

ORDINANCE NO. 2014-06-028

AN ORDINANCE OF THE CITY OF BELLINGHAM, WASHINGTON AMENDING BELLINGHAM MUNICIPAL CODE 15.12 TO ADOPT REQUIREMENTS FOR MANDATORY SEWER SERVICE CONNECTIONS

WHEREAS, the City of Bellingham (the "City") owns and operates a sewer utility in accordance with Revised Code of Washington ("RCW") 35.67 and Bellingham Municipal Code ("BMC") 15.12; and

WHEREAS, RCW 35.67.190 mandates that the City require property owners in its sewer service area to connect their private drains and sewers to the City system, under such penalty as City Council may by ordinance direct; and

WHEREAS, a limited number of properties are known to exist within City limits that are connected to on-site septic systems rather than the public sewer mains that abut and are available to serve these properties; and

WHEREAS, historically, the City has not required the owners of such properties to connect to the City system but has required them to pay a sewer-availability charge equal to the amount that they would pay for sewer service if their properties were connected; and

WHEREAS, the City desires to amend BMC 15.12 to require the owners of such properties to connect to City sewer and, upon failure to connect, to pay a penalty equal to the sewer charge that would apply if the property was connected, all in accordance with RCW 35.67.190.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BELLINGHAM DOES HEREBY ORDAIN THAT:

BMC 15.12.040 – Sewer Service is amended as follows:

A. The owner of any premises containing sanitary sewer drains shall connect such drains to the City sewer system when the premises is located within city limits and fully abuts a public street or utility easement through which there is a City sewer main. Persons who fail to connect to the City sewer system as required herein shall pay a penalty in an amount equal to the charge that would be made for sewer service if the premises was connected to the City's sewer system, which amount shall be paid to the City at the times and in the manner provided by ordinance for the payment and collection of sewer service charges. Amounts paid on unconnected premises on or after January 1, 2002 shall be credited toward sewer connection charges, including system development charges, applicable to the premises at such time as the premises connects to City sewer, provided that the maximum amount of the credit authorized under this subsection shall be equal to the total amount of connection charges due at the time of connection. In the event of any nonpayment of the penalty imposed herein, the City shall have all remedies provided in this Title 15 and any other applicable law for the collection of delinquent sewer charges, including liens and shutting off water service. The public works

director is authorized to waive the requirements of this subsection in those limited circumstances when topography or other physical characteristics of the land make it impracticable to connect the premises to the City sewer system.

B.A. When the premises is within city limits and abuts upon a street or city-owned utility easement through which there is a city sewer main, the premises' owner may apply for service. Upon approval of the service application by the director of public works and upon such conditions as required by the director, the department of public works shall issue a permit authorizing the premises to be connected to the system. Decisions of the public works director on applications for sewer service under this subsection may be appealed to the hearing examiner. The written appeal and the appeal fee, if any, must be received by the public works department by no later than 5:00 p.m. on the fourteenth day following the date the decision was issued.

C.B. Any person desiring to have a premises connected with the city sewer system shall make application to the public works department on printed forms furnished for that purpose. Every such application shall be made by the owner or the purchaser under a real estate contract of the premises to be benefited, or by his authorized agent. The application must describe the property to be served, state fully the purposes for which the sewer service is required, and indicate that by signing the form, the applicant agrees to conform to the ordinances, rules, and regulations established as conditions for use of sewer services, and further agrees, as a condition to the furnishing of sewer services, that the city has the right to shut off the sewer service as required for such things as, by way of example, non-payment, repairs, extensions, denial of reasonable and lawful access to measure and sample flow or doing other necessary work.

1. Each person desiring to make a new connection to the city's public sewer for the purpose of discharging commercial or industrial wastes shall prepare and file with the public works department a written statement that shall include actual or predicted data relating to the quantity and characteristics of the waste to be discharged.
2. In the event the written statement shows that the user will discharge an average daily flow in excess of 250,000 gallons in any given 24-hour period or a daily loading of suspended solids in excess of 500 mg/L or a five-day BOD in excess of 500 mg/L, the requesting party shall, as a condition precedent to receiving any sewer service whatsoever, construct and install at his own cost and expense a measurement, sampling and sample storage facility to monitor all wastes entering the public sewer. Such facilities shall be constructed and installed in conformance with Department of Health and Department of Ecology standards and protocols for testing or as otherwise determined by the director. Such facilities shall be dedicated to the city at no cost.
3. Upon installation and acceptance such facilities shall thereafter at all times be maintained by the city in a safe condition and in proper operating condition and shall be readily accessible to city personnel for reading and inspection.

D.C. When the premises within the city limits for which service is sought does not fully abut upon a street or city-owned utility easement through which there is a city sewer main, the application for service may be accepted for review; however, the utility must be constructed

and accepted by the city prior to approval of building permits for the adjacent land use. The public works director has the administrative authority to determine if the property requesting service is the last developable lot and may grant an exception for service without requiring a main extension. However, when the city of Bellingham has begun constructing a city sewer main that will allow an applicant's premises to abut upon a street or city-owned utility easement through which there will be a city sewer main and the applicant has a commercial, multifamily or industrial project on the premises, the department of public works may, in its sole discretion, accept the application and issue a permit authorizing the premises to be connected to the system, provided a certificate of occupancy shall not be issued for the premises until the sewer connection is functioning and providing sewer service to the premises.

E.D. When the premises for which service is sought is within a critical service area under BMC 15.12.020, the application shall be rejected.

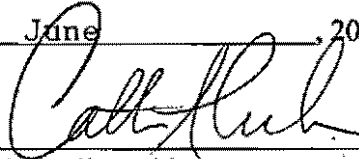
F.E. When the premises for which service is sought will discharge more waste than the available capacity of the sewer main, as determined by the department of public works, the application for service may be accepted for review; however, the deficiency of capacity must be improved prior to issuance of the permit.

G.F. Infill housing sites developed under Chapter 20.28 BMC may be divided into lots that do not abut a water main, provided:

1. The parent site meets the requirements of this section;
2. A separate private sewer service line is installed to city standards from a main to each lot prior to final plat approval;
3. The public works director determines that no main extension is necessary for the orderly extension or efficient looping of the public sewer system.


H.G. As a condition of service all new sewer customers after January 1, 2013, shall be connected to city of Bellingham water system and shall have a water meter installed.

PASSED by the Council this 9th day of June, 2014.




Council President

APPROVED by me this 16th day of June, 2014



Mayor

ATTEST:

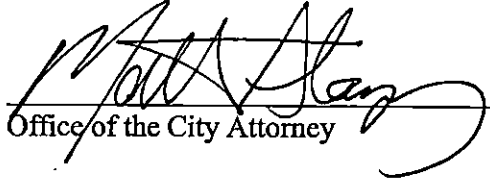


Finance Director

Ordinance Amending BMC 15.12.040 - 3

City of Bellingham
City Attorney
210 Lottic Street
Bellingham, Washington 98225
360-778-8270

APPROVED AS TO FORM:


Office of the City Attorney

Published:

