, collection, facility and treatment charges

A. Capacity charges shall be paid for all new or change of use wastewater connections that are served by King County.

B. Collection charges shall be paid by property owners to recover all costs of operating the wastewater collection system.

C. General facility charges (GFC) shall be paid by property owners in order that each new or change in use connection bears an equitable share of the cost of the public sewer system.

D. Local facilities charges shall be paid by property owners located in previously unsewered areas in order to recover a proportionate share of the cost of the local sewer infrastructure.

E. Treatment charges shall be paid by property owners served by either King County or the City of Edmonds.

F. The administration of capacity, collection, facility and treatment charges shall be as defined in the City's financial policies.

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13.05.230 Adoption of Engineering Development Manual

A. The code adopts and references the City of Shoreline Engineering Development Manual, current edition, and all publications, standards, and codes referenced in the Manual.

13.05.240 Relationship to Wastewater Master Plan

A. A wastewater system plan, which may also be referred to as the City's sewer system master plan, shall be developed by the utility for review and adoption by the city council as required by state law.

B. The utility shall recommend supplements or updated plans for adoption by the city council as needed.

13.05.250 Developer Extension – Latecomer Agreement

A. The City may enter into contracts with owners of real estate as provided in the Municipal Water and Sewer Facility Act (RCW 35.91) to provide for the extension of mainlines, prior to the property owner(s) initiating plans for the improvement, where the owner(s) of property desire to construct additional sewer facilities not previously provided by the City and where such facilities may upon completion and acceptance become a part of the City's wastewater collection system.

B. No developer extension shall be undertaken without prior execution of a developer extension agreement. The Director or designee may approve and enter into developer extension agreements on forms prepared by the city attorney.

C. In any case where a latecomer agreement is contemplated in connection with a developer extension, the latecomer agreement shall be finalized, approved and executed prior to or simultaneous with the city's acceptance of ownership of the developer extension.

D. Developer extensions and latecomer agreements shall be executed in accordance with the requirements referenced in the Engineering Design Manual.

13.05.260 Construction inspection

A. All work on public or private sewer systems shall be subject to inspection by the Director.

B. All work for which a permit is required shall be subject to inspection by the Director and such work shall remain accessible and exposed for inspection until approved.

C. The City shall not be liable for expenses for the removal or replacement of any material required to allow inspections.

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D. The standards of this Code and the Engineering Design Manual shall be enforced regardless of any inspection or approval of work.

E. Certified reports of third party inspection agencies may be accepted only with advance concurrence by the Director.

F. The permit holder shall notify the City when the work is ready for inspection and shall follow the procedures outlined in the permit.

G. Any deviation from the prescribed procedures for notification or compliance with the permit process may result in the need for a re-inspection of the work.

H. Any portions of the work that are not approved shall be immediately remedied and excavations shall not be backfilled until authorized by the Director.

13.05.270 Record Drawings and Certifications

A. All private side sewer applicants shall file an as-built drawing showing the location and configuration of the private side sewer and private sewer facilities in accordance with the requirements referenced in the Engineering Design Manual.

13.05.280 Operation and Maintenance

A. The utility has responsibility for maintenance of the public sewer system unless otherwise provided by agreement, local ordinance, or state law.

B. Owners of private side sewers and sewer systems are solely responsible for maintenance and operation of such private systems unless otherwise provided by agreement.

C. All side sewer cleaning contractors, side sewer contractors and owners, prior to cleaning or repairing existing side sewers shall notify the utility of such operations and comply with utility requirements. Debris cleaned from a side sewer shall be removed and shall not be caused to enter the sewer main. If debris causes a downstream blockage, the owner or his agent shall be liable for any resulting damages.

13.05.290 Industrial and commercial discharge pretreatment required

A. All customers shall prevent, control and immediately correct illicit discharges, prohibited discharges or material prohibited by 40 Code of Federal Regulation or King County Code 28.84.060.

B. Any wastewater utility customer, if directed by the utility shall discharge to the public sewer system as necessary to prevent and/or correct hazardous, dangerous,

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or explosive conditions or blockage, operation failure or premature degradation of the public sewer system.

C. All restaurants and food-processing businesses shall install pretreatment methods, such as grease interceptors, oil-water separators, biological or chemical treatment and other best available technology, to reduce or eliminate FOG discharges. All pretreatment systems are subject to review and periodic approval by the utility.

D. The utility may require sampling tees or inspection tees or manholes in the side sewer connection to the public sewer system at their discretion.

E. The Utility may inspect pretreatment devices periodically at their sole discretion. All violations of the pretreatment requirements or defects in the pretreatment equipment shall be corrected immediately by the customer. Repeat failures of the pretreatment requirements or failure to correct defects in pretreatment equipment may result in a violation of this Code and the customer may be subject to the enforcement outlined in the SMC Title 20.

13.05.300 Unlawful to tamper with or damage the sewer system

A. It is a violation of this code to tamper with or damage any part of any sewer system, public or private, in any manner.

B. It is a violation of this code to interfere with or hamper the operation of any part of the sewer system, public or private.

C. It is a violation of this code to connect to the sewer system in any manner that is inconsistent with the requirements for connection.

D. It is a violation of this code to discharge any material or liquid into the sewer system through manholes, cleanouts, or other structures without the prior approval of the Director.

E. Any person causing damage by interference, tampering or connecting to the sewer system shall be determined to be responsible for all costs incurred by the City to repair the damage and for any damage claims tendered to the City by third parties that arise as a result of these acts.

13.05.310 Prohibited discharges

A. It is unlawful to discharge or cause to be discharged any water from yard drains, footing drains, downspouts or any other source of groundwater, rainwater, or storm water, into the public sewer system.

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B. It is unlawful to discharge or cause to be discharged any liquids, solids or materials into the public sewer defined as illicit discharge and as defined in 40 Code of Federal Regulations or King County Code 28.84.060.

C. It is unlawful to allow any illicit connection to the pubic sewer system that is defined under the SMC.

D. It is unlawful to discharge or cause to be discharged any liquids, solids or materials defined as dangerous waste under Chapter 173-303 WAC as now enacted or hereafter amended.

E. It is unlawful to discharge or cause to be discharged any liquids, solids or materials prohibited by King County Department of Natural Resources Wastewater Treatment Division's Industrial Waste Program.

F. Any person with knowledge or suspicion of unlawful discharge, illicit connections, or illicit discharge into the public sewer system of any manner shall be obligated to contact and report the discharge to the Director immediately.

13.05.320 Right of Entry for Inspections and investigations

A. An authorized representative of the utility may enter private property at all reasonable times to conduct inspections, tests or carry out other duties imposed by this code, provided that the utility has a recorded covenant, easement or other legal agreement granting such right of entry.

B. Without a legally granted right of entry, the utility shall first notify the proper owner or person responsible for the premises and seek entry permission. If entry is refused, the Director shall have recourse to every remedy provided by law to secure entry.

C. For inspection programs authorized by the director or his designee, the utility may provide advance mailings of its intent to inspect properties consistent with such inspection, testing or other utility programs.

13.05.330 Violations

A. Any activity or action caused or permitted to exist in violation of this chapter is a threat to public health, safety, and welfare, and is declared and deemed a public nuisance. Such violations are subject to enforcement under SMC Title 20.

B. If a violation of the code exists, the City may summarily and without prior notice abate the condition. Notice of such abatement, including the reason for the abatement, shall be given to the person responsible for the property and the violation as soon as reasonably possible after the abatement. The director shall

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make the determination of a condition, substance, act or other occurrence constituting an imminent nuisance requiring summary abatement. Costs, both direct and indirect, of the abatement may be assessed as provided under SMC Title 20.

13.05.340 Requirements to connect to the system

A. Any property containing a structure that contains fixtures or uses which generate sewage that must be disposed of by the sewer system shall connect to the sewer system when the property is sold or ownership interest transferred in any manner or when there is an order from King County Department of Health, or its successor agency, requiring the property to connect to the public sewer system.

13.05.350 Definition of public and private sewer facilities

A. Utility Ownership of Sewer Facilities

1. The utility owns all sewer facilities in public right-of-way and in easements dedicated to the public and accepted by the utility, except to the extent that private ownership is otherwise indicated as a matter of record. Such facilities typically include mains, pump/lift stations and side sewer stubs that are defined as that portion of the side sewer between the public sewer main and the edge of right-of-way or easement line.

B. The utility may acquire existing private sewer facilities, provided:

1. Utility ownership of the facility would provide a public benefit;

2. Necessary and appropriate property rights are offered by the property owner at no cost to the utility;

3. The facility substantially meets current standards, as determined by the utility, or is brought up to current standards by the owner;

4. The utility has adequate resources to maintain the facility;

5. The facility is transferred to the utility by bill of sale at no cost to the utility.

C. Private Ownership of Side Sewers

1. Side sewers located on private property are exclusively owned by the underlying property owner(s), unless otherwise assigned or dedicated by easement to and

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accepted by the city, except to the extent that public ownership is otherwise indicated as a matter of record.

2. Property owners shall be responsible for the development, maintenance, and repairs of private side sewers and their appurtenances, including but not limited to connection to 6" sewer stub, check valves, cleanouts, and pumps.

13.05.360 Sewer facility easement requirements

A. An easement is required to be granted to the utility whenever:

1. A public sewer facility will be built on private property;

2. The utility agrees to provide maintenance to privately owned facilities.

B. An easement is required to be granted between property owners whenever:

1. A private sewer facility will be built on property owned by a different private party; or

2. A side sewer will serve two or more properties.

13.05.370 Number of units allowed on side sewers

A. A maximum of four residential structures may be allowed on a six-inch diameter side sewer pipe.

B. A maximum of six residential structures may be allowed on a six-inch diameter side sewer pipe.

C. More than six residential structures require an eight-inch or larger diameter side sewer pipe.

13.05.380 Use of existing side sewers and side sewer stubs for connection

A. Existing private side sewers or public side sewer stubs may not be used for service to new single family residential structures, commercial structures or for any property that has been redeveloped.

B. Deviations to this code may be granted by the Director on a case by case basis subject to the connection criteria referenced in the Engineering Development Manual.

ORIGINAL

13.05.390 Grinder pump policy

A. Grinder pumps and required appurtenances may be installed on a case by case basis and as approved by the Director.

B. Grinder pumps shall be privately owned and maintained unless operation and maintenance agreements are approved by the Director.

C. The utility may agree to provide maintenance service to maintain private individual grinder pumps or sewage pump stations that serve more than one residence, by contract and at the owner's expense, in order to meet the City's obligation to the Washington State Department of Ecology for maintenance responsibility.

D. Grinder pumps shall only be used for sewage that may not physically be conveyed to the public side sewer stub by gravity. All sewage that may be conveyed to the public side sewer stub by gravity shall be conveyed by gravity.