

## **CITY COUNCIL AGENDA ITEM**

### **CITY OF SHORELINE, WASHINGTON**

<b>AGENDA TITLE:</b>	Action on Ordinance No. 928 – Repealing Ordinance No. 780 and Provide for a New Shoreline Municipal Code Chapter 13.05
<b>DEPARTMENT:</b>	Public Works
<b>PRESENTED BY:</b>	Randy Witt, Public Works Director
<b>ACTION:</b>	<input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

**PROBLEM/ISSUE STATEMENT:**

The assumption of the Ronald Wastewater District (RWD) requires that the City of Shoreline develop and implement a new municipal code chapter to establish its governing authority by which the City will own and operate the wastewater utility. The City Council passed Ordinance No. 780 on October 2, 2017, which updated Shoreline Municipal Code (SMC) Chapter 13.05 establishing the regulations for the new wastewater utility. With assumption of the RWD set for April 30, 2021, staff initiated a review of the Wastewater Code (SMC 13.05) with fresh eyes from the experience staff have gained in providing contract wastewater services on behalf of RWD since October 2017 and to account for updates in City Code and RWD regulations that have occurred since that time.

Proposed Ordinance No. 928 (Attachment A) would repeal Ordinance No. 780 and replace it with a new SMC Chapter 13.05 that updates the regulations for the wastewater utility. Proposed Ordinance No. 928 was discussed at the March 29, 2021 City Council meeting. At that meeting, Council had a question regarding the application of utility account late fees and waivers of those fees, which has been addressed in this staff report and in proposed Ordinance No. 928. Tonight, Council is scheduled to take potential action on proposed Ordinance No. 928, which if adopted, would become effective April 30, 2021, or on the official date of assumption of RWD if it occurs later than April 30<sup>th</sup>.

**RESOURCE/FINANCIAL IMPACT:**

No resource impacts are anticipated as a result of this discussion.

### **RECOMMENDATION**

Staff recommends that the City Council adopt proposed Ordinance No. 928.

Approved By:            City Manager **DT**    City Attorney **MK**

## **BACKGROUND**

In 2002, the City and the Ronald Wastewater District (RWD), a special purpose district that provides wastewater services, entered into an Interlocal Operating Agreement to unify wastewater services with City operations. The Agreement and state law outline the assumption process between the City and RWD.

The assumption of RWD required that the City of Shoreline develop and implement a new municipal code chapter to establish its governing authority by which the City will own and operate the new wastewater utility. The City Council passed Ordinance No. 780 on October 2, 2017, which was to repeal SMC Chapter 13.05 and replace it with a new Chapter 13.05 establishing the regulations for the new wastewater utility. The staff report for this Council action can be found at the following link: [staffreport100217-7e.pdf](http://staffreport100217-7e.pdf) ([shoreline.wa.us](http://shoreline.wa.us)).

Additionally, on October 2, 2017, the City Council adopted Resolution No. 417, establishing the financial policies for the wastewater utility. The staff report for this Council action can be found at the following link: [staffreport100217-7c.pdf](http://staffreport100217-7c.pdf) ([shoreline.wa.us](http://shoreline.wa.us)).

Both Ordinance No. 780 and Resolution No. 417 provided that their regulations were not to become effective until the formal assumption of RWD by the City. With assumption of the RWD now set for April 30, 2021, staff initiated a review of the regulations contained in Ordinance No. 780 with fresh eyes from the experience staff have gained in providing contract wastewater services on behalf of the RWD since October 2017 and to account for updates in City code and RWD regulations that have occurred since that time. Staff have similarly reviewed the wastewater financial policies.

Proposed Ordinance No. 928 and the associated proposed Resolution No. 474 were discussed at the March 29, 2021 City Council meeting. The staff report for this Council discussion can be found at the following link: <http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2021/staffreport032921-9a.pdf>.

## **DISCUSSION**

Proposed Ordinance No. 928 (Attachment A) would repeal Ordinance No. 780 and replace it with a new SMC Chapter 13.05 that updates the regulations for the wastewater utility. The review of SMC 13.05 was conducted by staff from the Public Works Engineering and Operations Divisions, along with staff from the Administrative Services Department and the City Attorney's Office. Areas identified for improvement in the Code include definitions, developer extension agreements, the latecomer agreement, clarification of public and private responsibility for side sewers, construction inspection, number of units on a side sewer, and Fats, Oils and Grease Program requirements.

Proposed Ordinance No. 928 also includes an updated organization of the Code, including consolidation of some sections as well as bolstering and elimination of some Code language. This updated organization is patterned after other provisions of the

SMC and cross references applicable SMC provisions along with the Engineering Development Manual. Exhibit A to Attachment A provides for the newly proposed SMC Chapter 13.05.

The proposed SMC Chapter 13.05 grants the Administrative Services Director not only the authority to administer the billing and collection aspect of the wastewater utility but also the authority to promulgate rules and processes for the financial administration of the wastewater utility (SMC 13.05.090). Proposed Resolution No. 474, which is schedule for potential Council action in a sperate item on the City Council agenda tonight, would allow staff to update the policies without the need for Council approval.

Based on the scope of modifications and the fact that Ordinance No. 780 was never in effect, staff believes that repealing this piece of legislative in its entirety would best facilitate the Code replacement process. The effective date of this proposed Ordinance No. 928 is April 30, 2021, the date of formal RWD assumption by the City, but also includes a caveat if the date gets delayed for some reason.

### **Council Question Regarding Late Fees**

As noted above, proposed Ordinance No. 928 was discussed by the City Council on March 29, 2021. At this meeting, there was a question regarding application of late fees, a grace period and the interest rate applied. The City is planning to continue RWD's current financial and customer service policies, including the assessment of a 10% late charge for customers who pay after the due date. The City's billing process generally provides a 4 day "grace" period after the due date and the current policy provides one annual late charge waiver without cause.

While most of these policies are more appropriate to include in an operational policy, following the discussion on March 29<sup>th</sup>, staff has included the late charge and waiver provisions in proposed Ordinance No. 928 as follows:

#### *SMC 13.05.130(B) Delinquency and Liens.*

- 1. If payment of any charges due for utility service is not received by the due date, a late charge penalty shall be imposed each billing period at the rate provided in the Fee Schedule. The late charge will be removed upon request no more than one time per year if the total unpaid balance is paid in full by the end of the first moth of the billing cycle in which the late charge appears on the bill. The ASD Director may cancel a late charge penalty not meeting this requirement upon a showing that the failure to timely pay the charges was due to reasonable cause. A request to cancel penalties must be submitted in writing within three years of the date the penalty was imposed.*

### **COUNCIL GOAL(S) ADDRESSED**

This proposed Ordinance supports City Council Goal 2: Continue to deliver highly-valued public services through management of the City's infrastructure and stewardship of the natural environment, and specifically Action Step #14: Complete the assumption of the Ronald Wastewater District in collaboration with the District.

### **RESOURCE/FINANCIAL IMPACT**

No resource impacts are anticipated as a result of this discussion.

### **RECOMMENDATION**

Staff recommends that the City Council adopt proposed Ordinance No. 928.

### **ATTACHMENTS**

Attachment A – Proposed Ordinance No. 928

Attachment A, Exhibit A – Proposed Wastewater Code – SMC Chapter 13.05

**ORDINANCE NO. 928**

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, REPEALING ORDINANCE NO. 780 AND ENACTING A NEW CHAPTER 13.05 FOR REGULATING THE CITY'S WASTEWATER UTILITY EFFECTIVE UPON THE ASSUMPTION OF THE RONALD WASTEWATER DISTRICT.**

WHEREAS, on October 2, 2017, in anticipation of the City of Shoreline's assumption of the Ronald Wastewater District pursuant to chapter 35.13A RCW, the City Council adopted Ordinance No. 780; and

WHEREAS, Ordinance No. 780 established a new chapter of the Shoreline Municipal Code (SMC), Chapter 13.05, to provide for uniform regulations for the management and control of the wastewater utility, and was to take effect upon the official assumption of the Ronald Wastewater District by the City of Shoreline; and

WHEREAS, on December 7, 2020, the City Council adopted Ordinance No. 912, setting the effective date of the official assumption of the Ronald Wastewater District as 12:01 a.m. April 30, 2021; and

WHEREAS, since the adoption of regulations in 2017, which have not been codified, new regulations were developed to ensure the orderly management and control of the utility by the City and to ensure compliance with state and federal wastewater requirements so as to protect the public health, safety, and welfare; and

WHEREAS, Ordinance No. 780 needs to be repealed in its entirety and replaced with this Ordinance to adopt current regulations for the wastewater utility;

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1. Repeal of Ordinance No. 780.** Ordinance No. 780 is repealed in its entirety.

**Section 2. New Chapter SMC 13.05.** A new Chapter SMC 13.05 Wastewater Utility is hereby adopted as set forth in Exhibit A to this Ordinance.

**Section 3. Corrections by City Clerk or Code Reviser.** Upon approval of the City Attorney, the City Clerk and/or the Code Reviser are authorized to make necessary corrections to this Ordinance, including the corrections of scrivener or clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering and references.

**Section 4. Severability.** Should any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance or its application to any person or situation be declared unconstitutional

or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to any person or situation.

**Section 5. Publication and Effective Date.** A summary of this Ordinance consisting of the title shall be published in the official newspaper. This Ordinance shall take effect at 12:01 a.m., April 30, 2021, or on the official date of assumption of the Ronald Wastewater District by the City of Shoreline, whichever is the latest.

**PASSED BY THE CITY COUNCIL ON APRIL 12, 2021.**

\_\_\_\_\_  
Mayor Will Hall

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Jessica Simulcik Smith  
City Clerk

\_\_\_\_\_  
Julie Ainsworth-Taylor, Assistant City Attorney  
On behalf of Margaret King, City Attorney

Date of Publication: \_\_\_\_\_, 2021

Effective Date: \_\_\_\_\_, 2021

Chapter 13.05

WASTEWATER UTILITY

Sections

13.05.010	Purpose and applicability
13.05.020	Utility created
13.05.030	Wastewater system ownership and responsibility
13.05.040	Wastewater Master Plan
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13.05.140	Permits and agreements
13.05.150	Industrial and commercial discharge pretreatment required
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13.05.170	Side sewer requirements
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13.05.200	Inspections and investigations
13.05.210	Record drawings
13.05.220	Violations, enforcement and penalties
13.05.230	Appeals
13.05.240	City liability provisions
13.05.250	Severability
13.05.260	Conflict of provisions
13.05.270	Liberal construction

**13.05.010 Purpose and applicability.**

- A. This chapter may be referred to as the “City of Shoreline’s Wastewater Code.”
- B. This chapter is enacted as an exercise of the city’s police power as set forth in Section 11 of the Washington Constitution to protect and preserve the public health, safety, and welfare of the citizens of Shoreline and as authorized by Chapter 35.67 RCW, Chapter 35.92 RCW, and RCW 35A.21.150.
- C. The purpose of this chapter is to provide for the planning, security, design, construction, use, maintenance, repair, and inspection of both public and private sanitary wastewater systems within the Utility Service Area and to establish programs and regulations to provide for appropriate use of such public and private wastewater systems.

**13.05.020 Utility created.**

- A. There is hereby created and established the Wastewater Utility of the City of Shoreline under which the provisions of this chapter shall be carried out.
- B. The Director shall be the administrator for the wastewater system. As administrator, the Director is authorized to administer, implement, and enforce the provisions of this chapter and to promulgate rules and procedures that are consistent with and implement this chapter except as provided in this section. The Director may designate individuals to assist in administering this chapter.
- C. The Administrative Services Director shall be responsible for billing of utilities services and the administration and enforcement of utility accounts as provided in SMC 13.05.090.

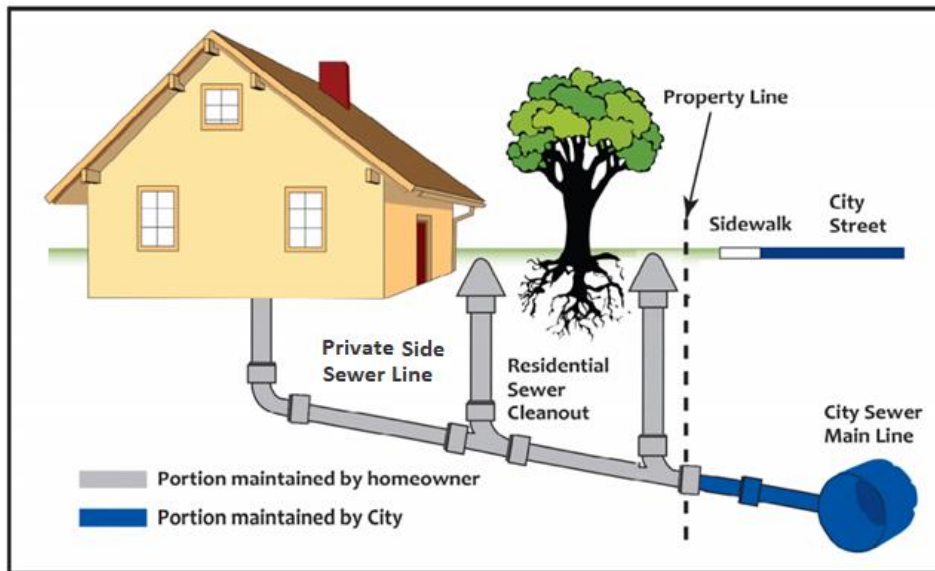
**13.05.030 Wastewater system ownership and responsibility.**

- A. The city shall own all currently existing wastewater facilities in the public rights-of-way and in easements previously dedicated to the public and accepted by the city, except to the extent that private ownership is otherwise indicated as a matter of record. Such facilities typically include mains, pump or lift stations, and side sewer stubs.
- B. Once wastewater facilities have been constructed, approved, and accepted by the city, the city shall be responsible for the maintenance, operation, repair, and replacement of the facilities and those portions of private side sewers located within the public rights-of-way but serving private property unless otherwise provided by agreement, local ordinance, or state law.
- C. Private Ownership of Side Sewers. Side sewers located on private property are exclusively owned by the underlying property owner(s), unless otherwise assigned or dedicated by easement to and accepted by the city, except to the extent that public ownership is



otherwise indicated as a matter of record.

- D. The city may accept existing private wastewater facilities, provided:
1. City ownership of the facility would provide a public benefit;
  2. Necessary and appropriate property rights are offered by the property owner at no cost to the city;
  3. The facility substantially meets current standards, as determined by the city, or is brought up to current standards by the owner prior to acceptance;
  4. The city has adequate resources to maintain the facility; and
  5. The facility is transferred to the city by bill of sale at no cost to the city.



**Figure 13.05.030 Private-Public Maintenance Responsibilities**

#### **13.05.040 Wastewater Master Plan.**

- A. The city shall prepare and maintain a comprehensive master plan for the system of sewers and adopt such plan by ordinance. The plan shall be considered part of the City's Comprehensive Plan, adopted pursuant to Chapter 36.70A RCW, and shall be consistent with and implement the Comprehensive Plan.
- B. The plan shall conform to all laws and regulations applicable to wastewater systems, including but not limited to Chapter 35.67 RCW and Chapter 173-240 WAC.
- C. Amendments to the plan, as necessary to ensure compliance with applicable law and the needs of the city, shall be processed as part of the Comprehensive Plan annual docket as set forth in Chapter 20.30 SMC.

### **13.05.050 Adoption of Engineering Development Manual.**

The City of Shoreline Engineering Development Manual (EDM), as adopted pursuant to SMC 12.10.015 and amended from time to time, shall be utilized for the processes, design and construction criteria, inspection requirements, standard plans, and technical standards related to the development of the wastewater system.

### **13.05.060 Variances and deviations.**

- A. The Director may grant a variance from the provisions of this chapter subject to the process and criteria set forth in SMC 20.30.310.
- B. The Director may authorize deviations to the applicable requirements of the Engineering Development Manual subject to the process and criteria set forth in SMC 20.30.290.

### **13.05.070 Definitions.**

Except where specifically defined herein, all words used in this chapter shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular; the word “shall” is always mandatory, whereas the word “may” denotes a use of discretion in making a decision.

All references in this chapter to any federal, state, or local law or regulation is to that law or regulation as it exists now or as amended.

The following words and phrases, when used in this chapter, shall have the following meanings:

#### **“A” Definitions**

“Accessory Dwelling Unit” (ADU) means a single-family residential structure as defined in SMC Title 20.

“Administrative Services Department” means the city department charged with the financial management of the city.

#### **“C” Definitions**

“City” means the City of Shoreline.

“Collection charges” means a charge that recovers all costs of operating the Utility except for wholesale treatment charges and/or industrial waste surcharges paid to a wastewater treatment provider.

“Connection charges” means charges imposed as a condition of providing service so that each

connecting property bears its equitable share of the costs of the public wastewater system and the utility's share of the cost of any regional wastewater collection system and of the costs of facilities that benefit the property.

## **“D” Definitions**

“Dangerous waste” means those solid wastes designated in WAC [173-303-070](#) through [173-303-100](#) as dangerous or extremely hazardous or mixed waste, as further defined under WAC [173-303-040](#).

“Developer” means any person who has development control over property on which development is proposed to occur or is occurring.

“Developer extension” means the development, extension, or expansion of wastewater facilities, mains, or improvements, initiated, paid for, and completed by, a developer, owner, or any person, benefitting therefrom under the supervision of the city.

“Developer extension agreement” means a contract between the city and a property owner, person, and/or developer that sets forth the terms and conditions for a developer extension, including plan review, inspection, construction, costs, conveyance of title, and warranty. Also known as a Contract for Extension Agreement.

“Director” means the City of Shoreline Public Works Director or designee.

## **“E” Definitions**

“Easement” means a grant of one or more property rights or privileges by a property owner to and/or for use of the property by the city for utility purposes. Easements may be temporary or perpetual.

“Emergency” means any natural or human caused event or set of circumstances which disrupts or threatens to disrupt or endanger the operation, structural integrity, or safety of the public wastewater system; endangers the health and safety of the public; or otherwise requires immediate action by the city.

“Engineer” means the City of Shoreline City Engineer or designee.

“Engineering Development Manual” (EDM) means the manual adopted pursuant to SMC 12.10.015 which sets forth the processes, design and construction criteria, inspection requirements, standard plans, and technical standards for engineering related to the development of streets, utilities, and improvements within the city.

## **“F” Definitions**

“Fee Schedule” means that schedule of rates, fees, and charges established by Resolution of the City Council.

“Financial policies” means those policies and procedures adopted by the city’s Administrative Services Department for the financial administration of the Utility. Also known as the Wastewater Revenue and Customer Policy, or its successor in title.

“Food processing establishment” means a commercial establishment in which food is manufactured or packaged for consumption.

“Food sales establishment” means retail and wholesale grocery stores, retail seafood stores, food processing establishment, bakeries, confectioneries, fruit, nuts and vegetable stores and places of business and similar establishments, mobile or permanent, engaged in the sale of food primarily for consumption off premises.

“Food service establishments” means any non-domestic establishment that prepares and/or serves meals, lunches, short orders, sandwiches, frozen desserts, or other edible products and/or is required to have a Food Business Permit issued by King County Department of Health. This term includes: restaurants, cafeterias, short order cafes, luncheonettes, taverns, lunchrooms, places which manufacture retail sandwiches, soda fountains, institutional cafeterias, catering and home based food establishments, food vending vehicles, and operations connected therewith; and similar facilities by whatever name called.

“FOG” means polar and non-polar fats, oils, and grease.

## **“G” Definitions**

“General facility charge” means a one-time charge at the time of development for new or expanded connections that recovers a proportionate share of the past and planned capital costs of the public wastewater system other than costs paid by grants, developer donations, or property assessments.

“Grease interceptor” means an appurtenance or appliance that is installed in a sanitary drainage system to intercept nonpetroleum fats, oil, and grease (FOG) from wastewater.

“Grinder Pump” means the pump, wet well, alarm, panel, valve vault, and appurtenances located on private property for the purpose of grinding and transporting wastewater into the wastewater system used by its owner, public or private.

## **“I” Definitions**

“Industrial waste” means any liquid, solid, or gaseous substances or combination thereof, resulting

from any process of industry, manufacturing, commercial food processing, business, agriculture, trade, or research, including, but not limited to, development, recovery, or processing of natural resources, leachate from landfills or disposal sites, decant water, contaminated non-process water, and contaminated stormwater or ground water.

“Illicit connection” means any artificially constructed conveyance that is connected to the public wastewater system without a permit, or that is not intended for collecting and conveying only wastewater discharge. Examples of illicit connections include storm sewer connections, exterior floor drains, channels, pipelines, conduits, footing drains, downspouts, inlets, or outlets that should be connected directly to the municipal separate storm sewer system.

“Illicit discharge” means any direct or indirect discharge into the public wastewater system that is not composed entirely of wastewater, except discharges pursuant to a NPDES permit, or any discharge prohibited by the Code of Federal Regulations, such as 40 CFR 403.5, King County Code Chapter 28.84, and Edmonds Municipal Code Chapter 7.91, and any regulation adopted to implement those laws, all as amended from time to time.

#### **“L” Definitions**

"Latecomer agreement" means a written agreement between the city and one or more developers providing for partial reimbursement of the cost of construction of wastewater system improvements as authorized by Chapter 3.90 SMC.

“Local Facilities Charge” means a charge that applies to a property owner connecting to previously installed public wastewater facilities that provide services available to the property and is due at the time a property is connected to the public wastewater system to recover a proportionate share of the city’s investment in the wastewater infrastructure fronting the property.

“Local improvement district” means a type of district established by ordinance pursuant to Chapter 3.40 SMC for the purpose of assisting property owners within a defined geographical area in financing capital improvements by the levying of a special assessment.

#### **“N” Definitions**

“Non-polar fats” means fats, oils, or grease organic compounds derived from animal or plant sources that are used in, or are a byproduct of, the cooking or food preparation process, and that turns or may turn viscous or solidify with a change in temperature or other conditions.

#### **“P” Definitions**

“Person” means any natural person, firm, association, joint venture, joint stock company, partnership, organization, club, company, private or public corporation, business trust, political subdivision of the State of Washington or the United States, or any instrumentality thereof.

“Polar fats” means fats, oils, or grease of mineral or petroleum origin.

“Pretreatment device” means any approved device, structure, system, or method used and maintained for the purpose of bringing a waste stream within acceptable limits and standards of quality prior to its discharge to the public wastewater system.

“Private sewer” or “Private wastewater” means wastewater conveyance facilities which are owned, operated, maintained, and controlled by the property owner served by those facilities.

“Prohibited discharge” means any liquid, solid, or material other than discharge intended from domestic plumbing fixtures, or as permitted by an Industrial Waste Discharge Permit, prohibited by the Code of Federal Regulations, such as 40 CFR 403.5, King County Code Chapter 28.84, and Edmonds Municipal Code Chapter 7.91, and any regulation adopted to implement those laws, all as amended from time to time.

“Property owner” means any individual, company, partnership, joint venture, corporation, association, society, or group that owns or has a contractual interest in the subject property or has been authorized by the owner to act on his/her behalf, including but not limited to an agent, contractor, applicant, or developer.

## **“R” Definitions**

“RCW” means the Revised Code of Washington, as it currently exists and as amended from time to time.

“Record Drawing” means a final record drawing of the actual installation of the structures, materials and equipment as defined in the Engineering Development Manual.

“Redevelopment” means a site that is already substantially developed which is modified as defined by SMC Title 20.

“Residential customer equivalent” means a measure of wastewater demand that is the basis for calculating monthly wastewater service charges.

“Residential Structure” means a dwelling unit as defined in Title 20 of the SMC and includes, but is not limited to, single-family, multi-family, accessory dwelling unit, duplexes, or triplexes.

## **“S” Definitions**

“Sanitary wastewater system” has the same meaning as “wastewater system.”

“Sewer main, public” means a pipe designed or used to transport sewage owned by the city, excluding private side sewers.

“Side sewer, private” means a privately owned and maintained pipe system designed to convey wastewater to the public wastewater system and includes, the pipe system up to, but not including, the tee, wye, or connection to the side sewer stub.

“Side sewer stub” means that portion of the side sewer between the city’s sewer main and the property line or the edge of a perpetual easement on the property being served. Side sewer stubs are considered part of the public wastewater system.

“Side sewer tee” means the tee fitting at the point at which the side sewer stub joins the sewer main.

“SMC” means the City of Shoreline Municipal Code, as it currently exists and as amended from time to time.

“Structure” means any improvement which is designed, intended, or suitable for human occupancy, employment, recreation, habitation, or other purpose.

“Surcharge” means an additional charge that may be imposed in addition to the Wastewater Service Charge.

#### **“T” Definitions**

“Treatment charge” means the charge to recover the cost of wholesale treatment charges paid by the city to a wastewater treatment provider.

#### **“U” Definitions**

“Unit” means any portion of a structure available, suitable, intended or otherwise used as a separate business office or separate suite of business offices, store, or other commercial establishment, except for individual storage spaces in a self-storage building, apartment, condominium, single family dwelling, duplex, triplex, fourplex, trailer, or an accessory dwelling unit added to a single-family dwelling.

“Unsafe condition” means any condition on any premises, or in any private wastewater system thereon, that is a hazard to public health, safety, welfare, or environment that does or may impair or impede the operation or functioning of any portion of the public wastewater system or that may cause damage thereto.

“Utility” means the wastewater utility of the City of Shoreline.

“Utility service area” or “Service area” means that geographic area defined by the city in the Wastewater Master Plan as the area served by the Utility and as may be expanded through subsequent Interlocal agreements, annexations, and special utility district assumptions.

#### **“W” Definitions**

“Wastewater” means the water carried waste that is contained in and conveyed by any part of a wastewater system from residential, commercial, or industrial facilities. This term is used interchangeably with the term “sewage.”

“Wastewater system, public” means the wastewater facilities which are operated, maintained, and controlled by the City of Shoreline’s Wastewater Utility. Such facilities typically include sewer mains, pump or lift stations, and side sewer stubs.

“Wastewater conveyance facilities” means facilities such as side sewers, sewer pipes, manholes, grinder pumps, and other facilities.

“Wastewater facility” means any facility for the conveyance or storage of wastewater, whether part of the public wastewater system or a private wastewater system, which is connected to or intended to be connected to the public wastewater system. Also referred to as a sewer facility.

“Wastewater Master Plan” means that plan adopted pursuant to SMC 13.05.040 of this chapter.

“Wastewater service” means providing for the conveyance of wastewater from a structure into the public wastewater system.

“Wastewater Service Charges” means ongoing charges to all customers connected to the wastewater system, to recover the city’s cost of providing wastewater service and is comprised of the wastewater collection charge and the treatment charge.

“Wastewater pretreatment” means the treatment of industrial waste before discharge to the public wastewater system.

“Wastewater treatment charge” means that fee establish by the treatment provider to cover that entity’s costs to treat and dispose of sewage.

“Wastewater treatment provider” means the public entity that provides treatment and disposal services for the wastewater collected by the city.

#### **13.05.080 Required connections.**

- A. Any person owning property with structures containing facilities for the disposal of wastewater within the city’s municipal boundaries shall connect to the public wastewater system subject to the provisions of this chapter.
- B. Connection to the public wastewater system shall be required when:
  - 1. New development or redevelopment of a structure occurs, and public wastewater service is within a horizontal distance of 300 feet from the property line for the parcel where the development or redevelopment is occurring; or



2. Property containing a structure with facilities for the disposal of wastewater by an on-site septic system shall connect to the public wastewater system when ordered to do so by the Seattle/King County Department of Health, or its successor agency. The property owner shall pay all applicable fees and connection charges when connecting.
- C. Horizontal distance shall be measured along a straight line from the nearest available connection point to the closest property line.

**13.05.090 Revenues, expenditures, and administration.**

- A. All revenue collected pursuant to this chapter shall be credited and deposited in the Wastewater Utility fund established pursuant to SMC 3.35.220 and used only for those purposes and expenditures allowed by law. Fees shall not be transferred to any other funds of the city except to pay for expenses attributable to the Wastewater Utility.
- B. The director of the city's Administrative Services Department (ASD) shall provide for the billing of utility services and the financial administration and enforcement of utility accounts. The ASD Director is authorized to promulgate rules, procedures, and financial policies that are consistent with this chapter, applicable laws and regulations, and generally accepted accounting principles as established by the State of Washington. The ASD Director may designate individuals to assist in administering this chapter.

**13.05.100 Establishment of rates, fees, and charges.**

- A. Rates, charges, and fees to be charged for wastewater and related services provided by the city to residential, commercial, or industrial users within the Service Area along with fees for permitting services shall be in a Fee Schedule established by resolution of the City Council as provided in SMC Chapter 3.01.
- B. The City Council may establish classifications of wastewater customers or service based on criteria determined by the City Council, using any method(s) authorized by law, including but not limited to, RCW 35.92.020. If established, the classifications shall be denoted in the rates, charges, and fees resolution adopted pursuant to this section.
- C. The ASD Director, in consultation with the Director, shall periodically evaluate rates, charges and fees and recommend adjustments based on revenue requirements necessary to cover all budgeted costs of the Utility as guided by the Financial Policies and applicable bond covenants.

**13.05.110 Capacity, collection, facility, and treatment charges.**

- A. Any person connecting to or utilizing the public wastewater system shall be subject to the following charges, as applicable to the property being served and the action occurring:
  1. Capacity charges shall be paid for all new or change of use wastewater connections

- that are served by King County.
2. Collection charges shall be paid by property owners to recover all costs of operating the wastewater collection system.
  3. General facility charges shall be paid by property owners in order that each new or change in use connection bears an equitable share of the cost of the public wastewater system.
  4. Local facilities charges shall be paid by property owners located in previously unsewered areas in order to recover a proportionate share of the cost of the local wastewater infrastructure.
  5. Sewage Treatment charges shall be paid by property owners served by a wastewater treatment provider.

**Table 13.05.110**

Type of Charge	All properties	New Connections	Change of Use connections	Previously unsewered areas
Capacity		X	X	
Collection	X			
General Facility		X	X	
Local Facility				X
Treatment	X			

**13.05.120 Residential rate discount: Qualified low-income persons.**

- A. As authorized by, RCW 35.92.020, 35.67.020, and 74.38.070, the city has established residential rate discounts for qualified low-income senior citizens and other low-income disabled persons.
- B. To be eligible for a residential rate discount, on the date of application or renewal, the applicant must own and occupy the residential property being served as their principal place of residence for at least one year prior to application and:
  1. Be sixty-two years of age or older; or
  2. Be considered disabled by the U.S. Social Security Administration; and
  3. Earn less than sixty percent (60%) of the Local Area Median Household Gross Annual Income during the previous year using the most recent annual income guidelines established by the U.S. Department of Housing and Urban Development.
- C. Applications for a residential rate reduction shall be on forms provided by the city and be accompanied by documents demonstrating eligibility.
- D. Applications shall be submitted to and administered by the Administrative Services Department subject to the Financial Policies.

### **13.05.130 Utility services billing.**

- A. Utility billing and customer services shall be conducted in conformance with the Financial Policies adopted pursuant to SMC 13.05.090.
- B. Delinquency and Liens.
  - 1. If payment of any charges due for utility service is not received by the due date, a late charge penalty shall be imposed each billing period at the rate provided in the Fee Schedule. The late charge will be removed upon request no more than one time per year if the total unpaid balance is paid in full by the end of the first month of the billing cycle in which the late charge appears on the bill. The ASD Director may cancel a late charge penalty not meeting this requirement upon a showing that the failure to timely pay the charges was due to reasonable cause. A request to cancel penalties must be submitted in writing within three years of the date the penalty was imposed.
  - 2. The city shall have a lien for delinquent and unpaid charges, plus penalties and interest of eight percent per annum, and all other remedies available pursuant to RCW 35.67.200 to 35.67.290, as those sections currently exist or are amended, including the right of foreclosure.
  - 3. Pursuant to RCW 35.67.215, liens for delinquent service charges shall be effective for a total not to exceed 12 months of delinquent charges without the necessity of any writing or recording. For liens to be effective for more than 12 months of charges, the city shall file a notice with the King County Recorder's Office.
  - 4. For each lien recorded, the city shall assess against the utility account the costs incurred by the city in preparing and recording the lien or a release of a lien as provided for in the Financial Policies.

### **13.05.140 Permits and agreements.**

- A. It is unlawful to construct, extend, alter, repair, or to make connection or reconnection to the city's wastewater system without first obtaining all necessary and required permit approvals or registrations from the city prior to commencing any work.
- B. Permits
  - 1. All applications to construct, extend, alter, repair, or to make connection or reconnection to the Public wastewater system or for industrial discharge to the Public wastewater system shall be submitted on official forms prescribed and provided by the city and be accompanied by the appropriate fee as provided for in SMC Chapter 3.01. The Director shall specify submittal requirements for an application to be complete.
  - 2. With the exception of Developer Extensions, all permits to connect, repair, cap, or

alter residential or commercial wastewater facilities or for industrial discharge will be considered a Type A action as provided in Chapter 20.30 SMC. Any work undertaken within the public rights-of-way is also subject to Chapter 12.15 SMC Use of Right-of-Way.

3. Permits issued under this chapter shall be valid for the same time period as approved permits in SMC 20.30.160 unless extended or renewed by the City Engineer prior to expiration. A permit may be extended by the City Engineer for a period of 180 consecutive calendar days if applied for prior to the expiration of the original permit.

C. Developer Extension Agreement

1. The city may enter into Developer Extension Agreements with the owner(s) of real estate as provided in the Municipal Water and Sewer Facility Act (RCW 35.91) so as to provide for the extension of mainlines, prior to the owner(s) initiating plans for the improvement, where the owner(s) of property desire to construct additional wastewater facilities not previously provided by the city and where such facilities may upon completion and acceptance become a part of the city's wastewater collection system.
2. No developer extension shall be undertaken without prior execution of a developer extension agreement and in accordance with the requirements set forth in the EDM.
3. Developer extension agreements may be approved by the Director on forms acceptable to the City Attorney.
4. If a latecomer agreement is contemplated in connection with a developer extension, the latecomer agreement shall be developed in compliance with SMC Chapter 3.90 and be executed prior to or in conjunction with the city's acceptance of ownership of the developer extension.

**13.05.150 Industrial and commercial discharge pretreatment required.**

- A. Unless authorized by an approved Industrial Discharge Permit, no person shall discharge industrial waste into the public wastewater system unless necessary to prevent and/or correct hazardous, dangerous, or explosive conditions or blockage, operation failure or premature degradation of the public wastewater system.
- B. A person shall prevent, control, and immediately correct illicit discharges, prohibited discharges, or other such materials pursuant to 40 CFR 403.5 and the rules and regulations of the receiving treatment provider.
- C. The city may inspect pretreatment devices periodically at their sole discretion as provided in SMC 13.05.200.
- D. All violations of the pretreatment requirements or defects in the pretreatment equipment shall be corrected immediately by the owner. Repeat failures of the pretreatment

requirements or failure to correct defects in pretreatment equipment may result in a violation of this chapter as provided in SMC 13.05.220.

**13.05.160 Fats, oil, and grease (FOG) controls.**

- A. All food processing, sales and service establishments generating FOG shall install, use, and maintain appropriate grease interceptors as set forth in this section.
- B. Establishments requiring grease interceptors are:
  - 1. Development applications, including tenant improvements that change the use classification to a food establishment, or a new mixed-use development with the potential to generate fats, oil, and grease; and
  - 2. Existing facilities that cause a build-up of FOG in any public wastewater facility resulting in a wastewater overflow or is otherwise causing a prohibited discharge.
- C. Grease interceptors shall:
  - 1. Meet the sizing criteria set forth in the Uniform Plumbing Code, as adopted in SMC 15.05.010;
  - 2. Be located so that the interceptor is accessible for sampling, cleaning, and inspection; and
  - 3. Be maintained in good and efficient working order and serviced by a grease waste hauler on a regular maintenance schedule.
- D. Decanting or discharging of removed waste back into the interceptor from which the waste was removed is prohibited.
- E. Discharge of FOG in excess of 100 milligrams per liter (mg/l) concentrations are not allowed downstream of the grease interceptor.
- F. All violations of the FOG Control requirements or defects in equipment shall be corrected immediately by the property owner or tenant. Repeat failures of the FOG Control requirements or failure to correct defects in equipment may result in a violation of this chapter as provided in SMC 13.05.220.

**13.05.170 Side sewer requirements.**

- A. Requirements for the number of residential or commercial structures that may be allowed on a side sewer and the sizing of side sewer pipes are set forth in the EDM.
- B. Unless authorized by the city, existing private side sewers or public side sewer stubs may not be used for service to new single-family residential structures, commercial structures, or for any property that is being redeveloped.
- C. Property owner(s) shall be solely responsible for the development, maintenance, repair,

and replacement of private side sewers and their appurtenances, including but not limited to connection to the public side sewer stub, check valves, cleanouts, and pumps.

- D. Property owner(s) shall be responsible for the full cost to remedy any damage to the public wastewater system due to an owner's failure to exercise the responsibility provided herein.
- E. Prior to maintaining, repairing, or replacing existing side sewers, the property owner or authorized agent is required to obtain a permit from the city. Debris removed from the side sewer shall not be permitted to enter the public sewer main and shall be properly disposed of. If debris causes a downstream blockage, the property owner shall be solely liable for any resulting damages.

**13.05.180      Grinder pumps.**

- A. Unless authorized by the Director, grinder pumps and required appurtenances are not permitted.
- B. If authorized, grinder pumps shall:
  - 1. Only be used for sewage that may not physically be conveyed to the public side sewer stub by gravity; and
  - 2. Be privately owned and maintained.
- C. The city may agree to provide maintenance service if a grinder pump serves multiple residential structures. Provided that such maintenance service shall be by contract and at the owner(s) sole cost and expense.

**13.05.190      Public and private easements.**

- A. A public wastewater easement is required to be granted to the city whenever:
  - 1. A public wastewater facility will be built on private property; or
  - 2. The city agrees to provide maintenance to privately owned facilities.
- B. A private wastewater easement is required to be granted between property owners whenever:
  - 1. A private wastewater facility will be built on property owned by a different private party; or
  - 2. A side sewer will serve two or more properties.

**13.05.200      Inspections and investigations.**

- A. All work on public or private wastewater systems shall be subject to inspection by the city to ensure compliance with applicable state and local laws and are in conformance with the requirements and standards set forth in the EDM and permit conditions, if any.

- B. All inspections shall be conducted in accordance with the procedures set forth in the section of the EDM for inspections.
- C. An authorized representative of the city may enter private property at all reasonable times to conduct inspections, tests or carry out other duties imposed by this chapter consistent with the terms and conditions of any covenant, easement, or other legal document applicable to the property.
- D. The city may require sampling or inspection tees or manholes in the side sewer connection to the public wastewater system at its discretion to facilitate inspections and/or investigations.
- E. For inspection programs authorized by the Director, the city may provide advance mailings of its intent to inspect properties consistent with such inspection, testing, or other utility programs.

**13.05.210 Record drawings.**

All private side wastewater applicants or permittees shall file a record drawing showing the location and configuration of the private side sewer and private wastewater facilities in accordance with the requirements set forth in the Engineering Design Manual.

**13.05.220 Violations, enforcement, and penalties.**

- A. Violations of this chapter are subject to enforcement pursuant to SMC Chapter 20.30, Subchapter 9 Code Enforcement.
- B. Any activity or action caused or permitted to exist in violation of this chapter is a threat to public health, safety, and welfare, and is declared and deemed a public nuisance.
- C. It is a violation of this chapter and be considered damage to the wastewater system to, in any manner:
  - 1. Tamper with or damage any part of any wastewater system, public or private;
  - 2. Interfere with or hamper the operation of any part of the wastewater system, public or private;
  - 3. Perform any work that would impact the public wastewater system without first obtaining a permit or other authorization;
  - 4. Violate the terms and conditions of an issued permit;
  - 5. Discharge or cause to be discharged into the public wastewater system any water from yard drains, footing drains, downspouts or any other source of groundwater, rainwater, or storm water; or any liquids, solids or materials defined as prohibited or illicit discharges without a permit; or
  - 6. Fail to comply with any other provision of this chapter.

- D. Any person causing damage to the wastewater system shall be determined to be responsible for all costs incurred by the city to repair the damage and for any damage claims tendered to the city by third parties that arise as a result of these acts.
- E. If the person causing damage fails to reimburse the city for all costs incurred, the city may place a lien against the property where the violation occurred as provided in SMC 20.30.775.
- F. If the Director determines that a condition, substance, act, or other occurrence constitutes an imminent public nuisance requiring summary abatement, the city may summarily and without prior notice to the property owner and/or responsible person, abate the condition. Notice of such abatement, including the reason for the abatement, shall be given to the property owner and/or person responsible for the property and the violation as soon as reasonably possible after the abatement. Costs, both direct and indirect, of the abatement may be assessed as provided under SMC Chapter 20.30, Subchapter 9 Code Enforcement.

**13.05.230 Appeals.**

- A. There is no administrative appeal of a Type A wastewater permit.
- B. Appeals by customers for billing errors shall be as provided in the Financial Policies.
- C. Appeals of violations of this chapter shall be as provided in SMC Chapter 20.30, Subchapter 9 Code Enforcement.

**13.05.240 City liability provisions.**

- A. The city is responsible for providing service to persons within the Utility Service Area, subject to sufficient capacity, the requirements of this chapter, and other provisions of the Shoreline Municipal Code and applicable federal and state law. PROVIDED, continuous wastewater service is not guaranteed as service may be interrupted or temporarily unavailable due to planned, unplanned events, unforeseen circumstances, or emergencies.
- B. The city is not responsible to any person for costs, damages, or other consequences incurred due to service interruptions.
- C. Nothing contained in this chapter is intended to nor shall be construed to create or form the basis for any liability on the part of the city, or its officers, employees or agents, for any injury or damage resulting from the failure of property owners or responsible parties to comply with the provisions of this chapter, engineering standards, or related manuals; or by reason or in consequence of any inspection, notice, order, certificate, permission or approval authorized or issued; or by reason of any action or inaction on the part of the city in connection with the same.



- D. Nothing in this chapter, engineering standards, or related manuals shall impose any liability on the city or any of its officers, employees, or agents for cleanup or any harm relating to sites containing hazardous materials, wastes or contaminated soil.
- E. Nothing contained in this chapter, engineering standards, or related manuals shall require city involvement or enforcement of this chapter for private disputes occurring between property owners.

**13.05.250 Severability.**

If any section, subsection, clause, or phrase of this chapter or its application to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, the validity or constitutionality of the chapter as a whole, or any other portion thereof, and its application to other persons or circumstances shall not be affected.

**13.05.260 Conflict of provisions.**

Should a conflict occur within the provisions of this chapter or between this chapter and any other provision of the Shoreline Municipal Code or other applicable law, rule, or regulation, including engineering standards, the most restrictive requirement shall control, except when constrained by federal or state law, or where specifically provided otherwise in this code.

**13.05.270 Liberal construction.**

The provisions of this chapter shall be liberally construed to give full effect to its purposes and objectives, to protect the public health and safety, and not be deemed to benefit or protect any particular individual, class, or group of persons.