

Ordinance No. _____

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, RELATING TO WASTEWATER; AMENDING SECTIONS 13.08.010 AND 13.08.040 OF THE OLYMPIA MUNICIPAL CODE

WHEREAS, side sewer ownership and maintenance are currently the responsibility of the property owner served by sewer; and

WHEREAS, repairs of side sewers occurring under roadways are costly and difficult; and

WHEREAS, timely, competent repairs of side sewers occurring in the right-of-way is important to public safety; and

WHEREAS, timely, competent repairs of side sewers occurring in the right-of-way is important to public and environmental health; and

WHEREAS, the wastewater utility seeks to protect its assets from substandard repairs; and

WHEREAS, for the drinking water and stormwater utilities, ownership of infrastructure changes at the right-of-way line; and

WHEREAS, the proposed regulation changes were presented to the Utility Advisory Committee (UAC in October 2016); and

WHEREAS, the UAC recommended that the proposed regulation changes be forwarded to the City Council for consideration; and

WHEREAS, the proposed regulation changes were presented to the Land Use and Environment Committee (LUEC in December 2016); and

WHEREAS, the LUEC recommended that the proposed regulation changes be forwarded to the City Council for approval; and

WHEREAS, the City Council determines it to be in the best interest of the City of Olympia to amend the current wastewater regulations regarding ownership and maintenance of side sewers;

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL ORDAINS AS FOLLOWS:

Section 1. Amendment of OMC 13.08.010. Olympia Municipal Code 13.08.010 is hereby amended to read as follows:

13.08.010 Definitions

For the purpose of this Article:

A. "Building sewer" means the same as "side sewer" and "service lateral".

B. "City Engineer" shall mean the City Engineer of the City of Olympia, or his/her designee, who has the duty and authority to enforce the codes and standards adopted by the City Council,

as they relate to the development and operation of the City's infrastructure by private development, including other governmental agencies, and City projects.

C. "Domestic user" shall mean any person who contributes, causes, or allows the contribution of wastewater into the POTW that is of a similar volume and/or chemical make-up as that of a residential dwelling unit. Discharges from a residential dwelling unit include flows with up to 300 mg/l of Biological Oxygen Demand and 300 mg/l of Total Suspended Solids.

D. "Downtown Deferred General Facility Charge Payment Option Area" shall mean all properties located within the area bounded by: Budd Inlet to the north; Budd Inlet and Capitol Lake on the west; Sid Snyder Avenue extending between Capitol Lake and Capitol Way, and 14th Avenue extending to Interstate 5 on the south; Interstate 5 on the southeast; Eastside Street on the east, and Olympia Avenue extending to Budd Inlet on the north.

E. "Gravity sewer system" shall mean that portion of the public sewer in which wastewater flows through pipes by means of gravity and the sewer lift stations and force mains that connect the gravity pipes in the system. S.T.E.P. and grinder pump systems, and associated low pressure mains, are not part of the gravity sewer system.

F. "Grinder pump system" shall mean a facility consisting of a holding tank, grinder pump, and pressure piping system for conveying wastewater liquid and solids into the sewer system.

G. "Industrial user" shall mean any Person with a source of discharge which does not qualify that person as a Domestic User who discharges an effluent into the POTW by means of pipes, conduits, pumping stations, force mains, tank trucks, constructed drainage ditches, intercepting ditches, and any constructed devices and appliances appurtenant thereto.

H. "Onsite sewage system" shall mean a wastewater system consisting of a tank for settling and digesting wastewater solids that disposes of effluent on the same property that produces the wastewater. This type of system is commonly called a septic system.

I. "Person" shall mean natural persons of either sex, associations, copartnerships and corporations, whether acting by themselves or by a servant, agent, or employee. The singular number includes the plural, and the masculine pronoun includes the feminine.

J. "Premises" shall mean a continuous tract of land, building or group of adjacent buildings under a single control with respect to connection to City sewer and responsibility for payment of fees and rates thereof. Subdivisions of such use or responsibility shall constitute a division into separate premises as defined in this section.

K. "Publicly Owned Treatment Works or POTW" shall mean a treatment works, as defined by Section 212 of the Federal Water Pollution Control Act, also known as the Clean Water Act (33 U.S.C. Section 1292). This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, including sanitary sewer and storm sewer collection systems, which convey wastewater to a treatment plant.

L. "Public combined sewer" shall mean that portion of the public sewer system (~~excluding side sewers~~) intended to collect both sanitary sewage and stormwater in a single sewer system and located within public rights-of-way or easements and operated and maintained by the City.

M. "Public sewer" shall mean that portion of the wastewater system (~~excluding side sewers~~) located within public rights-of-way or easements and operated and maintained by the City.

N. "Septic tank effluent pumping or S.T.E.P. system" shall mean a facility consisting of a tank or tanks for settling and digesting wastewater solids and a pressure piping system for conveying the supernatant liquid into the sewer system. Most of the wastewater solids remain in the S.T.E.P. tank and are removed periodically.

O. "Side sewer" shall mean that portion of the sewer beginning outside the outer foundation wall of a structure and extending to ~~and including~~ the connection to the public sewer main, or to the S.T.E.P. tank or to the grinder system service connection. Also referred to as a building sewer or a service lateral.

Section 2. Amendment of OMC 13.08.040. Olympia Municipal Code 13.08.040 is hereby amended to read as follows:

13.08.040 Side Sewer Installation and Maintenance

A. All connections to the public sewer shall be made in a permanent and sanitary manner, subject to the approval of the City Engineer and in accordance with the public works standard specifications, engineering design and development standards and uniform plumbing code of the City. The property owner is responsible for all costs and expense incidental to the installation, connection and maintenance of a side sewer, except as noted in sections B and C, including that portion within the city right of way or utility easement. The City shall not be liable for any damages or costs incurred by reason of blockage or deterioration of a side sewer, up to and including its connection with the public sewer main.

B. City ownership of a gravity side sewer shall be from the sewer main to the property line or easement boundary, if a cleanout exists at this point. The property owner shall own the side sewer from the premises to the cleanout at the property line or easement boundary. The property owner shall be responsible for installing and maintaining the cleanout so it is accessible to the City.

If no cleanout exists at the property line or easement boundary, the property owner shall own the side sewer from the premises to the sewer main, until the property owner installs a cleanout at the property line or easement boundary. The connection between the side sewer and the main shall be owned and maintained by the City.

City ownership of a grinder side sewer shall be between the main and the service connection. All other elements of the grinder pump system, including but not limited to, the valves, pumps and pressurized service line between the grinder pump and the service connection shall be owned and maintained by the property owner.

City ownership of S.T.E.P. side sewers shall be according to the bill of sale.

C. Regardless of ownership, the property owner shall be responsible for the removal of blockages in side sewers between the premises and the city main, including tree roots, dirt, debris, broken pieces of pipe, fats, oils, and grease, or other identifiable obstruction, if the cause of the damage or blockage originated

from the private property. The City shall not be liable for any damages or costs incurred by reason of blockage or damage to the side sewer, if the cause of the damage or blockage originated from the private property.

Section 3. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or application of the provisions to other persons or circumstances shall remain unaffected.

Section 4. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 5. Effective Date. This Ordinance shall take effect five (5) days after publication, as provided by law.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY (SCA)

PASSED:

APPROVED:

PUBLISHED: