WP0437C-ORD
03/30/95

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4752

AN ORDINANCE relating to the Sewer Utility of the City of Bellevue; repealing Ordinance No. 3336 and Chapter 24.04 of the Bellevue City Code; repealing Section 15.08.010 of the Bellevue City Code and Water and Sewer Utility Regulations and Sewer Utility Regulations adopted pursuant to Ordinance No. 3337; repealing Chapters 23.62 and 23.64 of the Bellevue City Code; adopting a new Sewer Utility Code; adding a new Chapter 24.04 to Title 24 of the Bellevue City Code; and establishing an effective date.

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

Section 1. Ordinance No. 3336 and Chapter 24.04 of the Bellevue City Code are hereby repealed.

Section 2. The Water and Sewer Utility Regulations and the Sewer Utility Regulations adopted pursuant to Section 1 of Ordinance No. 3337 and given Clerk's Receiving Nos. 8891 and 8892 respectively, and Section 15.08.010 of the Bellevue City Code are hereby repealed.

Section 3. Chapter 23.62 of the Bellevue City Code entitled Sewage Disposal Systems and Sections 23.62.010 through 23.62.210 inclusive are hereby repealed.

Section 4. Chapter 23.64 of the Bellevue City Code entitled Sewer System Code and Sections 23.64.010 through 23.64.580 inclusive are hereby repealed.

Section 5. A new Chapter 24.04 is hereby added to Title 24 of the Bellevue City Code, to be entitled the "Sewer Utility Code" and to read as follows:

Chapter 24.04

SEWER UTILITY CODE

Sections:

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24.04.010 Title

This Chapter shall be known as the Sewer Utility Code and shall be referred to herein as the "code."

24.04.020 Purpose

The purpose of this code is to: provide for the planning, design, construction, use, maintenance, repair and inspection of public and private sanitary sewer systems; establish programs and regulations to provide for the appropriate use of such systems; and provide for the enforcement of the provisions of this code.

24.04.030 Territorial Application

This code shall be in effect throughout the Utility Service Area, as defined in Section 24.04.050(AA).

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 health, safety and welfare; its provisions shall be liberally construed to accomplish this purpose.

It is expressly the purpose of this code to provide for and to 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 benefitted.

It is the specific intent of this code to place the obligation of compliance upon the owner/operator. Nothing contained in this code 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, 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 of this code, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this code by the City of Bellevue, its Utility, officers, employees or agents.

24.04.050 Definitions

The following words and phrases, when used in this code, shall have the following meanings:

A. "As-Built" - A final drawing of the actual installation of the structures, materials and equipment.

B. "Connection Charges" - Charges imposed as a condition of providing Utility service so that each connecting property bears its equitable share of the costs of the public sewer system and of the costs of facilities that benefit the property. Connection charges include the general facilities charge and direct facilities charges.

C. "Director" - The Director of the Bellevue Utilities Department, or his/her designated representative or other person designated by the City Manager.

D. "Emergency" - Any natural or human-caused event or set of circumstances which disrupts or threatens to disrupt or endanger the operation, structural integrity, or safety of the public sewer system; endangers the health and safety of the public; or otherwise requires immediate action by the Utility.

E. "Engineering Standards" - The City of Bellevue Utility Engineering Standards which include minimum requirements for the design and construction of water, storm and surface water drainage and sanitary sewer facilities.

F. "FOG" - Fats, oils and grease.

G. "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.

H. "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 code and who shall have been duly licensed by the Utility.

I. "Non Polar Fats" - Fats, oils or grease of animal or vegetable origin.

J. "Polar Fats" - Fats, oils or grease of mineral origin.

K. "Pre-Treatment Device" - Any approved device, structure, system or method used and maintained for the purpose of bringing a waste stream within acceptable limits and standards of quality prior to its discharge to the public sewer system.

L. "Private Sewer System" - Any part of the sewer system that is not part of the public sewer system as defined in the code.

M. "Property owner" - Any individual, company, partnership, joint venture, corporation, association, society or group that owns or has a contractual interest in the subject property or has been authorized by the owner to act on his/her behalf.

N. "Public Sewer System" - The sanitary sewer system owned and operated by the Utility.

O. "Residential Structure" - A single-family or duplex structure.

P. "Sewage" - Waste discharged from the sanitary facilities of buildings and including industrial wastes.

Q. "Sewer Facility" - Any facility for the conveyance or storage of sewage, whether part of the public sewer system or a private sewer system, that is connected to or intended to be connected to the public sewer system.

R. "Sewer Main" - A pipe designed or used to transport sewage, excluding side sewers.

S. "Sewer Pre-treatment" - The treatment of industrial waste before discharge to the public sewer system.

T. "Sewer Service" - Providing for the disposal of sewage from a structure into the public sewer system.

U. "Sewer System Plan" - The Sewer System Comprehensive Plan for the Utility, as adopted by Resolution No. 5827, as now or hereafter amended.

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

W. "Side Sewer Stub" - That portion of the side sewer in the right-of-way or easement dedicated to the Utility.

X. "Structure" - Any building that contains facilities for the disposal of sewage.

Y. "Unsafe Condition" - Any condition on any premises, or in any private sewer system thereon, that is a hazard to public health or safety, that does or may impair or impede the operation or functioning of any portion of the public sewer system or that may cause damage thereto.

Z. "Utility" - The Sewer Utility component of the Waterworks Utility of the City of Bellevue, administered as a part of the Bellevue Utilities Department, as provided by Chapter 3.38 of the Bellevue City Code.

AA. "Utility Service Area" - That service area defined on the map filed with the City Clerk under Clerk's Receiving No. 8893, and as may be expanded through subsequent interlocal agreements, annexations and special utility district assumptions.

24.04.060 Authority of the Utility

The Utility, by and through its Director, shall have the authority to:

A. Develop, adopt and carry out procedures as needed to implement this code and to carry out other responsibilities of the Utility, including, but not limited to, procedures pertaining to the billing and collection of sewer service charges and all other fees and charges imposed pursuant to this code and procedures for periodic adjustment of fees and charges imposed pursuant to this code.

B. Prepare and update as needed, Engineering Standards to establish minimum requirements for the design and construction of sewer facilities and requirements for protecting existing facilities during construction. The Engineering Standards shall be consistent with this code and adopted City policies.

C. Administer and enforce this code and all procedures relating to the planning, acquisition, design, construction, inspection, maintenance, management, operation and alteration of the public sewer system,

including capital improvements, and relating to the design, construction and inspection of private sewer systems.

D. Enter into contracts pursuant to chapter 35.91 RCW, the Municipal Water and Sewer Facilities Act, including contracts that provide for the reimbursement of owners constructing facilities (Latecomer Agreements) and agreements with private property owners for the extension of the sewer system (System Extension Agreements).

E. Advise the City Council, City Manager and other City departments and commissions on matters relating to the Utility.

F. Prepare and recommend the sewer system plan referenced in Section 24.04.070 for adoption by the City Council and implementation by the Utility.

G. Perform or direct the performance of financial review and analysis of the Utility's revenues, expenses, indebtedness, rates and accounting and recommend budgets, rates and financial policy for adoption by the City Council.

H. Develop and implement programs related to sewer use, including an industrial waste management program for protection of the public sewer system and a septic system management program.

I. Carry out other responsibilities as required by this code or other City codes, ordinances or regulations consistent with the Bellevue Comprehensive Plan.

24.04.065 Duty to Serve

The Utility is responsible for providing sewer service to all customers within the Utility service area, subject to the requirements of this code, other provisions of the Bellevue City Code and applicable state law. This responsibility is separate from contractual obligations to provide sewer service outside the Utility service area.

24.04.067 Service Interruptions

Notwithstanding Section 24.04.065, the Utility does not guarantee that sewer service will be continuously available within the Utility service area.

Sewer service may be temporarily unavailable due to a system failure, emergency, construction or maintenance or other unforeseen circumstances.

24.04.070 Sewer System Plan

A sewer system plan, also referred to as the City's Sewer Comprehensive Plan shall be developed by the Utility for review and adoption by the City Council. The Utility shall recommend supplements or updated plans for adoption by the City Council as needed.

24.04.080 Emergency Plan

The Utility will prepare and update an emergency plan, as required by state law, as part of the City's Emergency Operation Plan, for review and adoption by the City Council.

24.04.100 Connections or Modifications to the Sewer System

A. Connection to the Sewer System Required.

1. All structures which contain facilities for the disposal of sewage shall connect to the public sewer system unless a variance is granted pursuant to Section 24.04.100(B). Where sanitary sewer service is not available and is required, the Utility may require the property owner to install a sewer main extension.

2. Connections or modifications to the sewer system, including, but not limited to, the installation or repair of sewer mains or side sewers, shall occur only if:

   a. Approval has been received from the Utility (see Section 24.04.120); and
   b. All applicable requirements of this code and Utility procedures have been met; and
   c. All applicable Engineering Standards have been met or alternative standards have been approved by the Utility as substantially equal; and
   d. The property owner has paid all applicable fees and charges; and
   e. Any existing on-site sewage disposal facilities are disconnected in accordance with Health Department requirements; and

f. The property is within the Utility service area or within an area served by the Utility through agreement with an adjacent jurisdiction.

B. Variance from the Sewer Connection Requirement.

1. Any property owner may apply for a variance from the sewer connection requirement to allow for an on-site septic disposal system.

2. The Director shall approve a variance only if all of the following decision criteria are met:

a. The property is more than 330 feet via dedicated easements and/or right of way from the existing public sewer system or, in the case of subdivisions, the exterior boundary of the subdivision is more than 660 feet, measured in the same manner, from the existing public sewer system; and
b. The proposed septic system will not have an adverse environmental effect on potable water wells, ground water, streams or other surface bodies of water; and
c. The proposed septic system is in compliance with all applicable federal, state and local health and environmental regulations; and
d. The cost of providing sewer service to the structure will result in an economic hardship. Economic hardship is defined as an unrecoverable cost equal to or exceeding 20 percent of the fair market value of a building site with utilities in place on which the structure is to be located.

3. Any variance issued by the Director shall be subject to the following conditions:

a. The applicant must obtain King County Health Department approval of the septic tank system and must obtain any other permits which may be required by law for such system; and
b. The applicant shall record an agreement, in a form approved by the City and referred to herein as "Agreement to Connect," with the King County Department of Records and Elections. Such agreement shall require payment of

all connection charges at the time of actual connection to the system. The agreement shall be a covenant which runs with the land and is binding on the owners and successors in interest of the property. The agreement shall provide that the structure shall be connected to the public sewer system at such time as the system is available and that the property owner will not protest the formation of any future L.I.D. or U.L.I.D. for extension of a sewer system that would serve the property. The sewer system shall be deemed available for purposes of this requirement whenever the structure can be connected to the system by an extension of 330 feet or less or, in the case of a subdivision, the boundary of the subdivision can be reached by an extension of 660 feet or less from the system.

4. The applicant may appeal a decision of the Director denying a variance application pursuant to Process VI of the Land Use Code, Section 20.35.600 et seq.

24.04.115 System Ownership

A. Utility Ownership of Sewer Facilities.

1. The Utility owns all sewer facilities in public right-of-way and in easements dedicated to and accepted by the Utility, except to the extent that private ownership is otherwise indicated as a matter of record. Such facilities typically include mains, pump stations and side sewer stubs.

2. The Utility may acquire existing private sewer facilities, provided:

   a. Utility ownership of the facility would provide a public benefit; and
   b. Necessary and appropriate property rights are offered by the property owner at no cost to the Utility; and
   c. The facility substantially meets current standards, as determined by the Utility, or is brought up to current standards by the owner; and
   d. The Utility has adequate resources to maintain the facility; and

e. The facility is transferred to the Utility by bill of sale at no cost to the Utility.

24.04.120 Permits/Approvals

A. General. The Utility shall administratively determine submittal requirements for all Utility permits and approvals.

B. Side Sewer Permit.

1. A Side Sewer Permit is required to construct a side sewer and/or to make any additions, repairs or connections to an existing side sewer.

2. A Side Sewer Permit application must be made by the property owner or his/her City-licensed and bonded contractor.

3. Side Sewer Permits for commercial projects, including multifamily structures, may be issued as part of the Sewer System Extension Agreement, if one is required, pursuant to Section 24.04.120(C)(1). The side sewer can be installed as part of the Sewer System Extension Agreement and shall be put in use only after acceptance by the Utility of the system extension.

4. Side Sewer Permits for lots in subdivisions and short plats will be issued only after sewer main extensions have been accepted by the City.

5. Side Sewer Permits shall expire twelve months from date of issuance.

C. Sewer System Extension Agreement.

1. The property owner and the Utility shall enter into a Sewer System Extension Agreement whenever an extension to an existing sewer main is required pursuant to Sections 24.04.100(A)(1) or 24.04.130(B)(2).

2. The Utility shall approve constructed facilities as complete once the facilities have been built according to the approved plans and specifications, as confirmed by Utility inspectors, as-built

drawings have been completed as specified in the Engineering Standards and all applicable fees and charges have been paid.

3. The property owner shall be required to provide surety devices, in a form approved by the City, for sewer system extensions in City right-of-way, for connections to the sewer main during construction and for a one-year warranty period following acceptance by the City.

4. When a Sewer System Extension Agreement is required to serve a proposed building, the Utility will not sign off on the building permit until the System Extension Agreement has been initiated. When a Sewer System Extension Agreement is required to relocate a sewer main from under a proposed building, the Utility will not sign off on the building permit until the system extension has been completed and accepted by the Utility, unless the building permit is conditioned to require relocation prior to site construction.

D. Temporary Sewer Service Agreement. Any single-family residential property owner may request temporary sewer service if permanent facilities, that is, facilities that meet all code requirements such as for system extension, are not available. The Utility may provide temporary single-family residential service through a Temporary Sewer Service Agreement which shall:

1. Calculate and collect the property owner's fair share costs for installing permanent sewer facilities. When the property is not fully developed and therefore is subject to redevelopment, the City shall collect only the fair share cost for the developed portion at that time. When the property is redeveloped, the property owner shall build the permanent sewer facilities, or if they are already built, shall pay the remaining fair share costs. If a private property owner builds the permanent facilities, he/she will be paid the fair share costs that were collected under the Temporary Sewer Service Agreement plus accrued interest. Interest will be at a rate set by the City treasurer consistent with how interest rates are set for connection charges. Total interest may not exceed the principal amount of the charge.

2. Establish a time limit for connecting to the permanent service once it is available.

3. Specify that the agreement runs with the land and is binding on the owners and their successors.

4. Be recorded with King County against the property on which the facilities are located.

E. Pump Station Agreement. Prior to construction of a privately-owned sewer pump station other than for a single-family residence or serving a single-family lot, the property owner shall enter into a Pump Station Agreement with the Utility that sets forth the owner's maintenance and emergency responsibilities.

F. Agreement to Connect. When a variance to allow a septic system is granted, an "Agreement to Connect" must be recorded pursuant to Section 24.04.100 (B)(3).

G. Side Sewer Contractors License. Contractors must obtain a Side Sewer Contractors License from the Utility in order to install or repair side sewers, unless the contractor is under contract with the City at the time and is approved for the work by the Utility, or is under contract to install a facility pursuant to an approved Sewer System Extension Agreement at the time of the side sewer installation. The Director may suspend or revoke a Side Sewer Contractors License for cause.

H. Other Permits. It is the property owner's responsibility to identify and obtain all permits/approvals required for any proposed work.

24.04.125 Demolition or Removal of Structures

Any property owner who plans to demolish or remove any structure connected to the public sewer system shall notify the Utility and complete a Utility abandonment form prior to the commencement of such work and shall expose and plug the side sewer connection at the property line or at the main, as specified by the Utility. A Utility inspector must observe such plugging and will inspect the stub to determine whether the side sewer can be re-used. If the inspector determines that the side sewer cannot be re-used, the property owner shall either abandon the side sewer or upgrade the side sewer through a Side Sewer Permit or through a Sewer System Extension Agreement.

24.04.130 Engineering and Design Requirements.

A. General.

1. The property owner is responsible for sewer system design.

2. The sewer system designer must be a civil engineer licensed in the State of Washington and qualified by both experience and educational background in the design of sewer facilities.

3. Engineering and design shall conform to the Engineering Standards.

4. Sewer facilities in a designated Coal Mine Area are subject to additional design requirements. See the Coal Mine Area Subdivision, Development, and Building Permit Regulations adopted by Resolution No. 5712.

B. Sewer Facility Requirements.

1. Whenever property is developed or redeveloped in any way such that sewage discharge is changed in content or volume, new sewer facilities are required whenever necessary to:

   a. Meet hydraulic capacity requirements. See the Engineering Standards; or
   b. Replace existing facilities that need to be relocated; or
   c. Meet industrial waste pretreatment requirements pursuant to Section 24.04.213.

2. Whenever property is developed or redeveloped, sewer mains shall be extended through and to the extremes of the property being developed, as required by the Utility, when needed for the orderly extension of the public sewer system.

3. Gravity sewer mains shall be at least eight inches in diameter. See the Engineering Standards for other sizing and design requirements.

C. Side Sewer Design.

1. A maximum of four residential structures may be connected to a single side sewer.

2. Where physical conditions render compliance with Utility side sewer requirements impracticable, the Utility may require compliance insofar as is reasonably possible provided that the property owner execute and deliver to the Utility an instrument, in a form furnished by the Utility, agreeing to hold harmless and indemnify the Utility and the City of Bellevue for any damage or injury resulting from such installation. The Utility may require that such instrument be recorded against the property with the King County Office of Records and Elections.

D. Utility Separation Requirements. Sewer lines must be separated from other utilities in order to avoid hazardous conditions and to provide adequate space for alterations and repairs; see the Utility separation requirements contained in the Engineering Standards.

E. Electrical Service Grounding. Side sewers and sewer mains shall not be used for grounding of electrical systems or for the maintenance, integrity or continuity of any grounding attachment or connection.

F. Pump Stations and Lifts.

1. Pump stations shall be permitted only for service to those properties which the Director determines cannot be served by conventional gravity sewers.

2. In any structure in which the plumbing is too low to permit gravity flow to the designated connection point, the sewage shall be lifted by artificial means. When only the lower floor of a structure is too low for gravity flow, the sewage from the upper floors must flow by gravity.

24.04.140 Installation Responsibility

A. Property Owner Installation. The property owner shall be responsible for the installation of all sewer facilities required by this code. Installation shall be through a Sewer System Extension Agreement or side sewer permit. See Section 24.04.120. The Utility shall

perform all hole-cuts and supply any saddles at the owner's expense.

B. Costs. The property owner shall be responsible for all installation costs regardless of whether the work is done by the Utility or by the owner, provided that:

1. If the Utility requires a property owner to oversize a sewer facility for reasons other than to adequately serve the owner's property, the Utility will compensate the property owner for the difference in cost between the normally-sized sewer facility and the over-sized sewer facility, based on the lowest of three bids from reputable licensed contractors furnished by the property owner.

2. A property owner who constructs a sewer system extension that directly benefits property in addition to the owner's may request a Latecomer Agreement in order to be reimbursed by benefitting properties that connect to the extension during the agreement's duration. See Section 24.04.150 regarding Latecomer Agreements.

3. The City may choose to install sewer facilities to facilitate development, coordinate with other City projects or for other Utility purposes and may recover its costs, including interest, through a connection charge.

24.04.150 Latecomer Agreements

A. General. The Utility may enter into any contracts authorized by chapter 35.91 RCW, the Municipal Water and Sewer Facilities Act, including contracts which provide for the reimbursement of property owners constructing public facilities, commonly known as Latecomer Agreements.

B. Requesting a Latecomer Agreement. A property owner may request a Latecomer Agreement if the owner constructs a public sewer facility that benefits property in addition to the owner's property and it is not feasible for the owner to include such other benefiting property owner in the Sewer System Extension Agreement. The request must be made in writing and unit costs must be provided before the Utility accepts the facility.

C. Zone of Benefit. The Utility will determine which properties benefit from the public sewer facility and shall be subject to the Latecomer Agreement.

D. Method of Cost Allocation. The Utility will determine the method of cost allocation used.

E. Recording. The Utility will record the Latecomer Agreement with King County against the benefitting properties, at the property owner's expense.

F. Cost to Latecomer. As a condition of connection to the public sewer facility, each latecomer shall pay, at the time of connection, his/her pro-rata share of the construction costs of the sewer facility, which are determined by the Utility and specified in the Latecomer Agreement. Construction costs shall include but are not limited to design, installation, inspection, construction management, interest and the Utility's project management costs.

G. Agreement Duration. Latecomer Agreements may be in effect for up to 15 years following acceptance of the sewer facility.

H. Forwarding Latecomer Payment. While the Latecomer Agreement is in effect, the Utility will collect the latecomer payments and forward them to the property owner who paid for the sewer facility, as specified in the agreement.

24.04.160 Sewer Easement Requirements

A. When Required. An easement is required whenever:

1. A public sewer facility will be built on private property; or

2. A private sewer facility will be built on property owned by a different private party; or

3. A side sewer will serve two or more properties not in common ownership.

B. Requirements. All of the following requirements shall be met before the City will accept and approve any easement:

1. Clear title in the grantor shall be demonstrated; and

2. The easement shall be consistent with Utility clearance standards and setback standards and with other utilities or easements. The Utility may require the easement to exclude other utilities and uses if necessary to protect the public sewer system; and

3. The easement shall provide access to the facility for repair and maintenance. When deemed necessary by the Utility, the easement shall contain provisions for long-term maintenance. Easements for side sewers serving more than one property must specify responsibility for costs of maintenance, repair and access; and

4. The easement shall prohibit all structures except those which can readily be removed by the structure's owner at the owner's expense when access to the sewer facility is required by the Utility. If such structures are in the easement, an agreement with the Utility to remove the structure on request shall be recorded; and

5. The easement dimensions and other requirements shall be in accordance with the Engineering Standards.

C. Costs. The property owner shall pay all costs of providing or obtaining and recording the easement.

D. Relinquishment of Easement. An easement granted to the Utility may be relinquished only if the Utility determines it is no longer needed and the City Council authorizes the relinquishment.

24.04.170 Construction Requirements

A. General. Sewer facilities shall be constructed in accordance with the plans and specifications approved by the Utility. All work and materials shall comply with the Engineering Standards.

B. Safety Requirements. Utility staff will perform inspections or hole-cuts only if shoring conforms with WISHA safety standards and other safety requirements, as applicable.

C. Failure to Complete Work or Meet Requirements.

1. The Utility may complete sewer facility construction begun by a property owner or contractor, or take steps to restore the site (such as backfilling trenches and restoring the public way) if the work does not meet the requirements of this code, the Engineering Standard and other applicable Utility requirements, the contractor or person doing the work fails to rectify the problem following notification by the Utility; and the work, in the opinion of the Utility, constitutes a hazard to public safety, health or the public sewer system.

2. Utility costs incurred pursuant to the preceding Section 24.04.170(C)(1) shall be calculated pursuant to Section 24.04.250(B) and charged to the owner or contractor in charge of such work. The permittee shall pay the Utility immediately after written notification is delivered to the responsible parties or posted at the location of the work. Such costs shall constitute a civil debt owing to the Utility jointly and severally by such persons who have been given notice as herein provided. The debt shall be collectable in the same manner as any other civil debt owing the Utility.

D. Additional Side Sewer Construction Requirements.

1. Side sewers may be constructed only by the following:

   a. Side sewer contractors licensed by the Utility pursuant to Section 24.04.120(G);
   b. Property owners working on their own property;
   c. Contractors currently under contract with the City and approved for the work by the Utility; or
   d. Contractors currently under contract for an approved Sewer System Extension Agreement, in conjunction with that Agreement.

2. The side sewer permit shall be readily available at the job site at all times. No inspections will be completed if the permit is not available.

3. Connection shall be made to the wye or tee or side sewer stub designated at the time the side sewer permit is issued unless

written permission to do otherwise is obtained from the Utility. If the designated stub can not be found, the Utility will install one at the Utility's expense. The Utility shall not be responsible for costs incurred by the owner/contractor when looking for the stub.

24.04.175 Construction and Warranty Inspections and Tests

A. Construction/Installation Inspection.

1. All projects involving construction of new sewer facilities or connections or modifications to an existing sewer system, are subject to Utility inspection to ensure compliance with the code and permit/approval conditions. As a condition of permit issuance, the applicant shall consent to inspection and testing.

2. Newly installed sewer facilities shall be inspected, tested and documentation completed according to the Engineering Standards and procedures.

B. Warranty Inspections and Tests. Facilities and equipment accepted by the Utility under specific warranties may be re-inspected at the Utility's discretion and, if necessary, re-tested prior to the expiration of the warranty period.

24.04.210 Maintenance of Sewer System

A. Responsibility. The Utility has responsibility for maintenance of the public sewer system unless otherwise provided by agreement, local ordinance or state law. Owners of private sewer systems are solely responsible for maintenance and operation of such private systems.

B. Contract Maintenance. The Utility may agree to provide maintenance service to maintain private sewage pump stations that serve more than one residence, by contract and at the owner's expense, in order to meet the City's obligation to the Washington State Department of Ecology for maintenance responsibility.

C. Side Sewer Cleaning. All side sewer cleaning contractors and/or plumbers, side sewer contractors and owners, prior to cleaning existing side sewers (as distinguished from plumbing and septic tank facilities), shall notify the Utility of such operations and comply with

Utility requirements. Debris cleaned from a side sewer shall be removed and shall not be caused to enter the sewer main. If debris causes a downstream blockage, the owner or his agent shall be liable for any resulting damages.

24.04.213 Industrial Waste Discharge Monitoring, Abatement and Pre-Treatment

A. General. The industrial waste program is intended to prevent, control and correct the discharge of substances, such as hazardous, dangerous, caustic or explosive materials, polar and non-polar fats, oils and greases, that could cause hazardous, dangerous or explosive conditions within the public sewer system or could cause blockages, operational failures or premature degradation of the public sewer system.

B. Applicability of Other Regulations. All discharges to the public sewer system shall comply with all applicable rules and regulations of any federal, state or local agency having governmental or contractual jurisdiction within the Utility service area.

C. Pre-Treatment of Discharges. The Utility shall require the pretreatment of discharges to the public sewer system, except single family residences, if necessary to prevent and/or correct hazardous, dangerous, or explosive conditions or blockage, operational failure or premature degradation of the public sewer system. Notwithstanding the above, all restaurants and food-processing businesses shall install pretreatment methods, such as exterior grease interceptors, oil-water separators, biological or chemical treatment and other best available technology, to reduce or eliminate FOG discharges. All pretreatment systems are subject to review and approval by the Utility.

D. Sampling and Inspection Tees and Manholes. Sampling and/or inspection tees or manholes in the side sewer connection(s) to the public sewer system may be required in all connections, except single family residential connections. Inspection tees and manholes enable the Utility to monitor and test the discharge for compliance with Utility requirements or to allow monitoring and testing in accordance with the rules and regulations of other federal, state or local agency having governmental or contractual jurisdiction within the Utility service area.

24.04.215 Unauthorized and Prohibited Discharges

A. Certain wastes prohibited. No person shall discharge or cause the discharge of any of the following wastes into the public sewer system, by direct or indirect means:

1. Flammable liquids, solids or gases capable of causing or contributing to an explosion or supporting combustion in any public sewer facility or side sewer connection to the public sewer system, such as, but not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides, or any other substances that the Utility, King County Department of Metropolitan Services, a fire department or fire district with jurisdiction, any state agency or the Environmental Protection Agency have identified as a fire hazard or a hazard to the system.

2. Any solid or viscous substance or particles in a quantity, either by itself or in combination with other wastes, that is capable of obstructing flow or interfering with the operation or performance of the public sewer system.

3. Any gas or substance that, either by itself or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or of preventing entry by authorized personnel to pump stations and other sewer facilities.

4. Any gas or substance that, either by itself or by interaction with other wastes, may cause corrosive structural damage to the public sewer system.

5. Heated substances in amounts that prevent entry into public sewer facilities by authorized personnel or that adversely impact facilities.

6. Food waste that cannot pass through a 1/4-inch sieve.

7. Any radioactive wastes or isotopes that exceed such concentration limitations as established by applicable Washington State Department of Health regulations.

8. Trucked and hauled wastes, except as approved by the Utility and discharged at designated locations.

9. Storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water, unpolluted waste water and/or any water or wastes generated during construction activities, unless specifically authorized by the Utility.

10. Substances that may cause excessive foaming in the public sewer system.

11. Polar and non-polar fats, oils and greases in amounts that cause a visible sheen on the discharge or in the public sewer system, build-up of grease in any public sewer facility or which accumulations either alone or in combination with other discharges cause obstruction of the public sewer system.

12. Any wastes or substances which exceed local discharge limits of, or are prohibited by, any other federal, state or local agency having governmental or contractual jurisdiction within the sewer service area.

B. Discovery of Unauthorized or Prohibited Discharge. Upon discovery of an unauthorized or prohibited discharge the Utility shall notify the property owner and King County Department of Metropolitan Services in writing as soon as possible of the non-conforming or prohibited discharge and of all corrective measures necessary.

C. Damage Caused by Unauthorized or Prohibited Discharges. Any person discharging or causing, either directly or indirectly, an unauthorized or prohibited discharge to the public sewer system, that results in damage to, blockage of or premature degradation of any public sewer facility, shall be liable for said damage and financially responsible for any and all necessary repairs or other corrective actions necessary to restore the public sewer system to full and normal operation.

24.04.220 Existing System Inspections

The Utility may enter private property at all reasonable times to conduct inspections, tests or to carry out other duties imposed by the code, provided that the Utility shall first obtain consent from the property owner or person

responsible for the premises upon presentation of proper credentials to that person. If entry is refused or cannot be obtained, the Director shall have recourse to every remedy provided by law to secure entry.

24.04.240 Regulations of Other Agencies

A. General. The responsibility for determining the existence and application of local, state and federal laws and regulations pertaining to sewer facilities and sewer use remains solely with the affected property owner.

B. Regulations of King County and Other Cities and Towns. Utility customers outside the City of Bellevue are subject to City of Bellevue requirements related to sewer facilities unless more stringent requirements of the local jurisdiction in which such customers are located are applicable.

C. King County Department of Metropolitan Services Regulations. Utility customers shall comply with all applicable requirements of the King County Department of Metropolitan Services.

24.04.250 Fees for Permits/Approvals/Specific Services

A. General.

1. The Director shall develop for City Council review and adoption a schedule of fees and charges for all permits and other specific services provided by the Utility, including:

   a. Sewer System Extension Agreements;
   b. Disconnection charge for unauthorized connections;
   c. Side sewer contractor's license;
   d. Side sewer permits;
   e. Hole-cuts;
   f. Miscellaneous maps, plans, drawings, copies and documents provided by the Utility.

2. The fees referenced in this Section are in addition to applicable rates for sewer service and connection charges.

B. Fee Amount. The fee amount for each permit, approval or specific service shall cover the actual Utility costs associated with that

permit, approval or service, including all of the following that apply:

1. Labor, including any and all time spent on engineering, plan review, installation, properly abandoning any existing facilities, site restoration, inspection, testing, certification, as-builting of the project and legal review. Inspections and other work requested beyond normal working hours are charged based on the Utility's overtime pay practices.

2. Expenses including, but not limited to, supplies (not including office supplies), materials, equipment and tool rental, applicable state and federal taxes and any fees for permits the Utility must obtain.

3. Overhead, at a rate to be established by the Utility pursuant to written procedures.

C. Fee Schedule. The Director may adjust the schedule of fees and charges without further City Council action to the extent necessary to reflect actual changes in the Utility's cost of providing the service.

24.04.260 Connection Charges

A. General.

1. The Utility shall collect connection charges, in order that each connecting property shall bear its equitable share of the cost of the public sewer system.

2. Connection charges shall be paid before a property is allowed to connect to the public sewer system. Connection charges not previously paid, such as charges for new facilities that directly benefit the property, shall be paid when the property undergoes, either at one time or cumulatively through more than one project, a substantial remodeling as defined in Section 20.50.040 of the Land Use Code or more substantial improvement or if an improvement or cumulative improvements significantly impact downstream system capacity.

3. Connection charges that have been paid as a result of development activities on the property or through participation in a L.I.D. or U.L.I.D. will not be re-assessed.

4. The Utility may enter into contracts with the owners of existing single-family residences and with the owners of redevelopment projects that meet criteria specified by the Utility for payment of connection charges over time instead of as a lump sum. The Utility will charge interest, at a rate set by the City treasurer on any outstanding debt covered by a payment contract. A contract shall be payable in full at the time of closing upon sale of the property.

B. General Facilities Charge. The Utility shall assess and collect a general facilities connection charge so that each property owner bears his/her equitable share of the cost of the public sewer system. Right-of-way and non-building tracts are exempt from the general facilities charge. The general facilities charge shall be $0.015 per square foot except in the former Eastgate Sewer District service area where the charge shall be $0.03 per square foot. The City Council may modify these charges pursuant to the most recently adopted sewer service rate ordinance.

C. Direct Facilities Charges.

1. In addition to the General Facilities Charge assessed pursuant to Section 24.04.260(B), the Utility shall assess and collect direct facilities charges from property owners that directly benefit from Utility-built or privately-built sewer facilities, except property owners who previously paid their fair share through an L.I.D. or U.L.I.D. Facilities that may be covered in a direct facilities charge include, but are not limited to, stubs built from the sewer main to the property line, pump stations and mains.

2. The direct facilities charge is the property owner's equitable share of the established costs of the facilities he/she benefits from. The equitable share shall include interest charges applied from the date of construction acceptance of the facility until the property connects, or for a period not to exceed ten years, whichever is less, at a rate commensurate with the rate of interest applicable at the time of construction of the facility to which the property owner is seeking to connect but not to

exceed ten percent per year: provided, that the aggregate amount of interest shall not exceed the equitable share of the cost of the facility allocated to such property owner.

3. The facilities' costs shall be allocated to benefitting property owners based on the number of single family equivalents. The Director may, however, make such allocation based on front footage or other reasonably based methodology if the Director determines that such alternate basis or methodology better assures equitable sharing of cost by all properties benefitting from the facilities.

D. Administrative Procedures. The Director is authorized to adopt administrative procedures for the purpose of administering the provisions of this Section 24.04.260.

24.04.270 Sewer Rates

A. General. The City Council shall establish rates for sewer use and service which are in addition to connection charges and fees for specific services. The City may establish classifications of customers or service, using any method or methods authorized by law.

B. Rate Basis. Sewer rates shall be based on revenue requirements necessary to cover all costs of the Utility, as authorized by the City Council by the adoption of the annual budget and subsequent amendments and shall be guided by adopted financial policies and bond covenants.

C. Rate Adjustments. Rates shall be evaluated periodically as part of the review and adoption of the annual budget. Rate adjustments shall be recommended as needed to meet revenue requirements. Any recommended rate adjustment shall consider equity, adequacy, cost and other factors allowed by law.

D. Billing and Collection. The Utility shall develop and implement procedures and systems pertaining to the billing and collection of sewer service charges and fees in accordance with state law.

E. Rate Relief. The City Council may establish sewer rate relief measures for specific customer classes as authorized by state law.

24.02.280 Violations/Penalties

A. Civil violation: Any violation of any of the provisions of this code constitutes a civil violation as provided for in Bellevue City Code Chapter 1.18, for which a monetary penalty may be assessed and abatement may be required as provided therein. The City shall seek compliance through the civil violations code if compliance is not achieved through this code.

B. Destruction of Notice: It shall be unlawful for any person to remove, mutilate, destroy, or conceal any notice issued and posted by the Director pursuant to this code.

Section 7. This ordinance shall take effect and be in force thirty days after its final passage.

PASSED by the City Council this 3rd day of April, 1995, and signed in authentication of its passage this 3rd day of April, 1995.

(SEAL)

Donald S. Davidson, DDS, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

Richard L. Kirkby, Assistant City Attorney

Attest:

Myrna L. Basich, City Clerk

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