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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3336

AN ORDINANCE adopting a Sewer Utility Code; and adding a new Chapter 24.04 to the Bellevue City Code.

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. A new Chapter 24.04 is hereby added to the Bellevue City Code, to read as follows:

24.04.010 Title. This Chapter shall be known as the Sewer Utility Code. It shall be referred to herein as the "Code."

24.04.020 Purpose. It is the purpose of this code to:

1. Provide for the regulation of sewer facilities in the Utility service area, including the construction of new sewer facilities, in order to provide for a uniform, integrated Utility system and protect the public health, safety and welfare and to carry out the sewer system plan and the comprehensive plan of the City.
2. Establish the authority of the Utility regarding the acquisition, design, construction, maintenance, management and operation of the Utility system.

24.04.030 Territorial Application. This code and regulations adopted hereunder shall be in effect throughout the Utility service area.

24.04.040 Construction-Intent. This code is enacted as an exercise of the police power of the City of Bellevue to protect and preserve the public peace, health, safety and welfare. Its provisions shall be liberally construed for the accomplishment of these purposes.

It is expressly the purpose of this Code and any regulations and procedures adopted hereunder to provide for and promote the health, safety and welfare of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Code or any regulations or procedures adopted hereunder.

It is the specific intent of this Code and any regulations and

procedures adopted hereunder to place the obligation of complying with the requirements thereof upon the owner or operator of each private system, and no provision thereof is intended to impose any duty upon the City of Bellevue, its Utility or any of their officers, employees or agents. Nothing contained in this Code or any regulations and procedures adopted hereunder is intended to be or shall be construed to create or form the basis for liability on the part of the City of Bellevue, its Utility, their officers, employees or agents, for any injury or damage resulting from the failure of the owner or operator of any private system to comply with the provisions hereof, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this Code or any regulation or procedure adopted hereunder by the City of Bellevue, its Utility, their officers, employees or agents.

24.04.050 Definitions. The following words and phrases when used in this chapter shall mean:

Procedure - a procedure adopted by the Utility, by and through the Director, to implement a regulation or regulations adopted under this Code or to carry out other responsibilities as may be required by this Code or by other codes, ordinances, or resolutions of the City or other agencies.

Director - the Director of the Department of Public Works and Utilities, or his/her designated representative.

Industrial Waste - any liquid, solid or gaseous substance, or combination thereof resulting from any process of industry, manufacturing, commercial food processing, business, trade or research, including development, recovering or processing of natural resources.

Licensed Side Sewer Contractor - any person, partnership, corporation or association duly qualified and competent to do work incident to the construction or repair of side sewers under permits issued under this chapter and who shall have been duly licensed by the Utility.

Private System - any sewer system which is not a part of the Utility System as defined in this code.

Regulation - any regulation, rule or requirement prepared by the Utility and adopted by the City Council pursuant to the requirements of this Code.

Sewage - water-carrying waste discharged from the sanitary

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facilities of buildings occupied or used by people.

Sewer - a conduit designed or used to transport waste water and into which storm water, surface and ground waters are not intentionally admitted.

Sewer facility - any facility for the conveyance or storage of sewerage, whether part of the Utility system or a private system, which is connected to or intended to be connected to the Utility system.

Sewer Service - the continuing acceptance by the Utility of the sewage from a structure into the public sewer.

Sewer System Plan - the Sewer System Comprehensive Plan for the Utility, as adopted by Resolution No. 3981, as now or hereafter amended.

Side Sewer - a conduit extending from the main line of the public sewer to the connection with a building's plumbing system.

Unsafe Condition - any condition on any premises, or on any private system thereon, which is a hazard to health, or does or may impair or impede the operation or functioning of any portion of the Utility System, or which may cause damage thereto.

Utility - the Sewer Utility component of the Waterworks Utility of the City of Bellevue, organized as a part of the Department of Public Works and Utilities, as provided by Bellevue City Code Chapter 3.38.

Utility Service Area - that area delineated on that certain "service area map" on file with the City Clerk under Clerk's receiving No. 8893, as the same may be hereafter amended.

Utility System - the sewer system owned and operated by the Utility. Also referred to as the "Sewer System."

24.04.060 Powers of the Utility. The Utility, under the direction of its Director, shall have the power to:

1. Prepare regulations as needed to implement this Code, and forward the same to the City Council for consideration and adoption, and adopt such procedures as are required to implement said regulations or to carry out other responsibilities of the Utility.
2. Administer the acquisition, design, construction, maintenance

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and operation of the Utility system, including capital improvements.

3. Administer and enforce this Code and all regulations and procedures adopted hereunder relating to the design, construction, maintenance, operation and alteration of the Utility system and of private side sewers.
4. Inspect the Utility system and private side sewers as necessary to determine the compliance of such systems with this Code and regulations adopted hereunder.
5. Advise the City Council, City Manager and other City departments on matters relating to the Utility.
6. Implement the sewer system plan adopted by Section 24.04.070 and the Bellevue Comprehensive Plan.
7. Carry out such other responsibilities as required by this Code or other codes, ordinances or regulations of the City.

24.04.070 Sewer System Plan. A sewer system plan for the Utility shall be adopted by the City Council and shall be updated by the Council as may be required.

24.04.080 Emergency Plan. An emergency plan for the Utility shall be adopted by the City Council and shall be updated by the Council as may be required.

24.04.090 Sewer Service and Side Sewer Requirements. Sewer service will be provided by the Utility only upon application by the property owner or his/her agent. Side sewers shall be installed in the Utility's service area only as provided for in regulations and procedures adopted hereunder.

24.04.100 Unauthorized Connections. No person shall connect any side sewer or other appurtenance to the Utility system without the approval of the Utility.

24.04.105 Unauthorized Wastes. No person shall discharge or cause the discharge into any sewer by direct or indirect means any wastes or other substances prohibited by the Utility as provided for in regulations adopted hereunder or prohibited by other local, State, or Federal agencies having jurisdiction within Utility service area.

24.04.110 Connections, Extensions and Alterations to the Utility System - Utility Review and Approval. Applications to connect to, extend or alter the Utility System shall be reviewed by the Utility

to determine compliance with this Code and the regulations and procedures adopted hereunder. No permit shall be issued or approval given until the Utility has determined that such application complies with this Code and the regulations and procedures adopted hereunder.

24.04.120 Developer Extension Agreements. The Utility, by and through its Director, is authorized to enter into agreements with private property owners for the construction of facilities which, upon completion and acceptance in writing by the Utility, shall become part of the Utility system.

24.04.130 Latecomer Agreements. The Utility shall have full authority, through its Director, to enter into any contract authorized under RCW Chapter 35.91, the Municipal Water and Sewer Facilities Act, including contracts which provide for the reimbursement of owners constructing facilities, commonly known as Latecomer Agreements.

24.04.140 Alternate Methods and Materials. The provisions of this Code and regulations and procedures adopted hereunder are not intended to prevent the use of any material or method of construction not specifically prescribed therein, provided such alternate must be approved by the Director as substantially equal to the material or method provided by the Code, regulations and procedures.

24.04.150 Easements. The Utility may require that any person seeking to connect to the Utility system must provide, as a condition of obtaining permission to so connect, an easement for sewer line purposes as necessary to make such connection.

24.04.160 Consent to Inspection. As a condition of issuance of any permit or authorization which requires approval of the Utility, each applicant shall be required to consent to reasonable periodic inspection by the Utility or other appropriate City agency.

24.04.170 Inspections - Right of entry. Whenever necessary to make an inspection to enforce any of the provisions of this Code or any regulation adopted hereunder, or to inspect the property of the Utility, or whenever the Director has reasonable cause to believe there exists in any private system or on any premises, any condition which is unsafe as defined in this Code, the Director may enter onto such premises at all reasonable times to inspect the same or to perform any duties imposed upon the Director by this Code; provided the Director shall first make reasonable efforts to contact the owner or person responsible for such premises and shall present proper credentials to such person or persons and demand

entry onto the premises. If entry is refused, the Director shall have recourse to every remedy provided by law to secure entry.

24.04.180 Correction and Discontinuance of Unsafe, Nonconforming, or Unauthorized Conditions. Whenever the Director determines that any condition on any premises is in violation of, or is being used contrary to, any provision of this Code, any code or regulation the Utility is responsible for enforcing, or is unsafe as defined in Section 24.04.050, the Director may order the correction or discontinuance of such condition or any activity causing such condition.

The Director is authorized to order correction or discontinuance of any such condition or activities following the methods specified in adopted regulations and procedures.

The Utility shall also have all powers and remedies which may be available under law, this Code, and regulations and procedures adopted hereunder for securing the correction or discontinuance of any condition specified in this Section.

24.04.190 Sewer Rates. The City Council shall establish by ordinance, rates for sewer use and service, and may establish classifications of customers and service in accordance with RCW 35.92.010 and other applicable law.

24.04.200 Connection Charges. Connection charges, to be established by ordinance or regulation, may be charged to property owners seeking to connect to the Utility system as a condition to allowing such connection. Connection charges shall be in such amounts as to provide that each such property connecting to the Utility system bears its equitable share of the cost of such system.

24.04.210 Permits, Fees, and Charges. The City Council may establish fees and charges to be charged as a condition for issuance of any permit or authorization requiring approval of the Utility or in responding to a request for services to be provided by employees of the Utility such as, but not limited to, plan review, permit processing, engineering and inspection services. Specific fees and charges adopted pursuant to this section may be increased or decreased by the Director in accordance with changes in the Utility's costs of doing business as specified in regulations adopted hereunder.

24.04.220 Billing and Collections. The Utility, jointly with the Finance Department, may establish procedures pertaining to the billing and collection of sewer use and service charges adopted pursuant to this Code. The Utility may establish procedures

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pertaining to the billing and collection of all other fees and charges imposed by the Utility.

24.04.230 Maintenance of Utility Systems. The responsibility of the Utility shall be limited to maintenance and operation of the Utility system, and the Utility assumes no responsibility for maintenance and operation of private systems.

24.04.260 Interlocal Agreements. The Utility, with approval of the City Council, is authorized to enter into agreements with other local, State or Federal jurisdictions in order to carry out the purposes of this Code and regulations adopted hereunder.

24.04.270 Adoption of Regulations and Procedures. The Utility shall prepare and forward to the Council, with its recommendation, such proposed regulations as it determines to be necessary to implement and enforce the provisions of this Code. The Council shall adopt, by ordinance, such regulations, and with such modifications, if any, as it determines appropriate.

The Utility may adopt, by and through the Director, procedures for the purpose of implementing regulations adopted under this Code or other codes, ordinances, or regulations of the City or other agencies. Such procedures shall not require approval by the Council.

All regulations and procedures adopted pursuant to this section shall conform with the requirements, rules and regulations of local, State, and Federal agencies having jurisdiction within the Utility service area over the operation and development of the Utility and Utility system.

24.04.280 Liability. The Director and any other employee charged with the enforcement of this Code, acting for the Utility in good faith and without malice in the discharge of his/her duties shall not thereby render himself/herself liable personally for any damages which may accrue to persons or property as a result of any act required or by reason of any act or omission in the discharge of such duties.

24.04.290 Violation. Any person violating any provision of this Code or any regulation adopted hereunder is guilty of a misdemeanor.

Section 2. Severability. If any one or more sections, subsections or sentences of this ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Code and the same shall remain in full force and effect.

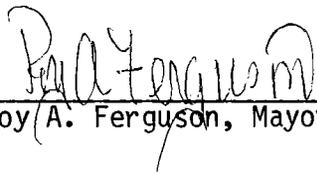
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Section 3. In the event of any conflict with any provision of this Code by any prior Code, ordinance, resolution, or regulation adopted by the City, the provisions of this Code shall prevail.

Section 4. This ordinance shall take effect and be in force thirty days after final passage by the Council.

PASSED by the City Council this 19th day of December 1983, and signed in authentication of its passage this 19th day of December 1983.

(SEAL)



Roy A. Ferguson, Mayor

Approved as to form:

Linda M. Youngs, City Attorney



Richard Gidley, Assistant City Attorney

Attest:



Marie K. O'Connell, City Clerk

Published December 24, 1983