

## **Title 12**

### **PUBLIC UTILITIES**

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- 12.05 Sewer System**
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Chapter 12.02

Chapter 12.05

INFRASTRUCTURE IMPROVEMENTS

SEWER SYSTEM

Sections:

Sections:

12.02.010 Infrastructure improvements.

Article I. Definitions

**12.02.010 Infrastructure improvements.**

(1) The town has established procedures and specifications applicable for the private construction of infrastructure facilities that will be deeded to and/or connected to the town’s water, sewer, storm water and/or transportation systems. The procedures and specifications shall be maintained in a volume titled “Infrastructure Improvement Manual” and shall include typical legal documents used in the process and the town’s standard construction specifications.

(2) The standard construction specifications shall meet or exceed all federal and state agency requirements.

(3) The standard construction specifications shall also be used in conjunction with the town’s small works construction projects and may be supplemented as needed to meet the needs of specific construction projects.

(4) The town’s engineer and/or public works director shall be responsible for maintaining and updating the construction materials and methods specifications.

(5) The town’s planner shall be responsible for maintaining and updating the procedural requirements and binding legal documents.

(6) Any work undertaken by the town or any person or entity to modify, repair, replace, remove or extend roadways and/or public utilities within the public right-of-way or on public easements by private entities shall be performed per the procedures and requirements found in the infrastructure improvement manual as prepared and maintained by the town. [Ord. 1000 § 5, 2007.]

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Article I. Definitions

12.05.010 Above-average strength commercial customer.

“Above-average strength commercial customer” means a sewer utility customer designated as above-average strength in LCMC 12.05.1220. Sewage loading shall exceed 500 mg/l BOD and shall be less than 1,000 mg/l BOD. [Ord. 1021 § 2, 2009; Ord. 583 Art. I § 1, 1990.]

12.05.015 Authorized personnel.

“Authorized personnel” means employees or representatives of the town of La Conner bearing current credentials and identification. [Ord. 583 Art. I § 2, 1990.]

12.05.020 Availability.

“Availability” means those premises which are allowed by the Uniform Plumbing Code or pertinent town ordinance to be connected to a sanitary sewer. [Ord. 583 Art. I § 3, 1990.]

12.05.025 Average strength commercial customer.

“Average strength commercial customer” means a sewer utility customer designated as average strength in LCMC 12.05.1220. Sewage loading shall not exceed 500 mg/l BOD. Multifamily dwellings shall be designated as average strength commercial customers. [Ord. 1021 § 3, 2009; Ord. 583 Art. I § 4, 1990.]

12.05.030 Base rate.

“Base rate” means a monthly charge to cover fixed operating costs incurred to serve normal sewage strengths and flows. The fixed costs such as billing and administrative tasks do not vary in proportion to flow. [Ord. 583 Art. I § 5, 1990.]

12.05.035 BOD.

“BOD” (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in milligrams per liter. [Ord. 583 Art. I § 6, 1990.]

12.05.040 Building drain.

“Building drain” means that part of the lowest horizontal piping of a drainage system which receives the discharge from wastes inside the walls

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of the building and conveys it to the building sewer, beginning two feet from outside of the outer face of the building wall. [Ord. 583 Art. I § 7, 1990.]

### 12.05.045 Capacity surcharge.

“Capacity surcharge” means a pro rata monthly charge applied to customers who have not made a capital contribution to the sewer system. [Ord. 583 Art. I § 9, 1990.]

### 12.05.050 Combined sewage.

“Combined sewage” means a sewer receiving both surface runoff and sewage. [Ord. 583 Art. I § 10, 1990.]

### 12.05.055 Common sewer.

“Common sewer” means a sewer in which all owners of abutting properties have equal rights. [Ord. 583 Art. I § 11, 1990.]

### 12.05.060 Easement.

“Easement” means an acquired legal right for the specific use of land owned by others. [Ord. 583 Art. I § 12, 1990.]

### 12.05.065 Engineer.

“Engineer” means the consulting engineer employed by the town of La Conner. [Ord. 583 Art. I § 13, 1990.]

### 12.05.070 Floatable oil.

“Floatable oil” means oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system. [Ord. 583 Art. I § 14, 1990.]

### 12.05.075 Garbage.

“Garbage” means the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods. [Ord. 583 Art. I § 15, 1990.]

### 12.05.080 General facilities charge.

“General facilities charge” means a one-time charge imposed on a customer who buys into an equitable share of the capital costs incurred to serve the customer. [Ord. 583 Art. I § 16, 1990.]

### 12.05.085 Industrial customer.

“Industrial customer” means any customer designated as a significant industrial discharger (see LCMC 12.05.185). [Ord. 583 Art. I § 17, 1990.]

### 12.05.090 Industrial wastes.

“Industrial wastes” means the wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes. [Ord. 583 Art. I § 18, 1990.]

### 12.05.095 May.

“May” is permissive (see “shall,” LCMC 12.05.175). [Ord. 583 Art. I § 19, 1990.]

### 12.05.100 Natural outlet.

“Natural outlet” means any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or ground water. [Ord. 583 Art. I § 20, 1990.]

### 12.05.105 Person.

“Person” means any individual, firm, company, association, society, corporation, or group. [Ord. 583 Art. I § 21, 1990.]

### 12.05.110 pH.

“pH” means the reciprocal of the logarithm of the hydrogen-ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of seven and a hydrogen-ion concentration of  $10^{-7}$ . [Ord. 583 Art. I § 22, 1990.]

### 12.05.115 Premises.

“Premises” means a continuous tract of land, building, or group of adjacent buildings under a single control with respect to use of water and responsibility for payment therefor. Subdivision of such use or responsibility shall constitute a division into separate premises as defined in this chapter, except where more than one dwelling is being served through the same water meter, in which case, each of the dwellings shall constitute a separate premises and shall be subject to the same separate charges as if separate single-family dwellings. [Ord. 583 Art. I § 23, 1990.]

**12.05.120 Pretreatment.**

“Pretreatment” means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the municipal sewer system. [Ord. 583 Art. I § 24, 1990.]

**12.05.125 Properly shredded garbage.**

“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 in any dimension. [Ord. 583 Art. I § 25, 1990.]

**12.05.130 Public sewer.**

“Public sewer” means a common sewer controlled by a government agency of public utility. [Ord. 583 Art. I § 26, 1990.]

**12.05.135 Residential customer.**

“Residential customer” means a sewer utility customer in a single-family dwelling with sewage loading not to exceed 300 mg/l BOD. [Ord. 1021 § 4, 2009; Ord. 583 Art. I § 27, 1990.]

**12.05.140 Residential customer equivalent.**

“Residential customer equivalent” means the flow equivalent to that of an average single-family residence currently set at 150 gallons of water used per day. [Ord. 583 Art. I § 28, 1990.]

**12.05.145 Sanitary sewer.**

“Sanitary sewer” means a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally. [Ord. 583 Art. I § 29, 1990.]

**12.05.150 Septic hauler.**

“Septic hauler” means a sewer utility customer with the required permit to dispose of materials from cesspools, septic tanks, and privies into the town sewer system. [Ord. 583 Art. I § 30, 1990.]

**12.05.155 Sewage.**

“Sewage” means a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface and storm water as may be present. The preferred term is “wastewater,” LCMC 12.05.240. [Ord. 583 Art. I § 31, 1990.]

**12.05.160 Sewage treatment plant.**

“Sewage treatment plant” means any arrangement of devices and structures used for treating sewage. [Ord. 583 Art. I § 32, 1990.]

**12.05.165 Sewage system.**

“Sewage system” means all facilities for collecting, pumping, treating, and disposing of sewage. [Ord. 583 Art. I § 33, 1990.]

**12.05.170 Sewer.**

“Sewer” means a pipe or conduit for carrying sewage. [Ord. 583 Art. I § 34, 1990.]

**12.05.175 Shall.**

“Shall” is mandatory (see “may,” LCMC 12.05.095). [Ord. 583 Art. I § 35, 1990.]

**12.05.180 Side sewer.**

“Side sewer” means the sewer from the main collection public sewer, either in the public right-of-way or easement, to the building drain as defined in LCMC 12.05.040. [Ord. 610, 1992; Ord. 583 Art. I § 36, 1990.]

**12.05.185 Significant industrial discharger.**

“Significant industrial discharger” means any customer of the town’s wastewater disposal system who:

(1) Is subject to, or potentially subject to, national pretreatment standards promulgated under Section 307 (b) or (c) of the Federal Clean Water Act (CWA);

(2) Has in his wastes prohibited quantities of toxic pollutants as defined pursuant to Section 502 of the CWA;

(3) Has a discharge strength of greater than 1,000 mg/l BOD;

(4) Has a discharge flow of 25,000 gallons or more per average workday;

(5) Has a flow greater than five percent of the flow in the town’s wastewater treatment system; or

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(6) Is determined by the town's utility operator or engineer to have significant impact or potential for significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system. [Ord. 583 Art. I § 37, 1990.]

### **12.05.190 Slugload.**

"Slugload" means any substance released in a discharge at a rate and/or concentration which causes interferences to the municipal sewer system. [Ord. 583 Art. I § 38, 1990.]

### **12.05.195 Storm drain.**

"Storm drain" (sometimes termed "storm sewer") means a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water. [Ord. 583 Art. I § 39, 1990.]

### **12.05.200 Strength surcharge.**

"Strength surcharge" means a charge applied to customers with high strength loading that place more burden on the treatment facility. [Ord. 1021 § 5, 2009; Ord. 583 Art. I § 40, 1990.]

### **12.05.205 Superintendent.**

"Superintendent" means the mayor or his authorized deputy, agent, or representative. [Ord. 583 Art. I § 41, 1990.]

### **12.05.210 Suspended solids.**

"Suspended solids" means total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as non-filterable residue. [Ord. 583 Art. I § 42, 1990.]

### **12.05.215 Town.**

"Town" means the town of La Conner, Washington, a municipal corporation organized and existing under and by virtue of the laws of the state of Washington. "Within the town" shall mean within the La Conner boundaries as now or hereafter constituted. [Ord. 583 Art. I § 43, 1990.]

### **12.05.220 Toxic pollutant.**

"Toxic pollutant" means those pollutants, or combinations of pollutants, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will on the basis of information available to the director, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions in reproduction) or physical deformations, in such organisms or their offspring. [Ord. 583 Art. I § 44, 1990.]

### **12.05.225 Unpolluted water.**

"Unpolluted water" means water of quality equal to or better than effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided. [Ord. 583 Art. I § 45, 1990.]

### **12.05.230 Upset.**

"Upset" means an exceptional incident in which a discharger unintentionally and temporarily is in a state of noncompliance with the applicable pretreatment standards due to factors beyond the reasonable control of the discharger, and excluding noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation thereof. [Ord. 583 Art. I § 46, 1990.]

### **12.05.235 Volume charge.**

"Volume charge" means a charge applied to each customer class based on the amount of water used. [Ord. 583 Art. I § 47, 1990.]

### **12.05.240 Wastewater.**

"Wastewater" means the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried waste from residences, commercial buildings, industrial plants, and institutions, together with any ground water, surface water, and storm water that may be present. [Ord. 583 Art. I § 48, 1990.]

**12.05.245 Wastewater facilities.**

“Wastewater facilities” means the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent. [Ord. 583 Art. I § 49, 1990.]

**12.05.250 Wastewater treatment works.**

“Wastewater treatment works” means an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with “waste treatment plant” or “wastewater treatment plant” or “water pollution control plant.” [Ord. 583 Art. I § 50, 1990.]

**12.05.255 Watercourse.**

“Watercourse” means a natural or artificial channel for the passage of water either continuously or intermittently. [Ord. 583 Art. I § 51, 1990.]

**Article II. Use of Public Sanitary  
Sewers Required****12.05.260 Sewage disposal requirements.**

It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the town of La Conner, or in any area under the jurisdiction of the town, any human or animal excrement, garbage, or objectionable waste. [Ord. 583 Art. II § 1, 1990.]

**12.05.270 Discharge into natural outlets.**

It shall be unlawful to discharge to any natural outlet within the town of La Conner, or in any area under the jurisdiction of the town, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this chapter. [Ord. 583 Art. II § 2, 1990.]

**12.05.280 Mandatory utility connection.**

The owner(s) of all structures used for human occupancy, employment, recreation, or other purposes, situated within, or in any area under the jurisdiction of, the town of La Conner is hereby required at the owner(s)' expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer; provided, that the structure is not located more than

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200 feet from the public sewer and in all cases in which the town councilmembers have determined that the public health and safety requires a connection. Such connection must be made before the structure may be occupied. [Ord. 583 Art. II § 3, 1990.]

**12.05.290 Future service connections.**

In an area where structures have been occupied prior to the installation of a public sewer, the town shall notify all property owners when the public sewer has been constructed, tested and, in the opinion of the town’s utility operator or engineers, is ready for side sewer connection. All property owners are required to make the connections within a period of 60 days from the date of the notice and the applicable sewer service charges for service shall begin for each property owner at the end of the 60-day period whether or not the connection has, in fact, been made. [Ord. 583 Art. II § 4, 1990.]

**Article III. Permits**

**12.05.300 Required.**

No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter, repair, or disturb any public sewer or appurtenance, either on private property or within public rights-of-way, without first obtaining a written permit from the town of La Conner. [Ord. 583 Art. III § 1, 1990.]

**12.05.310 Classifications.**

(1) There shall be three classes of building sewer permits:

- (a) Residential service;
- (b) Commercial service;
- (c) Service to establishments producing industrial wastes.

(2) Applications for a side sewer permit will be made personally by the owner of the property to be served, a licensed side sewer contractor, or the owner’s authorized agent. Fees shall be charged as outlined in LCMC 12.05.1320 and in Ordinance No. 582A.\* [Ord. 583 Art. III § 2, 1990.]

\*Ordinance 582A was repealed by Ordinance 627, codified in LCMC 12.10.060.

**12.05.320 Application requirements.**

In making application for side sewer permit, the owner or side sewer contractor shall furnish the town with a site plan showing:

- (1) The size and location of the structures on the property;
- (2) The purpose or use of it;
- (3) The owner’s name and mailing address;
- (4) The legal description of the property to be served;
- (5) The full course of the proposed side sewer from the public sewer to the structure;
- (6) Any plans, specifications, or other information considered pertinent in the judgment of the town.

Any street opening permits required to complete installation of a side sewer must be obtained, and a copy furnished to the town, prior to issuance of the permit. If a side sewer in the public way belonging to another property owner is to be used, written permission for such use must accompany the side sewer permit application. The applicant must show that any easements that may be required for installation of the side sewer have been obtained and recorded with Skagit County. The application shall be submitted at least 24 hours prior to beginning side sewer construction, and all permit fees required by the town must be made prior to issuing the permit. [Ord. 583 Art. III § 3, 1990.]

**12.05.330 Common side sewers.**

Where different legal lots will share the same side sewer, approval for such side sewer installation shall only be made upon completion and recording with the county auditor of all necessary easements, together with a maintenance agreement delineating responsibility for maintenance and repair for the side sewer between the owner(s) of the building lots. Such agreement shall be recorded as part of the easement(s) and shall run with the land and obligate future building lot owners. Recording of such documents must be certified to the town before approval of an application. [Ord. 610, 1992; Ord. 583 Art. III § 3, 1990.]

**12.05.340 Proceed with work.**

Upon approval of the application, the town shall issue a side sewer permit authorizing the applicant to proceed to connect to the sewer system. If the applicant proceeds in any manner other than as authorized in the permit, the town may require the

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applicant to expose any work which has been done to allow inspection, and/or redo any work that is not in compliance with the town's rules and regulations and in accordance with the permit. [Ord. 583 Art. III § 4, 1990.]

### **12.05.350 Exhibition of permit.**

A copy of the side sewer permit shall be posted at the job site and must be readily accessible to the town's inspector at all times during the performance of the work and until the completion of the work. [Ord. 583 Art. III § 5, 1990.]

### **12.05.360 Other permits required.**

The issuance of a side sewer permit by the town shall not relieve the permit holder from the responsibility of obtaining any other permits or licenses which may be required by the town, county, state, or other agency. [Ord. 583 Art. III § 6, 1990.]

### **12.05.370 Authorized work.**

Any work to be done on public rights-of-way and/or any connection to the mainline sewer shall be done by a licensed side sewer contractor, registered in accordance with LCMC 12.05.680. [Ord. 583 Art. III § 7, 1990.]

### **12.05.380 Installation.**

A property owner may install a side sewer on his own property, provided, the owner must comply with this chapter. The town assumes no responsibility for injury or damage caused by the failure of any side sewer installed pursuant to this chapter. [Ord. 610, 1992; Ord. 583 Art. III § 8, 1990.]

### **12.05.390 Failure to comply.**

If any work done under a side sewer permit is not in accordance with provisions of this chapter and if the contractor or person doing the work fails and/or refuses to properly construct and complete such work, notice of such failure or refusal shall be given to the owner or occupant in writing. The town may cause that work to be stopped if the work, in the opinion of the town, constitutes a violation of the permit or a hazard to public safety. [Ord. 583 Art. III § 9, 1990.]

### **12.05.400 Life of permit.**

A permit shall be valid for 30 days from date of issue. Prior to the original expiration date, a renewal permit shall be requested for not more than 30 days. A renewal may be granted upon receipt of applicable fee. [Ord. 583 Art. III § 10, 1990.]

### **12.05.410 Permit fee.**

Prior to issuance of any permit, all fees shall be paid to the town in accordance with LCMC 12.05.1320. [Ord. 583 Art. III § 11, 1990.]

## **Article IV. Public Sewer Use Regulations**

### **12.05.420 Prohibited sanitary sewer discharges.**

No person shall discharge or cause to be discharged any unpolluted waters such as storm water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Storm water that may be polluted at times may be discharged to the sanitary sewer by permission of the superintendent. [Ord. 583 Art. IV § 1, 1990.]

### **12.05.430 Storm drain discharge.**

Storm water other than that exempted under LCMC 12.05.420, and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm drains or to a natural outlet approved by the superintendent and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the superintendent, to a storm drain, or natural outlet. State and federal discharge permits are not processed by the town and should be obtained from the appropriate agency. [Ord. 583 Art. IV § 2, 1990.]

### **12.05.440 Prohibited sanitary sewer use.**

The following connections to the sanitary sewer system are prohibited: gutter drains, downspouts, storm water collection systems, cesspools, septic tank privy vaults, cisterns, footing drains or any other connection determined by the superintendent to be principally a storm drain or which is principally a conduit for storm water. The following materials shall not be discharged into the sanitary sewer:

(1) High temperature wastes: any liquid or vapor having a temperature higher than 150 degrees Fahrenheit.

(2) Flammable or explosive wastes: any gasoline, oils, paints, benzene, naphtha, fuel oil or other flammable or explosive liquids, solids or gases.

(3) Obstructive wastes: any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, manure or any other solid or viscous substance capable of causing obstructions to the flow in sewers or causing other interference with the proper operation of the town sewer system.

(4) Inflammable or explosive substances: any waters or wastes containing gasoline, benzene, naphtha, fuel oil, lubricating oil or any other matter which is inflammable or explosive or capable of becoming inflammable upon introduction into the town sewage system.

(5) Toxic or poisonous substances: any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, which constitutes a hazard to humans or animals, or creates a hazard in the receiving waters of the town sewage system.

(6) pH Limitations: any waters or wastes having a pH lower than 6.0 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the town and treating agencies.

(7) Suspended solids: any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such material at the sewer treatment plant, or is in excess of 350 milligrams per liter.

(8) Noxious substances: any noxious or malodorous gas or substance capable of creating a public nuisance, including the contents of septic tanks and cesspools, without prior written consent of the town.

(9) Garbage: any garbage that is not properly shredded garbage.

(10) Paper and plastic products: any paper and plastic products such as cups, dishes, napkins and milk containers.

(11) Grease: any grease (animal or vegetable), oils or matters containing animal or vegetable grease or oil of any nature in excess of 100 milligrams per liter.

(12) BOD: any matter containing a five-day biochemical oxygen demand in excess of 300 milligrams per liter, unless additional charges are levied against the customer in accordance with Ordinance No. 582A.\*

(13) Other: any waste which in the opinion of the superintendent may harm facilities of the town or adversely affect the sewage treatment process.

(14) Radioactive wastes: any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.

(15) Slugload: quantities of flow, concentrations, or both which constitute a "slugload" as defined herein.

(16) Untreatable wastes: waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters. [Ord. 583 Art. IV § 3, 1990.]

\*Ordinance 582A was repealed by Ordinance 627, codified in LCMC 12.10.060.

#### **12.05.450 Diluting a discharge.**

No discharge shall increase the use of potable or process water in any way, nor mix separate water streams for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this chapter. [Ord. 583 Art. IV § 4, 1990.]

#### **12.05.460 Reactions to discharge of a prohibited substance.**

If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in LCMC 12.05.440, and which in the judgment of the superintendent, may have a deleterious effect upon the wastewater

## 12.05.470

facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute public nuisance, the superintendent may:

- (1) Reject the wastes;
- (2) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (3) Require control over the quantities and rates of discharge; and/or
- (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Ordinance No. 582A.\* [Ord. 583 Art. IV § 5, 1990.]

\*Ordinance 582A was repealed by Ordinance 627, codified in LCMC 12.10.060.

### 12.05.470 Pretreatment requirements.

If the superintendent permits the pretreatment or equalization of waste flows, the design and installation shall be subject to the review and approval of the superintendent. [Ord. 583 Art. IV § 6, 1990.]

### 12.05.480 Grease, oil, and sand interceptors.

Grease, oil and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing grease, oil, sand or other harmful ingredients. All interrupters shall be of a type and capacity approved by the superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal which are subject to review by the superintendent. Any removal and hauling of the collected materials not performed by owner(s)' personnel must be performed by currently licensed waste disposal firms. [Ord. 583 Art. IV § 7, 1990.]

### 12.05.490 Sampling structure required.

When required by the superintendent, the owner of any property serviced by a building sewer carrying industrial or similar wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building to facilitate observation, sampling, and measurement of the wastes. Such structure, when required, shall be accessibly and safely located and shall be con-

structed in accordance with plans approved by the superintendent. The structure shall be installed by the owner at his expense and shall become property of the town and be kept safe and accessible at all times. The town shall maintain the metering system. [Ord. 583 Art. IV § 8, 1990.]

### 12.05.500 Sampling standards.

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Health Association. Sampling methods, location, times durations, and frequencies are to be determined on an individual basis subject to approval by the superintendent. [Ord. 583 Art. IV § 9, 1990.]

### 12.05.510 Industrial waste accepted by special arrangement.

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the town for treatment. [Ord. 583 Art. IV § 10, 1990.]

## Article V. Side Sewer Requirements

### 12.05.520 Specifications.

All side sewers shall be designed and constructed per town's infrastructure improvement manual. [Ord. 1000 § 6, 2007; Ord. 583 Art. V § 1, 1990.]

### 12.05.530 Connection point.

Connection shall be made at the point designated by the town and all plumbing outlets shall be connected to the sanitary sewer. [Ord. 583 Art. V § 2, 1990.]

### 12.05.540 Independent building sewer required.

A separate and independent building sewer connection shall be provided for every building or residence, except where one building or residence stands at the rear of an interior lot and no public sewer is available or can be constructed to the rear building or residence through an adjoining alley, courtyard or driveway or upon a determination by

the sewer plant manager that other options are preferable due to unique conditions or circumstances. In this case, the side sewer to the building or residence may be extended to the rear building or residence with the town's approval. The town does not and will not assume any obligation or responsibility for maintenance or damage caused by or resulting from any such single connection aforementioned. [Ord. 963 § 3, 2005; Ord. 583 Art. V § 3, 1990.]

**12.05.550 Existing sewers.**

Existing building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this chapter. [Ord. 583 Art. V § 4, 1990.]

**12.05.560 Elevation and grade.**

*Repealed by Ord. 1000.* [Ord. 583 Art. V § 5, 1990.]

**12.05.570 Foundation clearance.**

*Repealed by Ord. 1000.* [Ord. 583 Art. V § 6, 1990.]

**12.05.580 Cover.**

*Repealed by Ord. 1000.* [Ord. 583 Art. V § 7, 1990.]

**12.05.590 Alignment.**

*Repealed by Ord. 1000.* [Ord. 583 Art. V § 8, 1990.]

**12.05.600 Material specifications.**

*Repealed by Ord. 1000.* [Ord. 583 Art. V § 9, 1990.]

**12.05.610 Sewer pipe size.**

*Repealed by Ord. 1000.* [Ord. 583 Art. V § 10, 1990.]

**12.05.620 Trailers and mobile homes.**

(1) Trailers. Trailers must have a flush cast iron connection accessibility with a screw-down cap. Whenever more than four trailer sites are connected to the same line, the town shall require a vent stack open to the atmosphere 10 feet above the existing grade.

(2) Mobile Homes. Mobile homes situated on an individual single-family lot shall meet the same

side sewer requirements as single-family structures. [Ord. 583 Art. V § 11, 1990.]

**12.05.630 Clean-out.**

*Repealed by Ord. 1000.* [Ord. 583 Art. V § 12, 1990.]

**12.05.640 Water line location.**

*Repealed by Ord. 1000.* [Ord. 583 Art. V § 13, 1990.]

**12.05.650 Trailer disposal for single-family residences.**

Installation of trailer sanitary disposal system requires a side sewer permit and inspection. [Ord. 583 Art. V § 14, 1990.]

**12.05.660 Grafts to public sewers.**

(1) Stub or Tee Location. Stub and tee locations, in most cases, are available at the town office. However, this information has not been verified by town personnel. Therefore, the town or its personnel cannot be responsible for the accuracy of the information supplied.

(2) Saddles. Unless otherwise specified by the town, prefabricated saddles approved by the town shall be used for any graft onto the public sewer. No graft will take place unless an authorized town representative is present and his presence is noted by him on the permit at that time.

(3) Payment for Grafts. The town shall allow a payment in the amount shown in LCMC 12.05.1320 for any graft required where a wye or tee is not found in accordance with this section. [Ord. 583 Art. V § 15, 1990.]

**12.05.670 System capacity.**

No additional hookups shall be permitted into a system when the hookups would cause the system to exceed its carrying capacity. Carrying capacity shall be limited to pipelines flowing 3/4 full at peak daily wet weather flows. [Ord. 583 Art. V § 16, 1990.]

**Article VI. General Construction Requirements**

**12.05.680 Licensed side sewer contractor.**

Any side sewer contractor performing any work within and with the approval of the town must be licensed with the state of Washington pursuant to

## **12.05.690**

Chapter 18.27 RCW, the Contractors Registration Act, and must provide the town with proof of his registration. In addition, any contractor wishing to be approved by the town shall submit an application on a form provided by the town requesting such approval and shall pay the required license fee as set forth in LCMC 12.05.1320. [Ord. 583 Art. VI § 1, 1990.]

### **12.05.690 Insurance.**

Any contractor constructing improvements for connection to or added to the town's infrastructure facilities must comply with, provide and maintain the insurance requirements set forth in the town's infrastructure improvement manual. [Ord. 1000 § 9, 2007; Ord. 583 Art. VI § 2, 1990.]

### **12.05.700 Hold harmless.**

All licensed side sewer contractors shall execute an agreement whereby they shall hold harmless, indemnify and defend the town from any and all claims against the town as a result of their work done within the town pursuant to this chapter. [Ord. 583 Art. VI § 3, 1990.]

### **12.05.710 Continuance performance bond.**

Any contractor constructing improvements for connection to or added to the town's infrastructure facilities must comply with, provide and maintain performance bond requirements set forth in the town's infrastructure improvement manual. [Ord. 1000 § 10, 2007; Ord. 583 Art. VI § 4, 1990.]

### **12.05.720 Responsibility of licensed side sewer contractor.**

The licensed side sewer contractor shall be responsible for any and all actions of its employees, agents or subcontractors done pursuant to any permit issued by the town whether authorized by the side sewer contractor or not and whether done in violation of express instructions by the side sewer contractor or not. The contractor's absence or any misunderstanding of the contractor's orders by its employees shall not relieve the contractor of responsibility. In contracts with private property owners, the contractor shall guarantee its material and workmanship for a period of one year. All contracts with homeowners shall contain a time limit for completion of work which is agreeable to both contractor and property owner. Contractor agrees

to conform to the regulations, specifications and requirements of the town as set forth in the town rules and regulations. [Ord. 583 Art. VI § 5, 1990.]

### **12.05.730 Revoking of license.**

If the contractor has acted in bad faith in following the rules and regulations established by this chapter or any amendments hereto, the town shall have the right to revoke the license and privileges of the contractor. Whether the contractor has acted in bad faith shall be determined by the town council at a regular meeting of the council. The contractor shall receive advance written notice that the council will consider whether the contractor's license should be revoked. Bad faith shall include, but not be limited to: failure to respond to notices to make repairs; failure to pay costs of repairs made by the town; failure to pay costs of inspection. [Ord. 583 Art. VI § 6, 1990.]

### **12.05.740 Site limits.**

Whenever construction work under this chapter is undertaken on easements or rights-of-way over private property or public rights-of-way or franchise, and accomplished to cause the least amount of disturbance and a minimum amount of damage, the contractor shall make his own arrangements with the person or property owner(s) for whom he is working as to how the work is to be conducted and scheduled. The contractor shall also reach an understanding with the property owner as to what condition the owner's property is to be left in upon completion of construction. The aforesaid arrangements shall be completed prior to the commencement of work. The contractor shall not remove, even temporarily, any trees or shrubs which exist on private or public property, or in parking strips, without first having notified the property owner or authorities maintaining same. If necessary to remove trees, shrubs, etc., the contractor shall restore the same to an equal or better condition satisfactory to the property owner(s) and the town. [Ord. 583 Art. VI § 7, 1990.]

### **12.05.750 Other utilities.**

The licensed side sewer contractor shall be responsible for contacting other utilities and marking the locations of other utility systems which may be affected by the planned side sewer work. [Ord. 583 Art. VI § 8, 1990.]

**12.05.760 Site safety.**

The following requirements shall apply to safety practices to be followed by licensed side sewer contractors while performing permitted side sewer work in the utility service area:

(1) Barricades. Before beginning excavation in a public area, there shall be at the site sufficient barricades to properly protect the work. The barricades shall be illuminated during the nighttime hours with a minimum of four flares or flashing signals.

(2) Trench Covering. All excavation or trenches within public area or within four feet of a public area must be covered at night and during hours of work site inactivity.

(3) Ditch Pumps. During pipe laying, a ditch pump shall be available at the site.

(4) Shoring. The contractor shall have immediately available for use sufficient shoring to adequately protect workers where unstable ground conditions are encountered.

(5) Flagger. A flagger must be posted whenever work is underway in a public thoroughfare.

(6) Other Safety Requirements. The side sewer contractor shall in addition comply with all applicable requirements of local, state, or federal agencies relating to safety of the work site and the area affected. [Ord. 583 Art. VI § 9, 1990.]

**12.05.770 Excavation.**

Any excavation made by any sewer contractor with the proper authority, in a right-of-way immediately adjacent thereto, shall be protected and guarded by fencing or covering with proper lights. The protection of the public from the danger of such excavation shall be the responsibility of the sewer contractor; and the contractor shall be liable for any damage caused by his failure to properly protect and guard such excavation as herein required. If the contractor fails to properly protect and guard such excavation as herein required, the town may properly protect and guard such excavation and charge the cost thereof to the sewer contractor who shall upon receiving written notice of the amount of such charge immediately pay the same to the town. Excavations shall be made at the point designated by the town for the location of the wye or tee or side sewer stub. The licensed contractor must check the depth of the main sewer at man-

holes on each side of the wye location before starting to excavate for side sewer. [Ord. 583 Art. VI § 10, 1990.]

**12.05.780 Prospecting for wye.**

If the wye or riser is not located at the measurements as furnished, the contractor shall prospect five feet in all directions from the distance and depth given. If such prospecting fails to disclose the wye, the contractor shall immediately contact the town's utility operator and report the circumstances. Upon receipt of such report, a town representative will promptly visit the site and render further assistance. [Ord. 583 Art. VI § 11, 1990.]

**12.05.790 Pipe bedding.**

*Repealed by Ord. 1000.* [Ord. 583 Art. VI § 12, 1990.]

**12.05.800 Pipe laying.**

*Repealed by Ord. 1000.* [Ord. 583 Art. VI § 13, 1990.]

**12.05.810 Water clearance.**

*Repealed by Ord. 1000.* [Ord. 583 Art. VI § 14, 1990.]

**12.05.820 Backfilling.**

*Repealed by Ord. 1000.* [Ord. 583 Art. VI § 15, 1990.]

**12.05.830 Site clean-up.**

The side sewer contractor shall remove all debris and excess excavation and shall repair all damage, public or private, in kind immediately after backfilling. [Ord. 583 Art. VI § 16, 1990.]

**12.05.840 Responsibility.**

Any sewer contractor who has applied for and received a right-of-way permit shall be responsible for its work for a period of one year from completion and acceptance. [Ord. 583 Art. VI § 17, 1990.]

**12.05.850 Notice of failure, defect and/or complaint.**

Contractors shall respond within 24 hours of notice of road failure, defects and/or complaint from the town. If the contractor fails to take immediate action and town finds it necessary to make the repair, the contractor and/or its bonding company will be billed for all costs incurred. Labor and materials shall be billed at cost plus 10 percent, but

## **12.05.860**

in no event less than \$125.00, and the contractor shall be responsible for all attorney fees incurred by the town to enforce payment by the sewer contractor, whether or not the town is required to file suit. [Ord. 583 Art. VI § 18, 1990.]

### **12.05.860 Failure to complete side sewer work.**

(1) If any work done under a side sewer permit is not in accordance with provisions of the requirements of the utility and if the contractor or person doing the work fails and/or refuses to properly construct and complete such work, notice of such failure or refusal shall be given to the owner or occupant of the property. The town may cause the work to be stopped. If the work, in the opinion of the town, constitutes a hazard to public safety, health, or the public sewer, such work may be completed by the town. The cost of such work and any materials and administrative services necessary therefor shall be billed to the owner and/or contractor at cost plus 10 percent, and shall be payable by the owner and/or contractor immediately upon written notice given by the town of the amount thereof or by posting a notice thereof on the premises.

(2) Such costs shall constitute a civil debt owing to the town jointly and severally by such of the persons who have been given notice as herein provided. The debt shall be collectible in the same manner as any other civil debt owing to the town. [Ord. 583 Art. VI § 19, 1990.]

### **12.05.870 Billing.**

All costs billed to the town by other agencies having jurisdiction shall be the responsibility of the contractor. Reimbursement to the town will be made upon the contractor's receipt of bill. [Ord. 583 Art. VI § 20, 1990.]

## **Article VII. Inspection and Testing**

### **12.05.880 Inspection provisions.**

The superintendent and other duly authorized representatives of the town shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to the town system in accordance with the provisions of this chapter. While performing the necessary work, the town representative shall observe all safety rules applicable to the

premises established by the company, and the company shall be held harmless for injury or death to the town employee, and the town shall indemnify the company against loss or damage to its property by town employees and against liability claim and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in LCMC 12.05.760. [Ord. 583 Art. VII § 1, 1990.]

### **12.05.890 Industrial process information.**

The superintendent or other duly authorized representatives are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors. [Ord. 583 Art. VII § 2, 1990.]

### **12.05.900 Inspection.**

The town shall be given 24 hours' notice of when construction is ready for inspection. The permit fee covers only one inspection visit. Any additional inspections resulting from any cause shall be billed to the contractor and/or owner in the amount set forth in LCMC 12.05.1320. The town shall inspect and make such tests as it deems necessary in order to ensure that new construction meets all requirements of this chapter. [Ord. 583 Art. VII § 3, 1990.]

### **12.05.910 Backfill prior to inspection.**

If any person covers or backfills any side sewer or public sewer without inspection and without having obtained approval, the town may require the person to uncover the work so that a proper inspection can be made. [Ord. 583 Art. VII § 4, 1990.]

### **12.05.920 Plumbing outlets.**

The contractor and/or owner are responsible for locating and connecting all plumbing outlets to the side sewer. [Ord. 583 Art. VII § 5, 1990.]

**12.05.930 Access.**

The town shall have access at reasonable times for the purpose of inspecting side sewers and ascertaining whether provisions of this chapter have been complied with. [Ord. 583 Art. VII § 6, 1990.]

**12.05.940 Testing side sewers.**

Side sewers and/or private sewers shall be tested for their entire length from the utility system by testing for visible leakage before backfilling by inserting a removable plumber's plug at the lower end of the line and filling the line with water to its highest point or air testing to five pounds/psi. The contractor shall make this test before calling for inspection so that the inspector can observe and approve the installation in one visit. The side sewer contractor or his job foreman must be present at the job during the inspections. Testing apparatus and water shall be furnished by the side sewer contractor. Visible leakage shall be corrected and the line shall be retested. All side sewer trenches must be maintained in a safe condition for the inspector to enter. [Ord. 583 Art. VII § 7, 1990.]

**12.05.950 Air testing.**

Air testing will be made by time pressure drop method. The pressure lost shall not be greater than the industry standards. [Ord. 583 Art. VII § 8, 1990.]

**12.05.960 Test stubs and branches.**

The side sewer contractor must test, by flushing or other means, the existing stub or branch from main to property line to see that it is in operative condition before connecting the side sewer. The contractor will accept responsibility that the existing stub or branch is open and in a usable condition when completed. If the existing stub or branch is not found open and usable, the town must be notified before proceeding with the connection. [Ord. 583 Art. VII § 9, 1990.]

**12.05.970 Notice of defects.**

If the inspector finds the work or material used is not in accordance with the provisions of this chapter, the inspector shall give notice of the deficiency to the person doing the work and also to the owner of the premises by posting a written notice upon the premises. A copy of that notice shall be kept on file in the town office. If any defects are not corrected within 30 days of the notice and if, in the

opinion of the inspector, the work is detrimental to the public sewerage system, the superintendent may order or cause the defects to be corrected and the actual cost of such correction shall be charged to the owner in the same manner as the town service charge and shall become a lien upon the property served by the side sewer. A copy of the notice shall be placed in the licensed side sewer contractor's file for action. [Ord. 583 Art. VII § 10, 1990.]

**Article VIII. Maintenance of Side Sewers****12.05.980 Welfare of town.**

The town hereby finds that the maintenance and repair of side sewers has a direct impact on the health, safety and welfare of the town, its citizens and the sewer system. Financial responsibility for maintenance and repairs shall rest with the owners of properties served by a side sewer and not with the town. Nonetheless, because the maintenance and repair of side sewers can have a direct effect on the health, safety and welfare of the town, its citizens and the sewer system, the town may declare that repairs and/or cleaning and/or maintenance are necessary and require that the same be accomplished by the land owner upon notice from the town. [Ord. 610, 1992; Ord. 583 Art. VIII, 1990.]

**12.05.990 Side sewer cleaning.**

All side sewer cleaning contractors shall, prior to engaging in cleaning side sewers within the service area of the town, notify the town office of that operation. [Ord. 583 Art. VIII § 1, 1990.]

**12.05.1000 Repairs.**

Any repairs to a side sewer that have been determined by the town to be needed shall be made within 30 days after the date of mailing or personal service of notice to the owner of the property served notifying such owner to make the repair. In the event of an emergency, the town may establish a shorter period of time for the repair to be made or if the owner cannot be located or does not promptly make the repair, the town may make the repair under the procedures of LCMC 12.05.1030. [Ord. 583 Art. VIII § 2, 1990.]

**12.05.1010 Cap-off.**

When any property owner desires to have side sewer service terminated for any property because the building or structure on it has been removed,

## **12.05.1020**

destroyed or condemned, the side sewer shall be capped-off at the property line or at a point to be approved by the town upon receipt of a cap-off permit to be issued by the town. The cap-off procedure must be accomplished in a manner approved by the town's inspector prior to removal or demolition of the building. The charge by the town for cap-off permit is listed in LCMC 12.05.1320. No building will be removed from billing until the side sewer has been capped off in full compliance with this section. [Ord. 583 Art. VIII § 3, 1990.]

### **12.05.1020 Rodding of side sewers.**

In order to ensure that the town's mains are not jeopardized by the procedure of rodding of any side sewer and to determine the cause of the blockage, if any, it shall be the responsibility of the owner or its representative to contact the town prior to rodding a side sewer. [Ord. 583 Art. VIII § 4, 1990.]

### **12.05.1030 Enforcing needed repairs.**

The town's attorney may be authorized by the council to bring suit against the owner or other responsible person to enforce needed repairs to a side sewer if, due to roots or any other cause, a blockage has been created or cap-off is required pursuant to LCMC 12.05.1010; or to authorize the town to make the repair or cap-off at the expense of the owner or other responsible person and for such other relief as may be appropriate in the case. The suit may include a claim to obligate the owner or other responsible person to pay the town's costs, disbursements and the town's reasonable and actual attorney fees incurred. [Ord. 583 Art. VIII § 5, 1990.]

### **12.05.1040 Reconciling claims.**

No permits shall be issued for the connection of a subsequent improvement on any property to the public sewer until all prior claims are fully paid and released. [Ord. 583 Art. VIII § 6, 1990.]

### **12.05.1050 Responsibility.**

The property owner and/or tenant shall be monetarily responsible for all necessary repairs to a side sewer. Further, any damage to the side sewer, building lot or premises and/or personal injuries resulting from defective, clogged or broken side sewers shall be the responsibility of the property owner/tenant and the town shall not be held liable

for damages therefor; provided, the foregoing notwithstanding that the town will make any repairs to the side sewers for damages incurred due to external forces for that portion of the side sewer from the property line to the main collection public sewer, while reserving to the town its right to obtain third party reimbursement for any such repairs; provided further, that the town shall not be liable for any damages caused to the side sewer, premises, building lot or any person for damages caused by external force to that portion to the side sewer lying between the property line and the main collection sewer except in cases where the town negligently fails to repair damage caused thereto of which it has actual notice. [Ord. 610, 1992; Ord. 583 Art. VIII § 7, 1990.]

## **Article IX. Holding Tank Waste**

### **12.05.1060 Discharging holding tanks.**

No person in the business of pumping wastes from septic or other holding tanks shall discharge the contents of any holding tank (including, without limitation, septic tank, cesspool or chemical toilet waste) into the municipal sewer system unless that person has met all town requirements. The discharger shall pay the applicable charges and fees and shall meet all other conditions as required by the town. An exception to the requirement of this section is that no license or permit will be required in the case of discharge of domestic wastes from individual portable systems (camper, motor home, camping trailer, etc., holding tanks); provided, that such discharges are made into a town-approved facility designed to receive such wastes. [Ord. 583 Art. IX § 1, 1990.]

### **12.05.1070 Industrial waste.**

Discharges from holding tanks which contain industrial waste are subject to the same discharge constraints as for direct discharges. [Ord. 583 Art. IX § 2, 1990.]

### **12.05.1080 Permit required.**

No person engaged in the collection and disposal of materials from cesspools, septic tanks, chemical toilets, portable toilets and privies, as a business or commercial enterprise, may discharge into the town of La Conner sewer system any of the materials so collected without having first obtained from the town a written permit to do so. This per-

mit shall be in addition to all other permits and/or licenses required by law, and shall be issued only to the holder of a proper registration and inspection certificate issued by the Skagit County health department to carry on or engage in the business of cleaning septic tanks, cesspools, grease traps, and seepage pits. [Ord. 583 Art. IX § 3, 1990.]

#### **12.05.1090 Application for permit.**

Any person required to obtain such permit shall submit to the town of La Conner an application therefor on forms approved by the town. A separate permit shall be obtained for each vehicle so used, which permit shall thereafter be carried in the vehicle at all times. No permit may be transferred from one vehicle to another except in the event of loss, destruction or replacement of the original vehicle, and then only with the approval of the town. [Ord. 583 Art. IX § 4, 1990.]

#### **12.05.1100 Fee for permit.**

The annual fee for a permit to discharge materials from cesspools, septic tanks, chemical toilets and privies into the town of La Conner sewerage system is as established in LCMC 12.05.1320 for each vehicle employed or used by the permit holder for the hauling and discharge of such materials. At the time of issuance of each discharge permit, there will also be issued an Entrance Control Identification Card for each truck under permit. No person may discharge into a town of La Conner sewerage facility any materials collected from cesspools, septic tanks, chemical toilets and privies without first paying such permit fee, and registering with the proper Entrance Control Identification Card at the point of discharge into the town sewer system for each load dumped. Annual fees shall be payable in advance, and permit holders shall renew their permits on or before the annual expiration date thereof. Fees for permits issued between July 1st and June 30th of any annual period shall be prorated to the nearest full month. No refund of any permit fee shall be granted for cessation of operations prior to the expiration of the permit. [Ord. 583 Art. IX § 5, 1990.]

#### **12.05.1110 Gallonage fee.**

In addition to the permit fee, each permit holder shall pay to the town a gallonage fee. A charge shall be made for each truckload or container load of waste material discharged into the sanitary

sewer, and shall be payable to the town treasurer and credited to the sewer operating fund. This charge, based on the tank capacity of the vehicle, shall be established in LCMC 12.10.060 under the septic hauler category. [Ord. 1021 § 6, 2009; Ord. 583 Art. IX § 6, 1990.]

#### **12.05.1120 Designated point of disposal.**

Wastes discharged into the town sewer system pursuant to this section shall be discharged only at such points as are designated by the town and in a clean, inoffensive manner satisfactory to the town. Equipment and methods used by the permittee to discharge shall be subject to inspection by and approval of the town as a condition of granting the permit. [Ord. 583 Art. IX § 7, 1990.]

#### **12.05.1130 Damages.**

A permittee under this chapter shall be liable for the costs of any damages caused by reason of his operations and failure to pay such costs upon demand shall be cause for revocation of the permit. [Ord. 583 Art. IX § 8, 1990.]

#### **12.05.1140 Revocation of permit.**

A permit may be revoked or suspended by the town of La Conner for failure to discharge at designated points or for any discharge which is in violation of the provision of these rules and regulations. [Ord. 583 Art. IX § 9, 1990.]

#### **12.05.1150 Bond requirement.**

Each permittee shall be required to post a continuing cash bond in the amount shown in LCMC 12.05.1320 to secure the town against the negligent or nonnegligent damaging by the permittee of property owned or used by the town and against costs incurred by the town as a result of any failure of the permittee to comply with the terms of the permit. At the expiration of the annual permit period, the cash bond shall be returned to the permittee upon written request therefor or the permittee may authorize the bond to be retained to secure a subsequent annual permit. [Ord. 583 Art. IX § 10, 1990.]

#### **12.05.1160 Liability insurance.**

Each permittee shall be required to obtain liability insurance in such amount and in such form as shall be determined by the town. In lieu of the requirement for securing liability insurance, the

**12.05.1170**

town may obtain public liability insurance for all applicants for certain risks while on town premises at designated locations. Such insurance shall afford bodily injury limits of liability of \$500,000 for each person and \$1,000,000 for each occurrence and property damage insurance limits of liability of \$500,000 for each occurrence. Nothing in this section shall in any manner preclude any applicant from obtaining such additional insurance coverage as he may deem necessary for his own protection. [Ord. 583 Art. IX § 11, 1990.]

**12.05.1170 Authorization by the superintendent.**

The superintendent is authorized to designate the points of disposal of materials collected by the permittees, the places where permits may be obtained and the persons authorized to sign such permits on behalf of the town. The superintendent is further authorized to revoke or suspend permits for failure to comply with the provisions of this chapter. [Ord. 583 Art. IX § 12, 1990.]

**Article X. Penalties**

**12.05.1180 Notification of violation.**

Any person found to be violating any provision of this chapter and the rules and regulations of the town shall be served by the town with written notice stating the nature of the violation and a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations and be in compliance with all articles of this chapter. [Ord. 583 Art. X § 1, 1990.]

**12.05.1190 Continued violations.**

Any person who shall continue any violation beyond the time limit provided for in each section shall be guilty of a misdemeanor, and a conviction thereof shall be fined the amount of \$100.00 for each violation or the actual cost to the town, whichever is greater, unless some other charge is specified for the violation. Each day in which any such violation shall continue shall be deemed a separate offense. [Ord. 583 Art. X § 2, 1990.]

**12.05.1200 Liability.**

Any person violating any of the provisions of this chapter shall become liable to the town for any engineering, legal or administrative expense, loss, or damage occasioned by the town by reason of such violation. [Ord. 583 Art. X § 3, 1990.]

**Article XI. Charges**

**12.05.1210 General.**

Charges and rates for the discharge and for the availability of all sanitary sewage into the town of La Conner sewer system shall be as outlined in LCMC 12.10.060 which establishes sewer use rates and LCMC 12.10.010 which establishes a sewer general facilities charge for connection to the town of La Conner sewer system. [Ord. 1021 § 7, 2009; Ord. 583 Art. XI § 1, 1990.]

**12.05.1220 Customer class designation.**

All users are to be classified by the town either by assigning each one to a “user classification” category according to the principal activity conducted on the user’s premises, by individual user analysis, or by a combination thereof. The purpose of such collective and/or individual classification is to facilitate the regulation of sanitary sewage or wastewater discharges based on wastewater constituents and characteristics, to provide an effective means of source control, and to establish a system of charges and fees which will ensure an equitable recovery of the town cost. The town engineer or town wastewater utility operator will make final determinations regarding the application of user classification categories to specific accounts.

- (1) User Classification Categories.
  - (a) Residential customer.
  - (b) Average strength commercial customer.
  - (c) Above-average strength commercial customer.
  - (d) Industrial customer.
- (2) Strength Categories.

<b>Above-Average Strength</b>	<b>Average Strength</b>
Auto steam cleaning	Bars and taverns w/o food service
Bakery	Department and retail stores
Hotel with dining	Hospital, convalescent

**Above-Average Strength**

Industrial laundry  
 Commercial laundry  
 Food markets  
 Mortuaries  
 Restaurants  
 Banquet facilities  
 Convenience stores with deli or food prep.  
 Food processing plants  
 Fish processing plants

**Average Strength**

Hotel w/o dining  
 Laundromat  
 Office, professional  
 Service stations  
 Repair shops  
 Schools and colleges  
 Theaters  
 Convenience stores w/o deli or food prep.

[Ord. 1021 § 8, 2009; Ord. 583 Art. XI § 2, 1990.]

**12.05.1230 Water source.**

In cases where water to be used to determine applicable sanitary sewerage charge is from a source other than the town, the user of such water shall meter the water used to produce sanitary sewage and the meter shall be read regularly by the town. [Ord. 583 Art. XI § 3, 1990.]

**12.05.1240 Billing questions.**

(1) There shall be no reduction in rates for any premises to which a sanitary sewer service connection has been made or which is available.

(2) If an owner or other person responsible for paying sanitary sewerage rates and charges is of the opinion that the rate thereof applicable to that owner or person is based on erroneous information, that owner or other person may in writing request a review by the superintendent of the rate by sampling and testing of sanitary sewage and industrial wastewater from the premises served. Regardless of outcome, all costs of sampling and testing shall be borne by such owner or other person. Such owner or other person must provide adequate and safe facilities for sampling. Costs of subsequent sampling and testing by nontown personnel required to meet federal or state regulations shall be the responsibility of such owner or other person. If an outside laboratory is employed for testing pursuant to this section, all samples taken shall be split with the town’s wastewater laboratory. All sampling and testing procedures shall be done according to the most recent edition of “Standard Methods” or alternate approved by the superinten-

dent. If the results of the tests are within standard deviations for the concentrations used in determining the rates, no rate change will be made.

(3) The owner or person seeking reconsideration shall bear all costs for the tests by the town unless the results outside standard deviations indicate a lower composite rate. No retroactive credits or rebates for charges billed while using estimated concentration levels prior to a user’s request for sampling will be made. [Ord. 583 Art. XI § 4, 1990.]

**12.05.1250 Metering device.**

It shall be unlawful to install, change, bypass, adjust, remove, or alter any metering device, sampling device, or any piping arrangement connected therewith so as to show the quantity of sewage generated on the premises to be less than the actual quantity. [Ord. 583 Art. XI § 5, 1990.]

**Article XII. Contractual Agreements**

**12.05.1260 Contracts.**

Whenever, in view of the sanitary sewerage requirements of the town, the sewer system is adequate therefor, the town may contract with the state, any incorporated sewer district, water district or with any other municipal corporation for the discharge into the town of La Conner’s sewer system of sanitary sewage, or wastewater from any part of such sewer or water district or municipal corporation. The town may also contract for discharge of town wastewater into the system of sewers of any sewer or water district or municipal corporation of sanitary sewage, upon such terms and conditions and for such periods of time as may be deemed reasonable. [Ord. 583 Art. XII § 1, 1990.]

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**Article XIII. Sewer Fund Created**

**Article XIV. Validity**

**12.05.1270 Creation of sewer funds.**

(1) There is created in the treasury of the town of La Conner two special funds to be known as the “sewer utility funds.” The first fund shall be known as the “sewer operating fund.” Any and all revenues received for the use of the sewer system as set forth in this chapter, from revenues received from the sale of byproducts from a treatment facility of the sewer system or from any other source for rental, use, or services rendered by the sewer system, excluding revenues from sewer general facilities charges, shall be credited to this fund and all expenses for the operation, maintenance, repair and any amount deemed appropriate by the town to be charged against this fund for purposes of capital improvements or replacements and consistent with LCMC 12.05.1280(1)(a) shall be charged to this fund.

(2) The second fund shall be known as the “sewer construction fund.” All revenues from sewer general facilities charges, capital contributions including grants and endowments, moneys borrowed or bonds issued for purposes of capital construction, and any amount deemed appropriate by the town council and consistent with LCMC 12.05.1280(1)(a) to be charged against the sewer operating fund for purposes of capital improvements for replacements shall be credited to this fund. All capital outlays for improvements, expansion, replacement or rehabilitation shall be charged to this fund. [Ord. 583 Art. XIII § 1, 1990.]

**12.05.1280 Use of sewer fund.**

(1) Sewer charges shall be evaluated annually. It is required that the following elements of the sewer fund be fully funded through user charges:

- (a) All operation and maintenance costs and mechanical equipment replacement costs;
- (b) Billing costs and miscellaneous clerical costs affiliated with the utility operations.

(2) The sewer construction fund shall not be utilized for operation and maintenance costs. Funds received by the sewer construction fund through the annual renewal charges shall not be used for system expansion, but shall be used for the replacement of capital equipment which is reaching the end of the normal service life. [Ord. 583 Art. XIII § 2, 1990.]

**12.05.1290 Infraction.**

It shall be an infraction for any person to knowingly make any false statements, representations, or certification in any application, record, report, and plan or other document filed or required to be filed pursuant to this chapter, or to falsify, tamper with, or knowingly render inaccurate any monitoring device or method required under this chapter, which person shall be liable for a civil penalty and/or subject to an enforcement action pursuant to LCMC 15.135.310, et seq. [Ord. 812 § 11, 2001; Ord. 583 Art. XIV § 3, 1990.]

**12.05.1300 Authority.**

In the event of conflict between this chapter and state or federal regulations, the more stringent requirement shall apply. [Ord. 583 Art. XIV § 4, 1990.]

**12.05.1310 Requirements of other agencies.**

This chapter applies only to town requirements and does not relieve the discharger from meeting other state and federal requirements relating to the handling and disposal of wastes and pollutants. [Ord. 583 Art. XIV § 5, 1990.]

**12.05.1320 Permit and inspection fees.**

- (1) Side Sewers.
  - (a) Single-Family Residence: \$75.00
  - (b) Multiple-Family Residence.
    - For first unit: \$75.00
    - Each additional per unit: \$25.00
  - (c) Commercial Building.
    - One business entity, first unit: \$75.00
    - Each additional per unit: \$25.00
    - Special conditions: the charge will be at the discretion of the superintendent
  - (d) Repairs or replacement of existing side sewers: \$25.00
    - Additional new construction: \$75.00
  - (e) Capping-off of side sewer: \$50.00
  - (f) Renewal: \$25.00

**12.10.010**

- (2) Right-of-Way Permits.  
Includes one inspection fee and permit fee: \$100.00  
Additional costs pursuant to LCMC 12.05.870 will be billed to contractor.
- (3) Rework Main/Grafting Saddle: \$100.00
- (4) Surcharges.  
Additional Inspections during normal working hours (LCMC 12.05.900), per inspection: \$30.00
- (5) Overtime Inspections.  
Each inspection requested for any time other than during normal working hours will be charged (LCMC 12.05.700): \$75.00
- (6) Special Permits.  
The superintendent shall have the authority to establish a minimum deposit of \$250.00 for those installations not covered in the permit fee schedule. The inspection fees and other pertinent costs are to accrue against this deposit. The owner will receive either a refund or billing for additional charges within 60 days from approval of the installation.
- (7) License Fees.  
Town fee for licensing contractors in compliance with LCMC 12.05.680: \$10.00
- (8) Holding Tank Waste Fees.  
Permit Fee: \$200.00  
Bond Requirement: \$200.00

[Ord. 583 Art. XIV Exh. A, 1990.]

\*See Chapter 12.10 LCMC for sewer use rates.

**Chapter 12.10**

**SEWER SYSTEM RATES AND GENERAL FACILITIES CHARGES**

Sections:

- 12.10.010 Charges.
- 12.10.020 Applicability.
- 12.10.030 No refunds.
- 12.10.040 Requirements.
- 12.10.050 Effective date.
- 12.10.060 Sewer rates.
- 12.10.070 Sewer rates – Annual adjustment.
- 12.10.080 Delinquent accounts.
- 12.10.090 Residential sewer cap.

**12.10.010 Charges.**

The following sewer general facilities charge shall apply for any new connection to the sewer system of the town of La Conner:

(1) A general facilities charge of \$2,432 for each residential customer equivalent (RCE), defined as the flow equivalent to that of an average single-family residence, and currently set at 150 gallons of water used per day. The town’s utility operator or engineering firm shall maintain a listing of RCE factors or estimated flows for various types of establishments, which listing shall be used by the utility operator or engineering firm to determine the appropriate general facilities charge applicable for a request for sewer service. For requests for service for establishments not included on the listing, the town’s engineering firm shall develop an estimate of sewage volumes and corresponding number of RCEs.

(a) Sewer Residential Customer Equivalent Factors. For the purpose of establishing residential customer equivalents (RCE) for wastewater connection charges, the following listings shall apply. The RCE is based on an average water usage of 150 gallons per day.

(i) Single-family dwellings: For each single-family dwelling, one RCE.

(ii) Multiple-family dwellings: For each residential unit, one RCE.

(iii) Mobile home park or trailer court: For each space in a mobile home park or trailer court or other premises where water and sewer service is available which is used or may be used for temporary or permanent living purposes, one RCE for each space.

(iv) Camping mobile home park or camping trailer park (not intended for general year-

round use, i.e., camping type): For each space where water and/or sewer service is available which is or may be used for temporary or permanent living purposes, one RCE for each three spaces.

(v) Campgrounds with central water and/or sewer service used for camping on a full-time or part-time basis, one RCE for every three spaces.

(vi) Hotel or motel: For each two rooms or fraction thereof, one RCE.

(vii) Restaurants.

(A) Class No. 1 – Shall be any food service establishment that prepares 25 percent or more of its food on site: For each six seats or fraction thereof, one RCE.

(B) Class No. 2 – Shall be any food service establishment that prepares less than 25 percent of its food on site: For each eight seats or fraction thereof, one RCE.

(viii) Bar or cocktail lounge: For each 10 seats or fraction thereof, one RCE.

(ix) Retail store, office, or factory: For each 10 full-time employees or fraction thereof, one RCE.

(x) Public or Private Schools, Colleges or Training Facilities.

(A) Boarding type: For each four persons or fraction thereof in average full-time attendance or employment, one RCE.

(B) With cafeteria, without showers: For each 30 persons or fraction thereof in average full-time attendance or employment, one RCE.

(C) With cafeteria and showers: For each 19 persons or fraction thereof in average full-time attendance or employment, one RCE.

(xi) Theater and/or auditorium: For each 60 seats or fraction thereof, one RCE.

(xii) Churches or other places of worship: For each 100 seats or fraction thereof, one RCE.

(xiii) Laundromats, full or self-service: For each 0.6 or fraction thereof washing machine, the use of which is not strictly limited to occupants of the residential building, trailer court, or mobile home park in which the facility is located, one RCE.

(xiv) Hospital: For each bed in the hospital, one RCE.

(xv) Nursing home: For each two beds, one RCE.

(xvi) Home for the aged: For each three beds, one RCE.

(xvii) Assisted living centers and/or retirement centers with communal dining facilities: Two-thirds of an RCE for each whole unit permitted residential occupancy.

(xviii) Assisted living centers and/or retirement centers without communal dining facilities: One RCE for each whole unit permitted residential occupancy.

(xix) Gasoline service stations: For those with public restrooms, two RCEs; for those without public restrooms, one RCE.

(xx) Combined facilities: For each property which has more than one business or function on one water and/or sewer system, the number of RCEs shall be charged that is the combined sum of the individual RCEs which are applicable to each business or function involved.

(xxi) When a customer or business/function is not specifically listed above, the town engineer shall attempt to determine which category most closely resembles, in quantity of water used and quantity/strength of sewage output, the business/function. In those cases where, in the judgment of the town engineer, such a resemblance does not exist, the town engineer shall determine the usage, in quantity of water used and quantity/strength of sewage output, and determine the proper RCE allocation.

(xxii) Where a property is devoted to a business involving special water consuming devices or equipment, and/or special sewer emitting devices or equipment, the town engineer may establish the number of applicable RCEs.

(xxiii) Minimum charge for each facility is one RCE.

(2) All single-family residences shall be defined as one RCE for determining the general facilities charge. In no case shall the general facilities charge be less than for a single-family residence.

(3) For properties located within Utility Local Improvement District #1 (ULID #1) and requesting sewer service for the first time, a credit shall be made against the general facilities charge determined for the property. The credit shall be in proportion to the size of the portion of the property located in ULID #1, and shall be at the rate of the general facilities charge for one RCE for each 4,600 square feet of area. The credit shall not exceed the total general facilities charge for the property. [Ord. 731 §§ 1, 2, 1998; Ord. 677 § 1, 1996.]

## 12.10.020

### 12.10.020 Applicability.

The general facilities charge as defined in LCMC 12.10.010 shall also be applied for any existing sewer customer who, due to expansion, reconstruction, or a change in the nature of the establishment served, would increase the sewage volume generated as estimated by the methods defined in LCMC 12.10.010. For such customers, the general facilities charge shall be based on the difference between the estimated number of RCEs for the current or preceding service and the estimated number of RCEs for the revised service. The general facilities charge for such service expansions shall be subject to any credits or offsets. [Ord. 677 § 2, 1996.]

### 12.10.030 No refunds.

There shall be no refunds of general facilities charges for termination or reduction of service. [Ord. 677 § 3, 1996.]

### 12.10.040 Requirements.

The imposition of the general facilities charge does not alter or diminish any requirements of an applicant for new or expanded service to provide or expand local facilities necessary to connect to the existing sewer system, as determined in accordance with standard town policy. [Ord. 677 § 4, 1996.]

### 12.10.050 Effective date.

The general facilities charge shall be effective for all new sewer connections or service expansions after the date of the ordinance codified in this chapter. [Ord. 677 § 5, 1996.]

### 12.10.060 Sewer rates.

Sewer charges shall consist of a fixed monthly base rate plus a volume charge for all customers per subsection (6) of this section.

(1) A base rate per month shall apply for all customers, except for qualified senior citizens.

(2) A volume charge shall be applied for each customer class based on the amount of water used or the amount of wastewater flow through a metering manhole.

(3) The volume charge for each customer class shall be:

(a) Residential – A charge for each 100 cubic feet of water;

(b) Average strength commercial or industrial – A charge for each 100 cubic feet of water used;

(c) Above-average strength commercial or industrial – A charge for each 100 cubic feet of water used. Customers identified by the town as having above-average strength may elect, at their option and expense, to have installed a metering manhole and to be charged under that customer category;

(d) Swinomish Tribal Community – A charge consistent with the contract for wastewater treatment and disposal between the town of La Conner and the Swinomish Indian Tribal Community, dated December 1997, shall be assessed. Such rates shall be established following a recorded vote of the town council in January of each year;

(e) Industrial or other customers who have installed metering manholes – A charge per 100 cubic feet of wastewater flow, plus a per month vault maintenance fee, plus a sampling and analysis charge per sample required at the discretion of the plant operator, or requested by the customer, plus any applicable strength surcharge as defined in subsection (4) of this section;

(f) Qualified senior citizens – Annually on or before April 1st, and upon presentation of the Skagit County assessor form so stating, senior citizens who participate in the property tax exemption program will not be charged the base charge set forth in subsection (1) of this section;

(g) Septic and septage haulers – A charge for each gallon of septic and/or septage delivered to the treatment plant, except that low strength “gray water” delivered from the Washington State Ferry System may be charged a different rate to be negotiated and set by contract.

(h) Dewatered and dried biosolids deliverers – A charge per dry ton shall be charged for dewatered and dried biosolids delivered to and accepted by the sewer treatment plant.

(4) A strength surcharge shall be applied for all customers. The surcharge shall be based on the average concentration of sewage, as measured in milligrams per liter (mg/l) of biological or biochemical oxygen demand (BOD) over a one-month period. The plant operator shall determine appropriate sampling and analysis methods to ascertain the concentration. A strength surcharge shall apply for each 100 cubic feet of sewage flow for each 100

mg/l of BOD by which the average concentration exceeds 300 mg/l.

(5) A capacity surcharge shall be applied for all in-town customers who have not made a capital contribution to the sewer system, either through participation in ULID #1 or by paying a general facilities charge to the town of La Conner for sewer service. A capacity surcharge shall apply for each 100 cubic feet of water used. Customers subject to the capacity surcharge may elect, at their option, to pay the prevailing general facilities charge appropriate for their level of sewer service, at which time the customer would no longer be subject to the capacity surcharge.

(6) The following rates shall be applied:

Ref.	Description	Rate	Effective
(1)	Base Rate per Month	\$15.54	1/1/2011
	" "	\$15.69	1/1/2012
(2)(a)	Residential Volume Charge per CCF	\$4.24	1/1/2011
	" "	\$4.28	1/1/2012
(2)(b)	Average Strength Commercial or Industrial per CCF	\$4.24	4/1/2011
	" "	\$4.28	1/1/2012
(2)(c)	Above-Average Strength Commercial or Industrial per CCF	\$5.64	4/1/2011
	" "	\$5.69	1/1/2012
(2)(d)	Industrial/Other Customers with Metering Manholes per CCF	\$4.24	4/1/2011
	" "	\$4.28	1/1/2012
(2)(e)	Vault Maintenance per Month	\$125.00	
(2)(f)	Sampling and Analysis per Sample	\$25.00	
(2)(g)	Septic and Septage Haulers per Gallon	\$0.095	
(2)(h)	Biosolids Deliverers per Dry Ton	\$27.00	
(3)	Strength Surcharge per CCF	\$0.75	

Ref.	Description	Rate	Effective
(4)	Capacity Surcharge per CCF	\$1.59	

[Ord. 1056 § 2, 2010; Ord. 1021 § 9, 2009; Ord. 950 § 1, 2005; Ord. 879 §§ 1, 2, 2003; Ord. 831 § 1, 2001; Ord. 766 § 1, 2000; Ord. 735 § 1, 1998; Ord. 723 § 1, 1998; Ord. 664 § 1, 1994.]

**12.10.070 Sewer rates – Annual adjustment.**

The town shall periodically review and establish rates for each calendar year. For any year that the town has not established rates, the user rates detailed under LCMC 12.10.060(1) and (2)(a), (b), (c) and (d) will be automatically adjusted by an amount equal to the Consumer Price Index (CPI-U Seattle). Such adjustment shall commence as of April 1st of that year (for water usage in March) based on the prior year CPI index ended December 31st. [Ord. 1021 § 10, 2009; Ord. 888 § 1, 2003; Ord. 735 § 2, 1998.]

**12.10.080 Delinquent accounts.**

Sewer accounts which remain unpaid 45 days from the billing date shall be assessed interest at a rate not to exceed eight percent per annum from the billing date until the date of payment. Additionally, water service for any delinquent sewer account unpaid for 60 days shall be terminated until the charges are paid, subject to LCMC 12.15.070(1), and as allowed by state law. Additionally, the finance director shall thereupon record a lien for sewerage as allowed by state law, which lien shall be foreclosed pursuant to state law. [Ord. 825 § 2, 2001; Ord. 803, 2001.]

**12.10.090 Residential sewer cap.**

Residential sewer billings for the months of July, August and September of each year shall be billed for the first 700 cubic feet of water consumption only. Sewer billings for all other months shall be based on the total water consumed. [Ord. 1026 § 1, 2009; Ord. 900 § 1, 2003.]

**Chapter 12.15**

**WATER SYSTEM\***

Sections:

Article I. Rates and Charges

- 12.15.010 Recipients.
- 12.15.020 Based on consumption.
- 12.15.030 Monthly rates and service charges.
- 12.15.035 *Repealed.*
- 12.15.040 Mandatory connection.
- 12.15.045 Inflation adjustment of rates.
- 12.15.050 Billing.
- 12.15.055 Senior citizen discount.
- 12.15.060 Resolution of council.
- 12.15.070 Delinquency.
- 12.15.080 Lien – Foreclosure.
- 12.15.090 Multiple connections.
- 12.15.100 Police power.
- 12.15.110 Violation – Civil penalty.

Article II. Water General Facilities Charges

- 12.15.140 Charges.
- 12.15.150 Refunds.
- 12.15.160 Requirements.
- 12.15.170 Effective.
- 12.15.180 Funds.

Article III. Temporary Hydrant Connections for Agricultural Uses

- 12.15.200 Purpose.
- 12.15.210 Application – Policy.

\*Prior legislation: Ord. 295 which provides that water service can be shut off when deemed delinquent.

**Article I. Rates and Charges**

**12.15.010 Recipients.**

All properties now connected or hereafter connected to the town water system shall be deemed to be recipients of said service. [Ord. 425 § 1, 1976.]

**12.15.020 Based on consumption.**

All rates and charges for furnishing water service shall be based on the total monthly water consumption, measured in cubic feet. [Ord. 425 § 2, 1976.]

**12.15.030 Monthly rates and service charges.**

All rates and charges for furnishing water service shall be made on a monthly basis. The total monthly charge shall consist of a meter charge plus a volume charge.

(1) Minimum Monthly Meter Charges. The monthly charge for the three-quarters-inch meter size shall be the “base” charge. Charges for meters larger than three-quarters-inch shall be multiples of the base charge, as follows:

Meter Size	Monthly Base Charge	Volume of Water Consumption Exempt from Volume Charge CF	Effective
3/4" or smaller (base)	\$18.96	0	1/1/2011
" "	\$20.09	0	1/1/2012
1"	2 x base	300	1/1/2011
1-1/2"	3 x base	900	1/1/2011
2"	5 x base	1,400	1/1/2011
3"	8 x base	2,000	1/1/2011
4"	25 x base	0	1/1/2011
6"	By negotiation		1/1/2011

(2) Volume Charge.

**Water Volume Rate Schedule**

Description	Rate	Effective
Volume Charge per CF	\$0.0269	1/1/2011
" "	\$0.0285	1/1/2012

(3) Charges for shut-off and turn-on services for existing meters to be \$50.00 for all services.

(4) Water Service New Installation Charges. These charges are for the materials, labor and equipment to set a new meter and do not include the applicable general facilities charge set forth in LCMC 12.15.140.

Service Size	Charge
3/4"	\$1,770.00

Service Size	Charge
1"	\$1,840.00
1-1/2"	\$3,270.00
2"	\$5,630.00
Larger than 2"	Actual cost for materials, labor, and equipment plus a 15 percent administrative charge.

(5) Wholesale Water Charges. Sale of water to another water system shall be charged per the terms of the applicable agreement as approved by the town council. [Ord. 1056 § 3, 2010; Ord. 1021 § 11, 2009; Ord. 990 § 2, 2007; Ord. 733 § 1, 1998; Ord. 663, 1995; Ord. 540 § 1, 1986; Ord. 445 § 1, 1978; Ord. 425 § 3, 1976.]

**12.15.035 Interim base water rate increase.**

*Repealed by Ord. 1021.* [Ord. 820 §§ 1 – 3, 2001.]

**12.15.040 Mandatory connection.**

It is necessary for the protection of the health of the people of La Conner that all owners of property situated in the town which can be served by the town water system be, and they are, required and shall be compelled to connect to the town water system, and it shall be unlawful for any property owner to fail or refuse to make such connection. [Ord. 425 § 4, 1976.]

**12.15.045 Inflation adjustment of rates.**

The town shall periodically review and establish rates for each calendar year. For any year that the town has not established rates, the rates listed under LCMC 12.15.030(1) and (2) shall be automatically adjusted annually by an amount equal to the Consumer Price Index (CPI-U Seattle). Such adjustment shall commence as of April 1st of each year (for water usage in March) based on the prior year CPI index ended December 31st. [Ord. 1021 § 13, 2009; Ord. 733 § 3, 1998.]

**12.15.050 Billing.**

Property owners are responsible for notifying the utilities clerk in writing when there is a change of tenants. In any event, the property owner is responsible for all delinquent accounts if the tenant fails to pay the amount due. [Ord. 803, 2001; Ord. 425 § 5, 1976.]

**12.15.055 Senior citizen discount.**

Upon presentation of the Skagit County assessor form so stating, senior citizens who participate in the property tax exemption program will not be charged the minimum monthly service charge (base charge) set forth in LCMC 12.15.030(1). [Ord. 1021 § 14, 2009; Ord. 733 § 4, 1998.]

**12.15.060 Resolution of council.**

Regulations for the manner, time and place of payment of all rates and charges under this chapter shall be provided by resolution of the town council. [Ord. 425 § 6, 1976.]

**12.15.070 Delinquency.**

All delinquent rates and charges under this chapter shall bear interest at the rate of eight percent per annum from the date of delinquency. Delinquency shall be determined as 45 days from date of billing.

(1) If the delinquent account remains unpaid for a period of 60 days from date of billing, then the public works director, at the direction of the administrator, shall shut off and padlock the water meter serving the premises. The public works director shall post on the door of the premises, 24 hours prior to shutting off service, a notice demanding payment be made at Town Hall of the total account balance, including accrued interest. The reconnection fee shall be \$50.00. Reconnection is authorized Monday through Friday, excluding holidays, from 8:00 a.m. to 2:30 p.m.

(2) A \$25.00 fee will be charged for nonsufficient funds checks up to \$250.00; amounts of \$250.00 and above will be charged a fee of 10 percent. The amount of the nonsufficient funds check plus the fee must be paid by cash or cashier’s check. If the nonsufficient funds check was received as the result of a 24-hour disconnect notice, the payee will be notified that service will be disconnected if payment is not received by 2:30 p.m. that day. If a disconnect notice was not issued the payee will have three days from the time of notice to pay in full or water service will be disconnected.

(3) Leaks. The repair of any leak downstream of the water meter is the responsibility of the property owner or tenant, as applicable. When a leak is detected, the public works director must be notified and verify the leak. The owner/occupant must send

## 12.15.080

a letter to the finance director requesting an adjustment. The billing will be adjusted subject to the following criteria:

(a) No bill shall be adjusted unless it exceeds the prior four months' average billings by 100 percent or more.

(b) Billings will be not adjusted for more than three months prior to detection of the leak.

(c) No adjustment shall be made for leaks downstream (owner side) of the water meter, unless it is determined that the leak did not contribute to the sanitary sewer system; then a sewer adjustment only will be allowed.

(d) No adjustment shall be allowed after a leak has been verified by the public works director.

Upon approval by the finance director, the customer shall be charged the four-month average billing for water and sewer (exclusive of the drainage fee), plus 30 percent of the difference between the four-month average billing for water and the amount billed for water (no additional amount for sewer).

Under extraordinary circumstances, the finance director may, at his/her discretion, refer a water/sewer adjustment request to the town council for review and final action.

(4) Disputed Meter Accuracy. If a property owner or tenant believes that the water meter is not working properly, then the property owner/tenant shall notify the administrator in writing and request that the meter be removed and checked. The public works director, at the direction of the administrator, shall remove the meter and have it tested. If the meter is found to be working properly, the property owner/tenant shall be billed for the actual cost of removal and testing. [Ord. 1021 § 15, 2009; Ord. 859 §§ 1, 2, 2002; Ord. 803, 2001; Ord. 425 § 7, 1976.]

### 12.15.080 Lien – Foreclosure.

The town of La Conner shall have a lien against the property to which water service has been furnished for the delinquent and unpaid rates in the amount allowed by law and foreclosable as allowed by law. [Ord. 825 § 1, 2001; Ord. 425 § 8, 1976.]

### 12.15.090 Multiple connections.

It shall be unlawful for any person or enterprise to make multiple connections from one water service to furnish water to more than one residence or

enterprise without first receiving permission to do so from the superintendent of the water works. [Ord. 425 § 9, 1976.]

### 12.15.100 Police power.

This article is hereby declared to be an exercise of the police power of the town of La Conner and is enacted under such police power. [Ord. 425 § 10, 1976.]

### 12.15.110 Violation – Civil penalty.

Any person violating any provision of this chapter requiring connection with or use of the water service of the town of La Conner shall be guilty of a civil infraction and subject to a civil penalty as set forth and established in Chapter 1.15 LCMC. [Ord. 839 § 26, 2001; Ord. 425 § 11, 1976.]

## Article II. Water General Facilities Charges

### 12.15.140 Charges.

The following water general facilities charge shall apply for any new connection to the water system of the town of La Conner:

Charge per RCE	\$1,010
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The factors used to determine the RCE (residential customer equivalent) shall be the same as for sewer charges. These factors can be found at LCMC 12.10.010. [Ord. 733 § 2, 1998; Ord. 612 § 1, 1992.]

### 12.15.150 Refunds.

There shall be no refunds of general facilities charges for termination or reduction of service. [Ord. 612 § 2, 1992.]

### 12.15.160 Requirements.

The imposition of the general facilities charge does not alter or diminish any requirements of an applicant for new or expanded service to provide or expand local facilities necessary to connect to the existing water system, determined in accordance with standard town policy. [Ord. 612 § 3, 1992.]

### 12.15.170 Effective.

The general facilities charge shall be effective for all new water connections or service expansions installed after June 23, 1992. [Ord. 612 § 4, 1992.]

**12.15.180 Funds.**

The funds derived as system development fees shall be accounted for on the town books as, and expended solely for, water system development and/or improvements. [Ord. 612 § 5, 1992.]

**Article III. Temporary Hydrant Connections  
for Agricultural Uses**

**12.15.200 Purpose.**

The purpose of this chapter is to establish regulations for the temporary connection to hydrants for agricultural irrigation within the town's designated water service area. [Ord. 818, 2001.]

**12.15.210 Application – Policy.**

(1) Application for temporary connection to a hydrant meter shall be made in writing to and on forms specified by the town's public works director. The public works director shall approve a temporary connection only when he or she concludes that the demand placed on the existing system by the requested connection will not diminish the supply of water to adequately meet existing and anticipated demand, or exceed the town's annual water allocation from the city of Anacortes. The public works director shall, in the event an impact to existing service occurs due to an approved connection, immediately revoke the temporary service.

(2) Each connection to a hydrant meter so approved shall not be permitted beyond a two-week (14-day) period within a calendar year.

(3) Each recipient of water from a temporary connection to a hydrant meter shall be charged the current retail water rate per 100 cubic feet of water or portion thereof.

(4) The public works director may apply conditions to the approval of a temporary connection as are reasonably necessary. [Ord. 818, 2001.]

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## Chapter 12.20

### WATER SYSTEM EXTENSIONS

#### Sections:

- 12.20.010 Application – Policy.
- 12.20.020 Utility extensions within the town.
- 12.20.030 Outside town limits.

#### **12.20.010 Application – Policy.**

(1) Application for water system extension shall be made to the town's water superintendent on forms provided by the town. The town may prepare the design or may require the applicant to submit detailed plans and specifications designed or approved by a licensed civil engineer.

(2) This water system extension policy does not apply to water service extensions to wholesale water customers of the town of La Conner such as the Swinomish Tribal Community and Shelter Bay. The policy of the town of La Conner is to have separate water supply agreements with each of its wholesale customers.

(3) Application and inspection fees are required in accordance with the town's established practices.

(4) The cost of all materials and labor for extension of water mains and all required hydrants, valves, and other appurtenances shall be paid by the applicant, except as otherwise clarified in this chapter.

(5) The applicant, following appropriate town approvals, shall be responsible for completing the construction of the water system extension. The new construction shall be inspected and approved by the water superintendent prior to being placed in service. At its discretion, the town may elect to undertake the construction of the extension as part of its comprehensive water system development.

(6) The water superintendent may require water pipelines, valves, and other appurtenances to be oversized with respect to the town's standards. This may be in order to comply with the town's comprehensive water plan, to furnish required fire flows, or in order to provide the capability to serve potential future development in the same general area. The responsibility of the town and/or applicant for paying for these costs is set forth in this chapter. [Ord. 532 § 1, 1985.]

#### **12.20.020 Utility extensions within the town.**

(1) Standards. Water system extensions within the town limits shall meet town standards with respect to size, materials, construction details, and any other applicable requirements.

(2) Cost. The applicant for an extension shall pay all costs of the water system construction required to meet the town's standards. This includes all required water mains, hydrants, valves, and other appurtenances. If booster pumping or other special installations are required to deliver water to the customer, this expense shall also be borne by the customer.

(3) Oversizing. The town shall pay the cost of any oversizing of water system extensions within the town limits. However, where the costs for the additional capacity associated with the extension will not be recovered from the area to be benefited within a reasonable time period, as determined solely by the town, the town may disapprove the utility extension and/or require the applicant to pay the cost of oversizing.

(4) System Charges. In addition to the cost of the extension, the applicant shall pay the cost of installation of the water service connections.

(5) Water Rates. The applicant shall pay the town water rates then in effect for the appropriate class of customer and customer meter size and shall be subject to any subsequent rate increases as may from time to time be adopted by the town. [Ord. 532 § 2, 1985.]

#### **12.20.030 Outside town limits.**

The following provisions shall apply to extensions outside of the La Conner town limits:

(1) Standards. All water system facilities must meet the minimum water system standards set forth in the town of La Conner comprehensive water plan.

(2) Cost. The applicant shall pay all costs for the materials and construction required for the water system extension. This includes water mains, hydrants, valves, and other appurtenances. If booster pumping, reservoir, or other special installations are required to deliver water to the customer, this expense shall also be borne by the customer.

(3) Oversizing. The town may pay the cost of any oversizing required by overall system planning and development considerations in order to be able to supply water to the area in the future. However,

if in the judgment of the town the additional costs for oversizing will not be recovered from the area to be benefited within a reasonable time period as determined solely by the town, the town may either decline to extend the water system or may require the applicant to pay the oversizing costs.

(4) Water Rates. The applicant shall pay the town water rates then in effect for the appropriate meter size and customer class including any system development charge and/or rate surcharge that may apply to customers outside the town limits. The applicant shall become subject to any subsequent rate increases as may from time to time be adopted by the town. The town reserves the right to establish separate water customer classifications in areas outside the town limits and to establish rates and charges based upon accepted cost of service principles. [Ord. 532 § 3, 1985.]

**Chapter 12.25**

**CROSS-CONNECTIONS\***

Sections:

- 12.25.010 Definitions.
- 12.25.020 Customer system open for inspection.
- 12.25.030 Backflow prevention requirements.
- 12.25.040 Type of backflow protection required.
- 12.25.050 Approval of assemblies.
- 12.25.060 Owner’s duty for inspection.
- 12.25.070 Previously installed assemblies.
- 12.25.080 Enforcement.

\*Code reviser’s note: Ordinance No. 796 re-enacts, ratifies and confirms those taxes, charges and fees approved in Ordinance No. 748.

**12.25.010 Definitions.**

“Air gap separation” means the physical separation between the free flowing discharge end of a potable water supply pipe line and the open or non-pressure receiving vessel.

“Approved backflow prevention assembly” means an assembly which has been approved by the state and the town, for preventing backflow.

“Atmospheric vacuum breaker” (also known as an anti-syphon valve) means a device consisting of a single check valve in the supply line that opens to the atmosphere when the pressure in the line drops to atmospheric.

“Auxiliary water supply” means any supply of water used to augment the supply obtained through the town’s water system which serves the premises in question.

“Backflow” means the flow of water or other fluids in the direction opposite to the normal flow.

“Backflow prevention assembly tester” means an individual who is certified by the state and approved by the town to test backflow prevention assemblies.

“Check valve” means a valve that permits flow in only one direction.

“Contaminant” means any physical, chemical, biological, or radiological substance or matter in water which may render water nonpotable, according to state regulations.

“Cross-connection” means any link or channel between piping which carries potable water and the piping or fixtures which carry nonpotable water or other substances.

“Cross-connection inspector” means an individual certified by the state and approved by the town to inspect for cross-connections.

“Customer system” means all plumbing, piping, and appurtenances on the customer side of the point of metering or connection.

“Double check valve assembly” means an assembly of two independently acting check valves with a shut-off valve on each side of the two check valves. The assembly also has test ports for checking the water tightness of each check valve.

“Double detector check valve assembly” means the same as a double check valve assembly with the addition of a water meter and an additional double check valve assembly bypassing the main line assembly for the purpose of measuring low or proportional flow.

“Facility survey” means an on-site review of the water source, facilities, equipment, operation, and maintenance for the purpose of evaluating the hazards to the drinking water supply.

“Pressure vacuum breaker assembly” means a mechanical assembly consisting of one spring loaded check valve in the supply line and a spring loaded air inlet on the downstream side of the check valve which will open to atmosphere when the pressure in the assembly drops below one pound per square inch. The complete assembly consists of two shut-off valves and two test ports for checking water tightness of the check valve.

“Reduced pressure backflow prevention assembly (RP)” means an assembly for preventing backflow incorporating two check valves, a differential relief valve located between the two check valves, two shut-off valves, one on each end of the assembly, test ports for checking water tightness of the check valves and the operation of the relief valve.

“Reduced pressure detector assembly (RPD)” means the same as an RP assembly with the addition of a water meter and an additional RP assembly bypassing the main line assembly for the purpose of measuring low or proportional flow.

“Safe drinking water (potable water)” means water which has sufficiently low concentrations of microbiological, inorganic chemical, radiological or physical substances so that individuals drinking such water at normal levels of consumption will not be exposed to disease organisms or other substances which may produce harmful physical effects.

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“Secondary contaminant” means a contaminant which at levels generally found in drinking water does not present unreasonable risk to health, but do adversely affect taste, odor, or color.

“Service connection” means the point of delivery of water at or near the property line, generally at the water meter. [Ord. 748 § 2, 1999.]

#### **12.25.020 Customer system open for inspection.**

The customer system shall be open for facility survey at all reasonable times to the town to determine whether cross-connections or other structural or sanitary hazards including violations of these regulations exist. When such a condition becomes known, the town’s cross-connection inspector shall cause the service to the premises to be immediately discontinued or denied by a physical break in the service until the customer has corrected the condition in conformance with these regulations. [Ord. 748 § 3, 1999.]

#### **12.25.030 Backflow prevention requirements.**

Backflow prevention assemblies shall be installed on each service line of a customer’s system at or near the property line or immediately inside the building being served, but in all cases before the first branch line leading off the service line wherever, in the opinion of the town’s cross-connection inspector, any of the following conditions exist:

- (1) There is an auxiliary water supply which is, or could be, connected to the potable water piping.
- (2) Where there is piping for conveying liquids other than potable water, and where that piping is installed and operated in a manner which could cause a cross-connection.
- (3) There are cross-connections or intricate plumbing which make it impractical to ascertain whether or not a cross-connection exists.
- (4) In the case where there has been a history of repeating the same or similar cross-connection or a backflow, even though these have been removed or disconnected.
- (5) Where there is a building over two stories in height or any plumbing system that is greater than or equal to 30 feet above the water main from which it is served.
- (6) Where fire hydrants or fire systems are connected to the potable domestic water service within the property being served.

(7) Where a single water service is used to supply three or more dwellings.

(8) Where the water meter serving the property is one and one-half inch or larger.

(9) Where there is backflow or backsiphonage potential.

(10) Where any fixture is subject to being submerged.

(11) Where the system is not open for inspection. [Ord. 748 § 4, 1999.]

#### **12.25.040 Type of backflow protection required.**

The type of protection required shall be commensurate with the degree of hazard which exists, in the opinion of the town’s cross-connection inspector, as follows:

(1) An approved air gap of least twice the inside diameter, but no less than one inch, of the incoming supply line measured vertically above the top rim of the vessel, or an approved reduced pressure backflow prevention assembly shall be installed where the substance which could backflow is a contaminant or potentially hazardous to health. Examples would include, but not be limited to, hospitals, mortuaries, car washes, medical clinics, auxiliary water systems, etc.

(2) An approved double check valve assembly shall be installed where the substance which could backflow is a secondary contaminant. Examples would include, but not be limited to, landscape irrigation systems, multiple dwelling units served by a single water service, etc.

(3) An approved pressure vacuum breaker or an atmospheric vacuum breaker shall be installed where the substance which could backflow is objectionable but does not pose a risk to health and where there is no possibility of backpressure in the downstream piping.

(4) In the case of all private fire systems, an approved backflow prevention assembly installed to the town’s construction specifications shall be required. The town may require a monitoring meter or detection system to detect unauthorized use or leakage within the system. The type of backflow prevention assembly shall be as follows:

(a) Low Hazard. Systems with or without a pumper connection but no auxiliary water supplies available, chemicals or additives, or other detectable cross-connections require a town-approved double check valve assembly.

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(b) High Hazard. Systems with auxiliary water supplies, chemical additives, or other detectable cross-connections shall require a town-approved reduced pressure backflow prevention assembly. [Ord. 748 § 5, 1999.]

### 12.25.050 Approval of assemblies.

All backflow prevention assemblies required under this chapter shall be of a type and model approved by the state and the town of La Conner. [Ord. 748 § 6, 1999.]

### 12.25.060 Owner's duty for inspection.

It shall be the duty of the assembly owner of any premises where backflow assemblies are installed to have the assembly tested and certified as working immediately upon installation, and at least once a year, or more often in those instances where successive inspections indicate repeated failure. The frequency of these tests or the replacement of the assembly because of repeated failure is at the sole discretion of the town. The tests, repairs, and/or replacement of any backflow prevention assembly shall be at the sole and complete expense of the assembly owner and performed by a backflow prevention assembly tester who is currently certified by the state and approved by the town. Test, repair, and/or replacement shall be performed within 30 days of the test due date. The assembly owner is required to contact a tester who can perform the test in the necessary time period. The town will notify the owner each year when the assembly is due for testing. The assembly owner shall notify the town a minimum of 48 hours in advance of when a test is to be performed, so that the town's cross-connection inspector may witness the test if they so desire. Records of such tests, repairs, and/or replacement shall be submitted to the town within 10 days of such tests, repairs, and/or replacement. [Ord. 748 § 7, 1999.]

### 12.25.070 Previously installed assemblies.

Backflow prevention assemblies which were approved at the time they were installed but are not on the current list of approved assemblies shall be permitted to remain in service provided they, in the opinion of the town, are properly maintained, are commensurate with the degree of hazard, are tested at least annually, and perform satisfactorily. When assemblies of this type are moved, or require more than minimum maintenance, they shall be replaced

by assemblies which are on the list of approved assemblies by the state and approved by the town. [Ord. 748 § 8, 1999.]

### 12.25.080 Enforcement.

(1) The cross-connection inspector shall cause the water service to the premises to be immediately discontinued or denied by a physical break in the service until the customer has corrected the condition in conformance with this chapter in any of the following situations:

(a) When it becomes known that a condition such as a cross-connection, plumbing, structural, or sanitary hazard, or other violation of this chapter is present.

(b) In those cases of extreme emergency, and where an immediate threat to life or public health is found to exist.

(c) When, in other cases and after a reasonable length of time has been allowed as determined solely by the town's cross-connection inspector, the tests, repairs, and/or replacement of assemblies or any other requirement within this chapter are not performed in accordance with this chapter.

(2) Written notice of disconnection shall be provided to the property owner of record and the occupant. Within five days thereafter, the owner or occupant may appeal the disconnection by filing an appeal with the hearing examiner who shall have authority to hear such appeal. The hearing examiner shall conduct an open record hearing and render a decision within 10 days of receipt of a properly filed appeal. The appeal must be accompanied with a fee of \$150.00 together with a \$300.00 deposit to be used to defray, in full or part, the actual cost of the hearing examiner's fees charged to the town. [Ord. 748 § 9, 1999.]

## Chapter 12.30

**STORM AND SURFACE WATER UTILITY\***

## Sections:

- 12.30.010 Definitions.
- 12.30.020 Rate structure.
- 12.30.021 ERU calculation and adjustment.
- 12.30.022 Credits and exemptions.
- 12.30.030 Billing and collection.
- 12.30.033 Delinquent accounts.
- 12.30.040 *Repealed.*
- 12.30.050 Storm water system development fee.
- 12.30.060 *Repealed.*
- 12.30.070 Permits.
- 12.30.080 Appeals.

\*Code reviser's note: Ordinance No. 796 re-enacts, ratifies and confirms those taxes, charges and fees approved in Ordinance No. 757.

**12.30.010 Definitions.**

(1) "Impervious surface" means that hard surface area which either prevents or retards the entry of water into the soil mantle as it entered under natural conditions preexistent to development, and/or that hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from that present under natural conditions preexistent to development. Common impervious surfaces include, but are not limited to, roof tops, concrete or asphalt paving, walkways, patios, driveways, parking lots or storage areas, and oiled macadam or other surfaces which similarly impede the natural infiltration of surface water.

(2) "Parcel" means a separately segregated unit or plot of land having an identified owner and specified boundaries.

(3) "Developed parcel" means any parcel which has been altered by grading or filling the ground surface, or by construction of any improvement or other impervious surface area which affects the hydraulic properties of the parcel.

(4) "Undeveloped parcel" means any parcel which has not been altered or construction of any improvements or other impervious surface areas which affect the hydraulic properties of the parcel or by grading or filling since March 5, 1990.

(5) "Residential parcel" means any parcel of land having on it a structure which is designed for occupancy by one, two or three families or similar groups of people.

(6) "ERU" means "equivalent residential unit." As related to storm drainage, one ERU refers to the area of impervious surface associated with the average residential parcel. [Ord. 863 § 1, 2002; Ord. 578 § 1, 1990.]

**12.30.020 Rate structure.**

There is hereby imposed a system of charges on each water meter within the town of La Conner to operate the storm water drainage program. The charges are deemed reasonable and necessary to fund administration, planning, design, construction, operation, maintenance, repair, and improvement of all existing and future storm and surface water facilities.

(1) The charge assessed to each water meter shall be based on the unit rate established as follows:

(a) One ERU equals 2,100 square feet of impervious surface area.

(b) The monthly charge per storm drainage ERU shall be \$11.55.

(c) Beginning January 1, 2011, the monthly ERU charge will be adjusted once annually in January of each year by adding the consumer price index (CPI) plus five percent to the previous year's monthly ERU charge.

(2) The charge assessed to each water meter shall be the multiple of the number of ERUs assessed to the water meter account and the monthly ERU rate currently in effect. The following storm drainage ERU assessments are hereby established for all water meters in the town of La Conner:

(a) Residential meters three-quarter-inch or less – The assessment shall be one ERU for each water meter, without further documentation required.

(b) Residential meters one inch or more – The assessment shall be determined by calculating the actual number of ERUs.

(c) Commercial, industrial and municipal meters – The assessment shall be determined by calculating the actual number of ERUs.

(d) Irrigation meters – There will be no ERU assessment or resulting charge; provided, that the utility customer is currently being assessed the storm drainage charge on another water meter serving the same parcel.

(3) These rates/assessments will take effect as of January 1, 2006. [Ord. 1056 § 4, 2010; Ord. 964 § 1, 2005; Ord. 863 § 2, 2002; Ord. 843 § 1, 2002;

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Ord. 833 § 1, 2001; Ord. 795 § 1, 2000; Ord. 757 § 1, 1999; Ord. 578 § 2, 1990.]

### 12.30.021 ERU calculation and adjustment.

The ERU assessment shall be calculated as follows:

(1) The town shall use the impervious surface area and/or building square footage area information on file with the Skagit County tax assessor.

(2) The town shall calculate the assessed number of ERUs by dividing the impervious surface area by the ERU unit value and rounding up to the nearest whole number.

(3) The town shall notify the water meter account owner of the initial ERU assessment.

(4) Water meter account owners may request that the assessment be revised. The owner must submit, to the town, an accurate site plan, sufficiently detailed to identify dimensions, land covers, areas, and drainage course(s). The town shall review the site plan, verify the dimensions and revise the assessment accordingly. Owner requested adjustments or revisions shall not be considered until a site plan has been submitted.

(5) The town may undertake to review and adjust ERU assessments at any time.

(6) ERU adjustments that increase the total charge shall take effect the next billing cycle.

(7) ERU adjustments that decrease the total charge shall be retroactive to the date that a submitted site plan was deemed complete. [Ord. 863 § 3, 2002.]

### 12.30.022 Credits and exemptions.

The town recognizes that some property owners either have or may be required to construct on-site storm water systems that address both quality and quantity of the storm water discharge and thereby reduce their impact to the town's storm water system. Properties or portions of properties with on-site or private systems that meet the criteria listed, as reviewed and approved by the town, shall receive the applicable credit.

Credits shall take the form of a reduction in impervious area and recalculation of the assessed ERUs, except that application of credits shall not reduce the ERU assessment to less than one ERU.

Application for credits shall be the same as for other area adjustments.

(1) Credit for Approved On-Site or Private Storm Water Systems. A reduction of 20 percent of

the contributing impervious area is available to any water meter account provided that:

(a) The on-site or private system meets or exceeds the water quality and water quantity requirements of the Storm Water Management Manual for the Puget Sound Basin (Department of Ecology), as applicable.

(b) The system owner provides right of entry, on town-approved forms, to allow the town to periodically inspect the system.

(c) The system owner properly maintains the system.

(2) Credit for Direct Marine Discharge. A reduction of 40 percent of the contributing impervious area is available to any water meter account provided that:

(a) The storm water runoff is discharged directly to the Swinomish Channel or the interconnecting drainage ditch between the Sullivan Slough and the Swinomish Channel.

(b) The storm water runoff meets or exceeds the water quality requirements of the Storm Water Management Manual for the Puget Sound Basin (Department of Ecology), as applicable.

(c) There is no connection with the town's drainage system.

(d) This credit may be combined with the previous credit for approved on-site or private storm water systems for a total reduction of 60 percent.

(3) Exemptions. The Port of Skagit County and the town of La Conner will enter into an interlocal agreement that excludes all area north of the interconnecting drainage ditch between the Sullivan Slough and the Swinomish Channel (Port North Basin), as that area is not and will not be directly connected to the town's drainage system and is not contiguous with the town's drainage basins. The Port North Basin will contribute to the town's storm water utility as defined in the agreement. This exclusion does not apply to any other properties that the Port may operate or own.

There are no exemptions within the contiguous land area of the Morris Street and Caledonia Street drainage basins. [Ord. 863 § 4, 2002.]

### 12.30.030 Billing and collection.

(1) Storm and surface water charges for each parcel of real property within the town of La Conner shall be computed on a monthly basis. The amount billed shall be included on the water and sewer bill.

(2) Any amount of the storm and surface water charge not paid within six months of assessment shall constitute a lien against the subject property, which lien may be foreclosed by the town in Skagit County superior court. [Ord. 578 § 3, 1990.]

#### **12.30.033 Delinquent accounts.**

Drainage accounts which remain unpaid 45 days from the billing date shall be assessed interest at the rate of eight percent per annum from the billing date until the date of payment. LCMC 12.15.050, 12.15.060 and 12.15.070 shall apply to all drainage accounts. [Ord. 825 § 3, 2001; Ord. 803, 2001.]

#### **12.30.040 Rate adjustments.**

*Repealed by Ord. 851. [Ord. 578 § 4, 1990.]*

#### **12.30.050 Storm water system development fee.**

(1) Purpose. The purpose of this chapter is to establish a storm water system development fee for all properties within the town that are hereafter developed with impervious surfaces contributing to storm water runoff.

(2) Storm Water System Development Fee Imposed. There is hereby established a storm water system development fee which shall be imposed upon all parcels which are proposed to be developed within the town. No building permit, short subdivision or subdivision approval, or other permit allowing development within the town shall be granted except upon payment of said storm water system development fee.

##### **(3) Amount of Fee.**

(a) Direct Connection. The storm water system development fee established by this chapter for properties that shall connect directly, without retention/detention/treatment requirements imposed, shall be calculated for each property based upon the square footage of impervious surface proposed to be created by the development. Specifically included in the square footage of impervious surface proposed to be created shall be any improvements required in the public right-of-way. The charge for each proposed impervious square foot unit is \$0.25. The total charge to be paid in connection with any development approval shall be determined by multiplying the total number of impervious units to be created by the proposed development by the charge for each such unit.

(b) Future Connection. The storm water system development fee established by this chapter for properties in which on-site storm water retention/detention/treatment is required shall be calculated for each property based upon the square footage of impervious surface proposed to be created by the development. Specifically included in the square footage of impervious surface proposed to be created shall be any improvements required in the public right-of-way. The charge for each proposed impervious square foot unit is \$0.12. The total charge to be paid in connection with any development approval shall be determined by multiplying the total number of impervious units to be created by the proposed development by the charge for each such unit.

Calculation of the fee shall be performed by the town's staff during the permit review process.

Short subdivisions or subdivisions shall be charged a minimum of \$525.00 for each buildable lot created that is not developed in conjunction with the subdivision. The payment of the lot charge allows for future development of up to 2,100 square feet of impervious surface on the subject lot. An additional fee, if any, shall be calculated at the time the lot owner applies for a building permit and will be based only on the impervious square footage that exceeds the 2,100 square foot allowance.

(4) Collection of Charges. The storm water system development fee imposed by this chapter shall be paid prior to issuance of any building permit, short subdivision or subdivision approval, or other permit allowing development within the town.

(5) Credits. The town of La Conner shall establish a system for recording payments of storm water system development fees made pursuant to this chapter in order that credit may be recorded and given for contributions made for storm water system development in connection with that property. It is the intent of this section that development shall not be charged twice for the same proposed impervious unit and that where a proposed impervious unit has been paid for pursuant to a short subdivision or subdivision approval, site plan approval, or other development approval required by the town, the applicant shall not be charged a second time for that unit when a building or other subsequent permit for the same development is issued.

## **12.30.060**

(6) Lapse of Permit. The impervious unit price paid for the storm water system development fee imposed by this chapter shall be concurrent with the time limitations of the building permit, short subdivision or subdivision approval, or other permit allowing development within the town. Should the permit and/or approval lapse and a subsequent permit and/or approval be required prior to development, the parcel shall be subject to the most current unit price less any applicable credits. [Ord. 851 § 2, 2002; Ord. 578 § 5, 1990.]

### **12.30.060 Developer contributions.**

*Repealed by Ord. 851. [Ord. 578 § 6, 1990.]*

### **12.30.070 Permits.**

A permit is hereby required for any person to construct, install, place, or attempt to construct, install, or place any storm or surface drainage structure or facility within the town of La Conner. Every person desiring to construct or install any storm or surface water facility, whether on private or public property shall make application for same to the town of La Conner public works department prior to commencing work on such project. Such applications shall be made on forms provided by the department and shall include all information as the director of public works, or designee, prior to construction requires. Such construction or installation must comply with all town ordinances, regulations, other controls or standards. Each application submitted to the department of public works shall be accompanied with payment for a construction permit fee in an amount established by the town council. Failure to obtain such a permit will result in the fee being doubled. Such fees shall defray the cost of all inspections and plan reviews required by the town prior to and during the construction of storm and surface water drainage facilities. This section shall not be construed to duplicate any other existing town requirements. [Ord. 578 § 7, 1990.]

### **12.30.080 Appeals.**

Any owner or owners who dispute the amount of their charges or who dispute any determination made by or on behalf of the town pursuant to and by authority of this chapter, may petition the town in writing for a hearing on a revision or modification of such charge or determination no later than 30 days after having been billed for such charge or after having been notified of such determination.

Upon receiving such a petition, the town shall schedule a hearing within 30 days before the storm and surface water hearing board which is hereby created with the following permanent members: the director of public works, the clerk-treasurer, a representative from the town council, and one private citizen appointed by the mayor. Notice of the hearing shall be provided to the petitioner at least 10 days prior to the hearing. Following the hearing, a final determination shall be made by the hearing board and the petitioner so notified within 30 days. [Ord. 578 § 8, 1990.]

**Chapter 12.40**

**BIOSOLID COMPOSTING AND GREEN WASTE COLLECTION**

Sections:

- 12.40.010 Definitions.
- 12.40.020 Program established.
- 12.40.030 Green yard waste – Punch card required.
- 12.40.040 Bulk green waste – Punch card required.
- 12.40.050 Brush/brown yard waste – Punch card required.
- 12.40.060 Bulk brush/brown waste – Punch card required.
- 12.40.070 General organic material – Acceptance and billing.
- 12.40.080 Biosolids/septage – Acceptance and billing.
- 12.40.090 Water treatment sludge – Acceptance and billing.
- 12.40.100 Compost material collection – Quality control.
- 12.40.110 Hours of operation – Timing of acceptance.
- 12.40.120 Sale of finished compost.
- 12.40.130 Collection of funds – Punch cards and finished compost.
- 12.40.140 Exemption for town-sponsored events.

**12.40.010 Definitions.**

The following definitions are adopted for this chapter:

- (1) “Biosolids” shall mean the solid and semi-solid byproduct of a wastewater treatment facility.
- (2) “Brush/brown yard waste” shall mean brush, limbs, and woody material obtained from pruning of residential properties which must be chipped prior to composting and is transported in trash containers.
- (3) “Bulk brush/brown waste” shall mean brush, limbs, and woody material obtained from pruning which must be chipped prior to composting in quantities normally greater than 10 cubic yards.
- (4) “Bulk green waste” shall mean grass, leaves, fruits, vegetable matter, and other soft green waste in quantities normally greater than 10 cubic yards.
- (5) “Compostable material” shall mean any suitable green waste (yard or bulk), brush/brown

waste (yard or bulk), biosolids, dewatered cake material, or general organic material.

(6) “Compost facility” shall mean the biosolid composting operation of the town of La Conner located at the town’s wastewater treatment facility.

(7) “Dewatered cake material” shall mean a municipal biosolid material that has been dewatered to greater than 10 percent solid content.

(8) “Finished compost” shall be the end product of the biosolid composting program.

(9) “General organic material” shall mean other compostable matter such as grocery store waste, restaurant vegetative food waste, agricultural vegetative matter or other material deemed acceptable for composting.

(10) “Green yard waste” shall mean grass clippings, fruits, vegetables, sod, and other soft green waste from residential properties which does not need to be chipped prior to composting and is transported in trash containers.

(11) “Punch card” shall mean a card supplied by and obtained from the town of La Conner for the purpose of green and brown compostable waste disposal.

(12) “Trash container/can” shall mean a standard 32-gallon or smaller garbage can. [Ord. 727 § 1, 1998.]

**12.40.020 Program established.**

A biosolid composting and green waste collection program is established under the direction of the sewer department. The department will be responsible for the acceptance of green waste, monitoring of punch card usage, billing for certain delivered bulk items, composting of biosolids and the sale of finished biosolid compost. [Ord. 727 § 1, 1998.]

**12.40.030 Green yard waste – Punch card required.**

Green yard waste shall be accepted from La Conner sewer service area residents who have obtained a punch card from Town Hall for this purpose. The punch card shall carry a fee of \$10.00 and shall entitle the bearer to deliver up to 10 trash containers/cans of green yard waste. The cards will be punched upon delivery of the green yard waste to the compost facility with one punch for every trash container, or portion thereof. [Ord. 727 § 1, 1998.]

## 12.40.040

### **12.40.040 Bulk green waste – Punch card required.**

Bulk green waste shall be accepted at the rate of \$4.00 per cubic yard for quantities less than or equal to 10 cubic yards and at a rate of \$3.00 per cubic yard for quantities greater than 10 cubic yards. [Ord. 727 § 1, 1998.]

### **12.40.050 Brush/brown yard waste – Punch card required.**

Brush/brown yard waste shall be accepted from La Conner sewer service area residents who have obtained a punch card from Town Hall for this purpose. The punch card shall carry a fee of \$10.00 and shall entitle the bearer to deliver up to 10 trash containers/cans of brush/brown yard waste. The cards will be punched upon delivery of the brush/brown yard waste to the compost facility with one punch for every trash container, or portion thereof. [Ord. 727 § 1, 1998.]

### **12.40.060 Bulk brush/brown waste – Punch card required.**

Bulk brush/brown waste shall be accepted at the rate of \$3.00 per cubic yard if delivered in chipped form and at a rate of \$4.00 per cubic yard if delivered unchipped. [Ord. 727 § 1, 1998.]

### **12.40.070 General organic material – Acceptance and billing.**

General organic matter shall be accepted at the discretion of the compost facility operator at the rate of \$30.00 per cubic yard. The compost facility operator shall bill for the acceptance of this material with payment due within 30 days of acceptance. [Ord. 727 § 1, 1998.]

### **12.40.080 Biosolids/septage – Acceptance and billing.**

Biosolids and/or septage may be accepted at the discretion of the compost facility operator. When this waste stream consists of a slurry with less than three percent solids, it shall be accepted at the rate of \$0.08 per gallon. When this waste stream consists of dewatered cake material, the fee for acceptance shall be \$20.00 to \$30.00 per cubic yard, depending on the percentage of solids with such determination to be made by the compost facility operator. The compost facility operator shall provide billing information to Town Hall in a timely manner. [Ord. 727 § 1, 1998.]

### **12.40.090 Water treatment sludge – Acceptance and billing.**

Sludge material from municipal water treatment facilities may be accepted at the discretion of the compost facility operator. This material shall be billed at a rate of \$0.03 per gallon delivered to the composting facility. The compost facility operator shall provide billing information to Town Hall in a timely manner. [Ord. 727 § 1, 1998.]

### **12.40.100 Compost material collection – Quality control.**

The acceptance of any compostable material shall be at the total discretion of the compost facility operator. The suitability of the material, the quality of the material, and the need for composting material shall be determined by the compost facility operator and the ability to refuse acceptance shall be within the authority of the operator. [Ord. 727 § 1, 1998.]

### **12.40.110 Hours of operation – Timing of acceptance.**

The hours which the composting facility shall be open and accept compostable material shall be determined by the compost facility operator. The operator shall establish hours of operation and may vary these hours at their discretion. [Ord. 727 § 1, 1998.]

### **12.40.120 Sale of finished compost.**

#### **(1) Unscreened Compost.**

(a) The finished compost shall be sold by the cubic yard. The fee for finished compost in loads less than 10 cubic yards shall be \$10.00 per cubic yard.

(b) The fee for finished compost in loads greater than 10 cubic yards shall be \$5.00 per cubic yard.

(c) The fee for finished compost in loads greater than 20 cubic yards shall be at a per yard price as negotiated by the mayor or his designee. It shall be the responsibility of the compost facility operator to bill for the sale of finished compost.

#### **(2) Screened Compost.**

(a) Purchases of compost less than 10 yards shall be sold at \$13.00 per yard.

(b) Purchases of compost between 11 yards and 20 yards shall be sold at \$9.00 per yard.

(c) The fee for finished compost in loads greater than 20 cubic yards shall be at a per yard

price as negotiated by the mayor or his designee. It shall be the responsibility of the compost facility operator to bill for the sale of finished compost. [Ord. 1049 § 1, 2010; Ord. 1047 § 1, 2010; Ord. 761 § 1, 2000; Ord. 727 § 1, 1998.]

**12.40.130 Collection of funds – Punch cards and finished compost.**

The collection of all funds associated with the composting operation, including but not limited to, the sale of punch cards, acceptance of compostable material not associated with a punch card, and the sale of finished compost shall be performed at Town Hall. No funds related to the operation of the compost facility shall be collected, handled, transferred, or submitted by the compost facility operator. Any billing statements generated by the compost facility operator shall be forwarded to Town Hall for disposition. [Ord. 727 § 1, 1998.]

**12.40.140 Exemption for town-sponsored events.**

To the extent that the town of La Conner establishes spring cleanup events or other similar activities for its residents, the fees contained herein may be temporarily waived through the action of the town council. [Ord. 727 § 1, 1998.]

