

BOARD OF YAKIMA COUNTY COMMISSIONERS

ORDINANCE NO. 5-2008

IN THE MATTER OF AMENDING YAKIMA COUNTY CODE CHAPTER 12-05,
PERTAINING TO YAKIMA COUNTY WASTEWATER SYSTEMS.

WHEREAS, the Yakima County Code Chapter 12-05 was last amended on April 15, 1999; and,

WHEREAS, certain definitions and provisions need to be revised to provide clarification for the operation and maintenance of County wastewater systems; and,

WHEREAS, operation and maintenance costs for the Mountain Shadows wastewater system have increased beyond the capacity of the current rates; and,

WHEREAS, a Special Agreement between the City of Yakima, the Terrace Heights Sewer District, the City of Union Gap, the City of Moxee and Yakima County dated October 6, 2006 requires the County to adopt the City of Yakima sewer use ordinance; and,

WHEREAS, the Board of Yakima County Commissioners held a duly advertised public hearing for the purpose of considering the amendment of Yakima County Code Chapter 12-05 on November 18, 2008, pursuant to Resolution No. 439-2008 dated October 21, 2008, wherein testimony was heard from all those persons present who wished to be heard; and

WHEREAS, after considering the testimony and materials presented, the Board of Yakima County Commissioners believes it is in the best public interest to amend Yakima County Code Chapter 12-05 as proposed; now, therefore,

BE IT HEREBY ORDAINED by the Board of County Commissioners:

Section 1. Section 12.05.010 of the Yakima County Code, entitled "Definitions and interpretation of language" shall be amended to read as follows:

12.05.010 Definitions and interpretation of language.

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

(1)"Biochemical oxygen demand" or "BOD" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees C, expressed in milligrams per liter.

(2)"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 (1.5 meters)

outside the inner face of the building wall. The building drain shall be owned and maintained by the customer.

(3)"Building sewer" means the extension from the building drain to the public sewer or other place of disposal. The building sewer shall be owned and maintained by the customer.

(4)"Combined sewer" means a sewer receiving both surface water and sewage.

(5)"Connection" means sewer service provided through a septic tank to residential, commercial, industrial or institutional consumers from the sewage works.

(6)"County" means Yakima County.

(7)"Customer" or "consumer" means any individual, firm, company, association, society, hospital, church, corporation or group provided service from the sewage works.

(8)"Director" means the Yakima County director of public ~~services~~works or his designee.

(9)"Due date" means the date twenty-~~one~~eight days after the billing date.

(10)"Dwelling" means a building or portion thereof designed exclusively for residential purposes, including one-family, two-family and multiple-family dwellings, but shall not include hotels, motels, boardinghouses and lodging houses.

(11)"Dwelling unit" means one or more rooms in a dwelling designed for the occupancy of one family for living or sleeping purposes.

(12)"Equivalent dwelling unit" or "EDU" means any residential or nonresidential use which has been found by the director to place a demand on the sewage works approximately equal to the demands thereon by a dwelling unit.

(13)"Extension" means continuation of the sewage works to serve additional customers.

(14)"Failure of an on-site sewage system" means a condition of an on-site sewage system that threatens the public health by inadequately treating sewage or by creating a potential for direct or indirect contact between sewage and the public. Examples of failure include but are not limited to:

(a)Sewage on the surface of the ground;

(b)Sewage backing up into a structure caused by soil absorption of septic tank effluent;

(c)Sewage leaking from a septic tank, pump chamber, holding tank, or collection system;

(d)Cesspools or seepage pits where evidence of ground water or surface water quality degradation exists; or

(e)~~I~~nadequately treated effluent contaminating ground water or surface water.

(15)"Family" means an individual, or two or more persons related by blood or marriage, or a group of not more than five persons, who are not related by blood or marriage, living together as a single housekeeping unit in a dwelling unit.

(16)"Garbage" means solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.

(17)"Industrial wastes" means the liquid wastes from industrial manufacturing processes, trade or business, as distinct from sanitary sewage.

(18)"Multiple dwelling unit" means a building or arrangement of buildings or portions thereof, used or intended to be used as the home of two or more families or householders living independently of each other.

(19)"Natural outlet" means any outlet into a watercourse, pond, ditch, lake, or other body of surface water or groundwater.

(20)"Person" mean any individual, firm, company, association, society, corporation or group. ~~company.~~

(21)"pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution. This is used to measure acidity of a solution.

(22)"Properly shredded garbage" means the wastes from the preparation, cooking and dispensing of food that have been shredded to such a 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.

(23)"Public sewer" means a sewer in which all owners of abutting properties have equal rights, and which is controlled by public authority.

(24)"Sanitary sewer" means a sewer which carries sewage and to which stormwater, surface water and groundwater are not intentionally admitted.

(25)"Septic tank" means a sewage disposal tank in which a continuous flow of waste material is decomposed by anaerobic bacteria.

(26)"Service charge" means the minimum monthly or bimonthly charge for service provided by the sewage works per equivalent dwelling unit.

(27)"Service line" means the sewer line connection from the septic tank inlet to the structure or facility served and shall be owned and maintained by the customer.

(28)"Sewage" or "wastewater" means a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such groundwater, surface water, and stormwater as may be present.

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

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

(31)"Sewer" means a pipe or conduit for carrying sewage.

(32)"Sewer connection permit charge" means the initial charge paid prior to connection to the public sewer for a permit to connect to the sewage works.

(33)"Shall" is mandatory; "may" is permissive.

(34)"Single dwelling unit" means a building arranged or designed to be occupied by not more than one family or household.

(35)"Slug" means any discharge of water, sewage or industrial waste 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 of flows during normal operation.

(36)"Storm drain" or "storm sewer" means a sewer which carries stormwater and surface water and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

(37)"Suspended solids" means solids that either float on the surface of or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering.

(38)"Wastewater" – see definition for "Sewage".

(39)(38)"Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently.

(Ord. 9-1997 § 1, 1997; Ord. 2-1993 Ch. 1 (part), §§ 1.1 -- 1.36, 1993).

Section 2. Section 12.05.050 of the Yakima County Code, entitled "Public works director – Powers and duties" shall be amended to read as follows:

12.05.050 Public servicesworks director -- Powers and duties.

The director shall supervise and be responsible for development, design, construction, excavations, repairs, connections, maintenance, operation and administration of the county sewage works, and shall enforce the rules and regulations provided in this chapter.

The public servicesworks director shall also reserve sufficient treatment capacity to connect those homes, constructed and occupied prior to the completion of the waste water treatment system, that are located within the service area as it existed when the treatment plant was constructed, when and if their septic systems are determined to have failed as provided for elsewhere in this chapter.

(Ord. 2-1999 § 1, 1999; Ord. 2-1993 § 2.04, 1993).

Section 3. Section 12.05.110 of the Yakima County Code, entitled "Application for service" shall be amended to read as follows:

12.05.110 Application for service.

All applications for sewage service installation shall be made at the office of the public servicesworks department on forms furnished by the county. The applicant shall supplement the application with such information as deemed necessary by the director. All applications shall be made by the owner of the property to be served or his authorized agent, and all accounts shall be in the name of the owner of such property. No person shall make any connection to the sewage works or add any additional unit to an existing connection without first obtaining a permit as required in this section.

(Ord. 2-1993 § 3.05, 1993).

Section 4. A new section shall be added to Chapter 12-05 of the Yakima County Code, which reads as follows:

12.05.405 City of Yakima Wastewater Customers.

(a)Chapter 7.65 of the City of Yakima Municipal Code entitled Sewer Use and Pretreatment Regulations, as it now exists or may hereafter be amended, is hereby adopted by reference and shall apply to all wastewater customers in unincorporated areas located outside the City of Yakima's boundaries that discharge wastewater other than domestic wastewater to the City of Yakima's wastewater treatment system. Failure to comply shall subject the customer to the enforcement provisions of Part 8 of said chapter.

Section 5. Section 12.05.410 of the Yakima County Code, entitled "Sewer connection permit charge" shall be amended to read as follows:

12.05.410 Sewer connection permit charge.

(a)A connection permit charge of one thousand two hundred fifty dollars (\$1,250) per equivalent dwelling unit shall be paid to the county prior to making any connection to the Buena public sewer system.

(b)A connection permit charge of one thousand two hundred fifty dollars (\$1,250) per equivalent dwelling unit shall be paid to the county prior to making any connection to the mountain shadows public sewer system.

(c)A connection permit charge will not be assessed prior to making a connection to the Fairway Estates public sewer system provided the dwelling unit is included in the original service area established when the system was developed. An account initiation charge will be assessed as provided in section 12.05.420 of the county code.

(Ord. 2-1993 § 8.01, 1993).

Section 6. Section 12.05.430 of the Yakima County Code, entitled "Service Charges" shall be amended to read as follows:

12.05.430 Service charges.

(a)The minimum monthly service charge for the Buena Sewer System shall be ~~thirty-four~~ ~~twenty-five~~ dollars (\$34) per equivalent dwelling unit ~~through December 31, 1998 and increase on the following schedule:~~

~~1. Twenty-eight dollars per equivalent dwelling unit from January 1, 1999 through December 31, 1999;~~

~~2. Thirty-one dollars per equivalent dwelling unit from January 1, 2000 through December 31, 2000;~~

~~3. Thirty-four dollars per equivalent dwelling unit from January 1, 2001.~~

(b)The minimum monthly service charge for the Mountain Shadows Sewer System shall be forty-seven dollars (\$47) per equivalent dwelling unit for a developed lot. The minimum monthly service charge for an undeveloped lot shall be sixteen dollars (\$16).

(c) The minimum monthly service charge for the Fairway Estates Sewer System shall be forty-seven dollars (\$47) per equivalent dwelling unit for a developed lot. The minimum monthly service charge for an undeveloped lot shall be thirteen dollars (\$13).

(Ord. 9-1997 § 8, 1997; Ord. 2-1993 § 8.02, 1993).

Section 7. A new section shall be added to Chapter 12-05 of the Yakima County Code, which reads as follows:

12.05.445 Annual charge adjustments.

(a) Service charges shall be adjusted annually up to the Consumer Price Index (CPI) for water and sewerage maintenance in the closest applicable area. Adjustments shall be effective as of October 15th each year, and shall be based on increases in the CPI for the previous calendar year.

(b) The number of equivalent dwelling units used to calculate the minimum monthly service charge for non-residential customers may be adjusted based on an evaluation by the director of the customer's water consumption records for the previous 12 months. The number of equivalent dwelling units used shall be based on 300 gallons per day per equivalent dwelling unit. The evaluation may be requested by the director or the customer. Notice of the results of the evaluation and the adjustment shall be provided to the customer at least 14 days prior to the adjustment taking effect.

(c) The number of equivalent dwelling units used to calculate the minimum monthly service charge for non-residential customers when water consumption records are not available shall be in accordance with Section 12.05.440 of this chapter.

Section 8. A new section shall be added to Chapter 12-05 of the Yakima County Code, which reads as follows:

12.05.446 Returned check charges.

Checks returned due to insufficient funds shall result in an additional charge of ten dollars (\$10) per occurrence. The ten dollar charge will be in addition to applicable county treasurer charges.

Section 9. Section 12.05.450 of the Yakima County Code, entitled "Accounts -- Collection responsibility" shall be amended to read as follows:

12.05.450 Accounts -- Collection responsibility.

All accounts shall be kept in the office of the county public ~~services~~works department under the name of the property owner and the tenant or occupant if so requested by the property owner and approved by the director. The director shall collect all fees and charges provided by this chapter.

(Ord. 2-1993 § 9.01, 1993).

Section 10. Section 12.05.480 of the Yakima County Code, entitled "Due and delinquency dates – Notice of suspension" shall be amended to read as follows:

12.05.480 Due and delinquency dates -- Notice of suspension.

All charges for sewage service shall be due and payable on the date of billing and shall become delinquent on the due date. If the charges remain delinquent and unpaid for a period of ~~forty-five~~^{fifteen} days following the due date, the director shall cause a notice of suspension of service to be sent to the property owner and the tenant or other occupant.

(Ord. 9-1997 § 9, 1997; Ord. 2-1993 § 9.04, 1993).

Section 11. Section 12.05.490 of the Yakima County Code, entitled "Delinquency charge assessed when" shall be amended to read as follows:

12.05.490 Delinquency charge – ~~Penalty and interest~~ assessed when.

~~(a) If the charges for sewage service have not been paid by the due date, a late payment penalty of ten percent (10%) of the previous month's delinquent charges shall be assessed. The late payment penalty shall only apply to delinquent charges accrued during the previous month and shall not apply to charges accrued prior to the previous month. delinquency charge of ten percent of the outstanding balance shall be assessed for each month or part thereof that the charge remains unpaid.~~

~~(b) Interest at a rate of eight percent (8%) per annum shall be assessed on delinquent charges from the due date until paid. Interest shall be computed on the entire unpaid balance, excluding lien certification costs.~~

~~(b) A partial payment on delinquent charges shall first be applied to the oldest unpaid bills.~~

(Ord. 9-1997 § 10, 1997; Ord. 2-1993 § 9.05, 1993).

Section 12. Section 12.05.520 of the Yakima County Code, entitled "Delinquent charges – Interest rate" shall be deleted:

~~**12.05.520 Delinquent charges -- Interest rate.**~~

~~Delinquent charges shall bear interest at the rate established by the county treasurer from the date the lien attaches until paid.~~

~~(Ord. 2-1993 § 9.08, 1993).~~

Section 13. Section 12.05.530 of the Yakima County Code, entitled "Suspension of service – Conditions – Hearing procedures" shall be amended to read as follows:

12.05.530 Suspension of service -- Conditions -- Hearing procedures.

(a) As an additional and concurrent method of enforcing the county's lien for sewage service charges, the director is authorized ~~and directed~~ to suspend service to any premises

for which the charges remain unpaid for a period of fourteen days from the date in which the written notice of suspension was served upon or mailed to the property owner and tenant or other occupant fifteen days after the delinquency date.

~~(b) No sewage service shall be suspended until a written notice has been served upon or mailed to the property owner and tenant or other occupant at least seven days prior to suspending service. A notice mailed by ordinary mail to the address shown on the director's records as the responsible party shall be deemed received three days after mailing. Such notice of suspension shall state the date upon which service will be suspended, the amount of delinquent charges, and that the customer may request in writing a hearing before the director to contest the suspension.~~

(c) Within ten days of timely receipt of a request for a hearing, the director or his designee shall conduct a hearing. The customer requesting the hearing shall be notified in writing by mail of the date, time, and place of such hearing. Pending the outcome of the hearing, no service shall be suspended. The customer shall be notified in writing of the decision prior to suspension of service.

(d) When water service is provided from a county system to a premise with delinquent sewerage service charges, the director shall suspend water service to the premise; provided that no water service shall be suspended until a written notice has been served upon or mailed to the property owner and tenant or other occupant in accordance with section 12.08.470 of the county code. Resumption of water service shall be subject to the service charges of section 12.08.360.

(Ord. 2-1993 § 9.09, 1993).

Section 14. A new section shall be added to Chapter 12-05 of the Yakima County Code, which reads as follows:

12.05.570 Extension of system.

(a) All sewer line extensions shall extend the entire distance between opposite boundaries of the property to be served unless modified by the public services director.

(b) Any building or structure built or moved to within 200 feet of an existing sewer line for the purpose of residential, business, industrial or institutional use after adoption of this Ordinance must connect to and obtain service from the public sewer system.

(c) All sewer line extensions shall be located within public right-of-way unless the public services director determines it is necessary to construct the sewer lines on easements across private property.

(d) The applicant requesting the extension will be responsible for design and construction of the extension.

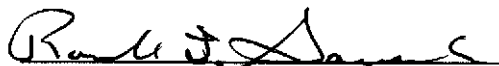
(e) The county may require a larger sewer main to be installed than needed for the applicant's service requirements. When it does so, the county will bear the additional material cost of the extension.

Section 15. All Sections not amended above shall remain unchanged.

Section 16. This Ordinance shall be effective as of January 1, 2009.

Adopted this 25th day of November, 2008

BOARD OF YAKIMA COUNTY COMMISSIONERS



Ronald F. Gamache, Chairman

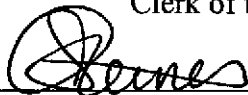


J. Rand Elliott, Commissioner



Michael D. Leita, Commissioner
Constituting the Board of County Commissioners
for Yakima County, Washington

ATTEST: Christina S. Steiner
Clerk of the Board



Approved as to Form:

~~NA~~

Deputy Prosecuting Attorney