

**ORDINANCE NO. 1098**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST PARK, WASHINGTON, REPEALING AND RE-ENACTING CHAPTER 13.08 OF THE LAKE FOREST PARK MUNICIPAL CODE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE**

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**WHEREAS**, several key elements of Title 13 Public Services, Chapter 13.08 Sewer Service and Use of the Lake Forest Park Municipal Code have not been updated since 1961; and

**WHEREAS**, it is beneficial to the City and the citizens of the City of Lake Forest Park to update the sewer code to regionally accepted industry standards which will support citizens and contractors as well as allow City staff to operate more efficiently.

**WHEREAS**, the City Council desires to repeal outdated sewer service standards and adopt modern sanitary sewer code provisions and streamline requirements.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKE FOREST PARK, WASHINGTON, DOES ORDAIN AS FOLLOWS:**

**Section 1. LFP Chapter 13.08 (Sewer Service and Use), Repealed and Re-enacted.** Chapter 13.08, 13.10, 13.12 of the Lake Forest Park Municipal Code is hereby repealed in its entirety and re-enacted to read as follows:

**Chapter 13.08  
SEWER SERVICE AND USE**

**Sections:**

- 13.08.10 Purpose
- 13.08.20 Definitions
- 13.08.30 Use of Public Sewers Required
- 13.08.40 Side Sewers and Connections
- 13.08.50 Permit Fees and Connection Charges
- 13.08.60 Use of the Public Sewers
- 13.08.70 Fat, Oil, and Grease
- 13.08.80 Onsite Wastewater System Regulation, Taxation, and Loans
- 13.08.90 Sewer Rates and Charges

**13.08.10 Purpose.**

The purpose of this chapter is to protect the city's sewer infrastructure by providing minimum requirements for using and connecting to the public sewer system.

The city council finds this chapter is necessary to protect the health, safety and welfare of the residents of Lake Forest Park and the integrity of the city's resources for the benefit of all.

**13.08.20 Definitions.**

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

**A. "Available" or "availability"** Public sewer is available when it is constructed or located within 100 feet

of the property line of any lot or parcel of real property within the jurisdiction of the city.

**B. "Building drain"** means 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 building sewer.

**C. "Director"** means the Public Works Operations Director of the city or his authorized deputy, agent or representative.

**D. "Failure"** means a condition of an on-site sewage system that threatens the public health by inadequately treating sewage or by creating a potential for direct or indirect contact between sewage and the public. Examples of failure are listed in RCW 70.118.020 and include:

1. Sewage on the surface of the ground;
2. Sewage backing up into a structure caused by slow soil absorption of septic tank effluent;
3. Sewage leaking from a septic tank, pump chamber, holding tank, or collection system;
4. Inadequately treated effluent contaminating groundwater or surface water.

**E. "Federal Reserve prime rate"** means the interest rate set through the Federal Reserve Bank System as the rate charged to their most creditworthy customers.

**F. "Garbage"** means solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

**G. "Industrial waste"** means any liquid, solid or gaseous substance, or combination thereof, resulting from any process of industry, manufacturing, commercial food processing, business, trade or research, including the development, recovery or processing of natural resources.

**H. "Side sewer contractor"** means any contractor who is qualified to construct, install, repair, reconstruct, excavate or connect any side sewer to a public sewer.

**I. "Multiple Dwelling"** Refer to chapter 18.08. LFPMC.

**J. "Natural outlet"** means any outlet into a watercourse, pond, lake or other body of surface water or groundwater.

**K. "On-site wastewater system"** means any system of wastewater disposal that occurs on-site, including septic systems, mound systems, soil infiltration systems and any other on-site systems allowed by law.

**L. "Person"** means an individual and his or her agent or assign, municipality, political subdivision,

government agency, partnership, corporation, business or any other entity.

M. **“pH”** means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

N. **“Public sewer”** means a sewer which is owned or controlled by the city or other public authority.

O. **“Public system”** means the city’s wastewater system as it currently exists or as it may be extended hereafter.

P. **“Qualified professional”** means an on-site wastewater system inspector approved by the Seattle-King County board of health or licensed by the State of Washington Department of Licensing, or a civil engineer licensed by the state of Washington.

Q. **“Repair”** means the replacement, addition, or alteration of an on-site wastewater system or any replacement, excluding, however, replacement, addition or alteration of septic tank lids, septic tank baffles, septic tank pumps, pump control floats, pipes connecting septic tanks, and drain field inspection boxes and ports if the subsurface soil absorption system is not failing.

R. **“Sanitary sewer”** means a sewer which carries sewage and into which stormwaters, surface waters and groundwaters are not admitted.

S. **“Sewage”** means waste-carrying water discharged from the plumbing or cleanout drains of structures occupied or used by people or animals. This does not include surface water or groundwater.

T. **“Sewage works”** means all facilities for collecting, pumping, treating and disposing of sewage and industrial waste.

U. **“Sewer”** means a conduit designed or used to transport sewage or industrial waste.

V. **“Side sewer”** means a sewer connecting the plumbing of a structure to a public sewer.

W. **“Standard Sewer Details, Materials and Methods”** means the document that provides instructions and requirements for side sewer installations connecting to the public system.

X. **“Structure”** Refer to LFPMC 18.08.

Y. **“Suspended solids”** means solids that either float on the surface of, or are in suspension in, water, sewage or other liquids, and which are removable by laboratory filtering.

Z. **“Wastewater”** shall have the meaning ascribed in the Washington Administrative Code.

AA. **“Watercourse”** means an open channel, natural or manmade, in which a flow of water occurs, either

continuously or intermittently.

#### **13.08.30 Use of Public Sewers Required.**

**A. Unlawful deposit of waste.** It is unlawful for any person to place, deposit or permit to be deposited any sewage or industrial waste upon public or private property into any natural outlet or watercourse subject to the jurisdiction of the city.

**B. Unlawful sewage disposal facilities.** Except as provided in this chapter, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage in the city.

**C. Connection to available sewer required.** Any building or structure constructed or made available for human occupation or use for any purpose after the effective date of the ordinance codified in this chapter shall be connected to the public sewer system of the city before the completion of the construction of such building or structure or before any occupancy or use thereof. The installation or repair of on-site wastewater systems serving property to which wastewater service is available from the public sewer system is prohibited. In the event that connection to the public sewer system is not available an on-site wastewater system may be installed or repaired in accordance with the King County Department of Health Wastewater Program requirements.

**D. Prompt repair.** Any needed repair to a side sewer shall be made within 10 working days after notice by the Director to the owner of the property owner notifying such owner to make such repair. In the event of an emergency, the Director may establish a shorter period of time for the repair to be made or, if the owner cannot be located or does not promptly make such repairs, the city may make the repairs at the owner's expense.

**E. Failure to connect or repair side sewer.** If any connection to a public sewer is not made within the time and in the manner required, the Director may cause the same to be made and file a statement of cost thereof with the Director of Finance, who shall certify the amount of the cost of making such connection or repairs together with the amount of any applicable connection charges or side sewer permit fees and shall also record a lien with the King County Recorder's Office against the real property upon which such work was performed. Upon such recording, the amount so certified, together with interest at eight percent per year, shall become a lien against the property.

**F. Certificate of Sewer Availability.** Application for a certificate of sewer availability is required at the time of building permit application for new structure(s). The certificate of sewer availability application shall be made on a form furnished by the City and shall be supplemented by one 11"x17" scaled site plan of the property that includes the proposed improvements and a brief description of the project including intended use, square foot area of structures and proposed side sewer installation specifications. Fees for the Certificate of Sewer Availability shall be paid at the time of application.

**G. Private sewage disposal.** Where a public sewer is not available for use and that is confirmed by the Director, the side sewer may be connected to a on-site wastewater system or replacement thereof, all of which must comply with applicable state, county and city regulations.

#### **13.08.40 Side Sewers, Connections, and Permits**

**A. Permit – Required.** No person other than representatives of the city shall uncover, make any connection with or opening into, use, alter or disturb any public sewer system or appurtenance thereof without first obtaining a written permit from the Director.

**B. Permit – Classes.** There shall be three classes of side sewer permits: (1) for residences, (2) for commercial structures, and (3) for establishments producing industrial wastes. In each case, the owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Director, including, in case of a new building, a plan or diagram of plumbing and drainage facilities.

**C. Permit – To precede work.** A permit shall be obtained and the fees therefor paid before side sewer work is started.

**D. Permit – Qualified persons.**

1. A permit that includes side sewer work in a public right-of-way may be issued only to a licensed side sewer contractor.

2. A permit that includes side sewer work on private property only may be issued to the owner of the property or to a licensed side sewer contractor.

**E. Permit – Application.** Side sewer permits shall be issued only upon proper application at City Hall. The application must include one 8.5"x11" scaled site plan of the property that includes the proposed improvements and a brief description of the project including intended use, and proposed side sewer installation specifications.

**F. Permit – Posting.** The permit card must be posted on the job and must be readily accessible to the inspector for the city.

**G. Permit – Misuse.** No licensed side sewer contractor shall lay any pipe pursuant to any other person's permit nor shall any unauthorized person lay any pipe pursuant to a licensed side sewer contractor's permit.

**H. Meeting with inspectors.** A licensed side sewer contractor shall meet with the inspector on the job whenever so directed.

**I. Connection Location.** Connection will be made at the point approved by the Director at the time of permit issuance.

**J. Costs.** All costs and expense incident to the installation and connection of the side sewer to the public sanitary sewer main shall be borne by the owner of the real property. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the side sewer.

**K. Single and joint sewers.**

1. A single side sewer shall be provided for every building unless the connection of more than one building to a single side sewer is approved by the Director prior to the construction of such side sewer.

No more than one multiple dwelling, industrial or commercial building shall be connected to a side sewer, unless otherwise approved by the Director.

2. Before a permit is issued for a joint side sewer an easement or similar document satisfactory in form to the city, assuring that all properties involved shall have perpetual use of the side sewer and having provisions for maintenance and access for repair purposes, shall be signed by the record owners, acknowledged, recorded with the King County Recorder's Office, and filed with the city clerk.

3. The size and slope of the side sewer shall be subject to the approval of the Director, but in no event shall the diameter be less than four inches for single connections and six inches for multiple connections, nor less than six inches in a public right-of-way.

**L. Reuse of old side sewers.** Old side sewers, including septic tank lines, may be used only when they are found, on demonstration by the licensed contractor or property owner to the satisfaction of the Director, to meet all requirements of this chapter. The owner or his agent shall demonstrate to the Director that no connection to such side sewer or septic tank line exists which conveys any material prohibited by this code.

**M. Specifications.** Sewer installations, repairs and developer extensions shall meet the requirements of the most recent Lake Forest Park Standard Sewer Details, Materials and Methods at the time of application.

**N. Side sewer inspection.**

1. The applicant for the side sewer permit shall notify the Director when the side sewer is ready for inspection and the "as-built" drawings and dimensions have been entered upon the required form. "As-built" drawings must be provided to the inspector at the time of final inspection.

2. If the side sewer fails to pass inspection or is not ready to be inspected or tested when the inspector arrives or the "as-built" drawing is not properly completed so that it may be checked against the installation, or if inspection is desired in two or more stages during construction, an additional charge as established periodically by city council resolution.

3. Before the side sewer is accepted, all lines shall be tested and corrections of any deficiencies shall be made at the expense of the property owner. The entire length of the sewer pipe installed shall be tested using one of the following test methods:

a. Water Test: A 6"x 4" reducer and 6" test tee shall be installed at the end of the 6" stub and an approved plug installed in the test tee. A 4" wye shall be installed approximately 3' from the proposed structure at the upper end of the side sewer. Backfill shall only be placed to secure the pipe at the upstream and downstream of the pipe segment being tested. The side sewer shall be filled with water at the upper end until the entire pipe system is full and the upper end wye will not accept any additional water. The side sewer will be visually inspected by the District to determine if leakage occurs. Once the pipe system has been filled, the water test will commence for 10 minutes. The Contractor shall repair all defective work. If there is no evidence of leakage, the Contractor may then backfill the pipe and the test will be considered acceptable.

b. Air Test: The low pressure air test shall be in accordance with Section 7-17.3(2)F, Low Pressure Air Test for Sanitary Sewers Constructed of Non Air-Permeable Materials, of the 2010 Standard Specifications for Road, Bridge and Municipal Construction of the Washington State Department of Transportation. The Contractor shall furnish all equipment and personnel for conducting the air test under the supervision of the City. The Contractor may desire to make an air test prior to backfilling for his own purposes. However, the acceptance air test shall be made after backfilling has been completed and compacted. All wyes, tees or the end of the side sewer shall be plugged with flexible joint caps or acceptable alternative, securely fastened to withstand the

internal test pressures. Air shall be slowly supplied to the plugged pipe installation until the internal air pressure reaches 4.0 pounds per square inch. At least two minutes shall be allowed for temperature stabilization before proceeding further. The requirements of this specification shall be considered satisfied if the time required in seconds for the pressure to decrease from 3.5 to 2.5 lbs. per square inch is not less than the listed values shown in the following table:

Allowable Time for Low Pressure Air Test

| Diameter<br>(inches) | Minimum Test Times for Length of Main (seconds) |      |      |      |      |
|----------------------|-------------------------------------------------|------|------|------|------|
|                      | 50'                                             | 100' | 150' | 200' | 250' |
| 4                    | 36                                              | 72   | 108  | 144  | 178  |
| 6                    | 80                                              | 160  | 240  | 320  | 400  |

The use of air pressure for testing sewer lines creates hazards that must be recognized. The Contractor shall be certain that all plugs are securely blocked to prevent blowouts. The air testing apparatus shall be equipped with a pressure release device such as a rupture disc or a pressure relief valve designed to relieve pressure in the pipe if it exceeds the required test pressure.

**O. Excavation safety.** All excavations for side sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the manager, when applicable.

**P. Unlawful connection.** Any person who makes or causes to be made any connection to the public sewers of the city without receiving a permit provided by the city before such connection shall be subject to the penalties set forth in this chapter and double the regular fee for the side sewer connection charge in addition to any other charges payable to the city.

**Q. Conveyance of private sewer.** A private sewer constructed in a public right-of-way or in an easement conveyed to the city may be conveyed to the city subject to acceptance by the city. If the city accepts that conveyance, the sewer thereafter shall be a public sewer under the jurisdiction of the city. Prior to accepting the conveyance, the city may require that the grantor of the private sewer satisfy certain construction and other reasonable standards, including but not limited to the payment of a connection charge and inspection fee.

**R. Disconnection.** No structure may be disconnected from a side sewer, and no side sewer may be disconnected from a public sewer, for any reason without prior written notification to, and approval of, the Director. No approval shall be given unless the disconnection is lawful under this chapter and other applicable laws, and satisfactory protection is given by the owner or his contractor to the public sewers and sewer works of the city, including but not limited to the satisfactory capping of the side sewer or public sewer. Sewer service charges for any structure disconnected or to be disconnected shall continue until such disconnection is approved by the city and the side and public sewer capped and otherwise protected to the satisfaction of the Director.

**S. Developer's contracts.** The city may also enter into contracts with owners of real estate as provided in the Municipal Water and Sewer Facilities Act (Chapter 35.91 RCW).

**T. Developer extension manual agreement.** The Developer Extension agreement is incorporated herein by this reference and is available for review at the city clerk's office.

**U. Responsibilities.** Every licensed side sewer contractor shall:

1. Post a valid side sewer permit at the site of the work prior to commencing the work relating thereto;
2. Contract for work using only the standard form of side sewer contract approved by the Director, executed in duplicate, and which shall provide:
  - a. A clear description, including sketch, of the work to be performed and the materials to be used; and
  - b. That workmanship and materials shall be guaranteed for a period of one year after installation and acceptance thereof;
3. Adhere at all times to the then current requirements of the city for side sewers and side sewer contractors, including such reasonable requirements of the Director relating to construction, installation, reconstruction and repair; and
4. Be liable for all damages to the public sewers or sewage works of the city caused by his work.

**V. Backwater valves.** The Uniform Plumbing Code requires backwater valves on building sewers where the finished floor is below the rim of the upstream manhole. Backwater valves, if they are installed, must be located within the building footprint upstream of the cleanout. The city is not responsible for their installation, maintenance, or operation. The side sewer permit for a building with a backwater valve shall include a hold harmless clause which indemnifies the City against any liability, damage, or cost which may accrue from the installation and operation of a backwater valve in the side sewer.

**W. Easement Required – Connection to Low - Pressure Main.** When making a side sewer connection to a public low-pressure sewer main an easement agreement will be required. The easement agreement will be between the private property owner and the city. The easement will allow the city to maintain the property owner's private grinder pump and associated sewer line from the pump to the connection to the sewer main. The easement will be completed on a form furnished by the city and upon completion must be recorded by the private property owner with the King County Recorder's Office. If the private property owner does not adhere to the easement submittal and recording process, the city will not maintain the private grinder pump and associated sewer line from the pump to the connection to the sewer main.

#### **13.08.50 Permit Fees, Connection Charges, and Service Billing**

**A. Side sewer permit.** The side sewer permit fee shall be as established periodically by city council resolution, which includes two inspections. Each additional inspection fee shall be as established periodically by city council resolution.

**B. Lines outside city.** All sewer lines constructed by any property owner outside the boundaries of the



city shall be constructed and installed at the sole expense of the property owner under the supervision of the city and after installation such sewer lines, other than side sewers from the structure to the property line, shall be conveyed to the city free and clear of all liens or encumbrances, together with duly executed and acknowledged easements for all portions of such sewer lines located upon private property, all at no cost to the city. The cost of the city supervision shall be paid for by the property owner. The property owner shall furnish the city "as-built" (record) drawings covering such sewer lines so constructed and installed.

**C. Bimonthly Billing.** All charges for sewer services shall be billed to the customer by the city on a bimonthly billing cycle. All charges for service will be from the beginning of one month to the end of the following month. All bills shall be paid to the City of Lake Forest Park. Sewer charges shall be due and payable on the first day of the second month of the two-month period for which the charges are made, such billing to cover the charges for the immediately preceding month and the current month in advance. Appropriate adjustments shall be made in order that all customers may be billed concurrently.

1. As for buildings and residences in existence at the time sewer service is made available to such buildings or residences, sewer service charges shall commence on the first day of the calendar month following the date such service becomes available.

2 As for buildings or residences constructed after the time public sewers have been constructed capable of serving such buildings or residences, sewer service charges shall commence on the first day of the month following the month in which the sewer connection has been inspected and accepted by the city, or after occupancy of such building or residence, whichever event first occurs, whether or not such building or residence is actually connected to the sewage facilities of the city.

**D. Delinquent charges.** All connection charges and all sewage disposal service charges against property owners receiving or capable of receiving such service are deemed charges against the property served, and when such connection charges are not paid within 30 days after the date of billing, or such sewage disposal service charges are not paid by the last day of the calendar month in which billing is made, such charges shall be delinquent. Upon such charges becoming delinquent there shall be added to them a penalty of 10 percent of the amount of such charges. In addition, from the date of delinquency there shall be charged interest at eight percent per annum on the delinquent charges.

Delinquent charges, penalties added thereto and the interest on such charges and penalties shall be a lien against the property upon which such service was received or capable of being received and may be foreclosed as provided by law. The Finance Director may waive the penalty on delinquent charges one time for reasons considered to be reasonable and due to circumstances beyond the control of the property owner receiving such sewage disposal services. Examples of reasonable circumstances would include: sewer bills that get lost in the mail, sewer bills which are stolen from mailboxes, sewer bills which get returned to the city due to the transfer of property ownership, or for sewer bills which are not paid by a tenant who has moved and the property owner was not notified of the bill until after the bill was due.

**E. Person billed.** Charges for sewer services furnished by the city shall be billed to the owner of the property to which the services are rendered; provided, that when the owner and tenant in possession, in writing, file with the city a request that the billing be sent to the tenant, the Finance Director may, at his discretion, grant such a request, subject to such reasonable conditions as he finds are appropriate. Notwithstanding to whom the billing is sent, the obligation for payment shall be the joint and several responsibility of the property owner and the tenant.

#### **13.08.60 Use of the Public Sewers**

**A. Storm and other unpolluted waters.** No person shall discharge or cause to be discharged any stormwater, surface water, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer.

**B. Prohibited wastes.**

1. Except as provided in this chapter, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

- a. Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit;
- b. Any water or waste which may contain more than 100 parts per million, by weight, of fat, oil or grease;
- c. Any gasoline, benzene, naphtha, fuel oil, lube oil or other flammable or explosive liquid, solid or gas;
- d. Any garbage that has not been shredded so that no particle is greater than one-half inch in any dimension and that all particles will be carried freely under the flow conditions normally prevailing in public sewers;
- e. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works;
- f. Any waters or wastes 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 city;
- g. Any waters or wastes containing toxic or poisonous substances 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;
- h. Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant;
- i. Any noxious or malodorous gas or substance capable of creating a public nuisance.

2. It shall be unlawful for any person to:

- a. Discharge fats, oil or grease directly into fixtures which are connected to the collection system.
- b. Discharge unused butter, margarine, or other solid grease products into the collection through garbage disposals or other means.
- c. Discharge, or cause to be discharged, to the collection system wastewater which contains: (1) oil or grease of petroleum or mineral origin in excess of 100 mg/l; or (2) fats, oil or grease of animal or vegetable origin in excess of 100 mg/l as measured by the Partition-Gravimetric method or the Partition-Infrared method outlined in the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association.

d. Discharge any waste or wastewater containing oils, greases, solids, or liquids into any storm drainage system, or to any land, street, public way, river, stream, or other waterway.

e. Allow liquid waste which is injurious to public health or emits offensive odors to accumulate on that person's property or in that person's possession.

f. Use any chemical emulsifying agent to hinder or eliminate the interception of fats or grease from entering the city's wastewater collection system.

g. Discharge sanitary wastes from toilets, urinals, or other similar fixtures through any interceptor. All wastes shall enter the interceptor through the inlet pipe only.

h. Discharge shredded food wastes into any fixture which discharges to any interceptor.

i. Return waste to an interceptor for the purpose of reducing the volume to be hauled.

j. Use any additive as a substitute for interceptors or the maintenance of interceptors; provided the director may authorize use of additives, other than those that emulsify fat, oil or grease, as a supplement to interceptors according to a written protocol for testing of such additives, which must be completed at the applicant's expense to the director's satisfaction before it may be used.

**C. Damage to works.** No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or piece of equipment which is a part of the city sewage works.

**D. Notices, billings.** Any person who has the care, custody, control or management of any premises or building, or who has control of the operation thereof or the collection of rentals therefrom, shall, for the purpose of this chapter, be deemed to be the agent of the owner of such premises or building, and the giving of all notices provided for in this chapter to that agent shall be deemed due notice to the owner. The mailing or delivery of bills for sewer service charges, permit fees, connection or trunkage charges, or other charges to that agent shall be deemed mailing or delivery to the owner.

**E. Right of entry.** The Director and other duly authorized employees or representatives of the city bearing proper credentials and identification shall be permitted to enter upon all property for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter.

**F. Authority of Director.** All instructions and decisions made by the Director shall be final. Where this chapter requires approval by, permission or decision of, or instructions from the Director, he shall be guided by generally recognized engineering standards and practices; the operational demands and requirements of the sewer works; and the peculiarities of construction, topography, soil condition or other relevant special factors affecting the specific decision to be made.

**G. Violation – Liability.** Any person who violates any provisions of this chapter shall be liable to the city for any expense, loss, damage, cost of inspection or cost of correction incurred, by the city by reason of such violation, including any expenses incurred by the city in collecting from such person for such loss, damage, expense, cost of inspection or cost of correction.

**H. Violation – Notice.** Any person found to be violating any provision of this chapter shall be personally

served with or mailed written notice by the city stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. Such notice shall be mailed to the last address known by the City for the person to receive notice. The offender shall, within the period of time stated in such notice, permanently cease all violations and make all necessary corrections.

**I. Violation – Penalty.** Any person who continues any violation beyond the time limit is guilty of a misdemeanor and shall be liable for a fine of up to \$500.00, or imprisonment of up to 30 days, or both, and in addition to the items of expense, become liable to the city for a penalty in the amount of 10 percent of such expense items, together with interest on the fine at eight percent per year from the date of the time limit.

### **13.08.70 Fat, Oil, and Grease**

#### **A. Pretreatment of fats, oils and greases required.**

1. Newly constructed or remodeled restaurants, cafes, lunch counters, cafeterias, bars, or clubs; or hotel, hospital, sanitarium, factory or school kitchens; or other establishments that serve or prepare food where grease may be introduced into the sewer system shall have pretreatment facilities to prevent the discharge of fat waste, oil, or grease (FOG). Take-out food establishments or other establishments that prepare food, but do not cook in oil or grease, and who serve food only in disposable containers, may be exempted from this requirement, provided their discharges will not violate the general discharge prohibitions of this chapter. These pretreatment facilities must be grease interceptors installed in the waste line leading from sinks, drains, or other fixtures where grease may be discharged. Dischargers must maintain these facilities in a manner that will always prevent fat waste, oil, or grease from being carried into the sewer system. Fat waste, oil, or grease removed from such a facility shall not be disposed of in sanitary or storm sewers.

2. All existing restaurants, cafes, lunch counters, cafeterias, bars, or clubs; or hotel, hospital, sanitarium, factory or school kitchens or other establishments that prepare food where grease may be introduced into the sewer system which do not have a grease trap or interceptor at time of adoption of the ordinance codified in this chapter shall meet the requirements for grease, oils and fats by either installing a grease trap or interceptor or by providing a FOG management plan which shall include specific disposal practices and proof they are being adhered to no later than July 1, 2017. If any of the aforementioned businesses are sold or leased they shall be required to install or connect to a grease removal system within six months of transferring ownership or provide a management plan within one month of transferring ownership. The Director shall approve of all management plans or installations of grease removal systems.

**B. Washing facilities, grease rack—Pretreatment.** Dischargers who operate automatic and coin-operated laundries, car washes, filling stations, commercial garages or similar businesses having any type of washing facilities or grease racks and any other dischargers producing grit, sand, oils, or other materials which have the potential of causing partial or complete obstruction of the building sewer or other areas in the sewer system shall install approved interceptors or tanks in accordance with the latest specifications adopted by the city such that excessive amounts of oil, sand and inert solids are effectively prevented from entering the city sewer.

**C. FOG pretreatment facilities—Installation and maintenance.** All grease traps, interceptors, oil/water separators, settling tanks and grit traps shall be installed, maintained and operated by the discharger at his own expense. The installation shall be kept in continuous operation at all times, and shall be maintained to provide efficient operation. Cleaning must be performed by a service contractor qualified to perform such cleaning. All material removed shall be disposed of in accordance with all state and federal regulations. Certification of maintenance shall be made readily available to the city authorized personnel for review and inspection. If a failure to maintain settling tanks, grit traps, grease interceptors, grease traps or oil/water separators results in partial or complete blockage of the building sewer or other parts of the wastewater utility system, adversely affects the treatment or transmission capabilities of the system, or requires excessive maintenance by the city, the discharger responsible for the facilities shall be subject to the remedies, including enforcement and penalties detailed in this chapter.

**D. Disposal of liquid and semisolid fat, oil or grease.** Establishments which deep fry, pan fry or otherwise generate liquid or semisolid restaurant grease shall:

1. Maintain a container on-site for containment of liquid and semisolid grease wastes; and
2. Dispose of such material by having it transported to a rendering plant by a facility holding a state rendering permit.

**E. Interceptors – Requirements and standards.** Interceptors shall comply with the following requirements and standards.

1. Design. Interceptors shall have: Multiple compartment flotation chambers; Fittings designed for grease retention; Manholes fitted with gas-tight covers, with a minimum opening dimension of 20 inches, spaced a minimum of one manhole per 10 feet of interceptor length; A sampling compartment designed and installed according to city plans available at the utility department; and Such other features as the director may reasonably require.

2. Sizing. The size of the interceptor in gallons shall be determined by multiplying seating capacity or the number of meals served per peak hour, whichever is greater x 6.0 gallons x 2.5 hours x the following storage factor:

Facilities open less than 16 hours = 1

Facilities open for 16 hours or more = 2

Facilities open for 24 hours = 3

3. The Director may require larger capacity interceptors for establishments with the potential to

discharge large quantities of oils, grease, solids or wastewater. Prepackaged or manufactured grease interceptors may be approved by the director with proper engineering and application review.

4. Location. Each interceptor shall be installed and connected:

- a. In a manner providing easy access for sampling, inspection, cleaning, and removal of intercepted grease;
- b. As close as practical to the fixture(s) they serve;
- c. Outside of that part of the building where food is handled;
- d. So that only one establishment is served by the interceptor; and
- e. With the prior approval of the Director.

### **13.08.80 Onsite Wastewater System Regulation, Taxation, and Loans**

#### **A. On-site wastewater system – Installation and repair of failing system prohibited – Connection required.**

1. Installation of an on-site wastewater system or repair of failing on-site wastewater system is prohibited when public sewer is available.
2. Any property served by a failing on-site wastewater system shall be required to connect to the public system.
3. A violation of this section shall be a gross misdemeanor and punished as prescribed by law.

#### **B. On-site wastewater system – License.**

1. An owner of property served by an on-site wastewater system shall, no later than January 30th of the year following the date the property owner receives notice that service is available, apply for an on-site wastewater license as provided herein.
2. An owner of property served by an on-site wastewater system to which service is available from the public system who fails either to connect to the public system or to obtain an on-site wastewater license shall be guilty of a gross misdemeanor and punished as prescribed by law.

**C. Application.** Application for an on-site wastewater license shall be made on a form provided by the city. The application shall be accompanied by a fee established by the city council in an amount sufficient to recover city administrative costs.

**D. License – Conditions – Revocation.** The city is authorized to issue an on-site wastewater license for any on-site system, subject to the following conditions:

1. An application inspection establishes that to the satisfaction of the Director the on-site wastewater system is operating properly and does not constitute a threat to public safety.
2. A schedule of maintenance (including, but not limited to, pumping) and inspection is

established.

3. An initial license shall not be issued in the absence of proof that:

a. The system has been maintained and professionally inspected on a schedule of not less than once every six years; or

b. The system was inspected and maintained during the year immediately preceding the submission of the application or during the application period.

4. The license shall be valid as long as the licensed homeowner owns, operates, and maintains the on-site wastewater system and inspects or has the system regularly inspected as provided herein.

5. Each successive homeowner shall apply for an on-site wastewater license as provided herein.

6. The Director is authorized to revoke a license whenever an inspection determines that a system is in failure.

7. Whenever the Director denies or revokes a license because the on-site system is failing, the Seattle-King County board of health shall be notified. In addition, the property owner shall be required to connect to the public system.

#### **E. Inspections.**

1. Before an initial license may be issued, the property owner shall obtain an inspection by a qualified professional and submit a report to the city. For this purpose, an inspection conducted within three years prior to submission of the application will suffice. The six-year period within which the next professional inspection is required shall run from the date of the inspection upon which the initial license is based.

2. As a condition of maintaining a license, the property owner shall provide for the inspection of the on-site system by a qualified professional every 6 years. The report of the qualified professional shall be provided to the Director.

3. Whenever the Director is in possession of specific and credible information that the system is or may be in failure, the Director shall require the property owner to obtain an inspection of the system by a qualified professional and provide the inspection results to the Director as soon as practicable.

#### **F. License – Denial.**

1. Whenever the city denies or revokes a license to a property owner for a reason other than system failure, the owner shall have three months to correct the identified defect(s) and provide proof satisfactory to the Director of such correction; and thereafter the city shall issue or reinstate a license as provided herein.

2. Whenever the owner cannot legally repair an on-site system and has been directed by the city to abate such system, then the city is directed to work with the property owner to extend the public system to make public sewer available.

**G. On-site wastewater system excise tax – Deferred payments.**

1. There is imposed upon every person who exercises the privilege of operating an on-site wastewater disposal system in lieu of connecting to the public system, when service from that system is available, an excise tax in the amount listed in the fee ordinance.

2. Delinquent amounts shall bear an annual interest rate equal to the Federal Reserve prime rate, adjusted annually in January or biannually (January and July) if the change in the prime rate exceeds one percent in any six-month period.

3. Payment of the excise tax plus interest may be deferred until connection to the city's wastewater system is made or until sale or transfer of their property. Such deferral may be requested at the time of license application or at any time thereafter. Until such deferral has been requested, the city shall bill for the excise tax as provided in subsection 1 of this section. Upon deferral request, the city may cease such billing. Upon request, the city shall provide the owner a statement showing the accrued and unpaid excise tax and the accrued and unpaid interest.

4. To receive a deferral, a homeowner must enter into an agreement with the city agreeing that the city will record a lien on the homeowner's property for payment of the excise tax and sewer connection charge, plus interest.

5. Payments of deferred excise tax becomes fully payable upon sale of the property or transfer of the property to a new owner. All accrued and unpaid excise tax shall be paid at the time of transfer. Any accrued and unpaid excise tax and interest that is not paid at the time of such transfer shall thereafter be subject to the same late payment charges plus interest as any unpaid sewer bill and shall be subject to enforcement and collection procedures as on any recorded lien.. Thereafter the new owner shall pay the excise tax on an ongoing basis as billed subject to the same late payment charges plus interest as any unpaid sewer bill.

**H. Abatement.** Any on-site wastewater system installed, repaired or operated in violation of this chapter shall be abated as follows: At the direction of the Director, the city attorney shall file a complaint for injunctive relief in the King County superior court seeking an order directing that the on-site wastewater system be disconnected and directing further that the property owner immediately connect the owner's property to the public wastewater system in accordance with city ordinances. All costs of litigation, including a reasonable attorney's fee, shall be awarded to the city.

**13.08.90 Sewer Rates and Charges**

**A. Rates.** Rates for sanitary sewer service are adopted by the City Council in the city's biennial budget document.

**B. Water consumption calculation.** Monthly water consumption shall be based on a monthly average taken from the applicable respective billing period of the agency furnishing such water and shall be subject to adjustment for unpolluted water which is not discharged into the public sewers upon satisfactory and timely proof of the amount thereof.

**C. Special services.** The classifications of users set out in this chapter shall only be considered as applicable to general sewer service, and in the event a special condition or situation should arise by virtue of common ownership of adjacent or adjoining buildings of different classes of users being located in one building the applicable rates therefor shall be studied by the city council and the council shall fix such



applicable rates after hearing the recommendations of the Director.

**D. Rates and charges for other classes.** The Director shall recommend the adoption of a rate for such class or classes of service after making a proper investigation of the building or buildings involved and the use or uses to which the same will be put.

**E. Connection charge – Single units.** In addition to the actual cost of connection as determined by time and materials, each property seeking to connect to the city's sanitary sewer system shall pay as a condition of such connection a connection charge in an amount that may be adjusted from time to time by city council resolution.

**F. Connection charge – Multiple units.** Whenever multiple units will be served, then, in addition to the actual cost of connection as determined by time and materials, each property seeking to connect to the city's sanitary sewer system shall pay as a condition of such connection a connection charge in amounts that may be adjusted from time to time by city council resolution.

**G. Collection of charges.** Except for connection charges, the city shall collect all the charges and shall pay the same into the fund of the city known as the "sewer revenue fund" created by Ordinance No. 106 of the city. Connection charges collected by the city shall be paid into the "sewer capital improvement fund" created by ordinance.

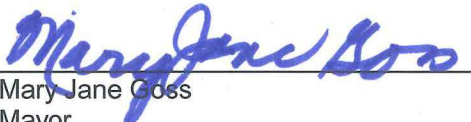
**Section 2. Corrections.** The City Clerk is authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

**Section 3. Severability.** If any one or more section, subsection, or sentence of this ordinance is held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

**Section 4. Effective Date.** This ordinance shall take effect five (5) days after passage and publication.

**APPROVED BY A MAJORITY** of the Lake Forest Park City Council this 11<sup>th</sup> day of June, 2015, and signed into authentication this 15<sup>th</sup> day of June, 2015.

APPROVED:

  
Mary Jane Goss  
Mayor

ATTEST/AUTHENTICATED:

  
Evelyn Jahed  
City Clerk

APPROVED AS TO FORM:



Kim Adams Pratt  
City Attorney

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|-------------|----------------------|
| Introduced: | <u>May 28, 2015</u>  |
| Adopted:    | <u>June 11, 2015</u> |
| Posted:     | <u>June 16, 2015</u> |
| Published:  | <u>June 16, 2015</u> |
| Effective:  | <u>June 21, 2015</u> |