

ORDINANCE NO. 166

CITY OF LACEY

AN ORDINANCE REGULATING SEWERS, DRAINS AND SEWAGE DISPOSAL;
REGULATING THE INSTALLATION OF SIDE SEWERS AND CONNECTIONS;
REQUIRING PERMITS: FIXING CHARGES AND FEES AND PROVIDING
PENALTIES.

THE CITY COUNCIL OF THE CITY OF LACEY DOES ORDAIN AS FOLLOWS:

Section 1. Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

A. "Administrative Authority" shall mean the Water-Sewer Superintendent of the City or his authorized deputy, agent, or representative.

B. "Official Notice" shall be written notice deposited in the U.S. Post Office, postage paid, addressed to the owner at the address shown on the City Treasurer's rolls.

C. "Person" shall mean any individual, firm, company, association, society, corporation or group.

D. "Equivalent Residential Unit" shall mean the unit used as a basis for establishing the amount of monthly service charge to be paid to the City.

E. "Sewage" shall basically mean the water-carried wastes from residential, business, and industrial establishments, and include such ground, surface, and storm waters as may be present.

F. "Sanitary Sewage" shall mean wastewater derived from domestic, commercial, and industrial wastes and to which storm,

Amended by Ordinances 176 and 180

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surface, and groundwater are not intentionally admitted.

G. "Garbage" shall mean solid organic wastes from the preparation, cooking and dispensing of food, produce or organic matters and from the handling, storage and sale thereof.

H. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the side sewer.

I. "Side Sewer" or "Building Sewer" shall mean the extension from the building drain beginning two feet (2') outside the outer foundation wall of the building to the property line or right-of-way line, or to the public sewer located within an easement.

J. "Service Connection" shall mean that portion of a connection to a public sewer constructed from the property line to a public sewer when the public sewer is within a street, or from the point of the side sewer connection to the public sewer within an easement.

K. "Public Sewer" shall mean that portion of the sanitary sewer system located within public rights-of-way or easements, and constructed, operated and maintained by the City.

L. "Storm Sewer" or "Storm Drain" shall mean a sewer which is installed to carry storm and surface waters but excludes sanitary sewage and polluted industrial wastes.

M. "Connection Charge" shall mean the fee levied by the City to cover the cost of construction, inspection and administration

costs relating to installation of the service connection from the public sewer in the right-of-way or easement to the property which is to be served.

N. "Biochemical Oxygen Demand" or "BOD" is the amount of oxygen required for the biological decomposition of organic solids under standardized laboratory conditions.

O. "Suspended Solids" shall mean solids which float or are in suspension and are removable by filtration.

P. "pH" shall mean the logarithm of the reciprocal of the weight of the hydrogen ions in grams per liter of solution and is a measure of the acidity or alkalinity of a solution.

Q. "Natural Outlet" shall mean any outlet into a water-course, pond, ditch, lake or other body of surface or groundwater.

Section 2. Use of Public Sewers Required.

A. No person shall permit or cause the discharge of any sewage, garbage, or other objectional waste into any natural outlet or on public or private property within the City except as herein provided.

B. No person shall discharge to any natural outlet within the City any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this ordinance.

C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of

sewage within the corporate limits of the City of Lacey or in any area under the jurisdiction of said City where a public sewer system is available.

D. The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the City of Lacey and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the City of Lacey, is hereby required at his expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer, either by gravity or with approved pumping facilities, in accordance with the provisions of this ordinance, within two (2) years after the date of official notice to do so, provided that said public sewer is available to or on the property and/or at a property line of said property and provided that the sewage from the structures or buildings originates within 250 feet of the public sewer, except in the case of private residential or commercial developments where the developed property abutts a right-of-way in which a public sewer is located or where a service connection is otherwise provided. In this case connection of all structures generating sewage shall be required to connect to the public sewer regardless of distance from said public sewer. The two (2) year grace period for connection to the public sewer system does not imply that the monthly sewer service charge will be waived during this period of time. See Section 10, Paragraph C.

E. Any property owner who believes that he should not be served by said public sewer may file an appeal with the City Clerk not later than 60 days following publication of said official notice. Within 60 days of receipt of such appeal the City shall investigate the grounds specified by appellant and hold a hearing at a time and place set by the City, notice of which shall be given appellant not less than 15 days before such date. The sole issue to be determined by the City is whether a public sewer is located within the distance required by this ordinance for installation of a connection to the appellant's property. The decision of the Administrative Authority or designated city official may be appealed to the City Council for review as provided by law for administrative determinations.

Section 3. Service-Connection Charges.

A. All structures or properties used for human occupancy, employment, recreation, or other purposes which are required to connect to the public sewer under the provisions of the City's ordinances shall pay a connection charge for each separate service connection provided to the property during construction of the public sewers and before restoration of the trench and surface of the street or easement area in which the sewer is laid. The amount of the connection charge will be determined at the time of construction of the public sewer. The cost of such connection to the sewer after the sewer construction is completed and the trench is closed and land or street surfaces are restored shall

be \$400.00. Except that if such connection is on an arterial street the charge shall be the actual cost plus 15% for overhead as determined at the time of installation.

B. Such service connection charge shall be paid at the time application is made for installation of a connecting "tee" and stub, or at such time as the City may bill for the installation of such tee and stub, if not previously paid. If such charges are not paid within 30 days of billing, the City shall have a lien as provided under RCW 35.67.200 and such delinquent charge shall bear interest at 8.5% per annum. The proceeds of such charges shall go into the Sewer Connection Account of the Sewer System Construction Fund of the City hereinafter created to defray the actual cost of connecting building sewers to the main or collector sewers and to provide a uniform basis of charge to the property owners regardless of the actual cost of individual connections.

Section 4. Private Sewage Disposal.

A. Where a public sanitary sewer is not available under the provisions of Section 2-D, the building drain shall be connected to a private sewage disposal system complying with the requirements of the Washington State Department of Health, the Thurston County Health Department, the Plumbing Code of the State of Washington, and the Plumbing Code of the City of Lacey. A permit for construction of a private sewage disposal system within the City of Lacey will be required.

B. It shall be unlawful to make repairs to an existing private sewage disposal system or pump from a private sewage disposal facility without first obtaining a permit from the City of Lacey, except in the case of an emergency during non-working hours. In such cases, it is required that a permit be obtained on the next working day. There shall be no charge for the permit required ^{in this section 4.B.} ~~supra~~ *Q*

C. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 2-D, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be disconnected and abandoned. Inlets to abandoned facilities shall be sealed. This section shall control notwithstanding the provisions of Section 1119 of the Uniform Plumbing Code.

D. Should a private sewage disposal system become inoperative during the two (2) year grace period, the property shall be connected to the public sewer immediately, providing that said public sewer is available. Repair of an inoperative private sewage disposal system will not be permitted within the service area of a public sewer during the two (2) year grace period.

Section 5. Side Sewer Connections.

A. No person shall uncover, make any connections to, opening into, use, alter, or disturb any public sewer or appurtenance thereto without first making an application and securing a permit for a side sewer connection from the Administrative

Authority. A permit fee of \$5.00 shall be levied to cover the cost of inspection.

B. There shall be two classes of side sewer permits: (1) for residential and commercial service, and (2) for industrial service. In either case, the user or his agent shall make application on a form furnished by the City providing for plans, specifications, or other information required to show compliance with the City's ordinances.

C. Applications for street opening and side sewer connection permits may be made by the owner, his agent or a licensed side sewer contractor. All costs and expenses incidental to the installation and connection of the side sewer shall be borne by the owner.

D. No permit shall be issued to make any connections of side sewers to service connections of the sewer system of the City of Lacey without the applicant therefore first posting with the City of Lacey a bond in the sum of \$2,500.00 with a surety qualified to do a bonding business in the State of Washington, conditioned on applicants replacing and restoring such street, alley, avenue or public place to as good a state or condition as existed at the time of the commencement of said work, and maintaining the same in good order to the satisfaction of the City for a period of time from one year from the date of approval of the restoration by the City of Lacey, providing applicant is not the owner. If applicant is the owner a bond will not be required.

E. The side sewer contractor shall also obtain and maintain during any period of installing side sewers in the City of Lacey public liability insurance for bodily injury and property damage, to public or private persons or property, including without limitation, coverage for explosion, blasting, collapse, and destruction of underground utilities and contingent contractual liability, as shall insure him and the City on claims arising for such side sewer construction, designating the City specifically as an additional named insured in said policies, all at no cost to the City. Such insurance shall cover the property owners, the City, contractor and subcontractors and employers for all claims or damages for bodily injury, including wrongful death, and for property damage which may arise from operations under the side sewer permit or the principal insured's contracting business license whether such operations be performed by himself or by any subcontractor of anyone directly or indirectly employed by either of them. Such policy or contract shall provide bodily injury liability insurance in an amount not less than ^{250,000.00} ~~\$500,000.00~~ for injuries, including wrongful death, to any one person, in an amount not less than ^{500,000.00} ~~\$1,000,000.00~~ on account of any one occurrence, and property damage liability insurance in an amount not less than \$100,000.00 for each occurrence. If the permittee is the owner he shall also be required to carry said liability insurance, designating the City specifically as an additional named insured.

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Certificates evidencing the said insurance shall be filed with the City prior to the commencement of operations by the contractor or owner. All certificates shall stipulate that the policy shall not be subject to cancellation or reduction in the required limits of liability or amounts of insurance or any other material change until notice thereof has been mailed to the City more than ten (10) days before such cancellation, reduction or change shall be effective. All certificates of insurance, authenticated by the proper officer of the insurer, shall contain statements of those insured, the extent of the insurance, the location area and operations to which the insurance applies, the expiration date, and the above-mentioned notice of the cancellation clause.

Section 6. Sewer Contractor's License.

A. No person shall hereinafter engage in the business of installing side sewers or in connecting side sewers to any public sewer of the City of Lacey unless such person has first secured a sewer contractor's license from the City Clerk or is a Master Plumber licensed by the City of Lacey. Provided, however, and excepting from the above requirement any bone fide property owner or member of his direct family may construct that portion of the side sewer which is on his own property provided he abide by all requirements of this ordinance. For purposes of this ordinance the digging of the ditch in which to lay the sewer shall not of itself be construed installation of a side sewer.

B. Any person desiring a Side Sewer Contractor's License or renewal thereof shall make application therefor in writing to

the City Clerk upon a blank form to be furnished for that purpose. The application shall be referred to the Administrative Authority for his approval. The applicant shall be required to present satisfactory evidence to the Administrative Authority that he is a reliable person, and skilled in the laying and construction of side sewers, and that he has sufficient knowledge and experience to carry on the business of a Side Sewer Contractor. If the Administrative Authority approves the application and all other requirements of this ordinance relating to Side Sewer Contractors have been complied with, the City Clerk shall issue the license applied for. The license fee shall be twenty-five dollars (\$25.00) per year. In the event any applicant's application for license is denied, he shall have the right of appeal to the City Council.

C. Master Plumbers licensed under the provisions of the Plumbing Code shall not be required to secure an additional license under the provisions of this ordinance; provided that the license fee and amount of bond and liability insurance required by the City Plumbing Code be at least equivalent to the license fee and amount of bond and liability insurance required by this ordinance.

D. In addition to other reasons set forth in this ordinance for the suspension or revocation of a license, a Side Sewer Contractor's license may be suspended or revoked for the following

causes: failure to observe the rules and regulations issued by the Administrative Authority governing the construction and laying of side sewers; fraud or misrepresentation in obtaining a Side Sewer Contractor's License; failure to pay for labor or material used in the construction of a side sewer; fraud or misrepresentation to the owner, agent or occupant of a building for the purpose of obtaining a contract for the construction of a side sewer; or for non-payment for work performed by the Administrative Authority for the payment of which a Side Sewer Contractor may be liable.

Section 7. Side Sewer Specifications.

A. Side sewers shall be of cast iron soil pipe conforming to ASTM Designation A 74 with lead or rubber gasketed joints; asbestos-cement pipe with rubber ring joints conforming to ASTM Designation C 644; clay pipe conforming to ASTM C 200 and Clay Pipe Institute West Coast Standards, with factory made compression joints conforming to ASTM C 425; or concrete pipe conforming to ASTM C 14 with rubber gasketed joints.

B. Side sewer connections shall be made on the house side of the septic tank. Connection of the side sewer to the service connection shall be with an adaptor and by a method approved by the Administrative Authority.

C. The first fitting at the connection of the side sewer with the service connection shall be an asbestos-cement,

clay, concrete, or cast iron tee, with the tee in a vertical position, furnished by the owner. The tee branch which shall be the same size as the run, shall be sealed with an approved cap or plug. Such tee shall be used for inserting a test plug for water testing the side sewer and as an auxiliary cleanout. Backfilling around the tee shall be done in such a manner so as not to damage the pipe.

D. Side sewers shall be no less than four inches (4") in diameter. Side sewers to multiple dwellings, commercial and industrial buildings shall not be less than six inches (6") in diameter providing the adjacent service connection is six inches (6") or larger.

E. Where one building is located at the rear of another on the same lot and the building in the rear has no frontage on a street, alley or easement in which a sewer is located, the side sewer from the front building may be extended to the rear building. In such a case a clean-out shall be installed at the point of common connection.

F. All side sewers shall be laid on a uniform slope of not less than one-fourth ($1/4$) of an inch per foot unless otherwise approved in writing by the Administrative Authority and in no case shall grades be flatter than one-eighth ($1/8$) of an inch per foot.

G. Side sewers serving buildings with basements shall be brought to the building at an elevation below the basement floor whenever the location of public sewers will permit.

H. The side sewer shall be laid at uniform grade and in straight alignment so far as is possible. Changes in direction shall be made only with curved pipe with no greater than 45-degree bends. The connection to the building drain and combination bends of 90 degrees shall include a clean out. All pipe shall be laid on a firm earth bedding containing no material larger than one inch. If the trench bottom contains mud or water the pipe shall be laid on a 4-inch granular base of 3/4 inch minus rock, pea gravel, sand or combination thereof. Backfill around the pipe and to a point 4 inches above shall be selected trenchside material hand placed and hand tamped, with no material larger than one inch.

I. In cases in which a building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the side sewer.

J. All excavations for the installation of a side sewer shall be open trench work unless otherwise approved by the Administrative Authority. No backfilling of the trench shall be done until receipt of written approval from the City. From the service connection to the point of connection with the existing system the minimum cover shall be 1'-6" above the top of the pipe, unless otherwise approved.

Section 8. Testing.

A. Side sewers shall be tested for leaks before back-filling by inserting a removable plumber's plug or other removable plug at the lower end of the line and filling the line with water to a level of at least one foot (1') above the sewer at its junction with the building drain. A standpipe shall be inserted into the cleanout fitting at the upper end of the side sewer to obtain the required one foot (1') of head above the junction with the building drain. The pipe shall be filled with water at least one (1) hour before the actual test or before calling for inspection during which time it will be presumed that full absorption of the pipe body has taken place.

B. Permissible leakage shall not exceed 0.02 gallons per hour per foot of four inch (4") pipe tested or 0.03 gallons per hour per foot of six inch (6") pipe tested. A test duration of thirty (30) minutes shall be considered sufficient.

C. The side sewer permittee shall notify the Administrative Authority orally or in writing that said work is ready for inspection. Such notification shall be given not less than twenty-four (24) hours before the work is to be inspected. No inspection will be made on Saturday, Sunday, or holidays.

D. If, for non-compliance with provisions of this ordinance, additional inspection is required, a charge of \$7.50 will be made for each additional inspection.

Section 9. Use of the Public Sewers.

A. No person shall discharge, permit or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, cooling water, or unpolluted industrial process water to any sanitary sewer.

B. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the Administrative Authority. Industrial cooling water or unpolluted process water may be discharged, upon approval of the Administrative Authority, to a storm sewer or natural outlet.

C. Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described water or wastes to any public sewer:

1. Any liquid or vapor having a temperature higher than 150 degrees F.
2. Any gasoline, grease, oils, paint, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
3. Any garbage which has not been properly shredded to 1/2-inch maximum size in any dimension or which will not be carried freely under the flow conditions normally prevailing in the public sewer.
4. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics,

wood, or any other solid or viscous substance capable of causing obstructions to the flow in sewers or other interference with the proper operation of the sewage works.

5. Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant.
6. Any waters or wastes of a strong alkaline or acid nature having a pH lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
7. Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such material at the sewage treatment plant.
8. Any noxious or malodorous gas or substance capable of creating a public nuisance, including the contents of septic tanks and cesspools, without written consent of the Administrative Authority.

D. Grease, oil, and sand interceptors shall be provided, when, in the opinion of the Administrative Authority, they are

necessary for the proper handling of liquid wastes containing grease in excessive amount, or any flammable wastes, sand, and other harmful ingredients, except that such interceptors shall not be required for private living quarters. All interceptors shall be of a type and capacity approved by the Administrative Authority and shall be located so as to be readily and easily accessible for cleaning and inspection, and shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

E. The admission into the public sewers of any waters or wastes having (a) a 5-day biochemical oxygen demand greater than 300 parts per million by weight, or (b) containing more than 350 parts per million by weight of suspended solids, or (c) having an average daily flow greater than 2 percent of the average daily sewage flow of the City shall be subject to the review and approval of the Administrative Authority. Where necessary, in the opinion of the Administrative Authority, the owner shall provide, at his expense, such preliminary treatment as may be necessary. Plans, specifications, and any other pertinent information relating to the proposed preliminary treatment facilities shall be submitted for the approval of the Administrative Authority and of the Washington State Department of Ecology, and no construction of such facilities shall be commenced until said approvals are obtained in writing.

F. When required by the Administrative Authority, the owner of any property served by a side sewer carrying industrial

wastes shall install a suitable control manhole in the side sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessible at all times.

G. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation, by the owner at his expense.

H. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this section shall be determined in accordance with "Standard Methods for the Examination of Water and Sewage," published by the American Public Health Association, Inc., and shall be determined at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

I. No statement contained in this ordinance shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment subject to payment therefor by the industrial concern.

Section 10. Rates of Charge for Sewer Service.

A. The definition of an Equivalent Residential Unit (ERU) for the various classes of customers is as follows:

1. Single-family residence including mobile homes not in mobile home parks as described in (3) below. One (1) ERU per month.
2. Duplex (two-family) residence. Two (2) ERU's per month.
3. Triplexes, apartments, mobile home parks and other multiple-family residential customers. One (1) ERU for each of the first two living units or spaces available for occupancy and one-half (1/2) ERU for each additional unit or space.
4. Commercial or industrial customers not readily identified as a residential customer including, but not limited to, hotels, motels, boarding or rooming houses, nursing and transient (overnight) trailer parks. One (1) ERU for each nine hundred (900) cubic feet of water consumed with a minimum monthly charge of one (1) ERU.

B. The volume of water to be used for fixing the charges for non-residential establishments shall include any and all water purchased from public or private water companies or both and all water obtained from all other sources as determined by meters installed and maintained by public and/or private companies; by meters installed and maintained by the property owner as may be approved by the City or by estimates or measurements made by the

City where metering is deemed impractical. Water used solely for irrigation or such other use which does not enter the sanitary sewer system may be excluded provided such water is separately metered or not metered and the use of such water is completely separated from the sanitary sewer system.

C. Payment for sewer service shall include all residential and non-residential establishments where sewer service is available whether or not the establishments are in fact occupied or connected to a sewer. Sewer service is considered to be available if there is a sewer in a right-of-way or easement adjacent to the property and when the sewage originates within 250 feet of such sewer; subject to the provisions of Section 2-D herein. The monthly sewer service charge shall become effective as soon as Official Notice is given that sewer service is available.

D. The "basic sewer service charge" of Lacey shall be \$4.50 per month per Equivalent Residential Unit.

E. The monthly sewer service charges as established in this section shall be rounded to the nearest five cents and shall be rounded downward if the calculated figure lies equally between adjusted rates.

Section 11. Protection from Damage. No person shall break, damage, destroy, uncover, deface or tamper with any structure, facility, appurtenance or equipment which is a part of the sanitary sewer system of the City.

Section 12. Powers and Authority of Inspectors. The administrative Authority and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter upon all properties at reasonable times for the purposes of inspection, observation, measurement, sampling and testing, to determine compliance with the provisions of this ordinance.

Section 13. Penalties. Any person convicted of violating any of the provisions of this ordinance may be punished by a fine not less than \$10.00 nor more than \$100.00, or by imprisonment for not more than 30 days, or both. Each day that a violation continues shall constitute a separate offense.

Section 14. Validity. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

Section 15. Effect. This ordinance shall take effect and be in force five (5) days after its passage, approval and publication.

PASSED by the City Council and signed in authentication of its passage this 3rd day of December, 1970.

A. S. Hamann
MAYOR

ATTEST:

C. R. Ketchum
CITY CLERK

APPROVED AS TO FORM:


CITY ATTORNEY

PASSED: 12-3-70

PUBLISHED: Dec. 9, 1970