

ORDINANCE

ORDINANCE AMENDING TITLE 9.10 RELATING TO SEWER CONNECTION FEES

WHEREAS, a high quality, well maintained sanitary sewer system is critical for providing adequate and reliable sanitary sewer service to the present and future residents of the City of Selah; and

WHEREAS, the Washington State Administrative Code (WAC) 173-240-050 requires that cities prepare a general sewer plan to identify current sanitary sewer system capacity concerns, build out capacity, required improvements, a rehabilitation and replacement program and develop a Capital Improvement Program to meet these needs; and

WHEREAS, the City of Selah's 2018 General Sewer Plan is an ancillary document to the City's adopted Comprehensive Plan consistent with federal requirements, and state statutes; and

WHEREAS, adoption of the General Sewer Plan will help the City of Selah plan for efficient and timely provision of sanitary sewer service to planned growth areas within the city's Urban Growth Boundary; and

WHEREAS, the City of Selah adopted its 2018 General Sewer Plan on November 20, 2018; and

WHEREAS, the City of Selah's 2018 General Sewer Capital Improvement Plan identifies that the estimated cost to cover all of the system upgrades needed to serve the city at full build out is \$32,983,000; and

WHEREAS, in order to meet the city's growth demands the 2018 General Sewer Capital Improvement Plan recommends that a \$6,183.00 per Equivalent Residential Unit (ERU) (300 gallons per day) sewer connection fee be established; and

WHEREAS, land uses that use less or more than one ERU will pay an adjusted connection fee based upon their equivalent residential use as more defined in the below ordinance; and

WHEREAS, the City of Selah recognizes that the full connection fee may have a financial impact on the development community and development projects both planned and under review; and

WHEREAS, the City of Selah has determined that to lessen the impact on the development community, the connection fee ordinance should be reduced to \$2,500 per ERU coupled with an initial eight percent sewer rate increase in 2019, and subsequent three percent sewer rate increases in years 2021 – 2022; and

WHEREAS, adoption of the sewer connection fee will provide for the efficient and timely provision of sanitary sewer service to provide for future planned growth and plant capacity to serve the city and its Urban Growth Boundary; and

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. SMC Chapter 9.10 Sewer System is hereby amended as follows:

**Chapter 9.10
SEWER SYSTEM**

Sections:

- 9.10.010** Definitions.
- 9.10.020** Creation of department.
- 9.10.030** Admission of wastes into public sewers.
- 9.10.040** Prohibited discharges.
- 9.10.060** Sewer service charge.
- 9.10.060A** **Sewer connection charge.**
- 9.10.061** Responsibility for sewerage charge.
- 9.10.061A** Proration of sewerage charge.
- 9.10.062** Sewerage charges – When due.
- 9.10.062A** Sewerage charge during construction period.
- 9.10.063** Discontinuance of water service.
- 9.10.066** Minimum charge for property not receiving sewerage service.
- 9.10.072** Pretreatment of industrial waste.
- 9.10.073** Reallocation of capacity.
- 9.10.080** Severability.
- 9.10.130** Payment by city of Selah for its use of sewer services.
- 9.10.140** Inspection and penalties.
- 9.10.170** Violation by city of federal permits.

9.10.010 Definitions.

As used in this chapter:

"Applicant" means the owner or authorized agent of the property to be served, and said applicant shall be the responsible person for payment of bills for sewer service.

"BOD" (denoting Biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at twenty degrees centigrade, expressed in milligrams per liter.

"Building drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

"Building sewer" means the extension from the public sewer to the building drainage system.

"City" means city of Selah.

"Commercial or business" means a commercial or business establishment excluding grocery stores, bakeries, restaurants and drive-ins discharging domestic wastes in volumes less than five thousand gallons per day on an average annual flow basis and not constituting a significant load on the sewage works. Wastes from such a user do not pass through a city-approved monitoring station. For the purposes of determining sewer rates, waste from such a user is assumed to have a strength of two hundred mg/l BOD and two hundred mg/l TSS.

"Cooling water" or "uncontaminated cooling water" or "noncontact cooling water" means water used for cooling purposes which does not come into direct contact with any raw material, intermediate product, waste product, or finished product, and that contains no additives, pollutants, toxics, or dangerous wastes.

"Equivalent Residential Unit (ERU)": is considered to have an average sewage discharge of 300 gallons per day. All single-family dwellings and multi-family units of four units or less on a single parcel will be considered a single ERU per dwelling unit.

"Excessive industrial discharge" means any discharge of water, wastewater or industrial waste from an industrial user which, in volume or concentration, exceeds that industrial users allocated capacity for any component (flow, BOD, or TSS) by twenty-five percent for any one day period.

"Grocery stores, bakeries, restaurants and drive-ins" means a commercial or business establishment engaged in the commercial preparation and selling of foods, which typically discharge wastes with strengths greater than the waste discharged by a residential user.

"Industrial user" means any nongovernmental user of the sewage treatment plant identified in the Standard Industrial Classification Manual, 1972, United States Office of Management and Budget, as amended and supplemented. In addition, an industrial user is a user of either the pretreatment plant or the sewage treatment plant who discharges wastewater into the system.

"Industrial waste" means any solid, liquid or gaseous substance discharged or permitted to be discharged to the sewage works from any industrial or manufacturing establishment as distinct from sewage.

“LID credit” means a credit of the entire wastewater connection charge for one residential connection equal to one ERU per parcel for participating in an LID. Other new connectors (pre-existing multiple-residential or pre-existing industrial/commercial or other single-residential) pay the difference for authorized discharges greater than the previous connection.

"Major industrial user" means an industrial user who:

- (1) Has a flow of twenty-five thousand gallons or more of process wastewater per average workday (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
- (2) Has a flow equal to or greater than five percent of the flow or organic loading carried by the municipal system receiving the waste;
- (3) Has in its waste a toxic pollutant in toxic amounts as defined in standards issued under Section 307(a) of the Federal Water Pollution Control Act Amendments of 1972;
- (4) Has a significant impact, either singly or in combination with other contributing industries, on a publicly owned treatment works or on the quality of effluent from that works;
or
- (5) Is designated as such by the Washington Department of Ecology.

"Milligrams per liter" (mg/l) shall mean the weight of any substance expressed in milligrams contained within one liter.

“Multi-Residential Dwellings” means dwellings consisting of more than four units on one parcel of land, including, but not limited to, multiplexes, apartments, and multi-unit residential complexes shall be considered 0.7 ERUs per unit.

“Multi-Residential Developments” means multi-residential developments, including manufactured housing parks, condominiums and townhouse developments, and residential development complexes served collectively or independently, shall be considered as single ERU per dwelling unit.

"Natural outlet" means any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.

"Non-city user" means a person connected to and a user of the city sewage works whose physical location is outside the city limits.

"Nonfood industrial user" means an industrial user who does not discharge food processing waste.

"Other ERU Uses" ERUs for other types of discharges shall be based on the average flow as determined from typical usage data available from the Washington State Department of Ecology and approved by the Public Works Director. An ERU shall be assigned to each 300 gallons per day or portion thereof rounded to the nearest one-tenth. (Example: If average flow from a commercial building was estimated to be 580 gallons per day, the connection fee would be based on 1.9 ERUs).

"Parts per million" means a weight-to-weight ratio; the parts-per-million value multiplied by the factor 8.345 shall be equivalent to pounds per million gallons of water.

"Person" means any individual, firm, company, association, society, corporation, or group.

"PH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

"Private sewer" means the sewer line and disposal system constructed, installed, or maintained where connection with the public sewer system is not required herein.

"Properly shredded garbage" means the wastes from the preparation, cooking, and dispensing of food that has been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

"Public sewer" means a sewer in which all owners of abutting properties have equal rights, is controlled by public authority, which carries sewage and industrial waste, and to which storm waters, surface waters and ground waters are not intentionally admitted.

"Sewage" means a combination of the water-carried wastes from residences, business buildings, and institutions, together with such ground, surface, and storm waters as may be present.

"Sewage treatment plant" means any arrangement of devices and structures used for treating sewage.

"Sewage works" means all facilities for collecting, pumping, treating, and disposing of sewage.

"Sewer" means a pipe or conduit for carrying sewage.

"Shall" and "may." The word "shall" is mandatory. The word "may" is permissive.

"Slug" means a discharge of water, sewage, or industrial wastes which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen

minutes more than five times the average twenty-four hour concentration or flows during normal operation.

"Standard methods" means the examination and analytical procedures set forth in the most recent edition of Standard Methods for the Examination of Water, Sewage, and Industrial Wastes, published jointly by the American Public Health Association, the American Water Works Association, and the Water Environment Federation.

"Storm sewer or storm drain" means a sewer that carries storm, surface and ground water drainage, but excludes sewage and industrial wastes other than unpolluted cooling water.

"Strength of wastewater" means the amount of BOD and TSS in the wastewater as determined through samples collected and tested by the city in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association.

"Superintendent" means the public works superintendent of the city of Selah, or his/her authorized representative.

"Treatment plant supervisor" means the supervisor in charge of the city of Selah sewage treatment plant.

"Total suspended solids" (TSS) means solids that either float on the surface of, or are in suspension in water, sewage, or industrial waste, which are removable by laboratory filtering, are determined by quantitative standard laboratory procedures, and are expressed in milligrams per liter.

"Unpolluted water or liquids" means any water or liquid containing none of the following: free or emulsified grease or oil; acids or alkalis; substances that may impart taste-and-odor or color-characteristics; toxic or poisonous substances in suspension, colloidal state or solution; odorous or otherwise obnoxious gases.

"Usual business hours" means the hours between eight a.m. and five p.m. Monday through Friday.

"Wastewater" means a combination of the liquid or water carried wastes removed from residences, institutions, commercial, and industrial establishments, together with such ground water surface water, and storm water as may be present.

"Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently. (Ord. 1394, 1998.)

Section 2. SMC Section 9.10.060A Sewer connection charge is hereby established as follows:

9.10.060A Sewer connection charge.

9.10.060A (1): Purpose

The purpose of this sewer connection fee is to collect funds to pay for capacity improvements to the existing sewer collection system needed as a result of connection of new customers. The proposed fee calculated and adopted in the City of Selah General Sewer Plan, is \$2,500 per equivalent residential unit (ERU) with a 2.5% annual increase beginning January 1, 2021. This fee is payable prior to the connection being made.

9.10.060A (2): Connection charge imposed.

A. A connection charge is imposed on the owner of any facility to be connected to the wastewater system when the owner of the facility to be so connected has not paid a wastewater connection charge for connecting such facility to the wastewater system, subject to the provisions below. Payment of the connection charge does not convey any ownership interest in the wastewater system. Payment of the connection charge authorizes connection only to the designated lot and is not transferable to any other lot.

B. The wastewater connection charge for any facility located on a lot that has participated in a local improvement district (LID) for wastewater facilities and has fully executed an outside utility agreement, if applicable, shall not exceed that in effect at the time the preliminary assessment roll was passed, provided the wastewater connection charge is fully paid within one year of time the final assessment roll was passed; provided, however:

C. If a property owner participated within an LID and remains current or has previously paid in full the amount owed to the city, at the time of connection, the property owner receives credit for one ERU. If at any time the property owner proposes a connection of multiple dwellings, multifamily, and/or commercial/industrial facilities on the parcel, which participated in an LID, the cost of the connection charge shall be based on the amount determined by that uses ERU use further defined in this chapter, minus the credit determined for one ERU.

D. All parcels that participate in a local improvement district (LID) for wastewater facilities initiated after the effective date of the ordinance codified in this section must, within one year

from the recording of the final assessment roll of such LID, either (1) connect a facility on the parcel to the wastewater system for purposes of regular wastewater service; or (2) have a “placeholder” wastewater account established for the parcel. Customers with a “placeholder” account shall be billed at a flat rate of ten dollars per month (twenty dollars bimonthly). In the event that an owner fails to make timely payments on a placeholder account, the parcel shall become permanently ineligible for an LID credit for that parcel.

E. The wastewater connection charge for any facility located on a lot within the boundaries of a local improvement district for wastewater facilities that does not participate in said local improvement district shall be the greater of the wastewater connection charge established by the applicable provision of the municipal code or the final assessment of the LID plus interest.

9.10.060A (3): Calculation of the wastewater connection charge and ERU classifications.

The wastewater connection charge for “inside city” and “outside city” shall be calculated based on information and rates existing at the time when payment will be made or when a local improvement district final assessment is authorized by the city council. The connection charge for “inside city” and “outside city” shall be based on the following:

A. Single-Family Dwelling and Multi-Family dwellings (four or less units on a single parcel with average sewer discharge of one ERU):

- \$2,500.00

B. Multi-Residential Dwellings (four or more units on one parcel of land, including, but not limited to, multiplexes, apartments, and multi-unit residential complexes are considered 0.7 ERUs per unit):

- \$1,750.00

C. Multi-Residential Developments (manufactured housing parks, condominiums and townhouse developments, and residential development complexes served collectively or independently are considered one ERU per dwelling unit):

- \$2,500.00

D. Other ERU Uses (ERUs for other types of discharges are based on the average flow for typical usage data from the WSDOE and approved by the Public Works Director. An ERU shall be assigned to each 300 gallons per day or portion thereof rounded to the nearest one-tenth).

- \$2,500.00 x percent of ERU based on WSDOE usage data

E. Inflation: Beginning January 1, 2021, and each year thereafter the connection fee shall automatically increase by 2.5% per year to account for increases in inflation.

9.10.060A (4): Charges to be published.

Charges to be published. The city Public Works Director shall maintain a schedule of current charges and shall post such schedule conspicuously, and shall make copies available to interested persons.

Section 3. This ordinance shall become effective five (5) days following legal publication of this ordinance or a summary of this ordinance.

Done this 9th day of July 2019.

Sherry Raymond, Mayor

ATTEST:

Dale E. Novobielski, Clerk-Treasurer

APPROVED AS TO FORM:

Robert Noe, City Attorney