

An ordinance repealing CCC 13.04 (Clallam Bay/Seki Sewerage Rate Schedule) in its entirety and replacing it with a new chapter of the Clallam County Code concerning regulation and administration of the Clallam Bay Sekiu sewer system, titled "Clallam Bay/Seki Sewer System".

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS:

Section 1. Section .010, General Provisions, is created to read as follows:

(1) Purpose. The purpose of this chapter is to provide regulatory requirements for the use of the Clallam Bay Sekiu sewer system and administrative procedures for management of the Clallam Bay Sekiu sewer system as a utility of Clallam County established pursuant to RCW 36.94.

(2) Minimum standards. The requirements of this chapter are declared to be minimum standards and shall not be construed to prevent the enforcement of more stringent standards imposed by other ordinances, or by the authority of state law.

(3) Connection permit, and user fees established. This chapter sets forth the requirements, procedures, permit fees, connection fees, and monthly user fees for users of the Clallam Bay Sekiu sewer system.

(4) Severability. If any section of this division is adjudged to be invalid, such adjudication shall not affect the validity of the remaining portions.

Section 2. Section .020, Definitions, is created to read as follows:

Words and phrases used in this chapter, unless contrary to or inconsistent with the context, shall mean as follows:

(1) "Accessory Dwelling Unit" or "ADU" means a separate dwelling unit, containing habitable space, bathroom(s), and a kitchen, with a single-family dwelling or a separate structure associated with a single-family dwelling which is incidental and subordinate to the primary residential use of the property.

(1) (a) Detached. Those accessory dwelling units that are lawfully constructed within existing outbuildings, or stand alone, where the ADU does not share a common wall with the primary dwelling unit.

(1) (b) Attached. Those accessory dwelling units that share a common wall or floor/ceiling with the primary dwelling unit and do not meet the definition of a detached accessory dwelling unit.

(2) "Authorized side sewer contractor" means a person having appropriate license, bond, insurance, as well as skills and abilities to do work incidental to the construction or repair of side sewers.

(3) "Base rate" means the fixed portion of the monthly user fee that does not vary with the amount of water usage.

(4) "Clallam Bay Sekiu sewer system" or "sewer system" or "public sewer system" means the Publicly Operated Treatment Works owned by Clallam County, including all present and future public interceptors' sewers, treatment plants, pump stations, outfalls, force mains, trunk lines, sewer mains, sub-mains, laterals, and appurtenances, easements, and rights of way, located in the Clallam Bay Sekiu Urban Growth Area, and the sewer lines connecting this system.

5) “Clallam Bay Sekiu general sewer plan” means the most recent “Clallam Bay Sekiu General Sewer/Wastewater Facilities Plan”.

(6) “Clean out” means a capped vertical structure connected in line with a side sewer or sewer main intended to be used only for flushing or other maintenance of that line.

(7) “Change of ownership” means any change that results in more than 50 percent new ownership or new individuals in control of a property, as reflected in a deed of trust, quit claim deed, purchase agreement, or other legally binding ownership document filed with the County Auditor.

(8) “Commercial use” means any premises devoted primarily to the wholesaling or retailing of a product or service for the purpose of generating an income or profit.

(9) “Consumption fee” means the portion of the monthly user fee that is based on the amount of water consumed by each user as reported by the local water utility.

(10) “County” means Clallam County.

(11) “County inspector” means any employee of the County Public Works Department designated by the Director to inspect sewer facilities pursuant to this chapter.

(12) “Cover” means the depth of material between the top crown of the sewer pipe or drain and the finished grade immediately above it.

(13) “Department” means Clallam County Public Works Department.

(14) “Developer” means a property owner or their agent that is proposing property improvements that will trigger the provisions of the chapter.

(15) “Director” means the Public Works Director or designee, of the County Public Works Department.

(16) “Downspout” means a pipe which conveys water from the roof of a building to control structure or roadside drainage.

(17) “Dwelling” or “Dwelling Unit” means any building or any portion thereof which is intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes having independent living facilities for one family including permanent provisions for living, sleeping, eating, cooking, sanitation and including accessory structures and improvements.

(18) “Equivalent residential unit” or “ERU” means a water service connection typical of a residential unit, consisting of a three-fourths inch or one-inch diameter service line with a five-eighths-inch meter.

(19) “Footing drain” means an open joint or perforated pipe located near the foundation of a building, intended to intercept and carry underground storm or drainage water away from the structure.

(20) “Force main” means a pressurized pipe conveying sewage from one or more side sewers.

(21) “Food Waste” means putrescible waste from the harvest, preparation, cooking and dispensing of food, and from the handling, storage, and sale of produce.

(22) “Properly shredded food waste” means food waste that has been shredded to such a degree that it will be carried or suspended freely under flow conditions normally prevailing in public sewers, with no particle larger than three-eighths of an inch in any dimension.

(23) “Industrial waste” means a liquid, solid or gaseous substance, or combination thereof, resulting from any process of industry, manufacturing, food processing, business, trade or research, including the development, recovering or processing of natural resources and including garbage, but distinguished from sanitary sewage or storm drainage.

(24) “LID” means a Local Improvement District established by the County.

(25) “Initial sewer connection” means the first sewer connection to a side sewer which serves a property interest thereon regardless of whether the property interest is owned or leased, and which is to be connected to and served by the sewer utility. The intent of this definition is to make clear that if there are multiple separate and distinct property interests located on a single legally defined lot the first connection to each distinctly held property interest is to be deemed to be an initial sewer connection. The “Initial sewer connection” may serve the following types of facilities, including but not limited to, Single Family Dwelling, Park Model or RV.

(26) “Lateral” or “sewer lateral” means that portion of a side sewer that is on public property and is publicly owned.

(27) “Mobile Home Park” means a lot or parcel of land occupied by two or more mobile homes on a rent or lease basis and approved by Clallam County pursuant to County regulations.

(28) “Natural outlet” means a watercourse, pond, lake, stream, river, ditch, or other body of surface water.

(29) “New development” means any development, redevelopment, or change of use of property that would necessitate either provision of a new sewer service or an expansion or upgrade of an existing septic system or sewer connection.

(30) “Park Model”, “Park Model RV” or “Recreational Park Trailer” means a trailer-type unit that is primarily designed to provide temporary living quarters for recreational, camping or seasonal use, that meets the following criteria: Built on a single chassis, mounted on wheels, Having a gross trailer area not exceeding 400 square feet in the set-up mode, certified by the manufacturer as complying with ANSI A119.5

(31) “Permit card” means a card, in a form prescribed by the Director, issued in conjunction with a permit, or a copy of the permit which shall be posted on the premises of the work being accomplished.

(32) “Person” means any individual, company, partnership, corporation, association, society or group and the singular term shall include the plural.

(33) “Pretreatment” means the treatment of effluent from a sanitary plumbing outlet or of industrial waste prior to its introduction into the sanitary sewer.

(34) “Public sewer system” means the Clallam Bay Sekiu sewer system used to collect, convey and treat wastewater generated in the Clallam Bay Sekiu UGA.

(35) “Public place,” “public area” or “street area” means any space dedicated to or acquired by the county for the use of the general public.

(36) “Public building” means a building or improvement which is used or owned by a governmental agency.

(37) “RV park” means a campground for day use and overnight accommodations by recreational vehicles or RVs.

(38) “Recreational vehicle” or “RV” means a vehicular-type unit primarily designed for recreational camping or travel use that has its own motive power or is mounted on or towed by another vehicle. The units include travel trailers, fifth-wheel trailers, folding camping trailers, truck campers, recreational park trailers, park model RV’s, park models and motor homes.

(39) “Recreational vehicle hookup” or “RV hookup” means an exterior sewer standpipe with a removable cap intended to serve one recreational vehicle sewer service. The use of such single RV hookups must be consistent with the applicable zoning requirements, occupancy usage and any other applicable requirements or restrictions set forth in CCC Title 33 pertaining to a “recreational vehicle” as that term is defined under WAC 296-150R-0020.

- (40) “Residential complex” means a multi-family building i.e. apartments, condominiums, duplex, tri-plex
- (41) “Sanitary plumbing outlet” means a plumbing outlet from a structure which carries the wastewater from sanitary facilities and plumbing fixtures, and which does not intentionally carry storm water or unpolluted water.
- (42) “Sanitary sewer” means a sewer which carries wastewater and does not intentionally carry ground water from footing drain, storm water, or unpolluted water.
- (43) “Sewer main” or “sub-main” means a sanitary sewer line that conveys wastewater from one or more side sewers.
- (44) “Sewage” means waste discharged from sanitary plumbing outlets of buildings.
- (45) “Side sewer” means a privately owned sanitary sewer pipe leading from the plumbing outlet at a building(s), RV’s connection or footing line(s) to the property line, together with the publicly owned sewer lateral connected to the sewer main.
- (46) “Single-family Dwelling” means a dwelling unit intended for occupation by one family and including accessory improvements and uses. This definition includes manufactured homes such as mobile homes, modular homes and other homes manufactured in components or as one complete dwelling unit.
- (47) “Storm drain” means a public or private drain which carries storm and surface waters or drainage, effluent from storm plumbing outlets, and other unpolluted water.
- (48) “Storm plumbing outlet” means a plumbing outlet from a building or structure which carries surface water or unpolluted water.
- (49) “Suspended solids” means solids that either float on the surface of or are in suspension in water, sewage or other liquids, and which are removable by filtering the liquid, and includes matter which, upon dilution with water or sewage, results in the formation of suspended solids.
- (50) “UGA” or “Clallam Bay Sekiu UGA” means Clallam Bay Sekiu Urban Growth Area established by the County pursuant to the Growth Management Act, Chapter 36.70A RCW, for the unincorporated Clallam Bay Sekiu area.
- (51) “Unpolluted water” means water in its natural state, or water which, after use for any purpose, is not substantially changed as to chemical or biochemical qualities. The Director may determine which water is unpolluted water.
- (52) “User fee(s)” means the monthly fee charged each customer of the Clallam Bay Sekiu sewer system, consisting of a base rate and a consumption fee.
- (53) “Wholesale sewer connection” means commercial properties such as mobile home parks or RV parks which contain multiple residential or recreational units where one water meter serves multiple sewer connections.
- (54) “Wastewater” is a comprehensive term including industrial waste and sewage.

Section 3. Section .030, Connection requirements, is created to read as follows:

(1) Prohibition of new septic systems in the Clallam Bay Sekiu UGA. No new septic systems shall be permitted in the Clallam Bay Sekiu UGA, unless a waiver is granted pursuant to subsection (3)(d) below.

(2) Eligibility for sewer service.

(a) All properties within the Clallam Bay Sekiu UGA are eligible to apply for connection to the Clallam Bay Sekiu sewer system at any time. Applications for connection shall be submitted on forms provided by the County pursuant to section 040 below.

(b) Pursuant to RCW [36.70A.110](#)(4) no property outside the Clallam Bay Sekiu UGA shall be allowed to connect to the Clallam Bay Sekiu sewer system except in those limited circumstances that it has been demonstrated to the Director that such a connection is necessary to protect basic public health and safety and the environment. The Director shall consult with the Clallam County Health Officer and the Clallam County Department of Community Development for determining consistency with RCW [36.70A.110](#)(4) and the Clallam County Comprehensive Plan.

(3) Connection required. The following sewer system connection requirements shall apply to properties in the Clallam Bay Sekiu UGA:

(a) Properties with existing septic systems that are within 200 feet of a sewer main or sub-main (as measured along the usual or most feasible route of access as determined by the Director) shall be required to connect to the Clallam Bay Sekiu sewer system within one year of the date of change in ownership.

(b) Properties farther than 200 feet from the nearest sewer main or sub-main (as measured along the usual or most feasible route of access as determined by the Director) shall be allowed to continue use of an existing properly functioning septic system until such time as a sewer main or sub-main is available within 200 feet of the property, at which time the provisions of subsection (3)(a) of this section shall apply. Nothing herein prohibits any property in the Clallam Bay Sekiu UGA from connecting to the Clallam Bay Sekiu sewer system at any time; however, all properties are responsible for the installation of any sewer main or sub-main extensions and sewer laterals necessary for such connection. All such sewer mains, sub-mains, and laterals shall meet standards for sewer facilities established by the County, and upon inspection and approval by the County shall be dedicated to the County.

(c) All new development on parcels within the Clallam Bay Sekiu UGA shall provide sewer service by connection to the Clallam Bay Sekiu sewer system unless a waiver from connection is provided pursuant to subsection (3)(d) of this section.

(d) The Director may grant a waiver from the requirement of subsection (3)(c) of this section upon finding all the following conditions have been met:

(i) The parcel is more than 200 feet from the nearest sewer main or sub-main (as measured along the usual or most feasible route of access as determined by the Director); and

(ii) The cost of connection to the Clallam Bay Sekiu sewer system (including the connection fees listed in subsection (6) below and all other costs to connect the building to the sewer main) is more than 150 percent of the total cost of a private septic system meeting the requirements of the Clallam County Environmental Health Division; and

To apply for a connection waiver, the property owner must submit a waiver application and remit to the Department a waiver review fee of \$150.

(e) When or if a Clallam Bay Sekiu sewer system main or sub-main is extended to within 200 feet (as measured along the usual or most feasible route of access as determined by the Director) of a property granted a waiver under this subsection, the property shall then be subject to the requirement of subsection (3)(a) of this section.

(4) Sewer service required for all new land divisions. Prior to final plat approval for all new land divisions as defined by CCC 29.03.100(26) within the Clallam Bay Sekiu UGA, sewer service shall be provided by extension of sewer mains, sub-mains, and lateral sewers as needed to serve each parcel in the division. All such sewer mains, sub-mains, and laterals shall meet standards for sewer facilities established by the County, and upon inspection and approval by the County shall be dedicated to the County.

(5) Connection required for failed septic systems. Any property within the Clallam Bay Sekiu UGA with a septic system that the local or State Health Department determines to be failing to provide the level of effluent treatment necessary to protect basic public health and safety is required to connect to the Clallam Bay Sekiu sewer system unless a waiver is granted pursuant to subsection (3) above.

(6) Connection fees.

(a) The connection fee for the Clallam Bay Sekiu sewer system shall be \$1,500 per ERU.

(b) Fees for sewer connection shall be payable at the time of submission of a connection permit application. No connection permit shall be issued by the Department unless all fees are paid in full by the applicant. This includes: the connection fee, connection permit application fee, right-of-way permit fees (if applicable) and one inspection fee.

(c) Equivalent Residential Unit (ERU) Factors. The factors for determining the proportional ERUs shall be in accordance with Table 1: Equivalent Residential Unit (ERU) Factors.

(e) If the actual water meter size installed is increased to provide for fire sprinkler installation, the applicant shall provide documentation of water use, fixture count, and a copy of the permitted plans showing the combined piping. The Director shall determine the appropriate equivalent residential unit factor based upon a standard installation for the use without fire sprinklers.

(f) For commercial property for which no water meter exists (for example, where the water supply is a private well) or for any instances in which a mix of residential and commercial uses exists in multiple structures on a single parcel served by a single water meter, the Director shall determine the ERU factor based on a determination of flow consistent with "Criteria for Sewage Works Design" published by the Washington State Department of Ecology in effect at the time with 125 gallons per day per ERU, a fixture count table, or other method deemed appropriate by the Director.

(g) All single-family dwellings shall be one ERU regardless of meter size.

(h) Failure to connect when required. In addition to any other penalty authorized by this chapter, a property owner who fails to connect to the Clallam Bay Sekiu sewer system within 90 days of receiving official notice to do so, shall be subject to a penalty that shall be a non-refundable monetary charge in an amount equal to the base monthly sewer rate that

would be charged against that property if it were connected to the sewer system. The Department shall assess the penalty against the property through its utility billing system.

Table 1: Equivalent Residential Unit (ERU) Factors

Type of Connection	ERU Factor
<u>Residential Connections</u>	
a. Initial sewer connection on a leased or owned lot (initial connection may serve the following types of facilities, including but not limited to, a Single-Family Dwelling, Park Model or RV)	1.0 ERU
b. Additional RV hookup	0.35 ERU per RV Hookup
c. Accessory Dwelling Unit (ADU), attached or detached	1.0 ERU
d. Residential Complex	1.0 ERU per dwelling unit
<u>Commercial Use Connections</u>	
a. Non-residential connections (i.e.) Commercial Use, Industrial, and Public. Connections based on the following meter size.	
Meter Size (inches)	
5/8 and 3/4	1.0
1	2.5
1-1/2	5.0
2	8.0
Meters sized greater than 2 inches or any use requiring an industrial pretreatment plan requires an approved engineering analysis of equivalent ERUs.	
b. Commercial Use Wholesale Account Connections	
Mobile Home Park	1.0 ERU per dwelling
RV Park	0.35 ERU per RV hookup

Section 4. Section .040, Sewer connection permits, is created to read as follows:

(1) Unlawful to connect, repair or alter without permit. It is unlawful to make any connection, addition or alteration to any public or private sewer system, drain or natural outlet

without complying with all of the provisions of this chapter and all other regulations in relation thereto, and without a valid permit issued by the Director. This includes replacement of a structure or mobile home. An authorized side sewer contractor or a property owner or their agent shall not break, alter, or tamper with any public sewer system or its appurtenances except to make a connection to an existing wye or tee under permit from the County.

(2) Application for permit.

(a) Application for the permit required by this chapter shall be filed with the Director stating the following:

- (i) The name of the property owner;
- (ii) The address of the property to be served;
- (iii) The property owner's mailing address;
- (iv) The side sewer contractor's name;
- (v) The legal description of the property to be served;
- (vi) The dimensions of the buildings to be served, including insets or ells;
- (vii) The location of buildings on the property;
- (viii) The purpose for which the building is to be used;
- (ix) The location of the proposed side sewer and other proposed works.
- (x) Details of any pressurized side sewer as specified in section 080(6) below.
- (xi) A count of all fixtures served by the proposed side sewer.
- (xii) Elevation of the lowest plumbing fixture, and elevation of side sewer at the building or foundation line.
- (xiii) Cover of side sewer at building or foundation line.
- (xiv) The size, length and material of private side sewer and the slope
- (xv) Approximate location of exterior utilities

(b) The Director may change or modify the application and designate the manner and place where the side sewer shall connect to the public sewer system, may specify the material, size and grade of the side sewer and determine whether or not a permit shall be granted. The Director may require the applicant to furnish plans prepared and stamped by a professional engineer, licensed in the State of Washington, where unusual or special circumstances dictate, or where deviation from the standards of section 080 of this chapter are proposed. The Director shall keep such records as deemed necessary of all side sewer permits and inspection reports.

(c) The Director may require property owners applying for a change of use, building, land division or sewer permits to perform upgrades to material and other standards of their permitted side sewer per section 080 of this chapter to address health or safety concerns, including the impact to operation of the Clallam Bay-Seki Sewer. The Director may use inspection or other relevant records of side sewer installation or require a visual inspection to assess the extent of upgrades required. Property owners may provide an engineered assessment of side sewers to the Department for consideration.

(d) Any work on Washington State Department of Transportation (WSDOT) right of way shall be in accordance with the current franchise between the County and WSDOT and will require approval by WSDOT prior to issuance of a sewer connection permit.

(3) Decommissioning permit.

When a structure is to be demolished, lost due to fire, or has been condemned and no sanitary sewer use is to be required of the property, a property owner may obtain a side sewer decommissioning permit from the Department.

(a) Minimum requirements for decommissioning include:

- (i) Confirmation of property line boundary
- (ii) Minimum of 20-foot piping exposed from delineated property boundary
- (iii) Physical disconnect of a minimum of 2-feet (downstream cut edge to upstream cut edge)
- (iv) Installation of push on PVC cap to match existing pipe diameter
- (v) Cap to remain exposed until inspection by County inspector completed
- (vi) Contractor to place pressure treated 2x4 adjacent to cap with minimum 24" exposed from existing grade to indicate cutoff location and backfill with native material
- (vii) Contractor to either grout remaining side sewer and abandon in place or remove all piping leading to building foundation

All costs, including inspection fee will be at the property owner's expense. Upon completion, an as built must be submitted to the county for the decommissioning permit to be finalized and for monthly sewer fees to be terminated.

Upon reconnection of any new development, a new sewer connection permit would be required along with current connection and other associated fees.

(4) Developer provided sewer facilities. In addition to the above permit requirements, all proposed developer provided sewer system facilities shall adhere to the following provisions:

(a) All developer owned, or developer supplied public sewer mains, force mains, pump station, or other facilities that convey sewage from one or more side sewers shall upon inspection and acceptance by the County be conveyed to County ownership. Where such facilities are on private property, an easement of sufficient size to facilitate maintenance as determined by the Director shall be granted to the County and filed with the County auditor.

(b) Approval of plans. Plans and specifications for all proposed developer provided sewage system facilities shall be submitted to the department for review and approval prior to construction. Plans shall be prepared by a professional engineer licensed in the state of Washington.

(c) Standards. All developer provided sewer system facilities shall adhere to the standards for sewer facilities established by the County and the "Criteria for Sewage Works Design" (commonly referred to as the Orange Book) published by the Washington State Department of Ecology in effect at the time.

(5) Work to conform to permit specifications - Posting. After approval of the application and issuance of the permit, it is unlawful to alter the permit or to do any work other than that provided for in the permit. If the permittee wishes to perform additional work, the Director may require that he secures an additional permit. One copy of the permit, or an additional card bearing the permit number, according to directions of the Director, shall be posted upon the work site at a place readily and safely accessible to the County inspector, and in a conspicuous place near the work being performed under the permit.

(6) Validity of permit. A permit issued under this chapter shall not be valid for a period of more than 120 days unless extended or renewed by the Director prior to the date of expiration or the sewer permit is issued in conjunction with a building permit in which case the expiration shall be matched to the building permit expiration date.

(7) Fees.

(a) Fees for sewer connection shall be as prescribed by subsection (7)(a) of this chapter and payable at the time of submission of a connection permit application. No connection permit shall be issued by the Department unless all fees are paid in full by the applicant. This includes: the connection fee, connection permit application fee, right-of-way permit fees (if applicable) and one inspection fee. Sewer permit fees are non-refundable.

(b) Connection permit fees shall be as follows:

(i) For residential: single family dwellings, residential complexes, RV, and public connections the permit fee shall be \$150.00.

(ii) For commercial use connections the fee shall be \$250.00.

(iii) Inspection fee shall be \$75 per inspection.

(c) Decommissioning permits per section (2)(a) shall be as follows:

(i) For all accounts the fee shall be \$150.00

Section 5. Section 050, Sewer system use regulations, is created to read as follows:

(1) Purpose. It is the purpose of this section to provide provisions to eliminate the discharge of certain harmful and potentially harmful materials into the public sewer system. This section is to be construed under the police powers granted the County and is for the protection and general welfare of the citizens of the Clallam Bay Sekiu UGA and the surrounding areas.

(2) Interceptors or grease traps required. For all commercial use kitchens, interceptors or grease traps are required. All grease traps and interceptors shall be constructed and installed, at a minimum, to comply with the uniform plumbing code specifications in effect at the time of installation, as administered by the County Building Division.

(3) Inspection.

(a) The Director or any other duly authorized employees of the County bearing proper credentials and identification shall be permitted to enter at reasonable hours upon all applicable facilities for the purposes of inspection, observation, measurement, sampling, and testing of interceptors or traps.

(b) Should the County find an interceptor to be out of compliance with the provisions of this chapter, the costs of the inspection, including both time, labor and/or any materials and/or services rendered by the County in connection with bringing the interceptor or trap into compliance, shall be borne by the owner of the premises upon which the interceptor or trap is located.

(c) The owner of any interceptor or trap or premises which is not in compliance shall be given notice by the County and shall be allocated 48 hours from the date of the notice to bring the interceptor or trap into compliance. If compliance is not forthcoming, the County shall have the right to correct the deficiency and to bring the interceptor or trap into compliance, all at the expense of the owner of the premises.

(d) Any expenses incurred by the County to remedy a non-compliant situation prohibited by subsection 050(3)(c) above shall constitute a lien against the premises charged, which lien may be foreclosed by the County in the same manner in which other sewer utility liens are foreclosed pursuant to state statute.

(4) Discharges of certain materials prohibited. The discharge into the sewer system by direct or indirect means of any of the following is hereby prohibited:

- (a) Subsoil foundation drains, curtain drains, or French drains;
- (b) Footing drains;
- (c) Window well drains;
- (d) Door well drains;
- (e) Yard drains, ditch water, runoff, or wash-down water;
- (f) Unroofed basement floor drains;
- (g) Overflows from unpolluted water storage facilities;
- (h) Clear water from refrigeration, reverse-cycle heat pumps and cooling or air conditioning equipment, except for periodic draining and cleaning of such systems;
- (i) Roof drains or downspouts from areas exposed to rainfall or other precipitation;
- (j) Surface or underground waters from any source other than the municipal domestic water systems;
- (k) Any liquid or vapor having a temperature higher than 140 degrees Fahrenheit (60 degrees Celsius);
- (l) Any waste that contains more than 150 parts per million by weight of fat, oil or grease;
- (m) Any gasoline, benzene, naphtha, oil, or other flammable liquid, solid or gas which by their nature or quantity are or may be sufficient either alone or by interaction with other substances to cause a fire or explosive hazard;
- (n) Any sand, mud, straw, hair, shaving, metal, glass, rags, diapers, wipes, feathers, tar, plastic, wood, paunch manure, non-biodegradable products, or any other solid or substance capable of causing obstruction to the flow in sewers or improper operation of the sewage works;
- (o) Any waste having a pH lower than 5.5 or higher than 11 or having any other corrosive property capable of causing damage or hazard to the sewer system structures, equipment, or personnel;
- (p) Any waste containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process;
- (q) Any waste containing suspended solids or viscous substances of such character and quantity that unusual attention or expense is required to handle such materials in the sewer system but in no cases solids greater than ¼ inch;
- (r) Pollutants including oxygen demanding pollutants (biochemical oxygen demand, chemical oxygen demand, etc.) released in a discharge at a flow rate and/or pollutant concentration, which, either singly or by interaction with other pollutants will cause interference;
- (s) Any obnoxious or malodorous gas or substance capable of creating a public nuisance;
- (t) Food waste, except that properly shredded food waste is not prohibited;
- (u) Wastewater containing any radioactive wastes or isotopes except as specifically approved by the Director in compliance with applicable state or federal regulations; and

(v) Materials defined as dangerous waste under Chapter 173-303 WAC as now enacted or hereafter amended.

(5) Unlawful to damage. It shall be unlawful for any person to maliciously, willfully or negligently break damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is part of the sewage system. Interceptors installed pursuant to this chapter shall be deemed, for purposes of this section, to be part of the sewage system.

(6) Unlawful to discharge. It shall be unlawful for any person to maliciously, willfully or negligently discharge any of the materials listed in subsection (4)(a)-(v) of this section 5.

Section 6. Section 060, Sewer maintenance regulations, is created to read as follows:

(1) Notice of inoperative or inadequate condition. Where it is determined by the Director that a side sewer is obstructed, broken, inoperative or inadequate and is a menace to health, or is liable to cause damage to public or private property, the Director shall give notice to the owner, agent or occupant of the property in which such condition exists. If the owner, agent or occupant refuses to reconstruct, relay, reconnect, repair or remove the obstruction of the side sewer within the time limit specified in such notice, the Director may authorize such work as may be necessary to comply with this section. The cost of such work authorized by the Director shall be charged to the property owner and shall become immediately payable to the County upon written notice of such amount being given to the property owner or posted upon the premises.

(2) Discharge of materials or stormwater due to inoperative or damaged side sewers. The property owner shall be responsible for capping all sanitary inlets before the time of demolition, and for paying all associated costs for capping cases of demolition, fire damage or other situations that may expose sanitary inlets to ensure there is no unlawful discharge to sewers.

(2) Use of existing side sewers. Where a new or converted building or new installation replaces an old one, an application shall be submitted, and a permit issued pursuant to the provisions of section 040 of this chapter. The use of an existing side sewer will be allowed when approved by the Director as conforming to all requirements of this chapter. No new connection fee will be required unless the new building or installation requires an increase in the water meter size.

(3) Backwater sewage valves.

(a) In any building, structure, or premises in which the plumbing outlets or other facilities are too low in elevation as determined by the Director to permit gravity flow to the public sewer system, wastewater shall be lifted mechanically and discharged into the public sewer.

(b) Whenever a situation exists involving the danger of backups of sewage or drainage from the public sewer system, the Director may prescribe a minimum elevation at which the plumbing outlet or side sewer may be discharged to the public sewer system. Wastewater from drains or side sewers below such minimum elevations shall be lifted mechanically to an elevation determined by the Director, or if approved by the Director, a backwater sewage valve may be installed provided the property owner shall record with the department an instrument as described in subsection 080(4) below. The effective operation of the backwater sewage valve shall be the responsibility of the owner of the sewer or drain.

(4) Unlawful to plant certain vegetation. It is unlawful to plant within 30 feet of any sanitary sewer or side sewer any tree or shrub whose roots are likely to enter and obstruct the flow of the sewers, for example specifically banned for planting within this 30- foot area are: willows, birches, oaks, poplars, cottonwoods, soft maples, and gum trees.

Section 7. Section 070, Repair and construction regulations, is created to read as follows:

(1) Trenches and excavations – safety standards.

(a) All trenches or excavations within four feet of any public place and all obstructions or encroachments upon a public place shall be barricaded and shored as required for public safety. It is unlawful to fail to maintain the lateral support of any public place while constructing, altering, or repairing any side sewer or storm drain. All trenches or excavations shall be covered during hours of inactivity of work on the side sewer.

(b) Barricades posted upon arterial streets or highways must conform to the standards established by the Washington State Department of Transportation (WSDOT), and/or such addenda to such standards as the County may establish.

(c) All work performed under the authority of this section shall be accomplished within the minimum safety standards prescribed by the Washington State Department of Labor and Industries (L&I). Evidence of failure to comply with the requirements of L&I shall be sufficient reason for the Director to order a stoppage of work until the required safety precautions are established on the job.

(2) County may complete unfinished work. Work within the limits of any public area shall be performed to completion with due diligence in accordance with a valid permit, and if any excavation is left open, whether covered or uncovered, beyond a time reasonably necessary to fill the same, the Director may cause the same to be backfilled and the public area restored forthwith. Cost incurred by the County in having such work performed shall be charged to the side sewer contractor in charge of such work and shall be immediately payable to the County by the contractor upon written notification of the amount thereof given to the contractor or posted at the location. A lien shall be placed on the property if payment is not received within 30 days of the date of written notification.

(3) Owner or contractor liable for County completion costs. If any work performed on a side sewer is not completed in accordance with the provisions of this Department and the plans and specifications as approved by the Director, and if the contractor or person doing the work refuses to properly construct and complete such work, notice of such failure or refusal shall be posted on the premises where the work is being done, and the Director may cause the work to be completed and the sewer connected in the proper manner, and the cost of such work and any materials necessary therefore shall be charged to the owner or contractor and be payable by the owner or contractor immediately upon the Director giving written notice of the amount thereof or posting a notice thereof on the premises. A lien shall be placed on the property if payment is not received within 30 days of the date of written notification.

(4) In no case shall the County be responsible for the maintenance or repair of side sewers on property not owned by the County.

Section 8. Section 080, Side sewer regulations, is created to read as follows:

(1) Lateral sewer contractor requirements.

(a) It is unlawful for anyone to construct, reconstruct or repair any sewer lateral unless they are authorized licensed and bonded side sewer contractor in the State of Washington, or is an employee of the Director performing assigned duties.

(b) Each side sewer contractor performing work on a sewer lateral shall file with the County a certificate of insurance from an insurance company licensed to do business in the state that the contractor carries public liability and property damage insurance in amounts deemed adequate by the Director. Such policy shall contain an endorsement naming the County, its officers, elected officials, employees, and agents, as an additional insured and providing for not less than 10 days' notice to the County of any change, cancellation, or expiration of such policy.

(c) An authorized side sewer contractor must secure their own permits, be responsible for all work accomplished under those permits and connect all plumbing outlets or facilities in a complete manner, as required by the Director.

(d) A property owner or their employee may construct, reconstruct, or repair a side sewer on their private property.

(2) Costs to be borne by owner. Costs and expense incidental to the installation, connection and maintenance of a side sewer shall be borne by the owner or occupant of the premises served by the side sewer.

(3) Easement required.

(a) Before a side sewer may be located on a building site other than the site being served by the side sewer, and before the Director issues a permit authorizing the laying of such a side sewer, the owner of the side sewer shall secure a written easement from the owner of the building site to be crossed. The Director may designate the manner and place that a side sewer may be connected to a sewer main. The easement shall be duly acknowledged and shall grant the right to occupy the property for side sewer or utility purposes. The easement shall be recorded in the office of the County Auditor, by the owner of the side sewer, and a copy of the recorded easement included with the side sewer permit application.

(b) Where a side sewer is to be connected in a public area to a side sewer which is owned by another and does not involve an easement, written permission for such connection shall be obtained from the owner of such side sewer and shall be filed with the Director before a permit authorizing such connection is issued.

(4) Variances to standards. If, in the opinion of the Director, physical conditions make compliance with the provisions of this section impracticable, the Director may issue a permit for installation of a side sewer requiring compliance with the provisions insofar as is reasonably possible, and such permit shall be issued only upon the condition that the property owner shall record with the County Auditor an instrument acceptable to the Director agreeing to save harmless and indemnify the County from any damage or injury resulting from such installation. Such instrument shall be upon a form approved by the County.

(5) Materials and standards –gravity side sewers.

(a) Materials and workmanship in connection with the installation of any side sewer or drain shall be gasketed, ASTM D3034 SDR 35 (i.e., Twinseal or comparable). No glue joints

shall be allowed. Connection to the sewer main shall be by an approved tee, wye, or sanitary saddle.

(b) Six inches shall be the minimum diameter of pipe for gravity-flow sewer laterals except for single residential units which shall be a minimum of four inches.

(c) Not more than one residence or commercial building shall be connected to a side sewer except by permission of the Director, and in accordance with, rules and regulations of this chapter.

(d) Any one single-family dwelling shall be connected with not less than four-inch diameter pipe on private property; provided, that where a dual connection of two single-family dwellings, or a multiple dwelling or commercial building with a single-family dwelling is permitted by the Director, such connection shall be made with not less than six-inch diameter pipe below the point of dual connection.

(e) Any multiple dwelling, industrial or commercial building shall be connected with not less than six-inch diameter pipe on private property.

(f) Side sewer lines shall be located a minimum of 10 feet horizontally from water mains and water service lines. Side sewer lines shall cross water lines below the water line with a minimum vertical separation of 18 inches between the invert of the water line and the crown of the sewer; otherwise, sewer line is to be sleeved.

(g) If the vertical or horizontal separation contained in (5)(f) of this section cannot be maintained, construction shall be as follows: sewer shall be ductile iron (C151 or C104), HDPE (3408) or PVC (D3034) encased in concrete or in a one-quarter inch thick continuous steel, ductile iron, or pressure rated PVC pipe with all voids pressure-grouted with sand-cement grout or bentonite for a distance of at least ten feet each side of the center of the water main.

(h) Fittings, reducers, traps, etc., shall be of standard manufacture.

(i) Changes in line or grade shall be made with wyes or 45-degree bends, or for slight changes in line or grade, by setting each pipe out of line slightly, within the deflection angle allowed by the pipe manufacturer's specifications, or by using 10-degree, 22-1/2-degree or 30-degree bends supplied by pipe manufacturers.

(j) When laying around a 90-degree corner, a wye and 45-degree bend combination shall be used with the end of the wye constructed as a cleanout.

(k) Cleanouts are required at:

(i) Foundations;

(ii) On private property 2 feet from private property lines;

(iii) For 45 degree or greater direction and/or grade changes; and

(iv) For every 100 feet of sewer pipe.

(l) Reducers or wyes shall be used when changing the sizes of pipe. Pipe size may also be changed at a manhole.

(m) Grafts on four-inch, six-inch or eight-inch pipe shall not be allowed.

(n) A bend must not be used adjacent to a tee or wye at the main sewer but may be used at a length of pipe or more away from the main sewer unless the bend is manufactured as a part of the first length of pipe.

(o) Side sewer shall be laid on not less than two percent nor more than 100 percent grade; shall be not less than 30 inches from any foundation wall of any building, and if there is no foundation wall, not less than 30 inches from the outer lines of any footings, pilings or building supports. Side sewers shall have not less than 30 inches of cover at ditch lines, in

paved areas, and at the property line, and 18 inches of cover on the private property. All cover measurements shall be based on the established grade, or on existing improvements, or shall be determined by the Director.

(p) If a side sewer is to be constructed at more than 100 percent grade, or with less than the required minimum cover prescribed in this chapter, the Director may require special plans for the construction to be submitted for his approval, and he may require the use of ductile iron pipe, HDPE, or other material before approving the plan of construction. The wall thickness of the pipe to be used, and whether it should be encased in concrete or concrete with reinforcing steel, shall be determined by the Director.

(q) All sewer pipes are to be bedded in pea gravel, sand, or pea gravel/sand mix 2-4 inches below & 4-6 inches above.

(r) Whenever it becomes necessary to disturb pavement in connection with any work authorized under this chapter, the opening shall be not less than three feet square; provided, the Director may specify a size of opening and additional cuts to be made when needed to insure a proper backfill. Such pavement disturbances are subject to the fees established in CCC 5.100.245.

(s) No excavation shall be made in any public area except at the times and in the manner prescribed by the Director.

(t) A trash pump is to be on site or immediately available if water is present in the ditch.

(u) No debris shall enter the public sewer at any time. Any such unauthorized use shall constitute a violation.

(v) All work is to be left exposed for inspection pursuant to section 090 of this chapter.

(w) Backfill of excavation and tunnels under concrete or asphalt roadway surfacing and the restoration of these surfaces in public areas shall be accomplished by the contractor as directed by the Director.

(x) Tunnels or excavations under public sidewalks or under driveways in public places may be backfilled by a side sewer contractor; provided, that the material has been approved by the Director, and provided it is tamped in place with a mechanical tamper, in layers of not more than 8 inches loose thickness; except that, within two feet of finish grade the loose thickness layers shall not exceed six inches. The density of all such compaction shall be approved by the Director.

(y) Traffic control shall be the responsibility of the side sewer contractor and subject to the approval of the Director.

(6) Pressurized side sewers. In any building, structure, or premises in which the plumbing outlets are too low in elevation as determined by the Director to permit gravity flow to the public sewer system, wastewater shall be lifted mechanically and discharged into the public sewer. All such pressurized side sewers shall be designed by an authorized side sewer contractor or professional engineer licensed in the State of Washington, and a complete description of the pressure system shall be provided to the County as part of the sewer connection permit required in section 040 above. Information provided shall include:

- (a) diameter and materials of all pressurized lines;
- (b) pump manufacture, capacity, and rating;
- (c) size and location of pumping chamber or reservoir; and
- (d) any other information deemed necessary by the Director.

(7) Restoration to original condition. Streets, sidewalks, planting strips and other public areas disturbed or altered in the course of any side sewer work, shall be restored by the authorized

side sewer contractor to the original surface condition as approved by the Director; and in the event of the failure of the contractor to so restore the area the Director may make such restoration and charge the cost thereof to the side sewer contractor or property owner who shall, upon receiving written notice of the amount thereof or upon posting of such notice at the area, make immediate payment thereof to the County within 90 days.

(8) Manholes required. In any property served by a side sewer carrying industrial waste, the owner or the occupant shall install a manhole in the side sewer to facilitate observation, sampling and measurement of the wastes, when required by the Director. Such manhole shall be accessible, safely located and shall be constructed and installed in accordance with the plans approved by the Director. The manhole shall be installed and maintained by the owner or occupant at their sole expense.

Section 9. Section 090, Administration and Enforcement, is created to read as follows:

(1) Inspection of work.

(a) Any person performing any work pursuant to the provisions of this chapter shall notify the Department when the work will be ready for inspection and shall specify in such notification the location of the premises by address and the permit number issued pursuant to section 040above.

(b) On any request for inspection 48 hours notice plus Saturday, Sunday and holidays from the date and time of the request for inspection may be required by the Department.

(c) If the Department finds the work performed or materials used not in accordance with the permit, this chapter, and rules and regulations and the County "Standard Plans and Specifications" for side sewer construction as amended, the person doing the work and the owner of the premises shall be notified by posting a notice on or near the permit card. Such posted notice shall be all the notice that is required to be given of the defects in the work or the materials found in such inspection.

(d) The inspection shall include a visual inspection to determine that the side sewer is of tight construction and does not allow infiltration or ex-filtration of water; additional pressure testing may occur at the discretion of the Director. If the County inspector finds that the work and materials used are in accord with this section and the side sewer inspection is satisfactory, approval shall be granted. Upon such approval the trench or sewer within the street area shall be filled or covered in such a manner that no significant settlement shall occur for a period of one year. During this time the filled trench or sewer may be inspected by the County inspector who may order its refilling if at any time it is found that significant settlement has occurred, or that because of defective workmanship or material used, the work is otherwise unsatisfactory.

(e) If the permittee is an authorized side sewer contractor, either the contractor or a competent representative shall be on the premises whenever so directed to meet the inspector. A property owner shall also meet the inspector at a mutually convenient time during regular hours of business when requested.

(f) No trench shall be filled nor any sewer or drain covered until the work has been inspected and approved by the County inspector, and his approval noted on the card posted on the job site.

(g) The County inspector or other County official or employees of the County, bearing proper credentials and identification, may with the consent of the occupant or with the consent of the owner of unoccupied premises or pursuant to a lawfully issued warrant, enter

upon any and all premises at all reasonable times for the purpose of inspection, observation, measurement, sampling and testing of sewers and sewage waste in accordance with the provisions of this chapter.

(h) The County inspector or other County official or employees of the County, bearing proper credentials and identification, shall be permitted to enter all private properties through which the County holds a duly negotiated easement agreement for the purpose of inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within the easement. All entry and subsequent work, if only on the easement shall be done in full accordance with the terms of the duly negotiated easement agreement pertaining to the private property involved.

(2) Promulgation of additional rules and policies. The Director may make rules and policies and amend them from time to time, not inconsistent with the provisions of this chapter, which are deemed necessary and convenient to carry out the provisions of this chapter.

(3) Violations.

(a) The Director is authorized to post notice on public or private property at or abutting the scene of any violation of this chapter, calling for the terms of this chapter to be complied with, and the notice may require the work to cease if necessary.

(b) It is unlawful for anyone to remove, mutilate, destroy, or conceal any notice issued or posted by the Director or the County inspector pursuant to the provisions of this chapter.

(c) Whoever violates any of the provisions of this chapter shall, in addition to any penalties provided for such violation, be liable for any expense, loss or damage occasioned thereby to the County.

(d) Violation of or failure to comply with the provisions of this chapter or submit an action plan within 30 days of receipt of violation notice shall subject the offender to a fine of \$100.00 each day that any violations or failure to comply exists after 30 days of receipt. Charges to be applied as a lien on the property until work as complete to the satisfaction of the Director as addressed in the violation notice.

(e) If a citation, notice, or order was issued in error, or if penalties were assessed in error, the Director may adjust the penalties assessed. The Director shall document the circumstances under which a decision was made to adjust penalties and such a statement shall become public record unless privileged.

Section 10. Section 100, Developer reimbursement, is created to read as follows:

(1) Purpose. The purpose of this developer reimbursement section is to define the rules and regulations for executing contracts between the County and developers for those portions of public sewer system constructed and paid for by private developers, and to provide a means for partial cost recovery through a charge to later users of the systems who did not contribute to the capital costs thereof, and for establishing assessment reimbursement areas defining which property is subject to such charges.

(2) Definitions. The following definitions shall apply to this section:

(a) "Assessment reimbursement area" or "benefit area" means that area within the Clallam Bay Sekiu UGA, which area includes parcels of real estate adjacent to, or likely to

require connection to or service by, the Clallam Bay Sekiu sewer system improvements constructed by a developer who has applied to the County for a developer reimbursement agreement pursuant to this section. The boundary of an "assessment reimbursement area" shall be drawn according to Section 10(4)(a) below.

(b) "Cost of construction" means those costs incurred for permit fees, design, acquisition of right of way and/or easements, labor, materials, and installation required to create an improvement which complies with County standards. In the event of a disagreement between the County and the developer concerning the "cost of construction" in a particular situation, the determination of the Director shall be final.

(c) "Developer reimbursement agreement" means a written contract between the County, as approved and executed by the Director, and one or more property owners providing for construction of sewer system facilities and for partial reimbursement to the party causing such improvements to be made of a portion of the costs of such improvements by owners of property benefitted by the improvements, as authorized and described in RCW 36.94.190.

(d) "Developer reimbursement charge" or "assessment" means a fair pro rata charge to be paid by an owner of property within an area benefitted by the private construction of public sewer, system improvements pursuant to this section.

(e) "Sewer system improvements or facilities" means the acquisition of rights-of-way and/or easements, design, inspection, and installation of improvements to County standards and includes such things as sewer mains and manholes, pump stations, force mains, and telemetry stations.

(3) Application for developer reimbursement agreement.

(a) Any property owner, who uses private funds to construct sewer system improvements that become the property of the County where the cost of construction is greater than \$20,000.00 to connect to existing Clallam Bay Sekiu sewer for the purpose of serving the area in which the real property of such owner is located, may apply to the County to establish a developer reimbursement agreement in order to recover a pro rata share of the costs from subsequent users of the system.

(b) The application must be on a form prescribed by the Director and must be accompanied by a nonrefundable application fee of \$1,000.

(c) The Director may require the applicant to submit a certified statement by a State of Washington licensed professional engineer containing an itemization of the total projected cost of the system improvements and a copy of the design drawings and specifications.

(d) The Director is authorized to establish policies and procedures for processing applications and determining eligibility of a system for a developer reimbursement agreement consistent with the requirements of this chapter.

(e) Applicants for developer reimbursement agreements must be in compliance with all County ordinances, rules and regulations in order to be eligible for processing of such agreements and must be current with the real estate property taxes owed on any parcel or parcels which are the subject of the proposed developer reimbursement agreement.

(f) A developer reimbursement agreement application shall not be accepted for the improvement of a developer's abutting right of way.

(g) The proposed improvements must be consistent with the Clallam Bay Sekiu general sewer plan.

(h) The County must have the capability and capacity to service the sewer facilities.

(i) The application must comply with the requirements of this chapter and all other applicable County regulations.

(4) Assessment reimbursement area and charge.

(a) The Director shall formulate an assessment reimbursement area (benefit area) based upon a determination of which parcels did not contribute to the original cost of the sewer system improvement(s) and are located within 200 feet of the provided improvements (as measured along the usual or most feasible route of access as determined by the Director).

(b) The Director will determine the assessment or charges for parcels within the assessment reimbursement area by calculating the fair pro rata share of the cost of construction for each property which might be served by the system, and thus within the benefit area, on the basis of acreage.

(c) A notice containing the assessment reimbursement area boundaries, the preliminary assessments or charges, and a description of the property owner's rights and options under this chapter, including the right to request a public hearing before the Clallam County Hearing Examiner with regard to the area boundaries and assessments, will be forwarded by registered mail to the property owners of record as shown on the records of the Clallam County Assessor within the proposed assessment reimbursement area.

(d) If any property owner requests a hearing regarding their inclusion in the proposed benefit area in writing within 20 days of the mailing of the notice, a hearing shall be held before the Clallam County Hearing Examiner. Notice of such hearing shall be given to all affected property owners.

(e) All notice requirements set forth in this chapter shall be the sole responsibility of the applicant and shall be satisfied by a notarized affidavit that the applicant has mailed the notices pursuant to the requirements set forth herein.

(f) After reviewing the public hearing testimony and the preliminary determination of the Director, the Board of County Commissioners may approve, modify, or reject the assessment reimbursement area and/or charges. If a property owner requests a hearing regarding their inclusion in the proposed benefit area, the Clallam County Hearing Examiner's determination shall be final.

(g) The survey or record reflecting the assessment reimbursement area or benefit area shall be recorded with the County Auditor and shall include a listing of all parcels (by tax number) or portions of parcels that are within it.

(5) Implementation of developer reimbursement agreement.

(a) The application for developer reimbursement agreement and the non-refundable application fee shall be submitted to the Director prior to acceptance by the County of the improvements. The application shall be in compliance with the requirements of this chapter and all other applicable County regulations.

(b) After the construction has been completed and accepted by the County in accordance with the terms of the developer reimbursement agreement, the final cost of the improvements shall be reviewed against the preliminary assessments established by the Director and the agreement and charges shall be modified accordingly.

(c) The developer reimbursement agreement, as modified if necessary, and a notice of the agreement and charge shall be recorded in the County Auditor's office within 30 days of the final execution of the agreement. It shall be the sole responsibility of the applicant to record the agreement and notice and pay the applicable filing fees.

(d) The applicant shall send by registered mail a copy of the agreement and notice to each owner of record of all properties subject to the developer reimbursement charge. The applicant shall provide a notarized affidavit that the applicant has mailed the agreement and notice.

(e) Once the agreement and notice are recorded and mailed, the developer reimbursement agreement and charge shall be binding on all owners of record within the assessment reimbursement area.

(6) Rights and non-liability of County. The County reserves the right to refuse to enter into any developer reimbursement agreement or to reject any application thereof. All applicants for developer reimbursement agreements shall be deemed to release and waive any claims for any liability of the County in the establishment and enforcement of such agreements. The County shall not be responsible for locating any beneficiary or survivor entitled to benefits under developer reimbursement agreements. Any collected funds not claimed by a developer prior to the expiration of a developer reimbursement agreement shall inure to the benefit of the Clallam Bay Sekiu sewer system fund.

(7) Term of developer reimbursement agreements. Developer reimbursement agreements shall have an initial term of 15 years from the date of final acceptance by the County. If the developer is fully reimbursed for the cost of the improvements prior to the expiration of the agreement, then further developer reimbursement charges and payments shall not be made. If the developer is not fully reimbursed for the cost of the improvements, the County may extend the term for up to an additional five (5) years upon request of the developer.

(8) Ownership of system.

(a) Upon approval of a developer reimbursement agreement and the completion and acceptance of construction, the system shall become the property of the County. The County may charge and receive fees for utility system use according to the County's established rates.

(b) A copy of the engineering "as built" plans, specifications and drawings, including all necessary rights-of-way and easement documents shall be provided to the County prior to acceptance of the sewer facilities.

(c) No connection to or other use of the facilities will be allowed or permitted until the County has officially accepted the construction.

(9) Defective work. The applicant shall be responsible for all work found to be defective within one year after the date of acceptance of the improvements by the County. The applicant shall provide the County with a "maintenance guarantee bond" or equivalent acceptable to the County in the amount of ten percent of the value of the sewer facilities to be in effect for a period of one year from the date of final approval and acceptance of the facilities. If the applicant does not correct the work within a reasonable period after notice of the defect, the County shall be reimbursed for costs of correcting such defective work either by the applicant or by the bond proceeds.

(10) Connection/use prepayment requirement.

(a) Connection to or use of the facilities shall be prohibited, and development permission shall not be granted unless the County has received payment, or acceptable assurance of payment, of the developer reimbursement charge, including interest and administration costs.

(b) The County will exercise its best efforts to assure compliance with this section; provided, however, that in no event shall the County incur liability for an unauthorized connection to or use of the facilities.

(11) Removal of unauthorized connections. Whenever any connection is made into the sewer facilities without payment being made as required by this chapter, the Director may cause to be removed such unauthorized connection and all connecting pipe located in the County right of way without any liability to the County or County officials.

(12) Interest on developer reimbursement charge.

(a) The beneficiary of a developer reimbursement agreement will receive interest in accordance with the terms of this section.

(b) If the charge is paid within 30 days from the date of execution of the agreement, no interest is payable. Otherwise, interest is payable from the date of execution of the agreement to the date of payment of the developer reimbursement charge.

(c) The rate of interest will be fixed at the Federal Reserve rate for a ten-year Treasury Note on the date the developer reimbursement agreement is recorded.

(d) Interest is calculated on the basis of a 365-day year and is not compounded.

(e) Total interest payable may not exceed the principal amount of the developer reimbursement charge.

(13) Administration costs. The County shall add five percent, but not less than \$20.00 nor more than \$500.00, to each developer reimbursement charge as reimbursement for the County's administration costs.

(14) Payments of developer reimbursement charge.

(a) Each payment of the developer reimbursement charge shall be made to the County in one lump sum including interest and administrative costs. The County will pay over the amounts due to the beneficiary within 60 days of receipt.

(b) When the developer reimbursement fee for a particular lot or parcel has been paid, at the request of the owner/payer the Director will approve a certification of payment which may be recorded by said owner.

(c) Throughout the term of the agreement the person, partnership firm or entity that is the beneficiary of the developer reimbursement agreement shall in writing certify annually in January the name(s) and address(es) of the beneficiary. The County is not responsible for locating any person who may be entitled to benefits under any agreement. Failure to receive the annual certification required under this subsection will give the County cause to refuse to make payment under the agreement, and money received may become the sole and exclusive property of the County and shall be deposited in the Clallam Bay Sekiu sewer operating fund.

Section 11. Section 110, Sewer user fees, is created to read:

(1) Each residential, commercial, industrial and RV hookup, connected to the Clallam Bay Sekiu wastewater collection, treatment and disposal system shall be charged a monthly customer charge per the table found in section 3(6)(d). ERU factor determined by Section 3(6) Table1.

- (2) Residential accounts. For residential use properties such as: single family dwellings, Residential complex, RV hookups, the monthly user fee shall be as follows:
- (a) Metered water supply:
 - (i) Base rate: \$51.00 per ERU.
 - (ii) Consumption rate: \$7.00 per one hundred cubic feet of monthly water use over 700 cubic feet per month.
 - (b) Un-metered water supply: for those accounts with an un-metered water supply the monthly user fee shall be \$58.80 per ERU.
- (3) Commercial use accounts. For commercial use properties served by a single water meter, including Wholesale Accounts, the user fee shall be as follows:
- (a) Metered water supply:
 - (i) Base rate: \$56.50 per ERU.
 - (ii) Consumption rate: \$7.00 per one hundred cubic feet of monthly water use over 700 cubic feet per month.
 - (b) Un-metered water supply: for those accounts with an un-metered water supply the monthly user fee shall be \$58.80 per equivalent residential unit.
- (4) All properties shall be charged the monthly base rate established in subsections (2) and (3) of section 110 of this chapter starting from the first full month after the date of approval of the associated sewer permit. Usage charges shall go into effect from the date of the approval to cover the side sewer by the County inspector.
- (5) Installation of water meters.
- (a) Property owners with non-consumptive water use (water use such as irrigation that does not result in wastewater being discharged into the sewer system) may at their expense install separate meters for such non-consumptive use. Metered non-consumptive use shall not be used to determine the user fees described in this section. Installation of such meters shall be per the standard of the local utility district. Before installation of non-consumptive flow meters, property owners shall provide the Director the plumbing details and any other information deemed necessary by the Director, sufficient to demonstrate that the non-consumptive uses is separate from the consumptive use.
- (6) Liens authorized for non-payment of user fees.
- (a) To the extent provided by RCW 36.94.150, the delinquent utility charges shall become a lien upon the real property to which the utility services have been provided. The lien shall include those amounts (including the maximum penalty amount and interest rate) provided for under RCW 36.94.150. User fees shall become “delinquent” for the purposes of this section when such fees remain unpaid for 90 days as measured from the date of the bill or invoice which notified the customer of the amount owed by that customer, OR when such user fees greater than or equal to \$300.00 remain unpaid for 30 days as measured from the date of the bill or invoice which notified the customer of the amount owed by that user.
 - (b) The Department shall certify periodically the delinquencies to the auditor of the County at which time the lien shall attach.
 - (c) The County may, at the County’s sole discretion, file and record a notice of such lien with the office of the County auditor.
 - (d) Upon the expiration of 60 days after the attachment of the lien, the County may bring suit in foreclosure by civil action in the Superior Court of the County where the property is

located. Costs associated with the foreclosure of the lien, including but not limited to advertising, title report, and personnel costs, shall be added to the lien upon filing of the foreclosure action. In addition to the costs and disbursements provided by statute, the court may allow the County a reasonable attorney's fee. The lien shall be foreclosed in the same manner as the foreclosure of real property tax liens.

(e) The lien shall have priority over all other liens and interest in the real property to the extent provided by the laws of the state.

(f) Upon payment of all delinquent fees, the County shall notify the property owner of the release of lien. If the lien has been filed with the auditor, the County will file the release of lien with the County auditor.

(g) Upon written proof of economic hardship provided to the Director and sworn to under penalty of perjury pursuant to the laws of this State, the Director may waive and remove any penalty amount and interest accrued from an amount owed the County having the status of "delinquent."

(h) After not less than two years of usage by a particular customer and timely payments, that customer may seek from the Director to pay the same amount each month ("level payments") for the next 12 months after the request is made in writing to the Director. The level payment amount to be paid by the customer requesting such payments shall be computed as follows: One Hundred Ten Percent (110%) of the total amount of the last 12 bills generated prior to the request for level bills divided by 12 ($\div 12$), rounded to the next highest dollar. For successive years, the computation will be made annually based on 110% of what the bills would have been for the 12 prior months if a level payment plan had not been in place.

Section 12. Section .112, Repeal of prior fees, is created to read as follows:

The fees set in this chapter supersede any prior fees set by ordinance or resolution, specifically Ordinance No. 914 adopted November 22, 2016, for the administrative services covered herein.

Section 13. Section .112, Repeal of prior fees, is created to read as follows:

If any provision of this chapter is held invalid by a court of competent jurisdiction, the remaining provisions shall remain valid.

Section 14. Section .114, Effective date, is created to read as follows:

This chapter shall take effect (i.e., the effective date shall be) 90 days from adoption of the ordinance codified in this chapter. The existing CCC 13.04 which is repealed and replaced by this ordinance shall remain in full force and effect until the effective date of this new ordinance. The new rates shall take effect upon the first day of the first month following the adoption of the ordinance codified in this chapter.

ADOPTED this 13th day of June 2023

BOARD OF CLALLAM COUNTY COMMISSIONERS



Mark Ozias
Mark Ozias, Chair

Randy Johnson
Randy Johnson

ATTEST:

Loni Gores
Loni Gores, CMC, Clerk of the Board

Mike French
Mike French