

Ordinance No. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, AMENDING  
OLYMPIA MUNICIPAL CODE CHAPTER 13.08 - SEWERS**

**WHEREAS**, City staff have become aware of certain ways the current wastewater regulations in the Olympia Municipal Code (OMC) could be serving our customers in a more fair and effective way; and

**WHEREAS**, the proposed changes to OMC 13.08 will improve the clarity and fairness of the City's wastewater regulations; and

**WHEREAS**, the proposed changes are clarifying in nature; and

**WHEREAS**, the City Council determines it to be in the best interest of the City of Olympia to amend the current wastewater regulations as proposed by staff;

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

**Section 1. Amendment of OMC 13.08.** Olympia Municipal Code Chapter 13.08 is hereby amended to read as follows:

**Chapter 13.08**

**SEWERS**

13.08.000 Chapter Contents

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### **ARTICLE I. SEWER CONNECTIONS**

#### **13.08.005 Purpose and policy**

~~This Article sets forth uniform requirements for connection and use of the public sewer owned by the City of Olympia. This Article shall apply to all users of the public sewer regardless of in which jurisdiction the premises being served is located.~~

The following regulations are established for the control of the municipal wastewater system of the City. This chapter applies to all users of the City wastewater system, both public and private portions, whether the premises served is inside or outside the Olympia city limits.

#### **13.08.010 Definitions**

~~For the purpose of this Article chapter, the words or phrases below have the following meanings:~~

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

A. "City" means the City of Olympia, Washington, or as indicated by the context, may mean the Wastewater Utility, City Clerk, City Engineer, Finance Director, or other City employee or agent representing the City in the discharge of official duties.

B. "City Council" means the City Council of the City of Olympia.

~~BC. "City Engineer" shall means the City Engineer of the City of Olympia, or the City Engineer's 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.~~

D. "City Manager" means the City Manager of the City of Olympia or the City Manager's designee.

~~CE. "Domestic use" shall means any person who use which contributes, causes, or allows the contribution of wastewater into the POTW-City wastewater conveyance system 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.~~

~~DE. "Downtown Deferred General Facility Charge Payment Option Area" shall means 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.~~

~~EG. "Gravity sewer system" shall means 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.

FH. "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.

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

HJ. "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 premises~~ that produces the wastewater. This type of system is commonly called a "septic system." "Onsite sewage system" as used in this chapter has the same meaning as "on-site septic system," "on-site sewage system," and "on-site sewage disposal system" as used in revised code of Washington.

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 words referring to a specific gender may be extended to any other gender.~~

JK. "Premises" shall mean a property, lot, continuous tract of land, building, or group of adjacent buildings under a single control with respect to connection to sewer and responsibility for payment of fees and rates thereof ~~therefor. 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 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 located within public rights-of-way or easements and operated and maintained by the City.

N. "Public Works Director" means the Director of the City of Olympia Public Works Department or the Public Works Director's designee.

O. "Owner" means a natural person or legal entity, including an association, partnership, corporation, or limited liability company, who owns or controls a premises.

NP. "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.

QQ. "Side sewer" shall mean that portion of the sewer beginning outside the outer foundation wall of a structure and extending to 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."

R. "Standard specifications" means those standard specifications for public works construction that have been adopted by the City Council.

### **13.08.015 Rules for administration and enforcement--Copy filing—Noncompliance**

The City Manager may adopt rules and regulations necessary for the administration of this chapter and chapter 4.24 OMC; a copy of such rules and regulations must be on file and available for public examination at the City Clerk's Office or at such other place or places as may be designated by the City Council. Failure to comply with any such rules and regulations is a violation of this chapter.

### **13.08.020 Connection required when**

1. The owner or occupant of any lands, buildings or premises shall not be is not required to connect the lands, buildings or premises to the public sewer so long as the property premises is served by an existing lawfully functioning onsite sewage system and the property premises is not being divided. In the event any lands, buildings, or premises are is served by an onsite sewage system which that fails to function and cannot be remedied through minor repairs, and there is a public sewer available within two hundred (200) feet of the property premises, the owner or occupant shall will be shall required to connect the property premises to the public sewer. All premises within two hundred (200) feet of a public sewer main shall be are deemed to be within the area served by such public sewer. The distance to the public sewer shall must be is measured from the nearest adequate public sewer, by way of a public right-of-way or easement, to the nearest edge of the property premises. If a premises does not have frontage on any public right-of-way or easement, the distance to the premises is measured to the nearest edge of the easement used for ingress and egress to the premises. If no easement exists, it is measured to the point where the driveway meets a public right-of-way or easement.

The Public Works Director may make an exception for the requirement to connect for the replacement of a septic tank only where the connection to sewer would require an extension of the public sewer infrastructure.

In the event lands, buildings, and the premises are is served by an individual onsite sewage system which fails to function and there is no public sewer available within two (200) hundred feet and a replacement individual system cannot be lawfully approved to serve the property premises, the owner of the premises must shall nevertheless be connected connect to the public sewer, or the premises shall must cease to be occupied. An user owner can may avoid the requirement to connect by discontinuing the generation or discharge of any waste from the site and abandoning the onsite sewage system. The abandonment of the onsite sewage system shall must be in accordance with Thurston County Environmental Health regulations.

In the event any premises served by an onsite sewage system is divided or decreased in size through any means, the owner shall connect the premises with the onsite sewage system to the public sewer and abandon the existing onsite sewage system unless the criteria for a new onsite septic system in OMC 13.08.090 is met after the division or decrease in size. The only requirement of OMC 13.08.090 not applicable to the premises with the existing onsite sewage system is the provision that the premises be an undeveloped lot of record that existed prior to November 21, 2006. All other premises created by the division of the original premises must be connected to public sewer.

If any application is submitted for replacement of a septic tank or drainfield and the existing onsite sewage system is functioning, the Public Works Director shall deny the application if the premises and application do not meet the criteria in OMC 13.08.090 for a new onsite sewage system.

2. An owner who is required to connect to the public sewer based on subsection 1 of this section may appeal such requirement to the Public Works Director or to the Hearing Examiner as described in subsection 4 of this section, or to Thurston County.

3. Pursuant to RCW 35.21.940 35A.21.390, upon the failure of an ~~on-site-septic~~ onsite sewage system for which the City requires a connection to a public sewer system, the owner of such system may appeal the City's recommendation for denial of the permit to repair or replace existing, failing ~~on-site-septic-systems~~ onsite sewage system that:

- (a) Were made for a single-family residence by its owner or owners;
- (b) Were denied solely because of a law, regulation, or ordinance requiring connection to a public sewer system; and
- (c) Absent the applicable law, regulation, or ordinance requiring connection to a public sewer system upon which the denial was based, would be approved.

34. Any such appeal of the City's recommendation in circumstances set forth in subsection 2-3 of this section shall must be made to the Public Works Director or the City's hearing-examiner-Hearing Examiner as provided in OMC 18.75.020, who will-shall consider, at a minimum whether:

- (a) It is cost-prohibitive to require the ~~property~~ owner to connect to the public sewer system. In complying with this subsection (3)(a), the ~~city~~ City must consider the estimated cost to repair or replace the ~~on-site-septic~~ onsite sewage system compared to the estimated cost to connect to the public sewer system;
- (b) There are public health or environmental considerations related to allowing the ~~property~~ owner to repair or replace the ~~on-site-septic~~ onsite sewage system. In complying with this subsection (3)(b), the ~~city~~ City must consider whether the repaired or replaced ~~on-site-septic~~ onsite sewage system contributes to the pollution of surface waters or groundwater;
- (c) There are public sewer system performance or financing considerations related to allowing the ~~property~~ owner to repair or replace the ~~on-site-septic~~ onsite sewage system; and
- (d) There are financial assistance programs or latecomer agreements offered by the ~~city~~ City or state that may impact a decision of the ~~property~~ owner to repair or replace the ~~on-site-septic~~ onsite sewage system.

A copy of the Public Works Director's or City hearing-examiner's-Hearing Examiner's decision shall must be provided to the appropriate official at Thurston County for consideration in the County's decision to approve or deny the permit or in consideration of an appeal. Appeal of the final permit decision made by Thurston County shall must be made through the appropriate Thurston County appeal process.

45. Within the area to-be-served by the public sewer of the City as it now exists and as it may be improved and extended in the future, the owner of each lot or parcel of real property premises, upon which is a building or structure, for human occupation or use for any purpose shall, within thirty-30 days of notification by the City for connections to be made therewith, cause a connection to be made between the sewage system and each such building or structure within such lot or parcel premises.

56. If any connection to the public sewer is not made within the time provided in this Section, the City Engineer or such other employee of the City as the City Council may hereafter designate is authorized-

~~and directed to cause such connection to be made and to file a statement of the cost with the City Treasurer, and a check shall be issued under the direction of the City Council by the City Treasurer, and drawn on the sewer fund of the City for the payment of such cost. Such amount, together with a penalty of ten percent (10%), plus interest at the rate of six percent (6%) per year upon the total amount of such cost and penalty, shall be assessed against the property upon which the building or structure is situated, and shall become a lien thereon as provided in this chapter. Such total amount, when collected, shall be paid into the sewer fund.~~

If any connection to the public sewer is not made within the time provided in this section, the City Engineer or the City Engineer's designee is authorized and directed to cause such connection to be made. The total costs of such connection, together with a penalty of 10 percent, plus interest at the rate of six percent per year upon the total amount of such cost and penalty, is assessed against the premises upon which the building or structure is situated, and the total amount of such cost and penalty and interest becomes a lien thereon as provided in this chapter. Such total amount, when collected, must be paid into the sewer fund.

### **13.08.030 Permit required to open public sewer**

~~It is unlawful for any person to~~ A person may not make any opening in any sewer or drain, public or private, or connect a private sewer or drain therewith to any public sewer or drain without complying with all of the provisions of this article relating thereto and obtaining and having a permit to do so from the City Engineer Community Planning and Development Department. ~~The Director of Public Works shall assess a fee as set forth in Title 4, Fees and Fines, of this code for each permit issued under this chapter.~~

### **13.08.040 Side Sewer Installation and Maintenance**

A. ~~All~~ A person making any connections to the public sewer shall be made make such connection 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 of premises for which a connection to the public sewer system is made is responsible for shall pay all costs and expense incidental to the installation, connection, and maintenance of a side sewer, except as ~~noted~~ provided in subsections (B) and (C.) of this section.

B. City ownership of a gravity side sewer ~~shall be~~ is from the sewer main to the property right-of-way line or sewer 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 right-of-way line or sewer easement boundary. ~~The property owner shall be responsible for installing and maintaining~~ install and maintain the cleanout so it is accessible to the City.

If no cleanout exists at the property right-of-way line or sewer 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 right-of-way line or sewer easement boundary. The connection between the side sewer and the main ~~shall be~~ is owned and maintained by the City.

City ownership of a grinder side sewer ~~shall be~~ is 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~~ is owned and maintained by the ~~property owner and the owner~~ shall maintain all such elements.

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

C. Regardless of ownership of the sewer infrastructure where a blockage occurs, ~~the property owner shall be~~ is responsible for the removal of, and shall remove, 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 privately owned premises. The City shall not be is not 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 privately owned premises.

### **13.08.050 Wastewater Management Plan**

The Director of Public Works, ~~or the Director of Public Works' designee,~~ is authorized and directed to prepare a wastewater management plan for the City wastewater conveyance system, in accordance with RCW 90.48.110. The Director of Public Works ~~will~~ shall also determine the standards for development and improvement of the wastewater system to provide safe and adequate conveyance of sewage to the POTW City wastewater conveyance system. ~~A copy of the wastewater management plan shall be~~ The plan is kept on file in the offices of the City Clerk and the Public Works Department.

### **13.08.080 Work in streets or public places**

All work within the limits of any street or public place must be prosecuted to completion with due diligence by a licensed contractor. The contractor shall post a bond acceptable to the City Engineer prior to any street excavation. If in the judgment of the City Engineer, or the City Engineer's inspector, any excavation is left open beyond a reasonable time, the City Engineer shall cause the same to be refilled, and the street restored ~~forthwith~~ as soon as possible to its former condition. Any costs incurred in such work shall ~~must~~ be charged to the contractor in charge of such work or against the contractor's bond; and ~~the contractor shall pay such costs must be paid~~ before the contractor shall ~~may~~ receive any future permit from the City.

### **13.08.090 Sewer connection type**

The City of Olympia permits only gravity sewer systems, with lift stations when needed, except as follows:

A. ~~New onsite sewage systems shall be permitted within the city limits only to serve a single family residence or a single family residence with an accessory dwelling unit, provided:~~

- ~~1. The property being served is an undeveloped lot of record located more than two hundred (200) feet from an available sewer, as determined by the Public Works Director or the Public Works Director's designee, and the lot is either larger than one (1) acre or is granted an exception to the lot size requirement under Section 5 below; and~~
- ~~2. The lot existed prior to November 21, 2006, or was created through consolidation of lots in existence prior to November 21, 2006; and~~
- ~~3. Onsite sewage systems for new development within the shoreline jurisdiction, as defined in the Shoreline Master Program, are prohibited, regardless of lot size; and~~
- ~~4. The lot size determination shall include only those portions of a lot unencumbered by streams and important riparian areas, wetlands and small lakes, landslide hazard areas, and their associated buffers as defined in OMC 18.32.~~
- ~~5. Exceptions to the one acre minimum lot size will be considered by the Public Works Director or the Public Works Director's designee when application is made in writing to the Public Works Director. Application shall be made on forms provided by the City. New onsite sewage systems for undeveloped lots of record smaller than one (1) acre will be evaluated using the following criteria:~~

- a.— ~~New onsite sewage systems shall not be permitted on lots located within an area at high-risk for onsite septic systems, nor within a marine recovery area, nor within a shellfish protection area, as determined by input from Thurston County Environmental Health; and~~
- b.— ~~New onsite sewage systems shall only be permitted on lots served by public water service; and~~
- c.— ~~New onsite sewage systems shall not be permitted within two hundred (200) feet of an available sewer as defined in OMC 13.08.020; and~~
- d.— ~~New onsite sewage systems shall not be permitted on lots smaller than 12,500 square feet. The lot size determination shall include only those portions of a lot unencumbered by streams and important riparian areas, wetlands and small lakes, landslide hazard areas, and their associated buffers as defined in OMC 18.32. The lot must have existed prior to November 21, 2006, or have been created through consolidation of lots in existence prior to November 21, 2006.~~

6.— ~~Each property owner constructing a new residence with a new onsite sewage system located within the Urban Growth Boundary, including those within the city limits, shall enter into an Agreement for Interim Onsite Sewage System with the City, agreeing to connect the residence directly to the public sewer in accordance with the provisions herein within one (1) year after the date of official notice to connect; provided, that an available sewer is within two hundred (200) feet of the property. In addition, the following shall apply to new onsite sewage systems:~~

- a.— ~~Permitted onsite sewage systems shall be considered interim facilities and must be designed and constructed to facilitate conversion to the public sewer when sewer becomes available; and~~
- b.— ~~Recording fees shall be paid upon the submittal of a signed Agreement for Interim Onsite Sewage System; and~~
- c.— ~~Following execution, the agreement shall be recorded by the City in the records of the Thurston County Auditor; and~~
- d.— ~~Said agreement shall terminate if at any time any project application or approval expires or is revoked for any reason; and~~
- e.— ~~Any cost of sewer extension required at the time of connection shall be borne in whole by the property owner.~~

A. New onsite sewage systems are permitted by Thurston County, with input from Olympia, only where all of the applicable criteria in Table 1 are met. For a septic system to be considered a replacement system, it must be replacing an existing septic system on the premises, without an increase in size due to an increase in building size, number of bedrooms, or number of ERUs.

<u><b>New System, Inside City Limits</b></u>	<u><b>New System, Outside City Limits</b></u>	<u><b>Replacement System, Inside Or Outside City Limits</b></u>	
<u>Location</u>	<u>Lot must be located more than 200 feet from an available public sewer as defined in OMC 13.08.020</u>	<u>Lot must be located more than 200 feet from an available public sewer as defined in OMC 13.08.020</u>	<u>Lot must be located more than 200 feet from an available public sewer as defined in OMC 13.08.020</u>



<u><b>New System, Inside City Limits</b></u>	<u><b>New System, Outside City Limits</b></u>	<u><b>Replacement System, Inside Or Outside City Limits</b></u>	
<u>Building</u>	<u>Systems may only be approved to serve a single-family residence or a single-family residence with an accessory dwelling unit unless the system approved is a community onsite sewage system (COSS) as described in OMC 13.08.090(3).</u>	<u>No building requirement.</u>	<u>No building requirement.</u>
<u>Lot size</u>	<u>Lot must be at least one acre, as described in subsection 1 below or be granted an exception to the one-acre rule as described in OMC 13.08.080(2).</u>	<u>Lot size requirement is determined by Thurston County.</u>	<u>Lot size requirement is determined by Thurston County.</u>
<u>Shoreline</u>	<u>All septic system components are prohibited within the shoreline jurisdiction, as defined in the Shoreline Master Program.</u>	<u>All septic system components are prohibited within the shoreline jurisdiction, as defined in the Shoreline Master Program.</u>	<u>Septic system components must be located outside the shoreline jurisdiction, as defined in the Shoreline Master Program, if possible. Exceptions may be approved by Thurston County.</u>
<u>Interim</u>	<u>System must meet criteria in OMC 13.08.090(4).</u>	<u>System must meet criteria in OMC 13.08.090(4).</u>	<u>For owners engaged in commercial use and premises with multi-family residences, system must meet criteria in OMC 13.08.090(4). No interim system requirement for a single-family residence, including a single-family residence with an ADU.</u>
<u>Lot origin</u>	<u>Lot must be a lot of record that existed prior to November 21, 2006, or have been created through consolidation of lots in existence prior to November 21, 2006, or be approved for a community onsite sewage system (COSS) as described in OMC 13.08.090(3).</u>	<u>Lot must have existed prior to application for the onsite sewage system. Lot subdivision is not permitted if the resulting lots would be served by onsite sewage systems except those approved for a community onsite sewage system (COSS) as described in OMC 13.08.090(3).</u>	<u>No lot origin requirement.</u>

Table 1

1. The lot size determination must include only those portions of a lot unencumbered by streams and important riparian areas, wetlands and small lakes, landslide hazard areas, and their

associated buffers as defined in OMC 18.32, and unencumbered by rights-of-way and easements, and.

2. Exceptions to the one-acre minimum lot size are considered by the Public Works Director or the Public Works Director's designee when application is made in writing to the Public Works Director, on forms provided by the City. New onsite sewage systems for undeveloped lots of record smaller than one acre are evaluated using the following criteria:

a. New onsite sewage systems may not be permitted on lots located within an area at high risk for onsite sewage systems, nor within a marine recovery area, nor within a shellfish protection area, as determined by input from Thurston County Environmental Health; and

b. New onsite sewage systems may only be permitted on lots connected to public water service; and

c. New onsite sewage systems may not be permitted on lots smaller than 12,500 square feet. The lot size determination is as defined in subsection (1) of this section.

3. Community onsite sewage systems (COSS) may be permitted by Thurston County with input from Olympia with the following requirements:

a. Gravity sewer lines must be installed to all sites served by the COSS and along the frontage of the project as required in EDDS 3.110; and

b. All connection charges and monthly or bi-monthly sewer bills must be paid at the same rate as properties connecting to sewer; and

c. COSS are considered interim facilities and must meet the requirements of subsection 4 of this section; and

d. Once constructed, COSS are owned and maintained by the City of Olympia. The owner shall record all related bills of sale and easements in the office of the Thurston County Auditor.

4. Permitted onsite sewage systems are considered interim facilities and must meet the following criteria:

a. The system must be designed and constructed to facilitate conversion to the public sewer when sewer becomes available, as determined by the Public Works Director.

b. Each owner constructing a new onsite sewage system must enter into an Agreement for Interim Onsite Sewage System with the City in a form approved by the City.

c. The Agreement for Interim Onsite Sewage System requires connection of the premises directly to the public sewer within one year after the date of official notice to connect at such time that a sewer is available, as defined in OMC 13.08.020.

d. Following execution, the owner shall record the Agreement for Interim Onsite Sewage System in the office of the Thurston County Auditor and shall provide a copy of the recorded document to City staff; and

e. The Agreement for Interim Onsite Sewage System terminates if at any time any septic application or approval expires or is revoked for any reason; and

f. The owner shall bear any and all cost of sewer extension required at the time of connection.

B. New septic tank effluent pump (S.T.E.P.) systems ~~shall be~~ are permitted provided a gravity sewer is not available to the ~~property premises~~ as defined in OMC 13.08.020, and:

1. The ~~property premises~~ being served is a lot of record existing prior to February 15, 2005, abutting on any street, alley, right-of-way, or easement in which there is now located a S.T.E.P. force main; ~~or~~

2. The ~~property premises~~ is located within a subdivision vested as of July 2005, in accordance with OMC Section 18.72.060, Determination of Complete Application; ~~or~~

3. The ~~property premises~~ was created through a short plat after April 30, 2018, from a property abutting on any street, alley, right-of-way, or easement in which there is now located a S.T.E.P. force main. Only one short plat per property in existence on April 30, 2018, ~~shall be~~ is eligible for S.T.E.P. sewer connection. No further short plat ~~shall be~~ is allowed until gravity sewer is available to the ~~property premises~~; ~~or~~

4. The ~~property premises~~ is abutting on any street, alley, right-of-way, or easement in which a S.T.E.P. force main was extended as part of the Septic to Sewer program as per OMC 13.08.215.

C. Grinder pump sewer systems ~~shall~~ may not be installed and used in lieu of the orderly extension of gravity sewers. Grinder pump installation and use ~~shall be~~ is subject to the following requirements ~~and/or~~ and limitations:

1. New individual grinder pump system use is limited where:

a. A public gravity sewer is contiguous to the ~~property premises~~, but terrain, natural features, or other physical barriers prohibit a gravity connection; ~~or~~

b. For the conversion of onsite sewage systems to public sewer or for infill development only where it is specifically determined by the City Engineer to be in the best interest of the City of Olympia.

2. The owner shall purchase, own, and maintain and operate the Grinder-grinder pumps and side sewers which are installed as part of a grinder pump sewer system ~~shall be purchased, owned, maintained and operated by the property owner.~~

3. Grinder pump force mains receiving effluent from more than one ~~property premises~~ shall ~~must~~ be publicly owned and maintained. Publicly-owned grinder pump force mains ~~shall be~~ are permitted only where the City Engineer determines it to be in the best interest of the City and construction of a gravity and lift station sewer system is not feasible, provided that:

a. The proponent of the grinder pump force mains can demonstrate that no other feasible alternative is available; and

b. In such cases, the proponent is responsible for and shall pay the cost of installation of the public grinder pump force mains ~~shall be borne by the proponent~~; and

c. The installation is in accordance with the Olympia Engineering Design and Development Standards.

4. Grinder pump side sewers and force mains ~~shall not be~~ are not permitted to discharge to designated Septic Tank Effluent Pump (S.T.E.P.) force mains unless it is determined by the City Engineer or the City Engineer's designee to be in the best interest of the City.

### **13.08.150 Tampering with and depositing rubbish in public sewer--Prohibited discharges**

A. ~~It is unlawful for any person to~~ No person may break, damage, destroy, uncover, deface, or tamper with any structure, facility, appurtenance, or equipment ~~which that is a part of the public sewer of the City. It is unlawful for any~~ No person may deposit garbage, rubbish, soil materials, or any substance having a tendency to obstruct the flow of any sewage in any pipe, maintenance hole, cleanout, or sewer opening.

B. No person ~~shall~~ may discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, or cooling water to any public sewer. Stormwater and all other unpolluted drainage ~~shall~~ may only be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the City Engineer. ~~Industrial users~~ An owner engaged in industrial use shall discharge sewage to the public sewer in compliance with all requirements of Chapter 13.20 OMC.

C. Except as hereinafter provided, no owner engaged in domestic use ~~user use~~ shall ~~may~~ discharge or cause to be discharged, any of the following described waters or wastes to any public sewer:

1. Any liquid or vapor having a temperature higher than ~~one hundred fifty~~ 150 degrees Fahrenheit;
2. Any water or waste which may contain more than ~~one hundred~~ 100 parts per million, by weight, of fat, oil, or grease;
3. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas;
4. Any garbage, other than organic food wastes that have been properly shredded;
5. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage ~~works~~ system;
6. Any waters or wastes having a pH lower than five and five-tenths or higher than nine or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works;
7. Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant;
8. Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant;
9. Any noxious or malodorous gas or substance capable of creating a public nuisance.

### **13.08.180 Sewer service outside city limits**

A. ~~Property~~ Any owner of premises lying within the urban growth boundary area shall agree to annex to the City as a condition of sewer connection. ~~Alternatively. In the alternative,~~ the City may elect to defer annexation and require execution of an agreement described in subsection (B) of this section.

B. ~~Property~~ Premises lying within the urban growth area which is not annexed as a condition of sewer service shall be permitted ~~may receive~~ sewer connection only upon the owner of such premises entering into an ~~Agreement to Annex~~ appropriate agreement with the City containing a waiver of protest to annexation and/or power of attorney authorizing annexation at such time as the City determines the ~~property~~ premises should be annexed to the City.

C. Following execution, such agreements shall ~~must~~ be recorded by the City Clerk in the chain of title for such ~~property~~ premises in the official records office of the Thurston County Auditor.

### **13.08.185 Sewer service outside city limits--Agreements to run with the land**

The agreement described in OMC Section 13.08.180 above shall ~~must~~ contain a provision that the obligations and privileges contained therein shall run with the land and bind future owners of said land in the same manner as the applicant is bound ~~therein~~ thereby.

### **13.08.186 Sewer service outside city limits—Other sections not affected**

In addition to OMC 13.08.180 and 13.08.185, all other provisions of this chapter apply to connections outside the Olympia city limits.

## **ARTICLE II. SEWER RATES**

### **13.08.190 Sewer rates—Definitions**

A. A charge for sanitary sewage disposal shall ~~be~~ is levied against all accounts and premises connected to a sewer main or City-maintained community onsite system at the rate set forth in Title 4, Fees and Fines, of this code.

B. For purposes of subsection (A) of this section, the term "equivalent residential unit" or "ERU" shall ~~be as follows~~ means:

1. One single-family residence: one ERU; or
2. One single-family residence with accessory dwelling unit: one ERU; or
3. One mobile home, or one mobile home space in a mobile home or trailer park: one ERU; or
4. Duplex: two ERUs; or
5. Residential structure having more than two living units, seven-tenths of an ERU per living unit; or
6. With respect to uses other than residential, one ERU shall ~~be~~ is designated for each ~~nine-hundred (900)~~ cubic feet for LOTT wastewater service charges and ~~seven-hundred (700)~~ cubic feet for public sewer charges per month of water consumed or sewage discharged as measured at the source; provided, that for volumes in excess of ~~nine-hundred (900)~~ cubic feet per month and ~~seven-hundred (700)~~ cubic feet per month, the service charge per ~~one-hundred (100)~~ cubic feet shall ~~be~~ is

computed at the rate of one-ninth of the LOTT wastewater service charge, plus one-seventh of the public sewer charge; and

7. With respect to an account consisting of both residential and nonresidential uses, the residential uses ~~shall be~~ are charged as set forth in ~~this subsections (B) Nos. (1) through (5) of this section~~ and the nonresidential uses ~~shall be~~ are charged an additional one ERU; provided, that if the total monthly volume of the account exceeds the number of ERUs computed pursuant to this subsection times ~~nine hundred (900) cubic feet~~ for LOTT wastewater service charges and ~~seven hundred (700) cubic feet~~ for local collection charges, the charge per ~~one hundred (100) cubic feet~~ for the account ~~shall be~~ are computed at the rate of one-ninth of the LOTT wastewater service charge, plus one-seventh of the public sewer charge.

### **13.08.200 Payment of sewer bills**

The City Council may in its discretion determine whether the charges for sewage disposal service ~~shall be~~ are on a monthly or bimonthly basis. The ~~foregoing~~ following rates and charges for sanitary sewage disposal ~~shall be~~ are due and payable ~~at the office of the City Treasurer or at such place or places designated by that City Treasurer~~ as Olympia City Hall on the date established by the Director of Administrative Services ~~Finance Director may require, as authorized in Section OMC 4.24.050 of this code.~~

### **13.08.205 Sewer general facility charges**

A. A sewer general facility charge ("Sewer GFC") ~~shall will be~~ is assessed in the amount set forth in Title 4, Fees and Fines, ~~of this code, for all new sewer connections and for all changes in use of a property premises that result in an increase in ERUs, as defined in Section OMC 13.08.190.~~ Except as provided in subsections (B), (C), and (D) of this ~~Section~~ section, such charge ~~shall become~~ is due and payable ~~no earlier than at the time of issuance of an engineering, sewer connection, or building permit and no later than at the time of issuance of each permit to connect to the public sewer, and at the rate in effect at the time of payment, except for the deferred payment option stated below. For projects located outside the City, the date of building permit issuance by Thurston County shall constitutes the earliest time of payment. This charge shall be~~ is assessed in addition to any other charges or assessments levied under this chapter. Said funds ~~shall will~~ must be deposited in the sewer capital improvement fund established under ~~Section 3.04.750 OMC 3.04.500 of this code and shall will~~ must be used only for the purposes enumerated therein.

B. The Sewer GFC may be deferred for residential developments in the Downtown Deferred General Facility Charge Payment Option Area. An unpaid Sewer GFC deferred under this section ~~shall constitutes~~ is a lien against the ~~property premises~~ for which it is payable. Payment of a Sewer GFC need not be made prior to the time of connection if the payer provides the Community Planning and Development Department with proof that a Voluntary General Facility Charge Lien Agreement, in a form approved by the City Attorney, has been executed by all legal owners of the ~~property premises~~ upon which the development activity allowed by the building permit is to occur, and the agreement has been recorded in the office of the Thurston County Auditor. When such deferral is sought for a portion of the development activity, the City, at its sole discretion, ~~shall determines~~ determines the portions of the Sewer GFC to be applied to the portions of the development activity. If a Voluntary General Facility Charge Lien Agreement has been recorded, payment of the ~~general facility charge shall be~~ Sewer GFC is deferred under the following conditions:

1. The Sewer GFC ~~will be~~ is assessed at the rate in effect at the time of issuance of the building permit for the project, and
2. ~~Payment of~~ The owner shall pay the Sewer GFC ~~will be made~~ at the earlier of (a) the closing of sale of the ~~property premises~~ or any portion of the ~~property premises~~, or (b) three ~~(3)~~ years from the date of the City's issuance of a Certificate of Occupancy, and

3. A GFC payment made within one (1) year of issuance of the Certificate of Occupancy for the development ~~shall pay~~ is the fees assessed at the time of issuance of the building permit, and
4. A GFC payment made within the second year from issuance of the Certificate of Occupancy for the development ~~shall pay~~ is the Sewer GFC plus an interest component, for a total of 105% percent of the remaining balance of the fees assessed at the time of issuance of the building permit, and
5. A GFC payment made within the third year from issuance of the Certificate of Occupancy for the development ~~shall pay~~ is the Sewer GFC plus an interest component, for a total of 110% percent of the remaining balance of the fees assessed at the time of issuance of the building permit.

In the event that the Sewer GFC ~~and/or~~ interest (if any), ~~or both~~, is not paid within the time provided in this subsection, all such unpaid charges, fees, and interest ~~shall constitute~~ is a lien against the ~~property premises~~ for which they were assessed. The lien may be enforced either by foreclosure pursuant to RCW 61.12 or by termination of water service pursuant to ~~Section OMC 13.04.430 of this Code~~. The City may use other collection methods at its option. In the event of foreclosure, the owner at the time of foreclosure shall also pay the City's reasonable attorney fees and costs incurred in the foreclosure process. Notwithstanding the foregoing, the City ~~shall will~~ not commence foreclosure proceedings less than ~~thirty (30)~~ calendar days after providing written notification to the then-present owner of the ~~property premises~~ via certified mail with return receipt requested advising of its intent to commence foreclosure proceedings. If the then-present owner cures the default within the ~~thirty~~ 30-day cure period, no attorney fees ~~and/or~~ or costs ~~will be~~ are owed.

C. The Sewer GFC ~~will be~~ is waived for ~~properties any premises~~ served by an existing OSS that connects to the public sewer within two years following notice by the City of eligibility for a Sewer GFC waiver. ~~Notice will be sent to property~~ The City shall send notice to an owners when sewer becomes available to ~~their property the owner's premises~~. Notice ~~will be~~ is effective as of the date it is sent to the ~~property owner~~ by certified first class mail. ~~Properties that~~ An owner who fails to connect to the public sewer within two years following such notice ~~shall be~~ are is charged the Sewer GFC in effect at the time of connection to the public system, and those properties may defer payment of the Sewer GFC as provided in subsection (D) ~~below of this section~~.

An owner ~~property shall~~ is also be eligible for a Sewer GFC waiver at such time as the ~~property premises~~ becomes eligible for a full or partial rebate of the LOTT capacity development charge (LOTT CDC). The Sewer GFC waiver ~~shall expire~~ is on the same date as the expiration of the LOTT CDC rebate.

In addition, the Sewer GFC ~~will be~~ is waived for ~~properties any premises~~ served by an existing OSS that connects to the public sewer within two years of a transfer of ownership of the ~~property premises~~. ~~Property owners are required to~~ An owner shall provide documentation to the City of the transfer of ownership in order to be eligible for this waiver. The City will not provide notification to a new ~~property owners~~.

In all cases, the Sewer GFC waiver will be is limited to the number of ERUs served by the existing OSS.

D. The Sewer GFC for ~~properties premises~~ abandoning an existing OSS and connecting to public sewer without an increase in ERUs ~~shall be paid~~ is due in full or under installment contract with the following conditions:

1. The ~~property premises~~ must be served by public water with an individual City of Olympia metered water utility account.
2. In order to defer payment of a Sewer GFC, an ~~property owner~~ must shall execute a Sewer Connection Fee Contract with the City in a form approved by the City Attorney in which the ~~property owner~~ agrees to pay specified progress payments. The Sewer Connection Fee Contract ~~shall also~~ must provides that the City ~~shall be~~ is entitled to attorney's fees and costs, should legal action need

to be commenced to collect or enforce the contract. Connection to the public sewer ~~will be~~ allowed after the Sewer Connection Fee Contract has been recorded in the office of the Thurston County Auditor. The owner shall pay Recording-recording fees shall be are paid by the property owner upon submittal of the signed Sewer Connection Fee Contract.

3. The owner shall make Payments-payments toward the deferred Sewer GFC ~~shall be are made~~ on a monthly basis, including principal and interest, until the Sewer GFC and associated loan costs are paid. The minimum monthly payment ~~shall be is~~ must be calculated such that full payment ~~shall be is~~ completed within ~~eight~~ years, with at most 96 monthly payments.

4. Any unpaid balance for deferred Sewer GFC is subject to interest charges, with ~~The-the~~ interest rate charged on any unpaid balance ~~shall be equal~~ to the interest rate of the most recent general obligation bonds issued by the City prior to execution of the Sewer Connection Fee Contract.

5. Upon sale of the ~~property premises~~, the unpaid Sewer GFC ~~shall must~~ be paid in full, or the new owner ~~shall must~~ execute a Sewer Connection Fee Contract with the City for the balance of the GFC owed under the terms of this section with a maximum number of monthly payments equal to 96 minus the number of months any previous Sewer Connection Fee Contracts were in existence.

6. In the event that the Sewer GFC ~~and/or~~ interest (if any), or both, is not paid within the time provided in ~~this-subsection D of this section~~, all such unpaid charges, fees, and interest ~~shall~~ constitute a lien against the ~~property premises~~ for which they were assessed. The lien may be enforced either by foreclosure pursuant to RCW 61.12 or by termination of water service pursuant to ~~Section-OMC 13.04.430 of this Code~~. The City may use other collection methods at its option. In the event of foreclosure, the owner at the time of foreclosure shall ~~also~~ pay the City's reasonable attorney fees and costs incurred in the foreclosure process. Notwithstanding the foregoing, the City ~~shall will~~ not commence foreclosure proceedings less than ~~thirty-(30)~~ calendar days after providing written notification to the then-present owner of the ~~property premises~~ via certified mail with return receipt requested advising of its intent to commence foreclosure proceedings. If the then-present owner cures the default within the ~~thirty~~ 30-day cure period, no attorney fees ~~and/or~~ costs will be owed.

E. The Sewer GFC for properties on public combined sewers ~~shall apply-applies~~ to properties located within the Downtown Deferred General Facility Charge Payment Option Area and discharging sanitary sewage to the public combined sewer ~~upon change in the character of the use of any structure on such property or upon a significant increase of sewage discharge therefrom.~~

F. If there is a significant increase of sewage discharge from a premises and if one or more of the triggering events in subsection (F)(5) of this section occurs, additional Sewer GFCs will be charged as follows:

1. A "significant increase" means an increase of 25 percent or more in current wastewater discharge, as compared to the number of ERUs used to calculate Sewer GFCs previously paid, provided the increase is equal to at least one ERU; and
2. "Current wastewater discharge" means the average wastewater discharge of the most recent six winter months (with meter read dates in November through April) either measured by wastewater discharge meter or drinking water meter, whichever is applicable; and
3. A customer is given notice and a period of one year in which to:



- a. Decrease wastewater discharge sufficiently to no longer qualify as a significant increase as defined in subsection (F)(1) of this section; or
- b. Install a wastewater discharge meter, if one is not already installed; or
- c. Install a separate irrigation meter;

and

- 4. After the one-year period, current wastewater discharge is recalculated and if the discharge continues at or above the significant increase level, additional Sewer GFCs are imposed for the additional ERUs of wastewater discharge, and the owner shall pay such additional Sewer GFCs within 60 days of notification of charges due.
- 5. Triggering events for calculation of a possible significant increase of sewer discharge are:
  - a. Application to the LOTT Clean Water alliance for an increase in discharge limits; or
  - b. Application to the City for a larger drinking water meter or additional drinking water meter(s).
  - c. Application to the City or County for a change in use of a premises; or
  - d. Application to the City or County for a building permit.

**13.08.210 LOTT capacity development charge—Payment**

A. ~~There shall also be charged an additional~~ is imposed a LOTT capacity development charge (“LOTT CDC”) ~~for the any premises, as defined in OMC Section 13.08.010, which that~~ is provided sewer service by Olympia the City. The LOTT capacity development charge shall also be assessed upon later change in the character of the use of any such premises or upon a significant increase of sewage discharge therefrom, determined in accordance with the guidelines and procedures adopted by the advisory committee created pursuant to the intergovernmental contract for wastewater facilities management. The LOTT capacity development charge shall be CDC is in the amount set forth in Title 4, Fees and Fines, of ~~this code the OMC. The capacity development charge LOTT CDC is intended to pay a predetermined share of the estimated capital cost per ERU to provide future joint facilities and additions to existing joint facilities that are considered necessary to serve the connections paying the capacity development charge LOTT CDC while maintaining adequate system reserve capacity as described in The Highly Managed Alternative of the LOTT Wastewater Resource Management Plan of 1999.~~

B. An owner shall pay the LOTT CDC; The such charge imposed under Subsection subsection (A) of this section shall become is due and payable no earlier than at the time of issuance of an engineering, sewer connection, or building permit and no later than at the time each connection is completed, and at the rate in effect at the time of payment. For projects located outside the City, the date of building permit issuance by Thurston County ~~shall constitute~~ the earliest time of payment. If not paid on or before said date, the same shall become is delinquent and shall bears interest at the rate of six percent per year from the date of delinquency until paid.

C. If there is a significant increase of sewage discharge from a premises and if one or more of the triggering events in subsection (C)(5) of this section occurs, additional LOTT CDCs will be charged as follows:

- 1. “A significant increase” means an increase of 25% or more in current wastewater discharge, as compared to the number of ERUs used to calculate CDCs previously paid, provided the increase is equal to at least one ERU; and

2. If a premises connected to sewer before LOTT CDCs existed as a charge, the base number of ERUs is the Sewer GFCs previously paid; and
3. “Current wastewater discharge” means the average wastewater discharge of the most recent six winter months (with meter read dates in November through April) either measured by wastewater discharge meter or drinking water meter, whichever is applicable; and
4. An owner is given notice and a period of one year in which to:
  - a. Decrease wastewater discharge sufficiently such that the discharge no longer qualifies as a significant increase as defined in subsection (C)(1) of this section; or
  - b. Install a wastewater discharge meter, if one is not already installed; or
  - c. Install a separate irrigation meter;

and

5. After the one-year period, current wastewater discharge is recalculated and if the discharge continues at or above the significant increase level, additional LOTT CDCs are imposed for the additional ERUs of wastewater discharge, and payable the owner shall pay such additional LOTT CDCs within 60 days of notification of charges due.
6. Triggering events for calculation of a possible significant increase of sewer discharge are:
  - a. Application to the LOTT Clean Water Alliance for an increase in discharge limits; or
  - b. Application to the City for a larger drinking water meter or additional drinking water meter(s);  
or
  - c. Application to the City or County for a change in use of a premises; or
  - d. Application to the City or County for a building permit.

### **13.08.215 Septic to Sewer Program and infrastructure extension charges**

A. There is hereby established the City of Olympia Septic to Sewer Program with the goal of connecting properties served by onsite sewage systems (OSS) to the public sewer. In furtherance of the Septic to Sewer Program, the City may construct sewer infrastructure to facilitate connection of properties served by onsite sewage systems. Infrastructure may include sewer mains, sewer maintenance holes, sewer cleanouts, sewer lift stations, sewer force mains, and STEP (septic tank effluent pumping) systems. Infrastructure extension proposals may be submitted by the owner of an OSS. Infrastructure extension proposals ~~shall be~~ are reviewed by staff and prioritized using the following factors:

1. Public health risk for the OSS as determined with input from Thurston County Environmental Health, including factors such as depth to groundwater, soil type, lot size, OSS density, and proximity to drinking water sources. Projects serving higher risk OSS ~~shall be~~ are given higher priority;
2. Scope of infrastructure extension required with respect to number of existing OSS to potentially benefit. Projects requiring less extensive infrastructure extension and potentially benefitting a higher number of properties ~~shall be~~ are given higher priority;

3. Public drinking water availability. Projects without public drinking water available ~~shall be~~ are given higher priority;
4. Available funds.

~~Final approval of the infrastructure extension shall be made by the Public Works Director or the Public Works Director's designee. The Public Works Director makes final approval of any proposed infrastructure extension.~~

B. ~~An owner shall pay a capital charge (CC) or the portion of the CC described below shall be paid for connections to the public sewer made after November 5, 2017, to sewer infrastructure that was extended as part of the Septic to Sewer program after November 5, 2017. The CC is defined as the total project cost, divided by the potential number of ERUs as defined under OMC 13.08.190, to be served by the infrastructure. The total project cost of a sewer infrastructure extension, including the costs of design, construction, material, labor, and contract administration, shall be~~ is based on the City's Engineering Design and Development Standards for latecomer agreements. Payment ~~An owner shall make payment of the CC or the portion of the CC due must be made prior to issuance of permit for sewer connection, except as provided in section C below subsection (C) of this section. The CC shall be~~ is charged as follows:

1. ~~For properties an owner abandoning an existing OSS, and connecting to an infrastructure extension within two years of notification of completion of the extension, without an increase in ERUs, the amount due shall be~~ is 20% percent of the CC.
2. For an owner abandoning an existing OSS and connecting to an infrastructure extension within two years of a transfer of ownership of the premises, without an increase in ERUs, the amount due is 20 percent of the CC. An owner shall provide documentation to the City of the transfer of ownership in order to be eligible for the 20 percent charge. The City is not required to provide notification to the new owner of a premises.
3. For an owner abandoning an existing OSS, and connecting to an infrastructure extension, without an increase in ERUs, who qualifies for hardship status, as defined by the Public Works Director in a policy published on the City web site, the amount due is 20 percent of the CC, regardless of the date of connection.
4. ~~For properties an owner abandoning an existing OSS, and connecting to an infrastructure extension more than two years after notification of completion of the extension, without an increase in ERUs, for which subsections (B)(1) through (3) of this section do not apply, the amount due shall be~~ is 50% percent of the CC.
35. ~~For all properties for an owner to which numbers 1 and 2 above subsections (B)(1) through (4) of this section do not apply, the amount due shall be~~ is 100% percent of the CC.
46. ~~For properties that an owner who connects more than one year after completion of the infrastructure extension, the CC will be~~ is adjusted by the intervening annual changes in the Consumer Price Index for all urban consumers in the Seattle-Tacoma-Bremerton urban area, in which Olympia is included.

C. ~~For properties an owner abandoning an existing OSS and connecting to an infrastructure extension without an increase in ERUs, the CC or the portion of the CC due shall~~ must be paid in full prior to issuance of permit for sewer connection, or under installment with the following conditions:

1. The ~~property premises~~ must be served by public water with an individual City of Olympia metered water utility account.
2. In order to defer payment of the CC or the portion of the CC due, ~~an property owner must~~ shall execute a Sewer Connection Fee Contract with the City in a form approved by the City Attorney in which the ~~property owner~~ agrees to pay specified progress payments. The Sewer Connection Fee Contract ~~shall must~~ also provide that the City ~~shall be is~~ entitled to attorney's fees and costs should legal action ~~need to be~~ commenced to collect or enforce the Sewer Connection Fee Contract. Connection to the infrastructure extension ~~will be is~~ allowed after the Sewer Connection Fee Contract has been recorded in the office of the Thurston County Auditor. ~~Recording fees shall be paid by the property~~ The owner is responsible for and shall pay recording fees upon submittal of the signed Sewer Connection Fee Contract.
3. ~~Payments~~ The owner shall make payments toward the deferred CC or the portion of the CC due ~~shall be made on a monthly basis~~ until the CC or the portion of the CC due and associated ~~loan costs are interest~~ is paid. The minimum monthly payment ~~shall must~~ be calculated such that full payment ~~shall will be is~~ completed within ~~eight~~ eight years, with at most 96 monthly payments.
4. The interest rate charged on any unpaid balance ~~shall be is~~ equal to the interest rate of the most recent general obligation bonds issued by the City prior to execution of the Sewer Connection Fee Contract.
5. Upon sale of the ~~property premises~~, the unpaid CC or the portion of the CC due ~~shall must be~~ paid in full or the new owner shall execute a Sewer Connection Fee Contract with the City for the balance of the CC owed under the terms of this section.
6. In the event the CC or the portion of the CC due and interest (if any) is not paid within the time provided in this subsection, all such unpaid charges, fees, and interest ~~shall constitute~~ a lien against the ~~property premises~~ for which they were assessed. ~~The City may enforce the lien may be enforced either by foreclosure pursuant to RCW 61.12 or by termination of water service pursuant to Section OMC 13.04.430 of this Code.~~ The City may use other collection methods at its option. In the event of foreclosure, the owner at the time of foreclosure shall also pay the City's reasonable attorney fees and costs incurred in the foreclosure process. Notwithstanding the foregoing, the City ~~shall will~~ not commence foreclosure proceedings less than ~~thirty (30)~~ thirty calendar days after providing written notification to the then-present owner of the ~~property premises~~ via certified mail with return receipt requested advising of its intent to commence foreclosure proceedings. If the then-present owner cures the default within the ~~thirty~~ thirty-day cure period, no attorney fees and/or costs will be owed.

**13.08.220 Charges become lien on ~~property premises~~ — Enforcement**

All charges for sanitary sewage disposal service and for connections with the public sewer system, together with the penalties and interest thereon as provided in this article, ~~shall be~~ are a lien upon the ~~property premises~~ upon which such connection is made or sewage disposal service furnished, superior to all other liens or encumbrances, except those for general taxes and special assessments. ~~Enforcement of~~ The City may enforce such lien or liens ~~shall be~~ in the manner provided by law for the enforcement of the same and for delinquent sewage disposal service charges.

**13.08.230 Shutting off water upon default**

In the event that any such bill for sewage disposal service rates and charges or connections is not paid by the date established by the ~~Director of Administrative Services Finance Director~~ as set forth in ~~Chapter 4.24 of this code~~ chapter 4.24 OMC, the City ~~shall~~ may shut off the water furnished to the premises to

which the services were rendered or connection made. The City may keep water ~~shall not be turned on again~~ shut off until such bill, together with all penalties and interest due thereon has been paid in full.

### **ARTICLE III. AREA SERVICE CHARGE**

#### **13.08.290 Charges become lien on ~~property~~premises**

In addition to all other charges that may be imposed under this chapter and under Title 4 OMC, Fees and Fines, ~~there shall be assessed~~ the City may charge a frontage or area charge (or both) for sewer connections, ~~where applicable, a frontage and/or area charge.~~ These charges ~~shall be~~ are assessed to reimburse persons or the City for the cost of constructing sewer lines and other appurtenances in the street fronting the premises served by the connection. The amount of these charges ~~shall be~~ is calculated per schedules for various sewer projects available in the Public Works Department. All charges assessed pursuant to this chapter ~~shall become a lien on the property premises so assessed,~~ which may be enforced in the manner provided by Section OMC 13.08.220.

### **ARTICLE IV. VIOLATIONS**

#### **13.08.380 Violations--Penalties**

A. Discontinuance of Water Service. Service to any customer receiving water and wastewater service from the City water system is contingent upon compliance with all legal requirements pertaining to wastewater service. Water service may be discontinued to any customer for failure to comply with such requirements and discontinued service will not be re-established until the Director of Public Works or the Director's designee has determined that the customer is in compliance with all applicable legal requirements.

B. Any person, firm, or corporation who knowingly violates or fails to comply with any term or provision of this chapter shall will be deemed to have committed a misdemeanor, and if found guilty, shall will be subject to a fine not to exceed One Thousand Dollars (\$1,000.00), and/or to imprisonment not to exceed ninety (90) days or to both such fine and imprisonment. Each day shall will be a separate offense. In the event of a continuing violation or failure to comply, the second and subsequent days shall will constitute a gross misdemeanor punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00) and/or imprisonment not to exceed three hundred and sixty five (365) days or both such time and imprisonment. Continuing violation shall will mean the same type of violation which is committed within a one year of the initial violation.

BC. As an additional concurrent penalty, it ~~shall be~~ is a civil infraction for a person, firm, or corporation to violate or fail to comply with any term or provision of this chapter. Each day ~~shall will~~ be a separate infraction. A person, firm, or corporation found to have committed a civil infraction ~~shall will~~ be assessed a monetary penalty as follows:

1. First offense: Class 3 (\$50), not including statutory assessments.
2. Second offense arising out of the same facts as the first offense: Class 2 (\$125), not including statutory assessments.
3. Third offense arising out of the same facts as the first offense: Class 1 (\$250), not including statutory assessments.

See also ~~OMC C~~chapter 4.44 OMC, Uniform Civil Enforcement.

**Section 2. Corrections.** The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto.

**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 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 takes effect 30 days after passage and publication, as provided by law.

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MAYOR

**ATTEST:**

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CITY CLERK

**APPROVED AS TO FORM:**

*Michael M. Young*  
\_\_\_\_\_  
DEPUTY CITY ATTORNEY

**PASSED:**

**APPROVED:**

**PUBLISHED:**