

Title 11

SEWERS

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Chapter 11.20
SANITARY SEWER UTILITY

Sections:

- 11.20.010 Utility created.
- 11.20.020 Fund created.
- 11.20.030 Authority.
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11.20.010 Utility created.

Pursuant to the authority contained in RCW 35.21.210 and 35.67.030, the city of Edgewood does hereby establish a sanitary sewer utility. (Ord. 06-271 § 1).

11.20.020 Fund created.

There is hereby created a sewer utility operating fund. All fees and charges related to the operation of the sewer utility shall be placed into this fund. (Ord. 06-271 § 1).

11.20.030 Authority.

The sewer utility shall be under the direction and control of the mayor. The mayor is authorized to delegate responsibilities for administration of the sanitary sewer utility to such other city employees as the mayor may from time to time direct. (Ord. 15-447 § 1 (Exh. A); Ord. 06-271 § 1).

11.20.040 Sewer utility creation policies.

Policies guiding the creation of the sewer utility are hereby established as follows:

A. Growth and development shall be focused along the Meridian corridor. To help meet this policy, “sewer availability” shall mean, for those areas in Phase I (See Figure ES-1, general sewer plan), sewer is available from the date of the city council adoption of the general sewer plan. For those areas in Phase II, sewer is available 20 years after the date of the city council adoption of the general sewer plan. For those areas in Phase III, sewer service is available 50 years after the date of the city council adoption of the general sewer plan.

B. System extensions shall be paid for by the benefited parties. May be done through developer extension or formation of a local improvement district.

1. Developer Extensions.

- a. Shall be paid for by the developer.
- b. Are subject to approval by the city council and require execution of a system extension agreement with the city.
- c. Reimbursement from other properties that later connect to and benefit from such extensions and/or improvements may be made at the sole discretion of the city, pursuant to Chapter 35.91 RCW and Chapter 11.36 EMC.

2. Local Improvement Districts.

- a. The initial 50 percent of estimated LID preformation costs shall be advanced by the proponents of the project. The remaining 50 percent of LID preformation costs shall be advanced by the city. The source of funds shall be the sewer utility fund via an interfund loan from the general fund.
- b. The proponents shall provide a petition requesting that the city council initiate the LID process by resolution.

- c. To assess support of the project, the petition must be signed by the owners of property aggregating a majority of the area within the proposed district.
- d. The formation of a local improvement district shall be pursuant to Chapters 35.43 through 35.54 RCW and subject to approval by the city council.

C. Sewer System Improvements Made by the City.

- 1. When the city elects to make general improvements to the city's sanitary sewer system, such improvements shall be paid for with connection and/or rate charges collected from users of the system.
- 2. When the city elects to make improvements to the city's sanitary sewer system that create a special benefit to properties, the city shall require the owners of those properties to pay for such improvements as a part of and in addition to normal connection charges and/or rate surcharges.

D. Connection Required.

- 1. **Property Adjacent to a Developer Extension.** When a sanitary sewer is extended, by a developer, to or past property not owned by said developer, the owner of such property shall not be required to connect to the sewer so extended.
- 2. **Property within an LID.** Buildings on property within a local improvement district are required to be connected to the city's sewer system and the property owner shall be required to pay all charges associated with such connection.
- 3. **Health Department Exception.** An existing structure on property with sewer availability, fronted by the city's sanitary sewer system, whose on-site sewage disposal system has failed and cannot be acceptably corrected or repaired, as determined by the Tacoma-Pierce County health department, shall be required to connect to said sewer system and the property owner shall be required to pay all charges associated with such connection.

E. Side Sewers – Responsibility to Construct. Except as otherwise provided by this title, a new side sewer, from the right-of-way line or easement to the sewer main or submain, shall be constructed and paid for by the owner of the property on which the structure is served by the side sewer.

F. Private Disposal System.

- 1. Residential structures may connect to a private sewage disposal system; provided, that both of the following conditions must be met:
 - a. A valid permit from the Tacoma-Pierce County health department is obtained; and
 - b. The property is not located within the boundaries of a local improvement district.
- 2. A new commercial, industrial, institutional or multifamily structure may connect to a private sewage disposal system; provided, that all of the following conditions must be met:
 - a. A valid permit from the Tacoma-Pierce County health department is obtained;
 - b. The property is not located within the boundaries of a local improvement district; and
 - c. The property owner must agree in writing, as a condition to the issuance of the building permit, to disconnect from and remove said private sewage disposal system and connect to the city sanitary sewer system when it becomes available. (Ord. 19-542 § 3; Ord. 10-333 § 2; Ord. 06-271 § 1).

Chapter 11.30

SEWER SYSTEM GENERAL PROVISIONS

Sections:

- 11.30.010 Purpose.
- 11.30.020 Definitions.
- 11.30.030 Authority.
- 11.30.040 General sewer plan.
- 11.30.050 Levels of service.
- 11.30.060 Design and construction standards.
- 11.30.070 Sewer availability.
- 11.30.080 Sewer system capacity, record, and reservation.

11.30.010 Purpose.

This title sets forth the regulations under which the city of Edgewood sewer utility is managed and operated. It is intended to enable the director of public works to protect the public health in conformity with all applicable local, state and federal laws relating thereto. The objectives of this chapter are to:

- A. Provide for orderly planning of the utility.
- B. Develop and adopt appropriate levels of service.
- C. Develop standards for design and construction that will result in low system operation and maintenance costs and a safe and healthy work environment.
- D. Provide for a variety of funding options for system extensions so that sewer service is able to expand within the planning framework, and all benefited properties pay their appropriate shares.
- E. Regulate new sewer system construction to be uniform and of high quality.
- F. Establish connection policies and procedures and the basis for connection charges and manner of collection.
- G. Regulate and control, at the source, the quality of wastewater that is discharged from the Edgewood sewer system to the receiving sewer system(s) so that it meets the regulations governing such sewer system(s).
- H. Provide for the use and regulation of septic tanks where appropriate.
- I. Provide for the establishment of equitable sewer rates and set forth billing procedures.
- J. Establish enforcement measures. (Ord. 06-271 § 1).

11.30.020 Definitions.

Definitions for words used in this title, except for the referenced sections of the Tacoma Municipal Code contained in Chapter 11.50 EMC, shall be found in this section; the Orange Book; Glossary, Water and Wastewater Control Engineering, Third Edition, American Public Health Association, 1980; or Webster's New International Dictionary of the English Language Unabridged, Merriam-Webster Inc., 2002, and succeeding editions; with precedence in that order. Words whose context indicates a definition other than that given below are defined by their context.

Definitions for words used in the Tacoma Municipal Code are found in TMC 12.08.010.

The following words and phrases shall be defined as follows:

“Acceptance” means formal action, taken by resolution of the council, accepting improvements, made pursuant to a contract, for ownership and maintenance by the city.

“Biochemical oxygen demand (BOD)” means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at 20 degrees Celsius, expressed in parts per million or milligrams per liter (mg/l) by weight, using “Standard Methods,” Seventeenth Edition, together with amendments thereto, and subsequent editions.

“Building” means a roofed and walled structure, both permanent and temporary, including appurtenances, such as open stairs, patios, and decks.

“Building code” means the International Building Code, 2003 Edition, International Code Council, as amended by the state of Washington, and amended and adopted by the city of Edgewood, as may be further amended, and as may be replaced by succeeding building codes.

“Building sewer” means that part of the horizontal piping of a private sewer system which extends from the end of the building drain and which receives the wastewater from the building drain and conveys it to the side sewer or private disposal system and is regulated by the building department and plumbing code.

“CIP” means capital improvement plan.

“City” means the city of Edgewood.

“Completion date” means the day all the work specified in the contract is completed and all the obligations of the contractor under the contract are fulfilled by the contractor. All documentation required by the contract and required by law must be furnished by the contractor before establishment of this date.

“Comprehensive plan” means the city of Edgewood comprehensive plan as first adopted by the city council on June 12, 2001, as amended on July 9, 2002, and as may be further amended.

“Connection” means the physical connection of the building sewer to the side sewer. In the event a portion of the building sewer has been constructed with the side sewer, connection shall be deemed to occur when the two separate portions of the building sewer are connected.

“Connection right” means the right of a property that has fulfilled all the requirements for connection to the city’s sewer system, as set forth in this title, to connect to that sewer system, subject to the conditions set forth in the connection permit and agreement.

“Conveyance” means, primarily, the transport of sewage from one place to another with few or no connections, as in a sewer trunk or pump station force main.

“Council” means the council of the city of Edgewood.

“Cross-Connection Control Manual” means the Cross-Connection Control Manual, Accepted Procedure and Practice, Sixth Edition, published by the Pacific Northwest Section of the American Water Works Association, together with amendments thereto, and subsequent editions.

“Design and Construction Standards” means the book of design and construction standards of the city of Edgewood for public works projects and system extensions by developers as set forth in EMC 11.30.060.

“Development” means construction of a building or other structure and site improvements, street and utility improvements, and subdivision of property.

“Director” means the city of Edgewood director of public works or authorized representative.

“DOE” means the Washington State Department of Ecology.

“EMC” means the Edgewood Municipal Code.

“Equivalent residential unit (ERU)” means one single-family house, apartment unit, condominium unit, or townhouse unit. For nonresidential connections, an ERU is 250 gallons per day of wastewater, or one-half pound per day of total suspended solids, or one-half pound per day of biochemical oxygen demand (BOD).

The determination of the number of ERUs required for nonresidential buildings shall be made pursuant to EMC 11.40.070.

“Frontage” means the side of the property, adjacent to the right-of-way or easement, containing the sewer or proposed sewer.

Fronted. A property is fronted by a sewer when 10 feet or more of the right-of-way or easement containing a sewer is adjacent to a property line of that property and the sewer contained therein extends 10 feet or more past the nearest property line or extension thereof. If the right-of-way or easement ends at the subject property line and the sewer ends within 50 feet of said property line and is intended to never be extended past that point, the property shall be considered to be fronted by the sewer.

“Fully fronted” means when a right-of-way or easement containing a city sewer is adjacent to and continuous along one or more full sides of a property.

“GSP” means the general sewer plan of the city of Edgewood.

“Human occupation” means the use or intent of use of a building that includes part-time or full-time residency, employment, sports, entertainment, and commercial or other activity that requires the presence of plumbing fixtures as determined by the plumbing code.

“IBC” means the 2003 International Building Code together with amendments thereto, and subsequent editions; see definition of “building code” in this section.

“Improvements” means construction intended to or having the effect of increasing the value of real or personal property.

“LID” means a local improvement district, a group of properties specially benefited by the construction of a local improvement, paid for, in whole or in part, by special assessments levied against said group of properties, established and authorized by the local legislative authority.

“Local improvement” means an improvement or improvements owned or operated by a public corporation (RCW 35.43.010).

“Mayor” means the city of Edgewood mayor or authorized representative.

“Orange Book” means Criteria for Sewage Works Design, Washington State Department of Ecology, December 1998, together with amendments thereto, and subsequent editions.

“Owner” means the owner of the subject real property. If the owner is a corporation, partnership or an indisposed individual, proof of authority to sign on behalf of the owner shall be required. Such proof may include corporate bylaws, a signed and dated resolution of the board of directors, partnership agreement, power of attorney, or other written legal document acceptable to the city.

“Phase I property” means a property within the Phase I boundaries as defined in the GSP. Phase II and Phase III properties are, likewise, defined in the GSP.

“Physical completion date” means the day all of the work is physically completed on the project. All documentation required by the contract and required by law does not necessarily need to be furnished by the contractor by this date.

“Plumbing code” means the Uniform Plumbing Code, 2000 Edition, IAPMO, as amended by the state of Washington and amended and adopted by the city of Edgewood, as may be further amended, and as may be replaced by succeeding plumbing codes.

“Private disposal system” means a privately owned septic tank with drain field or other on-site wastewater treatment and disposal system.

“RCW” means the Revised Code of Washington.

“Sewage” means wastewater that contains human waste.

“Sewer,” also called “sanitary sewer,” means pipes and associated structures that exclusively carry wastewater.

“Sewer availability” means the condition of a property of being permitted to connect to the city’s sewer system. See EMC 11.30.070.

“Sewer lateral” means a sewer that has no other city sewers discharging into it.

“Sewer main or trunk” means a sewer that receives wastewater from one or more submains.

“Sewer service area” means that area lying within the corporate boundaries of the city of Edgewood designated for city sewer service pursuant to a comprehensive sewerage plan, approved in accordance with Chapters 36.93 and 36.94 RCW.

“Sewer submain” means a sewer that receives wastewater from one or more laterals.

“Sewer system,” also called “sanitary sewer system,” means the aggregate of all the parts of a wastewater collection and treatment system including sewers, appurtenances, pump stations and treatment facilities.

“Sewer utility” means the city of Edgewood sanitary sewer utility.

“Side sewer” means that sewer, located within a city right-of-way or easement, between the city’s sewer main and the right-of-way or easement line, connecting to the building sewer and regulated by the public works department and this title.

“Special event” means a commercial, entertainment, or sport activity or community service or civic event, held in or out-of-doors, on private or public property, or on public rights-of-way.

“Standard Specifications” means the Standard Specifications for Road, Bridge, and Municipal Construction, Washington State Department of Transportation, 2006, as amended, and replaced by succeeding editions.

“Storm drain” means pipes and associated structures that carry surface water and exclude wastewater.

“Structure” means something constructed, including, but not limited to, buildings, retaining walls, rockeries, sidewalks, patios, decks, constructed landscaping features, sheds, fences, and driveways.

“Substantial completion date” means the day the director determines the improvements are fully functional from both operational and safety standpoints or that the city has full and unrestricted use and benefit of the facilities both from the operational and safety standpoint, and only minor incidental work, removal of temporary substitute facilities, correction, or repair remains for the physical completion of the total contract.

“System extension” means capital improvements to the sewer system, including, but not limited to, extensions of sewer lines, and the construction of manholes, pump stations, other appurtenances and controls.

“Temporary portable toilet” means a self-contained, noncaustic chemical toilet equipped with a waste-receiving, chemical-holding container, housed in its own shelter.

“TESC” means temporary erosion and sedimentation control.

“TMC” means the Tacoma Municipal Code.

“ULID” means utility local improvement district, a group of properties specially benefited by the construction of a local water, sewer, or off-street parking facility improvement, financed by revenue bonds, paid for in whole or in part by revenues of the utility, established and authorized by the local legislative authority.

“WAC” means the Washington Administrative Code.

“Wastewater” means water that has been used for domestic or industrial purposes and contains or may contain suspended or dissolved solids from such use.

“Work” means the provision of all labor, materials, tools, equipment, and everything needed to successfully complete a project according to the contract. (Ord. 15-447 § 1 (Exh. A); Ord. 10-333 § 8; Ord. 06-271 § 1).

11.30.030 Authority.

The city of Edgewood sanitary sewer utility is established by this title in accordance with RCW 35.21.210 and 35.67.030. Except as otherwise provided herein, the director of public works of the city of Edgewood shall administer, implement and enforce the provisions of this title.

A. Applicability. This title shall apply to all persons and properties within the city of Edgewood and any person using, discharging to, or damaging the city’s sewer system inside or outside the city.

B. Connection Charges and Rates. The authority to set and collect connection charges and monthly rates shall be in accordance with RCW 35.67.190, 35.92.020 and 35.92.025 and other applicable laws and regulations.

C. Enforcement. The authority to lien property for delinquent and unpaid rates and other charges for sewer service shall be in accordance with RCW 35.67.200. The authority to issue citations and levy penalties for civil infractions shall be in accordance with Chapter 1.10 EMC, General Penalty. The authority to adopt ordinances and impose penalties for civil and criminal infractions thereof shall be in accordance with RCW 35A.11.020.

D. Discharge Permits. The jurisdiction that operates the wastewater treatment plant treating the city’s sewage shall be authorized to regulate and enforce the provisions of Chapter 11.50 EMC, and, pursuant to RCW 90.48.160, issue discharge permits within the city to operators of industrial and commercial operations, monitor discharges, inspect said industrial and commercial operations, and enforce discharge regulations promulgated by said jurisdiction.

E. Inspection. The city, its inspectors, and consultants shall have free access to and authority to observe, inspect, gather samples, and perform tests related to all city sewer system construction or other activity or use located on city property, the public rights-of-way, and city easements within and outside the city.

Construction and all other activity or use, located on private property, authorized or regulated under this title shall be conditioned upon the right of the city, its inspectors, and consultants to enter upon such private property and authority to observe, inspect, gather samples, and perform tests related to all such construction or other activity or use.

F. Stop Work. The city, its inspectors, and authorized consultants shall have authority to stop work authorized or regulated under this title when such inspectors or consultants shall find that stopping the work is necessary to ensure compliance with approved plans, specifications, Design and Construction Standards, and Standard Specifications.

G. Uncover. The city, its inspectors, and authorized consultants shall have authority to require that improvements or parts thereof, authorized or regulated under this title, must be uncovered or dug up and/or removed for inspection when:

1. Such improvements require inspection; and
2. No inspection has been made by the city; and
3. Inadequate notice has been given by the owner or contractor requesting the inspection.

H. Remove. The city, its inspectors, and authorized consultants shall have authority to require that improvements or parts thereof, authorized or regulated under this title, that do not comply with approved plans, specifications, Design

and Construction Standards, and Standard Specifications be removed from the project and be replaced. (Ord. 06-271 § 1).

11.30.040 General sewer plan.

The council has adopted by ordinance (RCW 35.67.030) a general sewer plan (GSP) that sets the boundaries of the city's sewer service area and guides the sewer utility as to the location and size of sewer mains, trunks, submains and pump stations. The GSP shall set forth a detailed capital improvement plan (CIP) for 10 years and a general CIP for 20 years. The most recent edition of the Design and Construction Standards shall be included in the GSP by reference. DOE approval of the GSP is required subject to RCW 90.48.110(3), WAC 173-240-030, 173-240-040, and 173-240-050. The GSP is a stand-alone technical plan, referenced here for consistency with the comprehensive plan, and maintained by the public works director. The general sewer plan will be updated in accordance with RCW 35.67.030 and, when required, modifications must be approved by the Department of Ecology. The planning commission shall provide recommendations on comprehensive plan policy updates consistent with the general sewer plan and city of Edgewood Municipal Code as needed for consistency. The GSP shall include those elements described in Section G1-2.4 of the Orange Book and WAC 173-240-050. (Ord. 08-310 § 7; Ord. 06-271 § 1).

11.30.050 Levels of service.

The director shall prepare and the council shall adopt levels of service for the operation and maintenance of the sewer utility. The base level of service shall be in compliance with Washington State law and DOE regulations. The adopted levels of service shall be used to set staffing requirements and budgets, and to evaluate the performance of the sewer utility. (Ord. 06-271 § 1).

11.30.060 Design and construction standards.

The director shall prepare and the council shall adopt by resolution design and construction standards for the sewer utility entitled Design and Construction Standards, which shall provide for administrative changes and variances. (Ord. 06-271 § 1).

11.30.070 Sewer availability.

A. Sewer availability is defined in EMC 11.30.020. The initial capacity of the sewer system, as determined by the method in EMC 11.30.080, is adequate only for build-out of Phase I properties. Expansion of sewer system capacity will be required before properties within Phase II will be provided sewer availability. Sewer availability for Phase II shall not occur until 20 years following adoption of the GSP. Sewer availability for Phase III properties shall not occur until 50 years following adoption of the GSP.

B. The city will not provide sewer service outside its municipal boundary. (Ord. 06-271 § 1).

11.30.080 Sewer system capacity, record, and reservation.

A. The capacity of the city's sewer system shall be determined as set forth in interlocal agreement(s) between the city and other jurisdictions for wastewater conveyance and treatment or by the design and construction of a wastewater treatment plant. The capacity shall be established in ERUs. The value of an ERU is as set forth in EMC 11.30.020. The sewer utility shall establish flow meters at all city discharge points and, from time to time, shall evaluate the correlation between the ERUs issued and the actual quality and quantity of sewage discharged. The value of an ERU and the number of remaining ERUs shall be adjusted, as necessary, to reflect the actual values determined from said evaluation, by ordinance of the council and approval by the DOE, if required.

B. The director shall keep a record of the sewer system capacity, and as connection permits are issued shall subtract the number of ERUs assigned to each permit and keep a balance of available ERUs.

C. Sewer system capacity shall be reserved for properties within LIDs when the conditions set forth in subsection (F) of this section have been met. The director shall determine the amount and timing of capacity that can be reserved based on the capacity available at the time of the request, the scheduling of construction for expansion of capacity, and the amount of capacity demand in current competing requests for capacity.

D. Sewer system capacity may be reserved for property whose owner is a contributing party to a system extension agreement when the conditions set forth in subsection (F) of this section have been met.

E. Sewer system capacity may be reserved for new building construction, redevelopment, or changed use, when the conditions set forth in subsection (F) of this section have been met.

F. Conditions for Sewer System Capacity Reservation.

1. The owner enters into a sewer system capacity reservation agreement with the city; and
2. A reservation charge, equal to one-half the current connection charge, has been paid; and
3. The project application has been deemed to be complete; or
4. If the property's owner is a contributing party to a system extension agreement, the project application will be deemed complete, for the purposes of sewer system capacity, upon approval of the system extension agreement by the council. The owner may reserve system capacity, up to his predetermined share of system capacity, for that system extension project.

G. System capacity may be so reserved for a period of five years, at which time the reservation will be extinguished, unless the connection charge shall have been paid prior to the five-year anniversary date of the sewer system capacity agreement. The connection charge shall be that which is in effect at the time of such payment, less the reservation charge previously paid.

H. Upon the reservation being so extinguished, the reservation charges, paid to reserve sewer system capacity, shall be forfeited and retained by the city.

I. As consideration for continued reservation of sewer system capacity, monthly reservation charges equal to monthly sewer rates for that capacity shall commence upon full payment of the connection charge, and continue until a physical connection is actually made, or the reserved connection is relinquished by action of the owner.

J. When all available ERUs have been assigned to connections or reserved, no additional connection permits or reservations shall be issued. (Ord. 06-271 § 1).

Chapter 11.35

SEWER SYSTEM EXTENSIONS

Sections:

- 11.35.010 Design.
- 11.35.020 Separation from water lines.
- 11.35.030 City-owned sewage pump stations.
- 11.35.040 Cross-connection control.
- 11.35.050 Plans and specifications.
- 11.35.060 Easements.
- 11.35.070 Construction.
- 11.35.080 City projects.
- 11.35.090 System extension agreements.
- 11.35.100 *Repealed.*
- 11.35.110 *Repealed.*

11.35.010 Design.

Extensions to the sewer system shall be made in conformance with the GSP.

All sewer system extensions shall be designed by a civil engineer licensed to practice engineering in the state of Washington. The design shall be in accordance with the Design and Construction Standards established pursuant to EMC 11.30.060, this title, the GSP, the Orange Book, and the Standard Specifications.

In general, sewers shall be located below all other utilities in rights-of-way to provide the greatest opportunity for adjacent properties to connect thereto by gravity building sewer and side sewer, and minimize the opportunity for contaminating other utilities from leaks. Consideration for adequate cover and separation, potential sizing for water and storm drains, required slopes for side sewers, and adequate clearance for workers results in a minimum depth for gravity sewers, located in public rights-of-way, of 10 feet as measured from finished grade to sewer crown. This necessary depth shall be maintained unless the director finds, in writing, that after taking into consideration all the above, a shallower depth is justified.

Manhole lids, located in the traveled way, shall be placed at lane lines or in the center of left-turn lanes. (Ord. 06-271 § 1).

11.35.020 Separation from water lines.

A minimum horizontal separation of 10 feet between sanitary sewers and any potable water lines, and a minimum vertical separation of 18 inches between the bottom of the water line and the crown of the sewer, shall be maintained. The distances shall be measured outside edge to outside edge.

When local conditions prevent the separations described above, the director may approve an alternative; provided, that no such alternative shall be less restrictive than that provided for in the Orange Book C1-9.1. (Ord. 06-271 § 1).

11.35.030 City-owned sewage pump stations.

Sewage pump stations shall be prohibited unless the director finds there is no reasonable alternative. Pump stations shall be designed and constructed in conformance with the Design and Construction Standards, this title, the Orange Book, and the Standard Specifications. Pump stations shall be designed and constructed to minimize operation and maintenance costs and employee exposure to health and safety hazards. Permanent on-site electric generators, with power generation adequate for full function of the pump station, shall be installed at every city sewage pump station. A force main shall discharge into a manhole and not directly into another force main or gravity sewer pipe. (Ord. 06-271 § 1).

11.35.040 Cross-connection control.

Sewage pump stations and all other sewer system elements with water service shall be required to meet the requirements of the water purveyor, the Cross-Connection Control Manual, and WAC 246-290-490. (Ord. 06-271 § 1).

11.35.050 Plans and specifications.

The plans and specifications shall be prepared in accordance with the Design and Construction Standards, this title, the GSP, the Orange Book, and the Standard Specifications. (Ord. 06-271 § 1).

11.35.060 Easements.

All easements shall be in a form as provided by the city or as approved by the city prior to negotiation, must be reviewed and approved prior to execution, and shall require written acceptance by the city prior to recording. The director may, in his/her sole discretion, by written approval waive any of the easement requirements set forth in this section upon the director's determination that such waiver would not adversely affect the city's interests.

A. Permanent Easements.

1. The purpose(s) for the easement and the permitted activities shall be stated.
2. All sewers shall be located in dedicated rights-of-way or easements. The minimum width of an easement shall be 20 feet plus two feet for every foot of sewer depth over 10 feet, unless otherwise approved by the director.
3. All-weather access improvements, capable of being negotiated by a fully loaded vactor truck (H-20 load), shall be provided to every manhole, air-vac relief station, pigging port or other appurtenance requiring maintenance access.
4. City access to and across the easement shall be unrestricted. Buildings, trees, parked vehicles, and all other structures, except as otherwise provided herein, shall be prohibited within easements. Private driveways may be located within city easements. In the event the director determines that private fencing across an easement is necessary and reasonable, such fencing may be permitted; provided, that double-leaf gates with a nominal width of 20 feet are provided at fence crossings. The owner may install only landscaping improvements that have been approved by the city.
5. Easements shall be maintained by the city to city standards. Landscaping improvements installed by the owner shall be maintained by the owner. The city may cut back or remove landscaping improvements, as it deems necessary. The city shall have no obligation to repair or replace landscaping improvements that have been damaged or removed.
6. The city shall have the right to issue permits to third parties to operate and maintain side sewers within the easement.
7. Pump stations shall be located on property that has been deeded to the city unless otherwise approved by the director. Easements for pump stations shall be unrestricted and exclusive.

B. Temporary Easements. Temporary easements obtained for construction, staging, storage, or temporary access shall:

1. Identify use or uses;
2. Set the term and provide for extensions thereto;
3. Contain specific conditions for restoration and a one-year warranty for such restoration;
4. Contain provision for the owner to inspect the condition of the easement property following completion of restoration; and
5. Provide for the owner's release following such inspection. (Ord. 09-317 § 2; Ord. 06-271 § 1).

11.35.070 Construction.

All construction shall be in conformance with the Design and Construction Standards, this title, the GSP, the Orange Book, and the Standard Specifications. Contractors shall have a current and valid state of Washington contractor's license and a city of Edgewood business license. Construction shall not commence until a preconstruction

conference, meeting the requirements set forth in the Design and Construction Standards, has occurred. (Ord. 06-271 § 1).

11.35.080 City projects.

Nonemergency sewer system extension projects constructed with city funds shall first be identified in the GSP and included in the city's CIP. Such projects shall be paid for with connection and/or rate charges from users of the sewer system together with any grants and loans that may be obtained.

All city sewer system extension projects must meet the bidding requirements of the city's purchasing policy and RCW 35.23.352. All city sewer system extension projects are public works projects and are subject to prevailing wage requirements as set forth in Standard Specifications 1-07.9.

The following are additional requirements of all city sewer system extension projects:

A. Contract Bond. The contractor shall provide the city with a contract bond in conformance with Standard Specifications 1-03.4 as amended by Chapter 1-99. The contract bond shall remain in full force and effect until released in writing by the city.

B. Insurance. The contractor shall obtain and maintain in full force and effect from the date of approval of the contract to the date of city acceptance, public liability and property damage insurance in accordance with Standard Specifications, Section 1-07.18, as amended by Chapter 1-99. A certificate of insurance shall be supplied to the city that shall include all subcontractors, the city, and engineer as additional insured.

C. Indemnification. The contractor shall defend, indemnify and hold the city harmless from all claims, demands, losses, and liabilities to or by the contractor or third parties arising from, related to, or connected with services performed, or to be performed, under or associated with the contract, the contractor, or other third parties, regardless of whether such claim or suit alleges or another entity contends that the contractor or third party was independently or concurrently negligent. Said defense and indemnity obligations shall arise specifically, but not exclusively, with respect to any claim or suit arising out of circumstances where any employee or agent of the contractor suffers personal injuries during the performance of the work by the contractor or third parties.

D. Retainage. Five percent of progress payments shall be retained in accordance with Standard Specifications 1-9.9(1).

E. Inspection. Inspection and control of the work shall be as set forth in Chapter 1-05, Standard Specifications, as amended by Chapter 1-99.

F. Substantial Completion. The director shall establish the substantial completion date as may be required by the contract.

G. Physical Completion. The contractor shall notify the city and request final inspection in writing when the contractor considers the work, including final cleanup and all extra work, physically complete. The city's inspector will prepare a punch list of required corrections that must be completed prior to final inspection. If the inspector finds that the work has not been completed, the contractor will be so notified and no punch list will be prepared until the work is complete. When all punch list corrections have been made, the city's inspector will make the final inspection and establish a written date of completion.

All documentation required by the project and required by law does not necessarily need to be furnished by the contractor for physical completion.

H. Completion. Following physical completion and receipt of all required documentation, the director shall make a dated finding of completion confirming that all the following have been received by the director:

1. Final contract voucher as described in Standard Specifications 1-09.9.
2. Complete test and video records demonstrating acceptable results.
3. Final inspection report, completed and signed by the inspector.

4. Complete and legible as-built information recorded in indelible pencil or ink on a fresh set of city-approved improvement plans. The content and form of such recorded as-built information is subject to approval by the director.
5. Five complete sets of manufacturer's operation and maintenance manuals for all mechanical equipment.
6. Copies of all temporary easement restoration releases.
7. Copies of all Labor and Industries approved affidavits of prevailing wages paid forms in conformance with Standard Specifications 1-07.9(5) for the contractor and all subcontractors.
8. Washington State Department of Revenue certificate showing that all contract-related taxes have been paid (RCW 60.28.050).
9. A copy of the Department of Labor and Industries release with respect to the payment of industrial insurance and medical aid premiums (see Standard Specifications 1-07.10).
10. A certificate of payment, signed by the contractor and notarized, that all project employees, suppliers and subcontractors have been paid in full and that the project is free of liens. In the event that a lien or liens have been filed, copies of the lien releases shall be attached to the certificate of payment.
11. The contractor shall provide a written warranty guaranteeing all equipment, materials, and workmanship to be free of defects for a period of two years from the date of completion.

I. Maintenance Bond. Following completion of work and prior to city acceptance of the system extension, the contractor shall provide the city with a maintenance bond warranting the system extension improvements as set forth in the Design and Construction Standards. The amount of the bond shall be 20 percent of the cost of construction, but not less than \$5,000.

The maintenance bond shall also guarantee that the surety shall indemnify, defend and protect the city against any claim of direct or indirect loss resulting from the failure of the contractor or any of the employees, contractors, subcontractors, or lower tier subcontractors of the contractor to pay all laborers, mechanics, contractors, subcontractors, material person, or any person who provides labor, supplies, or provisions for carrying out the work.

The maintenance bond shall remain in effect until released by the city. Two years following acceptance, the city will inspect the improvements, upon request by the contractor, and issue a correction notice, as required. Following acceptable correction of all deficiencies, if any, the city will release the maintenance bond in writing.

J. Acceptance. Acceptance of the improvements shall be by resolution of the council. The dated finding of completion shall be attached to said resolution, together with a copy of the maintenance bond.

K. Record Drawings. The director shall cause the design engineer to prepare record drawings which shall consist of a compilation of all the as-built information from the contractor and the inspector on one set of Mylar plans together with an electronic copy of medium and format, as defined in the Design and Construction Standards.

L. Retainage Release. Retainage shall be released 60 days after the date of completion. (Ord. 06-271 § 1).

11.35.090 System extension agreements.

The city may contract with owners of real estate in the city for the construction of sewer facilities as provided in Chapter 35.91 RCW. Permission to extend the city's sewer system is subject to council approval. The system extension agreement shall be subject to all of the following:

- A. Application and Contract. The application and contract shall contain, at a minimum, all of the following:
 1. Name, address and telephone number of the owner.
 2. Legal description of owner's property as well as the street address, if any, and the tax account number.

3. The project location shall be given in words and shown on a map.
4. The project description in words.
5. Duties of the owner.
6. Duties of the city.
7. Sewer capacity reservation.
8. The term of the system extension agreement.
9. Conditions of acceptance.
10. Signatures of the owner and mayor.
11. Reference to the council resolution authorizing the contract.
12. Notary forms.
13. Attachments:
 - a. Legal description(s).
 - b. The plans and specifications.
 - c. Copies of fully executed third party easements.
 - d. A completed calculation sheet for fees and charges.
 - e. Proof of signature authority.
 - f. A reimbursement agreement, if approved by the council.

B. Owner. Only an owner of real estate within the city may enter into a system extension agreement with the city.

C. Plans and Specifications. The plans and specifications, as approved by the director, shall be a part of and incorporated into the system extension agreement by reference. Plans and specifications may be prepared and submitted for approval after the system extension agreement is approved.

D. Easements. When sewer system improvements are planned on or across property of the owner, and outside of dedicated rights-of-way or other city sewer easements, the owner shall grant easements, meeting the requirements of EMC 11.35.060, for such improvements in favor of the city.

E. Third Party Easements. When sewer system improvements are planned on or across property other than that of the owner, and outside of dedicated rights-of-way or other city sewer easements, the owner shall obtain easements for such improvements in favor of the city. Such easements shall meet the requirements set forth in EMC 11.35.060 and be obtained prior to city execution of the agreement.

F. Term. The term for a system extension agreement shall be one year. The term may be extended for one additional year upon written application by the owner. Further extensions of six months each may be granted by the director upon a showing of reasonable progress of the project.

G. Sewer System Capacity. A system extension agreement will be approved only if there is adequate reserve capacity available for the project. Sewer system capacity will be reserved, as set forth in EMC 11.30.080, only upon a complete project application. The project application will be deemed complete for the purposes of sewer system capacity, relative to a system extension, upon approval of the system extension agreement by the council.

H. Fees and Charges. The amount of all fees and charges for system extensions shall be set by resolution of the council. The following fees and charges shall be paid to the city prior to approval of the system extension agreement:

1. Application Fee. The application fee shall cover the cost of administrative processing.
2. Plan Check Costs. The owner shall be required to pay the full costs of the city's consultant plus 10 percent for administration costs. The initial plan check costs shall be the estimated consultant costs plus 10 percent. In the event the plan check is performed by city staff, the plan check costs shall be the fee set by the council.
3. Inspection Costs. The owner shall be required to pay the full costs of the city's consultant plus 10 percent for administration costs. The initial inspection deposit shall be the estimated consultant costs plus 10 percent. In the event the inspection is performed by city staff, the inspection costs shall be the fee set by the council.
4. Mapping Fee. The mapping fee shall cover the costs of updating the city's GIS maps and maps for the reimbursement agreement record drawings.
5. Maintenance Bond Release Inspection Fee. Prior to releasing the maintenance bond, the city will inspect the improvements and restoration of the system extension. This inspection fee shall cover those costs.
6. Sewer Capacity Reservation Charge. The sewer capacity reservation charge provided for in EMC 11.30.080 shall be a nonrefundable incremental payment toward connection charges.

I. Performance Bond. The owner shall provide the city with a performance bond, in the amount of 150 percent of the engineer's estimate, for faithful completion of the improvements set forth in the system extension agreement within the prescribed time. The performance bond shall be delivered to the city prior to the preconstruction conference.

The performance bond shall:

1. Be on a city-furnished form.
2. Be signed by an approved surety (or sureties) that:
 - a. Is registered with the Washington State Insurance Commissioner; and
 - b. Appears on the current Authorized Insurance List in the state of Washington published by the Office of the Insurance Commissioner.
3. Guarantee that the surety shall indemnify, defend and protect the city against any claim of direct or indirect loss resulting from the failure:
 - a. Of the owner, or any of the employees, contractors, subcontractors, or lower tier subcontractors of the owner to faithfully perform the system extension agreement; or
 - b. Of the owner or any of the employees, contractors, subcontractors, or lower tier subcontractors of the owner to pay all laborers, mechanics, contractors, subcontractors, material person, or any person who provides labor, supplies, or provisions for carrying out the work.
4. Reimburse the city for the costs of completing the work in the event the owner or the owner's contractor fails to do so within the terms of the system extension agreement.
5. Remain in full force and effect until released in writing by the city.

J. Insurance. The owner shall obtain and maintain in full force and effect, from the date of approval of the system extension agreement to the date of city acceptance, public liability and property damage insurance in accordance with Standard Specifications, Section 1-07.18, as amended by Chapter 1-99. A certificate of insurance shall be supplied to the city that shall include the city, contractor, and engineer as additional insured and be submitted with the system extension application and agreement prior to city approval.

K. Indemnification. The owner shall defend, indemnify and hold the city harmless from all claims, demands, losses, and liabilities to or by the contractor or other third parties arising from, related to, or connected with services performed, or to be performed, under or associated with this agreement by the owner, the contractor, or other third parties, regardless of whether such claim or suit alleges, or another entity contends, that the contractor or other third party was independently or concurrently negligent. Said defense and indemnity obligations shall arise specifically, but not exclusively, with respect to any claim or suit arising out of circumstances where any employee or agent of the contractor suffers personal injuries during the performance of the work by the contractor, owner, or other third parties.

L. Inspection. Quality control is the responsibility of the owner. The city shall not be responsible to the owner nor assume any special duty for materials, workmanship or construction method used or incorporated into the project.

The construction shall be subject to observation and inspection by city staff or its consultant. When work or materials are observed that do not meet the requirements of the plans and specifications, as approved by the city, the inspector shall issue a correction notice in writing to the owner's field representative. Failure to take appropriate corrective action may result in a stop work order. Failure to correct faulty materials or workmanship may result in refusal by the city to accept the improvements or the city may stop work permanently and complete the work with its own contractor under the terms of the performance bond.

M. Completion of Work. Following establishment of substantial completion, the contractor shall notify the city and request final inspection in writing when the contractor considers the work physically complete. The city's inspector will prepare a punch list of required corrections that must be completed prior to physical completion. If the inspector finds that the work is not substantially complete, the contractor will be so notified and no punch list will be prepared until the work is substantially complete.

N. Maintenance Bond. Following completion of work and prior to city acceptance of the system extension, the owner shall provide the city with a maintenance bond warranting the system extension improvements in accordance with the Design and Construction Standards. The amount of the bond shall be 20 percent of the cost of construction, but not less than \$5,000.

The maintenance bond shall also guarantee that the surety shall indemnify, defend and protect the city against any claim of direct or indirect loss resulting from the failure of the owner or any of the employees, contractors, subcontractors, or lower tier subcontractors of the owner to pay all laborers, mechanics, contractors, subcontractors, material person, or any person who provides labor, supplies, or provisions for carrying out the work.

The maintenance bond shall remain in effect until released by the city. Two years following acceptance, the city will inspect the improvements upon request by the owner and issue a correction notice, if necessary. Following acceptable correction of all deficiencies, if any, the city will release the maintenance bond in writing.

O. Acceptance. Acceptance of the improvements shall be by resolution of the council. It shall be the responsibility of the owner to deliver all of the following documents to the director. The director shall make a dated finding of completion, which shall be entered on said resolution, confirming that all the following have been received by the director. The council will not accept the system extension until the finding of completion has been made.

1. Complete test and video records demonstrating acceptable results.
2. Final inspection report, completed and signed by the inspector.
3. The owner shall cause the design engineer to prepare record drawings, which shall consist of a compilation of all the as-built information from the contractor and the inspector. One set of Mylar record drawings together with an electronic copy of medium and format, as defined in the Design and Construction Standards, shall be delivered to the director.
4. Five complete sets of operation and maintenance manuals as may be defined and required in the special provisions of the approved construction documents.

5. All required easements, fully executed and recorded, and copies of all temporary easement restoration releases.
6. Washington State Department of Revenue certificate showing that all contract-related taxes have been paid (RCW 60.28.050).
7. A certificate of payment, signed by the contractor and notarized, that all project employees, suppliers and subcontractors have been paid in full, and that the project is free of liens. In the event that a lien or liens have been filed, copies of the lien releases shall be attached to the certificate of payment.
8. The owner shall provide a written warranty guaranteeing all equipment, materials, and workmanship to be free of defects for a period of two years from the date of completion.
9. Maintenance bond.
10. Bill of sale, as described in the Design and Construction Standards.
11. Full payment of all fees and charges. (Ord. 15-447 § 1 (Exh. A); Ord. 06-271 § 1).

11.35.100 Reimbursement agreements.

Repealed by Ord. 19-542. (Ord. 06-271 § 1).

11.35.110 Local improvement districts.

Repealed by Ord. 14-421. (Ord. 14-411 § 1; Ord. 06-271 § 1).

Chapter 11.36

SEWER LATECOMER AGREEMENTS

Sections:

- 11.36.010 Purpose.
- 11.36.020 Definitions.
- 11.36.030 Mandatory requirements for latecomer agreements.
- 11.36.040 Conditions imposed on and included in latecomer agreements.
- 11.36.050 Procedure for processing request.
- 11.36.060 Notice – Hearing – Consideration by city council.
- 11.36.070 Approval and acceptance of facilities.
- 11.36.080 Recording required.
- 11.36.090 Duration of agreement, extensions.
- 11.36.100 Reimbursement to owner.
- 11.36.110 Prohibition on unauthorized connections, enforcement.
- 11.36.120 City or county participation in latecomer agreements.
- 11.36.130 No city liability.

11.36.010 Purpose.

The purpose of this chapter is to implement Chapter 35.91 RCW and to describe the process for a developer/property owner, or the city of Edgewood, to fund the construction of certain sewer facilities, and then to be reimbursed by property owners who subsequently connect to or use the sewer facilities. (Ord. 19-542 § 2 (Exh. A)).

11.36.020 Definitions.

The definitions set forth in this section shall apply throughout this chapter:

- A. “Cost of construction” means the cost incurred by the owner/developer for design, acquisition of right-of-way and/or easements, permit and plan review fees, construction (including materials and installation), as required in order to install/construct the sewer facilities in accordance with all applicable laws, ordinances and standards, including the city’s public works standards. The cost of construction shall be documented in writing by the owner/developer on final invoices or other documents showing the amounts actually paid by the owner/developer.
- B. “Developer” or “owner” means a property owner or authorized agent of the property owner who may construct a sewer facility, and desires a latecomer agreement under the terms and conditions set forth in this chapter. The city of Edgewood may be a “developer” or “owner” under this chapter.
- C. “Latecomer agreement” means a written contract between the city and an owner/developer providing for the partial reimbursement of the cost of constructing the sewer facilities (the “fair pro rata share” as provided in RCW 35.91.050). The latecomer agreement shall be a contract approved as to form by the city attorney. Where the city constructs sewer facilities under a latecomer agreement, the agreement may provide for the total reimbursement of the cost of construction of the sewer facilities.
- D. “Latecomer fee” means a charge collected by the city, whether separately stated or as part of a connection fee for providing access to the city’s sewer system, against a real property owner who connects to or uses a sewer facility subject to a latecomer agreement created under this chapter and Chapter 35.91 RCW.
- E. “Latecomer” means a property owner not a party to a duly executed and recorded latecomer agreement, who did not contribute to the original cost of the facilities, and who: (1) owns property in the area benefited by such agreement; (2) seeks to connect to the sewer facilities constructed under the latecomer agreement within the time frame established in the agreement; and (3) may only do so by making payment to the city of his/her pro rata share of the cost of construction.
- F. “Sewer facilities” means storm, sanitary, or combination sewers, pumping stations and disposal plants, reservoirs or appurtenances. (Ord. 19-542 § 2 (Exh. A)).

11.36.030 Mandatory requirements for latecomer agreements.

A. Requirements. At the owner/developer's request, the city must contract with the owner of real estate for the construction or improvement of sewer facilities that the owner elects to install solely at the owner's expense, as long as such contract is consistent with this chapter and all of the following conditions are satisfied:

1. The latecomer agreement must be for the construction of sewer facilities in locations where the city's ordinances require such facilities to be improved or constructed as a prerequisite to further property development; and
2. The sewer facilities must be consistent with all applicable comprehensive plans and development regulations of the municipalities through which the facilities will be constructed or will serve; and
3. The sewer facilities to be constructed or improved must be included in the city of Edgewood's comprehensive plan. Unless the city provides written notice to the owner of its intent to request comprehensive plan approval for the facilities, the owner must request comprehensive plan approval for the sewer facility; and
4. The sewer facilities to be constructed may not be located outside the city's corporate limits ¹. If Pierce County is a party to the latecomer agreement, the sewer facilities may not be located outside Pierce County; and
5. The latecomer agreement shall meet all of the conditions required by the city under this chapter, and shall be filed and recorded against the affected properties with the county auditor and as provided in EMC 11.36.080; and
6. The owner/developer's request shall be submitted within 120 days of the completion of the sewer facility and prior to approval and acceptance of the sewer facility by the city for ownership and maintenance; and
7. The total cost of the construction of the sewer facility must be submitted to city by the owner/developer no more than 120 days of the completion of the sewer facility.

B. Rejection of Requests Not in Compliance. The city shall reject requests made by developer/owners that are not in compliance with this section. Such requests are not subject to project permit processing, under RCW 36.70B.140. (Ord. 19-542 § 2 (Exh. A)).

11.36.040 Conditions imposed on and included in latecomer agreements.

Every latecomer agreement shall include the following conditions:

- A. The sewer facility shall be constructed by the developer/owner according to plans and specifications approved by the city;
- B. The sewer facility shall be inspected and approved for ownership and maintenance by the city;
- C. The developer/owner shall transfer the sewer facility to the city with a bill of sale, without cost to the city, at the time the city approves the facility for ownership and maintenance;
- D. The developer/owner shall fully comply with all of the owner's obligations under the latecomer agreement and the applicable city rules and regulations;
- E. The developer/owner shall provide sufficient security to the city to ensure completion of the sewer facility and compliance with other performance measures under the contract;
- F. The developer/owner shall pay all of the city's costs associated with the sewer facility including, but not limited to, engineering, legal and administrative costs;
- G. The city shall verify and approve all contracts and cost of construction related to the sewer facility;
- H. The agreement shall provide that the owner and/or the owner's assigns shall be entitled to a pro rata share of the fees received by the city from property owners who did not contribute to the original cost of the facilities but who

subsequently connect to the facilities, as reimbursement for the costs of the sewer facilities constructed and installed in accordance with the agreement;

I. The agreement shall include a provision requiring that, every two years from the date the agreement was executed, the developer/owner entitled to reimbursement shall provide the municipality with information regarding the current contact name, address and telephone number of the person, company, or partnership that originally entered into the latecomer agreement. If the owner fails to comply with the notification requirements of this subsection within 60 days of the specified time, then the contracting municipality may collect any reimbursement funds owed to the property owner under the agreement. The funds collected under this subsection must be deposited in the capital fund of the municipality; and

J. The agreement shall provide that all latecomer fees received by the city for sewer facilities constructed by a developer/owner shall be paid to the developer/owner or his/her assigns within 60 days of the receipt of such fees. (Ord. 19-542 § 2 (Exh. A)).

11.36.050 Procedure for processing request.

A. Owner's Responsibilities.

1. Deadline for Submission of Request. Within 120 days of the completion of the sewer facilities, the owners of the real estate must provide the city with the total cost of construction of the sewer facility actually paid by the owner. The city will not accept written estimates in determining the cost of construction. In the event of a disagreement between the city and the developer/owner concerning the cost of the construction of the sewer facilities, the city public works director's decision shall be final. This information on the cost of construction shall be used by the city as the basis for determining reimbursements by future users who benefit from the sewer facility, but who did not contribute to the original cost of the sewer facilities.

2. Recommendation by Owner of Pro Rata Share. The amount of the pro rata share to be paid under the latecomer agreement shall be recommended by the owner, so that each property within the latecomer assessment reimbursement area (including the property owned by the developer/owner) will be assessed a share of the costs of the improvements proportional to the benefits which accrue to the property. The methodology utilized in calculating the amount of the pro rata share shall be the responsibility of the owner. For example, the method of assessment permitted for local improvement district assessment, including, but not limited to, the front-foot method, the zone and termini method, and square footage method, may be proposed.

B. City Public Works Director's Responsibilities.

1. Recommendation to City Council. The city public works director shall determine whether a request for a latecomer agreement satisfies the requirements in EMC 11.36.030 and this chapter. The director's recommendation to the city council shall include, but not be limited to, his/her analysis on the following factors:

a. Whether the sewer facilities are consistent with the applicable comprehensive plan(s) and development regulations; and

b. Whether the preliminary determination of the boundaries of the latecomer assessment reimbursement area, based upon the identification of parcels who may subsequently connect to or use the facilities, including through laterals and branches connecting thereto; and

c. Whether the developer/owner's receipts and invoices relating to the cost of construction of the sewer facilities are reasonable and accurate and have been verified by the public works director in the "Engineer's Estimate," which shall include separate itemizations of costs; and

d. Whether the pro rata share calculated by the developer/owner ensures that each property subject to the latecomer fee will pay a fair pro rata share of the costs of the improvements as determined by any appropriate method, including but not limited to determining the total capacity of the sewer improvements expressed in equivalent residential units (ERUs) and dividing the total cost by the number of ERUs created by construction or added by improvement of the sewer facility. (Ord. 19-542 § 2 (Exh. A)).

11.36.060 Notice – Hearing – Consideration by city council.

A. Upon receipt of the public works director's recommendation as provided in EMC 11.36.050(B), the city shall prepare a latecomer agreement (based on EMC 11.36.030) for inclusion in the council agenda.

B. At least 10 days prior to the city council public hearing, individual notice shall be sent to the owners of property located within the preliminary boundaries of the latecomer assessment reimbursement area, as these property owners are identified in the records of the county assessor. This notice shall state that the city council will be holding a public hearing for the purpose of allowing public testimony and submission of evidence in order to consider the execution of the latecomer agreement with the developer/owner, establish the final boundaries of the latecomer reimbursement area, and establish the proposed pro rata share. The notice shall reference this chapter, include the date and time scheduled for the public hearing before the city council, and shall be forwarded by certified mail to the property owners of record within the proposed latecomer reimbursement area.

C. The city council shall consider the request for a latecomer agreement in a public hearing, together with the public works director's recommendation, all application materials, all submitted evidence and public testimony. The city council shall make the final determination whether the request satisfies the criteria set forth in this chapter and, as specified in Chapter 35.91 RCW, the council shall approve the latecomer agreement. The council's decision on the method for determining the pro rata share used to calculate the latecomer fee and the latecomer fee shall be final. The fair pro rata share of the cost of the sewer facilities attributable to the owner's property shall be deducted from the cost of construction.

D. If approved, the final determination of the boundaries of the latecomer reimbursement area and pro rata share shall be included in an ordinance, which shall authorize the mayor to sign the latecomer agreement. The ordinance and all attachments shall be recorded against the affected properties as provided in EMC 11.36.080. (Ord. 19-542 § 2 (Exh. A)).

11.36.070 Approval and acceptance of facilities.

Upon the completion of sewer facilities pursuant to a latecomer agreement and all applicable codes and development regulations, the city council shall be authorized to approve their construction and accept the sewer facilities for ownership and maintenance. The city may then charge for their use such sewer rates that the city is authorized by law to establish. All further maintenance and operation costs shall be borne by the city. (Ord. 19-542 § 2 (Exh. A)).

11.36.080 Recording required.

After the final latecomer reimbursement pro rata fee has been established as provided in EMC 11.36.060, the agreement shall be recorded with the Pierce County auditor. The provisions of the latecomer agreement may not be effective as to any owner of real estate not a party thereto unless the latecomer agreement has been recorded against the affected property in the office of the county auditor of the county in which the real estate of the owner is located, prior to the time the owner taps into or connects to the sewer facilities. It shall be the sole responsibility of the developer/owner (or the city, if the city is the beneficiary of the latecomer fee) to record the latecomer agreement. Within 30 days after receipt of evidence that the latecomer agreement has been recorded, the public works director shall ensure that a notice of additional sewer connection charges has been recorded with the Pierce County auditor's office, as required by RCW 65.08.170. (Ord. 19-542 § 2 (Exh. A)).

11.36.090 Duration of agreement, extensions.

The latecomer agreement shall provide for the pro rata reimbursement to the owner or the owner's assigns for 20 years. The agreement may provide for an extension of the 20-year reimbursement period for a time not to exceed the effective date of any moratorium, phasing ordinance, concurrency designation or other governmental action that prevents making applications for, or obtaining approval of, any new development within the benefit area for a period of six months or more. If the latecomer agreement is extended pursuant to this section, the amended latecomer agreement must specify the duration of the extension and must be filed and recorded as provided in EMC 11.36.080 in order to be effective. Property owners who are subject to the reimbursement obligations in the latecomer agreement shall be notified by the city of any extension filed under this section. (Ord. 19-542 § 2 (Exh. A)).

11.36.100 Reimbursement to owner.

Where a developer/owner has constructed the sewer facilities, all latecomer fees received by the city shall be paid out by the city under the terms of the latecomer agreement to the developer/owner within 60 days after the receipt

thereof. Where the city has constructed the sewer facilities under this chapter, the city shall retain the latecomer fees as provided in the approving ordinance. (Ord. 19-542 § 2 (Exh. A)).

11.36.110 Prohibition on unauthorized connections, enforcement.

A. Unauthorized Connections. A person, firm or corporation may not be granted a permit or be authorized to tap into, connect or use any such sewer facilities or extensions subject to a latecomer agreement during the period of time prescribed in the latecomer agreement without first paying to the city, in addition to any and all other costs and charges made or assessed for such tap or use, or for the sewers constructed in connection therewith, the amount required by the provisions of the applicable latecomer agreement.

B. Enforcement. Whenever any tap or connection is made into any sewer facilities subject to a latecomer agreement without such payment having first been made, the city may authorize the removal of, or cause to be removed, such unauthorized tap or connection and all connecting tile or pipe located in the facility right-of-way, and dispose of unauthorized material so removed, without any liability whatsoever. (Ord. 19-542 § 2 (Exh. A)).

11.36.120 City or county participation in latecomer agreements.

A. City as Beneficiary of Latecomer Fee. The city may create an assessment reimbursement area on its own initiative, without the participation of a private property owner, finance all of the costs associated with the construction of the sewer facilities and become the sole beneficiary of the facilities. Unless otherwise provided by ordinance or contract, the city or the county participating in the financing of sewer facilities improved or constructed under this section:

1. Shall have the same rights to reimbursement as owners of real estate who make contributions as authorized under this chapter; and
2. Are entitled to a pro rata share of the reimbursement based on the respective contributions of the owner and the city/county.

B. Authorized Locations for Construction Sewer Facilities. The sewer facilities must be consistent with the city's comprehensive plan(s) and development regulations. The boundaries of the assessment reimbursement must be formulated by the city based upon a determination of which parcels in the proposed area would require construction or improvement of sewer facilities upon development or redevelopment, or would be allowed connection to or usage of constructed or improved sewer facilities. The sewer facilities to be constructed or improved may not be located outside the city's corporate limits². If Pierce County is a party to the latecomer agreement, the sewer facilities may not be located outside Pierce County.

C. Public Works Director Recommendation. The public works director shall prepare a recommendation to the city council as provided in EMC 11.36.050(B).

D. Notice of the Public Hearing. Notice of the public hearing shall be provided consistent with EMC 11.36.060.

E. Public Hearing. The city shall hold a public hearing on the proposed assessment reimbursement area and assessment (pro rata share), as provided in EMC 11.36.060. The city council's final determination of the assessment reimbursement area and assessment shall be included in an ordinance, which shall be final. The city shall record the ordinance as required by EMC 11.36.080.

F. Limit on Reimbursement. Except as otherwise provided in this chapter, the city or county seeking reimbursement from an owner of real estate subsequently connecting to the sewer facilities constructed under this section is limited to the dollar amount authorized in the ordinance contemplated in subsection (E) of this section. This does not prevent the city or county from collecting amounts for services or infrastructure that are additional expenditures not subject to the ordinance, contract or agreement, nor does it prevent the collection of fees that are reasonable and proportionate to the total expenses incurred by the city or county in complying with this section.

G. Installation. To the extent that it may require in the performance of the latecomer agreement, the city or county may install the sewer facilities in and along the city or county streets in the area to be served as hereinabove provided, subject to reasonable requirements as the manner of occupancy of the streets as the city or county may by resolution provide. (Ord. 19-542 § 2 (Exh. A)).

11.36.130 No city liability.

Nothing in this chapter is intended to create a private right of action for damages against the city or any municipality for failing to comply with the requirements of this chapter. The city, its officials, employees or agents may not be held liable for failure to collect a latecomer fee unless the failure was willful or intentional. Failure of the city to comply with the requirements of this chapter does not relieve the city of any future requirements to comply with this chapter. (Ord. 19-542 § 2 (Exh. A)).

¹ The language from RCW 35.91.020 regarding facilities being located “within ten miles of the municipality’s corporate limits” is not included herein, as the city of Edgewood does not currently have an urban growth area and all areas abutting the city’s corporate limits are served by other agencies.

² The language from RCW 35.91.020 regarding facilities being located “within ten miles of the municipality’s corporate limits” is not included herein, as the city of Edgewood does not currently have an urban growth area and all areas abutting the city’s corporate limits are served by other agencies.

Chapter 11.40

CONNECTIONS

Sections:

- 11.40.010 Connection – When required.
- 11.40.020 Connection – When not required.
- 11.40.030 Separate connection required.
- 11.40.040 Owner responsible.
- 11.40.050 Connection permit and agreement required – Building permit conditioned.
- 11.40.060 Application.
- 11.40.070 Basis of connection and charge.
- 11.40.080 Water records.
- 11.40.090 Status of connection right.
- 11.40.100 Transfer and relinquishment of connection right.
- 11.40.110 Connection charges.
- 11.40.120 Hearing.
- 11.40.130 System extension required.

11.40.010 Connection – When required.

Only Phase I properties will be permitted to connect to the city's sewer system. The following Phase I properties are required to connect to the sewer:

- A. All existing buildings, intended for human occupation, on property within a local improvement district and fronted by a sewer shall be required to connect to the city sewer within 60 days of city acceptance of said sewer.
- B. All existing buildings, intended for human occupation, on property fronted by a sewer, funded by special indebtedness bonds or warrants issued against revenues, shall be required to connect to the city sewer within 60 days of city acceptance of said sewer.
- C. All new buildings, intended for human occupation, located on properties fronted by an existing sewer shall be required to connect to the city sewer prior to occupancy.
- D. An existing building on property, fronted by a city sewer, whose on-site sewage disposal system has failed and cannot be acceptably corrected or repaired, as determined by the Tacoma-Pierce County health department, shall be required to connect to said sewer. (Ord. 06-271 § 1).

11.40.020 Connection – When not required.

Non-Phase I properties are prohibited from connecting to the city's sewer. The following Phase I properties are not required to connect to the city's sewer:

- A. Existing buildings fronted by a sewer constructed pursuant to a private system extension agreement.
- B. Existing buildings fronted by a sewer constructed by the city and not within an LID or funded by bonds or warrants issued against revenues (RCW 35.67.190 and 35.92.025). (Ord. 06-271 § 1).

11.40.030 Separate connection required.

A separate connection shall be required for each building with plumbing fixtures unless otherwise approved by the director (see EMC 11.45.040(G) and (H)). (Ord. 06-271 § 1).

11.40.040 Owner responsible.

Only the owner of the real property served by the sewer connection may enter into an agreement with the city for sewer service. A successor(s) of interest in the property shall be required to enter into a new agreement(s) with the city as a condition of continued sewer service.

The owner shall be responsible for meeting all the applicable requirements of this title. (Ord. 06-271 § 1).

11.40.050 Connection permit and agreement required – Building permit conditioned.

A. A connection permit and agreement shall be required before connection to the city's sewer system. The connection permit and agreement shall be made on a standard form that shall be approved by the mayor or director.

B. No building permit shall be issued for a building intended for human occupation, or in which plumbing fixtures are installed, unless:

1. A connection permit and agreement shall have been issued for the building pursuant to EMC 11.40.060; or
2. Sewer capacity has been reserved for the building, pursuant to EMC 11.30.080; or
3. An application and plans for a private disposal system have been approved by the Tacoma-Pierce County health department and supplied to the city pursuant to Chapter 11.55 EMC.

C. All fees and charges must be paid before the connection permit and agreement is issued.

D. The connection permit and agreement shall be recorded in the office of the Pierce County auditor. (Ord. 15-447 § 1 (Exh. A); Ord. 06-271 § 1).

11.40.060 Application.

Application shall be made by the owner on the connection permit and agreement standard form, which shall contain, at a minimum, all of the following:

- A. The owner's name, address and telephone number.
- B. Legal description of owner's property as well as the street address, if any, and the tax account number.
- C. The contractor's name, address, telephone number, contractor's license number, and city business license number.
- D. ERUs required.
- E. Sewer capacity analysis, together with a copy of a sewer capacity reservation, if any has been issued for the property, pursuant to EMC 11.30.080.
- F. Discharge permit determination.
- G. Side sewer and connection requirements and details.
- H. Status of existing side sewer.
- I. Condition of existing building sewer.
- J. Conditions for service, including payment of monthly charges.
- K. Required demolition and abandonment of existing private disposal system in conformance with EMC 11.55.020.
- L. Conditions for maintaining a private side sewer in the public right-of-way, including permission for city to test the side sewer and private sewers on the owner's property for inflow and infiltration.
- M. List of connection charges and fees.
- N. A statement that all fees and charges must be paid before the connection permit and agreement is issued.
- O. Signature of the owner.
- P. A statement that the connection permit and agreement shall be recorded in the office of the Pierce County auditor.

Q. Notary forms.

R. Attachments.

1. Discharge permit, if applicable, by the jurisdiction that operates the wastewater treatment plant treating the city's sewage.
2. Copy of executed agreement between owner and water purveyor authorizing release and agreement to submit owner's monthly water bills to the city, as required by EMC 11.40.080.
3. Right-of-way use permit for construction of the side sewer.
4. Right-of-way use permit for operation and maintenance of the side sewer.
5. The record drawing of the side sewer, as required under EMC 11.45.120, shall be attached to the permit following completion of the side sewer.
6. Copy(ies) of executed and recorded easement(s), if any, if side sewer crosses other's property. (Ord. 06-271 § 1).

11.40.070 Basis of connection and charge.

A. Each connection permit and agreement shall be issued to an owner for a specific property, its use, and the number of ERUs of sewer system capacity required by that property. A new connection permit and agreement must be obtained by the owner, reflecting any change in the use and/or number of ERUs required for the property.

B. All units of residential use, including single, accessory, and multifamily, shall be deemed to require one ERU per unit.

C. The initial calculation for the number of ERUs required for a nonresidential property shall be determined from Table G2-1, Orange Book. If necessity for a more accurate method is indicated, the director may require a discharge analysis by an engineer, or other appropriate professional, to determine the number of ERUs generated by a proposed project.

D. Nonresidential accounts shall be compared to water usage from water purveyor billing accounts. If, after connection, the property's use changes or is expanded, or its requirement for sewer system capacity is otherwise found to have been increased, the new required capacity shall be calculated based on the greatest of the following ERU analyses:

1. The Table G2-1, Orange Book analysis; or
2. The maximum month water usage determined from water billing records; or
3. The maximum day sewage discharge based on records from a sewage meter; or
4. The quality of the discharge based on chemical and/or biological analysis.

E. In the event sewer system capacity is available, as determined in EMC 11.30.080, the city shall issue a new connection permit and agreement and the owner shall pay to the city an additional connection charge based upon the new or expanded requirement for sewer system capacity and the connection charge, based on the schedule in effect at the time the new connection permit and agreement is issued.

F. If sewer system capacity is not available, the number of ERUs will not be increased and the owner shall be required to reduce the wastewater discharge from the property to fall within the limits of the connection permit and agreement.

G. All commercial and industrial connections shall be reviewed and co-regulated by the jurisdiction that operates the wastewater treatment plant treating the city's sewage as set forth in Chapter 11.50 EMC. (Ord. 06-271 § 1).

11.40.080 Water records.

A standard form release and agreement shall be prepared for the purpose of making owner's water usage records available to the city in order to determine equitable connection and monthly charges. The owner and water purveyor shall be required to execute and deliver one original of such release and agreement, as a condition of sewer service, providing the city with copies of the owner's monthly water bills, at each billing period. (Ord. 06-271 § 1).

11.40.090 Status of connection right.

Upon establishment of a connection right (see EMC 11.30.020), such connection right shall run with the land and not be unilaterally extinguishable by the city except as may be provided in Chapter 11.65 EMC. The connection right shall be subject to current laws and regulations affecting the sewer system and connections thereto. (Ord. 06-271 § 1).

11.40.100 Transfer and relinquishment of connection right.

The connection right is transferable to another property if the property for which it was established is combined with other adjacent property into one ownership in a project and/or subdivided. The subdivision or project will receive full credit at current value for the ERUs of the preexisting connection permit and agreement when determining the connection charges for such subdivision or project.

An owner may relinquish the connection right to his property, or any excess portion of the ERUs associated therewith, to the city; provided, that in no event shall the number of ERUs be reduced below the number required for existing buildings on the property as determined by the city. The city shall not be required to reimburse the owner for such relinquishment. Such owner may request transfer of his relinquished capacity to another property within the city, whether or not owned by the owner, subject to the following:

- A. Approval by the city.
- B. The property receiving the transfer must be fronted by a city sewer or be party to an approved system extension agreement with a sewer fronting said property.
- C. Such transfer request must occur prior to relinquishment.
- D. The owner of the property receiving the transfer shall pay to the city applicable connection charges, if any, and a connection processing fee for the transfer.
- E. Monthly charges shall continue throughout the transfer process and shall be paid by the owner of the property receiving the transfer from the date of such transfer.
- F. Both the revised connection permit and agreement and the new connection permit and agreement shall be recorded in the office of the Pierce County auditor. (Ord. 06-271 § 1).

11.40.110 Connection charges.

A connection charge shall be assessed for each new sewer connection made to the city's sewer system. Connection charges and fees shall be set by ordinance of the city council following a hearing on the proposed connection charges. A connection charge shall be comprised of the following elements:

- A. Processing Fee. A fee to cover the costs of processing the application, evaluating the requirement for sewer system capacity, recording the connection permit and agreement, and issuing the permit.
- B. Existing Facilities Charge. Pursuant to RCW 35.92.025, the city shall charge each connecting property an equitable share, proportional to the number of ERUs required, of the cost of the existing sewer system not otherwise paid for through an LID, system extension agreement, or grant, except as provided below. Said equitable share may include interest from the date of construction until the date of connection, or for a period not to exceed 10 years.

The existing facilities charge shall include pass-through existing facilities charges from other cities, sewer districts, or counties, as may be applicable.

- C. Conveyance Development Charge. Following completion of an LID that provides conveyance, all non-LID properties that connect to, or to sewers that connect to, improvements constructed by such LID shall be charged a

conveyance development charge. The conveyance development charge shall be equal to the design and construction costs of said LID improvements, together with interest from the date of completion, for a period of 10 years, at the rate of interest applicable to such LID; divided by the capacity of such LID improvements in ERUs; and multiplied by the number of ERUs required.

D. Future Facilities Charge. The city shall prepare a 10-year CIP for the sewer utility and revise it each year. The city shall charge each connecting property an equitable share, proportional to the number of ERUs required, of the cost of future sewer utility improvements, as set forth in the 10-year CIP, as contained in the GSP.

E. Collection System Charge. The owner of each property shall have a duty to pay for its proportionate share of the city sewer fronting such property. In the event that a property is connected to an existing sewer, fronting the property, the cost of which no owner of said property has contributed, a general collection system charge shall be made equal to one-half of the actual cost of each foot of existing sewer frontage.

F. Inspection Charges. The council shall set a fee to cover the costs of plan review and inspection of the side sewer.

G. Existing Side Sewer Charges. If a side sewer and partial building sewer, if any, has been installed as part of a city-funded project, in anticipation of development of the property, the council shall set a value for such side sewer which shall be paid for by the owner as part of the connection charge.

H. Latecomer Agreements. No owner shall be granted a permit to connect directly or indirectly to sewer facilities, for which exists a contract providing for reimbursement to other owners of real estate who constructed and paid for such sewer facilities, without first paying a fair pro rata share of the cost of same, as provided for in Chapter 11.36 EMC.

I. Credit for ERU Reservation. In the event the owner has reserved sewer system capacity for the property, the value of such reservation, less the processing fee, shall be deducted from the connection charge.

J. Transfer Fee. If the connection includes the transfer of relinquished sewer system capacity from another property, as provided for in EMC 11.40.100, the owner of the property receiving the relinquished capacity shall pay a processing fee for such transfer.

K. Treatment Charges. Owners of commercial and industrial buildings may be required to pay separate and additional connection charges and/or fees and install monitoring equipment by the jurisdiction that operates the wastewater treatment plant treating the city's sewage as set forth in Chapter 11.50 EMC. (Ord. 19-542 § 4; Ord. 10-333 § 7; Ord. 06-271 § 1).

11.40.120 Hearing.

Prior to adoption of an ordinance setting connection charges and fees for sewer service, the council shall hold a public hearing on the proposed charges and fees and shall consider all objections thereto and may correct, revise, or modify said connection charges and fees.

A notice of the hearing on the proposed connection charges and fees shall be published at least once a week for two consecutive weeks in the official newspaper of the city. The last publication shall be at least 15 days before the date fixed for the hearing.

The notice shall contain the time and place fixed for the hearing and a copy of the proposed connection charges and fees. Persons who may desire to object shall be advised to make their objections in writing and to file them with the city clerk at or prior to the date fixed for the hearing.

Regulations for hearings and setting connection charges for the jurisdiction that operates the wastewater treatment plant treating the city's sewage shall be as set forth in its municipal code. (Ord. 06-271 § 1).

11.40.130 System extension required.

When a property is not fully fronted by a sewer, the owner, as a condition of sewer service, shall be required to extend the city's sewer to and across one full side of the property in accordance with the GSP. Nonrectangular and corner lots may be required to extend the sewer along two or more full sides as determined by the director. Extensions shall be made in conformance with Chapter 11.35 EMC. (Ord. 06-271 § 1).

Chapter 11.45

SIDE SEWERS

Sections:

- 11.45.010 Responsibility and ownership.
- 11.45.020 Side sewer – New – Existing – Abandoned.
- 11.45.030 Operation and maintenance requirements – Permission to test.
- 11.45.040 Design.
- 11.45.050 Private sewage pumps.
- 11.45.060 Permits required.
- 11.45.070 Side sewer contractor.
- 11.45.080 Bond and insurance required.
- 11.45.090 Construction.
- 11.45.100 Inspection.
- 11.45.110 Restoration.
- 11.45.120 Record drawings.
- 11.45.130 Building sewers.

11.45.010 Responsibility and ownership.

A. The owner of the property served by the side sewer shall construct and pay for the side sewer. Upon the city's approval and acceptance of a constructed side sewer, the owner shall transfer the side sewer to the city through an agreement and bill of sale in a form approved by the city attorney. The city shall thereafter own, operate, maintain, and retain full rights of access to the side sewer for inspection and maintenance purposes.

B. Notwithstanding subsection (A) of this section, the city may construct and fund the installation of any side sewer as part of an LID or other city-sponsored sewer installation project; provided, that nothing herein shall be construed as requiring the city to initiate any such project, and the city shall retain sole discretion regarding the same to the fullest extent allowed by law.

C. When a side sewer is constructed prior to the building sewer for a particular property, the director may authorize concurrent construction of the side sewer and a portion of building sewer where necessary in order to avoid damage to or interference with improvements in the right-of-way. (Ord. 10-333 § 3; Ord. 06-271 § 1).

11.45.020 Side sewer – New – Existing – Abandoned.

A new side sewer and building sewer, constructed with new materials, as approved by the city, shall be required for new connections and when modifications are made to an existing side sewer or building sewer; except, that such connection may be made to an existing side sewer and/or building sewer; provided, that said existing side sewer is examined by video camera and shown to be sound and the building sewer, if any, successfully passes a pressure test.

If a side sewer is temporarily abandoned, the building sewer shall be disconnected from the cleanout at the right-of-way line and replaced with an eight-inch nipple and cap. The joints shall be gasketed, the cap blocked, and the cleanout in good condition or replaced.

If a side sewer is permanently abandoned, the side sewer shall be removed and replaced at the sewer main, submain, or lateral tee with a 12-inch nipple and cap. The joints shall be gasketed and the cap blocked. (Ord. 06-271 § 1).

11.45.030 Operation and maintenance requirements – Permission to test.

A. Operation. The owner shall be permitted to construct a side sewer in the right-of-way or other easement in conformance with all applicable conditions of the right-of-way use permit and any applicable terms and conditions of such easement. Only wastewater meeting the requirements of Chapter 11.50 EMC shall be permitted to be discharged through a side sewer. Violation of the conditions of a permit or easement hereunder may result in its revocation, termination of sewer service, and disconnection of the side sewer as provided in EMC 11.65.030.

B. Maintenance. The city or its designee shall be responsible for the maintenance of the side sewer and shall also keep an as-built record of its location. In the event the side sewer becomes restricted or blocked, it shall be the owner's responsibility to promptly notify the city.

C. Inflow and Infiltration. The owner shall take no action nor allow any action or condition that would jeopardize the integrity of the side sewer and shall permit no connections thereto other than pipes carrying wastewater meeting the requirements of Chapter 11.50 EMC. If the city determines that an unacceptable quantity of ground or surface water is being discharged into the city's sewer system from the owner's building sewer, the owner shall be required to eliminate such inflow and/or infiltration.

D. Testing. The city may test the side sewer at any time in its sole discretion, consistent with the terms and conditions of any applicable easement. The techniques that may be used for such testing shall be as provided in the connection permit and agreement, the Design and Construction Standards and the Orange Book. (Ord. 10-333 § 4; Ord. 06-271 § 1).

11.45.040 Design.

A. All side sewers shall be designed in accordance with the Design and Construction Standards, this title, and the Standard Specifications.

B. The separation between side sewers and water lines shall be as set forth in EMC 11.35.020.

C. The minimum diameter of a side sewer shall be six inches.

D. The six-inch side sewer shall connect to the sewer in a tee in new construction and a saddle if connecting to an existing sewer. The leg of the tee or saddle shall be set at an angle of 45 degrees up from a horizontal plane. The minimum slope of a side sewer shall be one percent.

E. A cleanout shall be installed at the street side of the right-of-way line, at which point the building sewer shall be connected to the side sewer.

F. Only one building shall be connected to a side sewer. If there is more than one building on a single lot and it is impracticable to connect both side sewers to the sewer in the street, a sewer lateral shall be extended onto the private property within an easement. The sewer lateral shall terminate in a manhole, except that a cleanout may be used if the lateral is 50 feet or less in length. The sewer lateral must connect to the sewer main or submain at a manhole.

G. Buildings that are accessory to a single-family residence on a single-family lot may share a common connection. If ownership of such buildings is segregated by any action, such as subdivision or condominium, separate connections shall be required for each building so segregated.

H. A side sewer, eight inches or greater in diameter, must connect to the sewer system at a manhole. (Ord. 10-333 § 5; Ord. 06-271 § 1).

11.45.050 Private sewage pumps.

A. Each private pump station shall discharge through its own private, dedicated force main. The private force main shall discharge into a private manhole, located on the owner's property, which shall discharge into the city's sewer in a standard gravity side sewer.

B. A private force main shall be permitted to discharge into a city manhole only when the director finds there is no reasonable alternative. A force main shall not discharge directly into another force main or gravity sewer pipe.

C. When upper floors of a building can drain to the city's sewer in a standard gravity building sewer and side sewer, only plumbing fixtures in those parts of the building that cannot be so drained shall be connected to the private pump station. (Ord. 06-271 § 1).

11.45.060 Permits required.

Side sewer construction and/or connection to the side sewer shall not begin until all of the following permits have been obtained:

- A. Connection permit and agreement as described in EMC 11.40.050.
- B. Right-of-way use permit for construction. (Ord. 10-333 § 6; Ord. 06-271 § 1).

11.45.070 Side sewer contractor.

The side sewer contractor shall be required to have a current and valid Washington State contractor's license and a city of Edgewood business license, and shall supply the city with copies of both and provide the city with documented proof of experience in underground utility construction. A right-of-way use permit shall not be issued for construction of a side sewer unless the contractor can demonstrate such experience and is approved by the director. (Ord. 06-271 § 1).

11.45.080 Bond and insurance required.

A performance bond, insurance, indemnification, and maintenance bond, meeting the requirements as set forth in Chapter 12.06 EMC, shall be required as a condition of issuance of the right-of-way use permit. (Ord. 06-271 § 1).

11.45.090 Construction.

All construction shall be in conformance with the Design and Construction Standards, this title, and the Standard Specifications. (Ord. 06-271 § 1).

11.45.100 Inspection.

Inspection and testing of the side sewer shall be as described in the Design and Construction Standards, and payment for same as set forth in EMC 11.40.110. (Ord. 06-271 § 1).

11.45.110 Restoration.

No connection shall be made until the street, curb, gutter, sidewalk, and landscaping in the right-of-way have been restored as set forth in the Design and Construction Standards, this title, and the Standard Specifications. (Ord. 06-271 § 1).

11.45.120 Record drawings.

The owner shall submit a record drawing, meeting the requirements of the Design and Construction Standards and this title, to the city when construction of the side sewer is complete. The record drawing shall be subject to review and approval of the director. (Ord. 06-271 § 1).

11.45.130 Building sewers.

A. Responsibility. The owner of the property served by a building sewer shall construct, pay for, own, operate and maintain the building sewer. In the event that a building sewer becomes restricted or blocked, it shall be the owner's responsibility to restore service.

B. Record Drawings. The owner shall keep an as-built record of the location of the building sewer and shall provide a copy to the city upon request.

C. Inflow and Infiltration. The owner shall maintain the integrity of the building sewer and shall permit no connections thereto other than pipes carrying wastewater meeting the requirements of Chapter 11.50 EMC. Pipes that become broken or joints that permit infiltration of groundwater or surface water shall be replaced or repaired by the owner. If the city determines that an unacceptable quantity of ground or surface water is being discharged into the city's sewer system from the owner's building sewer, the owner shall be required to immediately eliminate such inflow and/or infiltration.

D. Check Valves. A check valve shall be required at the connection of the building drain to the building sewer when plumbing fixtures are located in the basement of a building or on any floor less than four feet above the crown of the sewer to which its side sewer is connected, unless otherwise approved by the director.

E. Testing. The owner, as a condition of the connection permit and agreement, shall authorize but not require the city to enter the property for the purpose of testing all sewers for inflow and infiltration, during normal business hours, seven days following notification. The techniques that may be used for such testing shall be provided in the connection permit and agreement, the Design and Construction Standards and the Orange Book; provided, that

nothing in this subsection shall be construed as imposing any duty of care upon the city, or as limiting in any manner the owner's responsibility for maintaining the building sewer. (Ord. 10-333 § 9.)

Chapter 11.50

DISCHARGES TO THE SEWER

(Reserved)

Chapter 11.55

PRIVATE DISPOSAL SYSTEMS

Sections:

- 11.55.010 Private disposal systems permitted – Permit required.
- 11.55.020 Abandonment.
- 11.55.030 Operation and maintenance.
- 11.55.040 Connecting discharge line to sewer system prohibited.
- 11.55.050 Holding tanks.
- 11.55.060 Privies and cesspools prohibited.
- 11.55.070 Temporary portable toilets.

11.55.010 Private disposal systems permitted – Permit required.

A. The owner of a Phase II or III property may connect an existing or new building to an on-site sanitary sewage disposal system; provided, that an application and plans for a private disposal system have been approved by the Tacoma-Pierce County health department and supplied to the city.

B. Private disposal systems must be located on the same lot as the building they are designed to serve except as provided within EMC 16.01.120(B) and 16.01.125. No septic tank, drainfield or related easements shall be permitted; provided, that the extension of this public health regulation shall not apply to single-family residences that are under order from the health department to replace a failed system and there are not on-site alternatives available to do so.

C. Conflicting Easements. A private disposal system permit application shall provide for certification from the Pierce County auditor that overlapping or conflicting easements will not result at the time a private disposal systems drainfield easement is recorded on a parcel.

D. The owner of a Phase I property that is not fronted by a city sewer may connect an existing or new building to a private disposal system; provided, that:

1. A utility local improvement district has not been formed for the purpose of providing sanitary sewer service to the property upon which the building is to be located; and
2. An application and plans for a private disposal system have been approved by the Tacoma-Pierce County health department and supplied to the city; and
3. The owner shall be required to disconnect the property building sewer from the private disposal system, abandon the private disposal system as provided in EMC 11.55.020, and connect to the city sewer system within 90 days after the property is fronted by a city sewer. Connection to the city sewer system shall be subject to the requirements of Chapter 11.40 EMC. (Ord. 14-415 § 2 (Exh. A); Ord. 12-385 § 3; Ord. 06-271 § 1).

11.55.020 Abandonment.

When a building is disconnected from a private disposal system and connected to the city's sewer, no such connection may be made until the private disposal system first has been abandoned as required in WAC 246-272-18501. (Ord. 06-271 § 1).

11.55.030 Operation and maintenance.

The owner shall operate and maintain the private disposal system in compliance with Tacoma-Pierce County health department regulations (see WAC 246-272-15501). (Ord. 06-271 § 1).

11.55.040 Connecting discharge line to sewer system prohibited.

Connecting a septic tank or drain field discharge line to the sewer system is prohibited. (Ord. 06-271 § 1).

11.55.050 Holding tanks.

A. Holding tanks shall be prohibited for permanent use except when:

1. The Tacoma-Pierce County health department has determined that an existing private disposal system for an existing building has failed and cannot be repaired or replaced; and
2. The requirements of WAC 246-272-12501(3) are met; and
3. A city sewer does not front the property; or
4. The property is not a Phase I property.

B. A holding tank may be approved for interim use and repairs pursuant to WAC 246-272-12501.

C. None of the pumped wastewater shall be discharged into the city sewer system. (Ord. 06-271 § 1).

11.55.060 Privies and cesspools prohibited.

It is unlawful to construct, maintain or discharge wastewater into any privy, privy vault, or cesspool. (Ord. 06-271 § 1).

11.55.070 Temporary portable toilets.

Installation and use of temporary portable toilets shall be prohibited except for the following:

- A. Construction Project. When the number of permanent sanitary facilities meeting the requirements of WAC 296-155-140(4)(b) and (c) is not available, temporary portable toilets shall be provided and maintained in conformance with WAC 296-155-140(4).
- B. Special Events. When permanent sanitary facilities meeting the requirements of subsection (B)(2) of this section are not available, temporary portable toilets shall be provided.
 1. Construction and Maintenance. Construction and maintenance shall be as provided in WAC 296-155-140(4).
 2. Number of Units. The minimum number of toilets (permanent water closets and temporary portable toilets) required shall be as required for assembly places where fixture use is not limited to intermissions, as set forth in Table 2902.1 of the IBC. A 50/50 distribution of the sexes shall be assumed.
 3. Unisex. Separate toilets shall not be required for each sex.
 4. Accessibility. The first temporary portable toilet shall be wheelchair accessible. One additional accessible temporary portable toilet shall be required for each additional 50 temporary portable toilets.
 5. Hand Washing Facilities. Hand washing facilities shall be provided when temporary portable toilets are used as set forth in Table 2902.1 of the IBC. Hand washing facilities shall provide wash water between 70 and 100 degrees Fahrenheit. Hand towels shall be provided in a sanitary container and a receptacle shall be provided for used towels. Hand soap shall be provided.
 6. Construction and Maintenance. Temporary portable toilets shall be constructed and maintained as provided in WAC 296-155-140(4).
- C. A permit may be issued for temporary private use when the director finds that such use is necessary because of mitigating circumstances. Construction and maintenance shall be as provided in WAC 296-155-140(4). (Ord. 06-271 § 1).

Chapter 11.60

RATES AND BILLING PROCEDURES

Sections:

- 11.60.010 Purpose.
- 11.60.020 Lakehaven Utility District sewer rates – Adoption by reference.
- 11.60.030 Lakehaven Utility District sewer charges – Adoption by reference.
- 11.60.040 City utility sewer rates.
- 11.60.050 Billing and collection.
- 11.60.060 City conveyance development charge.

11.60.010 Purpose.

The rates and charges set forth or otherwise adopted by reference in this chapter shall apply to the sanitary sewer utility established under this title. (Ord. 11-376 § 1; Ord. 11-364 § 1).

11.60.020 Lakehaven Utility District sewer rates – Adoption by reference.

All sewer bills will be prepared by LUD and will include two portions: the city sewer charge and the LUD sewer charge. The rates for sanitary sewer service set forth in Section 2 of Lakehaven Utility District Resolution No. 2009-1146, as the same now exists and as may subsequently be amended, revised or superseded, are hereby adopted by reference and incorporated herein as if set forth in full. For purposes of this chapter, any future amendments or revisions of said resolution shall be in full force automatically in the city upon the effective date thereof. A true and complete copy of said resolution, including any subsequent amendments or modifications thereof, shall be maintained at Edgewood City Hall and made available for public inspection and photocopying upon request. (Ord. 11-376 § 1; Ord. 11-364 § 1).

11.60.030 Lakehaven Utility District sewer charges – Adoption by reference.

The charges and fees applicable to sanitary sewer service set forth in Lakehaven Utility District Resolution No. 2010-1171, as the same now exists and as may subsequently be amended, revised or superseded, are hereby adopted by reference and incorporated herein as if set forth in full. For purposes of this chapter, any future amendments or revisions of said resolution shall be in full force automatically in the city upon the effective date thereof. A true and complete copy of said resolution, including any subsequent amendments or modifications thereof, shall be maintained at Edgewood City Hall and made available for public inspection and photocopying upon request. (Ord. 11-376 § 1; Ord. 11-364 § 1).

11.60.040 City utility sewer rates.

All sewer bills will be prepared by LUD and will include two portions: the city sewer charge and the LUD sewer charge. The city sewer charge includes a monthly base rate of \$5.00 for all customers, plus a usage rate of \$0.95 per 100 cubic feet of water usage. It is intended that LUD will compute water usage as defined in LUD Resolution No. 2009-1146, as the same now exists and as may subsequently be amended, revised or superseded. The residential (single and multifamily) bills use wet month average, all others use actual water usage. Rates for city usage are listed in the rate table below for the period 2012 through 2016 and are based on the recommendation within the report attached to the ordinance codified in this chapter, titled City of Edgewood Sewer Rate Study.

The volume portion of the sewer charge for residential accounts is based upon the water meter readings for the months of January, February, March and April, and is recalculated each year. New customers are assigned a usage amount of 800 cubic feet per month (1,600 per two-month cycle), which is an average usage for a typical household. New customers wishing not to use the above estimate can opt for the other alternatives within LUD Resolution No. 2009-1146, as the same now exists and as may subsequently be amended, revised or superseded.

| Rate Table | |
|---|--------|
| City of Edgewood Sewer Rate for the Period 2012 – 2016 | |
| Base rate per month | \$5.00 |
| Usage rate per 100 cubic feet* | \$0.95 |

* Wet month average for residential per LUD definition.
(Ord. 11-376 § 1; Ord. 11-364 § 1).

11.60.050 Billing and collection.

Unless otherwise specified by city ordinance, Lakehaven Utility District shall, on the city's behalf, directly bill sanitary sewer utility customers on a bi-monthly basis and shall remit collections therefrom to the city in accordance with applicable interlocal agreement(s) between the city and Lakehaven Utility District. All delinquent and unpaid rates and charges for sanitary sewer services, including interest thereon, shall be a lien upon the property to which the sanitary sewer is furnished superior to all other liens and encumbrances whatsoever, except those for general taxes and local and special assessments. Pursuant to RCW 35.67.215, the city's sewerage lien shall be effective for a total not to exceed one year's delinquent service charges without the necessity of any writing or recording of the lien with the county auditor. (Ord. 11-376 § 1; Ord. 11-364 § 1).

11.60.060 City conveyance development charge.

The city shall collect charges for the capital cost of conveyance development, EMC 11.40.110(C), from all properties not within the city's local improvement district, LID No. 1, and shall be designated the conveyance development charge, CDC. The city shall collect the CDC, which equitably and fairly distributes the capital costs of the conveyance system to all properties within the Phase I sewer system boundary which did not participate in the city's LID No. 1.

The CDC shall be collected in a manner which relates the actual usage a property may place on the sewer system to its proportionate share of the cost of the above-described conveyance system. The CDC shall include the proportionate cost of construction of the existing conveyance development, designated per equivalent residential unit, ERU, as determined by the report attached to the ordinance codified in this chapter titled, City of Edgewood Conveyance Charge Calculation.

Upon request for a new sewer connection, for properties within the Phase I sewer service area, as described within the city's general sewer plan, LUD shall make a determination of the ERU usage applicable to the property. For purposes of this determination an ERU for service shall consist of a projected usage of 220 gallons per day of sewage flow. A single-family dwelling unit shall be assigned one ERU as a conveyance development charge. Each multifamily dwelling unit and each mobile home situated in a mobile home park shall be assigned 0.67 ERU. Each accessory dwelling unit, approved for occupancy by the city, shall be assigned 0.34 ERU.

All nonresidential connections shall pay the sewer system conveyance development charge determined by LUD to reflect anticipated demand on the sewer system for the planned use of the property. The minimum estimated demand for the property shall not be less than one ERU.

The conveyance development charge for each ERU of sewer service for the year 2012 shall be \$4,700. For each year thereafter for a period not to exceed 10 years, a cumulative interest rate of 4.625 percent per year shall be added to the conveyance development charge to reflect the financing charge placed on the LID participant. The conveyance development charge shall be collected prior to connection. Unless otherwise specified by city ordinance, Lakehaven Utility District shall, on the city's behalf, collect the appropriate conveyance development charge from the customer and shall remit collections therefrom to the city in accordance with applicable interlocal agreement(s) between the city and Lakehaven Utility District.

| Edgewood Conveyance Development Charge | |
|---|---------------|
| Ten-Year Charges with Interest | 4.625% |
| 2012 | \$4,700 |
| 2013 | \$4,917 |
| 2014 | \$5,145 |
| 2015 | \$5,383 |
| 2016 | \$5,632 |
| 2017 | \$5,892 |
| 2018 | \$6,165 |
| 2019 | \$6,450 |
| 2020 | \$6,748 |
| 2021 | \$7,060 |

(Ord. 11-376 § 1).

Chapter 11.65

VIOLATIONS AND ENFORCEMENT

Sections:

- 11.65.010 Civil infractions.
- 11.65.020 Failure to connect.
- 11.65.030 Disconnection of side sewer.
- 11.65.040 Criminal violations.
- 11.65.050 Other civil violations.

11.65.010 Civil infractions.

The following actions shall be separate civil infractions of this code, which shall be enforceable pursuant to Chapter 1.10 EMC, General Penalty:

- A. Violation of any of the conditions of the connection permit and agreement.
- B. Tampering with, disturbing, removing, damaging, or destroying any part of the city's sewer system.
- C. Connecting more than one building to a side sewer without written approval from the director.
- D. Connecting pipes carrying surface water or groundwater to a side sewer or a plumbing system that drains to the side sewer.
- E. Failure to meet the requirements of EMC 11.45.020 before connecting to an existing side sewer.
- F. Connecting a septic tank or drain field discharge line to the sewer system.
- G. Failure to connect to the sewer when required under regulations contained in this title. The penalty shall be as provided in EMC 11.65.020.
- H. Discharging any material into a manhole or cleanout without a written permit from the director.
- I. Discharging prohibited materials into the sewer system.
- J. Discharging wastewater to other than a sewer or septic tank or other device that has been approved by the Tacoma-Pierce County Health Department.
- K. Discharging wastewater or septic tank effluent to any storm drain, natural outlet, or upon the land within the city.
- L. Installing a sewer line within 10 feet of a water line, except as provided in EMC 11.35.020.
- M. Construction or planting within an easement in violation of EMC 11.35.060.
- N. Obstruction of city access to or within an easement.
- O. Incorporating materials or equipment in a public works or system extension project not meeting the requirements of the agreement, project specifications, or design and construction standards.
- P. Providing false information in application for a sewer system connection, system extension, record drawing, or on any other document or application related to the sewer utility.
- Q. Failure to install and maintain a grease, oil, and sand interceptor when so required by this title.
- R. Adding, injecting or placing emulsifiers, enzymes, or other additives to the sewer system or to wastewater that will be discharged into the sewer system that have not been approved in writing by the director.

S. Failure to permit access for inspections during normal business hours or obstructing a city inspector while attempting to make an inspection.

T. Constructing, maintaining, or discharging wastewater into a privy, privy vault, or cesspool.

U. Failure to meet the requirements of EMC 11.55.070 when providing or being required to provide temporary portable toilets. (Ord. 20-572 § 4 (Exh. D); Ord. 06-271 § 1).

11.65.020 Failure to connect.

If a property is required and fails to connect to the sewer system pursuant to EMC 11.40.010(A) or (B), the owner shall be required to pay a penalty equal to normal monthly charges pursuant to RCW 35.67.190. All other properties failing to connect, as required, shall be subject to penalties as otherwise may be set by the council. (Ord. 06-271 § 1).

11.65.030 Disconnection of side sewer.

If a side sewer to a property is discharging prohibited materials, as defined in Chapter 11.50 EMC, to the city sewer system, and the owner of that property does not immediately stop such discharge following such notice, in addition to penalties provided for above, the city shall block or disconnect the side sewer to the property of such owner.

Monthly charges for sewer service shall continue unless the owner voluntarily relinquishes his connection pursuant to EMC 11.40.100. The owner shall pay the costs for such disconnection and reconnection, if any, as shall be set by ordinance of the council. (Ord. 06-271 § 1).

11.65.040 Criminal violations.

A. It is unlawful and a misdemeanor to make or cause to be made or to maintain any sewer connection with any sewer of the city, or with any sewer which is connected directly or indirectly with any sewer of the city, without obtaining a permit and paying the connection charge (RCW 35.67.350).

B. Any person who commits civil infractions listed in EMC 11.65.010(B), (F), (H), (I), (J), (K), (P), (R), or (S) shall also be guilty of a misdemeanor and, on conviction thereof, shall be punished by a fine not to exceed \$5,000 or by imprisonment in the county jail for not more than one year, or by both fine and imprisonment. (Ord. 20-572 § 4 (Exh. D); Ord. 06-271 § 1. Formerly § 11.65.050).

11.65.050 Other civil violations.

Except as otherwise specified herein, violations of this title shall be deemed civil violations subject to enforcement pursuant to EMC Title 7, Code Enforcement. (Ord. 20-572 § 4 (Exh. D)).

Chapter 11.70

NON-CORE WEST PHASE I SEWER AREA

Sections:

- 11.70.010 Purpose – Applicability.
- 11.70.020 City of Fife sanitary sewer regulations adopted – Enforcement authority.
- 11.70.030 Sewer works design standards.

11.70.010 Purpose – Applicability.

The purpose of this chapter is to authorize and effectuate the city of Fife’s provision of sanitary sewer service to the Non-Core West Phase I sewer area in accordance with the November 5, 2013, interlocal agreement between the city of Fife and the city of Edgewood regarding sanitary sewer service (“interlocal agreement”). The provisions of this chapter shall govern and apply exclusively to the Non-Core West Phase I sewer area as defined by the city’s general sewer plan and depicted in Appendix A. (Ord. 15-439 § 1).

11.70.020 City of Fife sanitary sewer regulations adopted – Enforcement authority.

Chapters 13.08, 13.09, 13.12 and 13.14 of the Fife Municipal Code, including any future amendments or additions thereto, are hereby adopted by reference and shall govern and apply to the Non-Core West Phase I sewer area. Pursuant to RCW 35A.12.140, a complete copy of said regulations shall be filed with and maintained in the office of the city clerk for use and examination by the public. Subject to and in accordance with the interlocal agreement, the city of Fife shall have the authority and responsibility to enforce said regulations, to collect rates and charges from sewer customers, and to collect delinquent sewer customer accounts within the Non-Core West Phase I sewer area. (Ord. 15-439 § 1).

11.70.030 Sewer works design standards.

All sewage works constructed within the Non-Core West Phase I sewer area shall be designed in accordance with the latest edition of the Washington State Department of Ecology’s “Criteria for Sewage Works Design”; provided, if another section of this chapter imposes a more stringent standard, then the sewage works shall be designed to the more stringent standard. (Ord. 15-439 § 1).