



## Land Use & Environment Committee

### Recommendation on Ordinance Amending Wastewater Regulations for Side Sewer Ownership

**Agenda Date:** 12/15/2016  
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#### **Title**

Recommendation on Ordinance Amending Wastewater Regulations for Side Sewer Ownership

#### **Recommended Action**

##### **Committee Recommendation:**

Not referred to a committee.

##### **City Manager Recommendation:**

Move to approve the recommendation to forward the Ordinance amending Wastewater Regulations for Side Sewer ownership to Council for consideration.

#### **Report**

##### **Issue:**

Whether to recommend City Council adopt the Ordinance which amends Olympia Municipal Code 13.08 and Chapter 7 in the Engineering Design and Development Standards (EDDS).

##### **Staff Contact:**

Diane Utter, P.E., Water Resources Engineer, 360.753.8562

##### **Presenter(s):**

Diane Utter

#### **Background and Analysis:**

The Olympia Municipal Code (OMC) 13.08.040 states:

*... The property owner is responsible for all costs and expense incidental to the installation, connection and maintenance of a side sewer, 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.*

This regulation has sometimes been problematic for the City. The average side sewer is 40 years old with some as old as 100 years. Many side sewers are as deep as eight feet and run under public

streets making maintenance and repairs difficult and expensive. Repairs often take many months or even years to complete due to disputes with property owners. Disagreements are common about what caused a break, exactly where the break is located, and who is required to make the repair and pay for it. Staff has spent extensive time ensuring property owners make needed repairs. More than once, the situation has resulted in a lawsuit between citizens and the City.

Problems with side sewers have caused sink holes and sewer leaks. Expedient repair is sometimes needed to protect public health and safety. In addition, work within the right-of-way is often difficult and hazardous. Repairs by private contractors, who were hired by property owners, have resulted in unsafe excavations, roadway settlement, and damage to utilities. These problems are not always found during construction, leading to issues months or years later. Therefore, the utility is proposing changing the regulation to address the issue of side sewer ownership and maintenance responsibilities.

Staff researched the policies of other agencies in the Puget Sound region. The research showed that the City's current policy is the most common, but others exist. The City of Tumwater, for example, owns side sewers in the right-of-way if a cleanout exists at the property line. A cleanout is a pipe from the ground down to the sewer for inspection and cleaning. Staff recommends adopting a similar ordinance. Olympia Legal staff verified changing our current ownership policy is a legal option. The public benefits of changing the regulation are:

- City assets are protected (pavement, sewer mains and other utilities),
- public and environmental health is protected (reduced sewer contamination through expedient repairs), and
- public safety is improved (safe excavations and expedient repair of sink holes).

**Neighborhood/Community Interests (if known):**

The amendment balances the needs of the utility and community. It more equitably spreads the cost of side sewer repairs between property owners and the wastewater utility. Staff briefed the Utility Advisory Committee (UAC) about the proposed change and recommends City Council adopt the ordinance.

**Options:**

1. Move to recommend City Council adopt the Ordinance amending OMC 13.08 and EDDS Chapter 7. This will allow the utility to better meet environmental and public safety goals.
2. Move to recommend City Council adopt the Ordinance amending OMC 13.08 and EDDS Chapter 7 with modifications. This allows the utility to better meet environmental and public safety goals which will include modifications proposed by LUEC.
3. Move to not recommend City Council adopt the Ordinance amending OMC 13.08 and EDDS Chapter 7. This will allow the current ownership and maintenance of side sewers to remain in place. There will continue to be disputes between property owners and the utility.

**Financial Impact:**

Staff anticipates added maintenance costs. Changes will initially increase sewer pipe infrastructure by approximately 6 percent. Initially, staff plans to increase the spot repairs project in the Capital Facilities Plan by \$25,000, approximately 6 percent. The spot repair budget would be adjusted up or down after more experience with the new policy. City crews will complete many of the repairs under existing budgets.

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The number of repairs will likely be small. Based on recent permit records of repairs in the public right-of-way, there were seven known issues between 2010 and 2015. We can estimate 1-2 repairs per year, based on permit records.

Changing the regulation will save staff considerable time due to decreased disputes with property owners. This savings will free up staff to work on other utility priorities.

**Attachments:**

Ordinance  
UAC Letter  
Side Sewer Sketch