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## City Council

### Approval of Ordinance Amending Wastewater Regulations for Side Sewer Ownership

**Agenda Date:** 3/28/2017  
**Agenda Item Number:** 4.D  
**File Number:** 17-0147

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**Type:** ordinance **Version:** 2 **Status:** Passed

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**Title**

Approval of Ordinance Amending Wastewater Regulations for Side Sewer Ownership

**Recommended Action**

**Committee Recommendation:**

The Land Use and Environment Committee and Utilities Advisory Committee recommend approval of the ordinance amending Wastewater Regulations for Side Sewer ownership.

**City Manager Recommendation:**

Move to approve the ordinance amending Wastewater Regulations for Side Sewer ownership on second reading.

**Report**

**Issue:**

Whether to adopt the ordinance amending Wastewater Regulations for Side Sewer ownership which amends Olympia Municipal Code 13.08.

**Staff Contact:**

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

**Presenter(s):**

Diane Utter, P.E., Water Resources Engineer

**Background and Analysis:**

Background and analysis has not changed from first to second reading.

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 deep and run under public streets and cross property lines. This makes it difficult and expensive to maintain and repair. 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 following up with property owners to make sure needed repairs were made. More than once, the situation has resulted in a lawsuit between citizens and the City.

If breaks in side sewers do not get repaired quickly, they can cause a number of public health and safety problems. For example, side sewers have caused sink holes and sewer leaks. Also, working in the right-of-way is often difficult and hazardous.

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 surface 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 are protected (reduced sewer releases 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) and the Land Use and Environment Committee (LUEC) about the proposed change. Both committees recommend City Council adopt the ordinance.

#### **Options:**

1. Move to adopt the Ordinance amending OMC 13.08. This allows the utility to better meet environmental and public safety goals.
2. Move to adopt the Ordinance amending OMC 13.08 with modifications. This allows the utility to better meet environmental and public safety goals which will include modifications proposed by Council.
3. Move to not adopt the Ordinance amending OMC 13.08. This allows 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. Staff proposes increasing the spot repairs project in the Capital Facilities Plan by \$25,000, approximately 6 percent, to account for the additional pipe. 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.

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