

Title 13

PUBLIC SERVICES

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Chapter 13.04**WATER SERVICE**

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13.04.010 Regulations established – Purpose.

The following rules and regulations are established for fixing, regulating and controlling the use and sale of water supplied by the town to both residents and nonresidents of the town. (Ord. 70-3 § 1, 1970).

13.04.020 Application – Form – Contents.

All applications for the use of water must be made to the public works director at the office of the town to be furnished by the clerk for that purpose. Such applications must be made by the owner or the authorized agent of the property to which the water is to be furnished. The applicant shall state fully and truthfully all the purposes for which the water may be required, and must agree to conform to the rules and regulations and any modifications thereof that may be established from time to time, as a condition for the use of water. The applicant shall be required to pay a nonrefundable permit fee of \$100.00 to the town clerk. The permit fee will be applied to billings for water service, until exhausted, if connection to the water system is made within 90 days of the application. (Ord. 91-15 § 1, 1991; Ord. 70-3 § 2, 1970).

13.04.030 Charges to constitute lien.

All charges for water sold and furnished by the town to any user shall at all times constitute a lien against the real property where such water services are delivered and distributed by the town and shall bind all successors in interest to the real property. It shall be the responsibility of the owner to notify the town following any change in ownership, occupancy or tenancy. (Ord. 91-15 § 2, 1991; Ord. 70-3 § 3, 1970).

13.04.040 Billing – Delinquency – Penalty – Shutoff – Reconnection.

A. All utility bills are due and payable when mailed.

B. All bills become delinquent if not paid within 25 days after date of billing; if unpaid, the town may impose a late payment fee.

C. Bills become subject to shutoff if not paid within 25 days from the billing date.

1. The town may make written demand to such consumer to either pay such fees or cease such

violation, as the case may be, and may shut off service to the premises at any time after five days following delivery of such demand, if the late payment fee has not been paid or the violation is not ceased.

2. Discontinuance of service shall not occur earlier than five days after written notice of the discontinuance date has been deposited in the mail addressed to the consumer, and not earlier than 24 hours after an additional written notice has been posted at the front door of the premises.

D. When service has been shut off, reconnection will be made only after payment of all back charges for service rendered to said premises, and correction of any other violation of this chapter and payment of the reconnection fee established by the town. Unauthorized reconnection or tampering with the utilities, by persons other than town employees, without express written consent of the mayor or public works director, is unlawful.

E. Fees for late payment, reconnection, and costs of staff time to repair tampering may be set by resolution adopted by the town council, which may be amended from time to time as deemed necessary. (Ord. 99-26 § 2, 2000).

13.04.050 Use restrictions.

No person supplied with water from the town mains shall be entitled to use it for any purpose other than those stated in the application, or to supply other persons or families in any way or for any purpose, without first securing a permit to do so from the public works director. (Ord. 91-15 § 4, 1991; Ord. 70-3 § 5, 1970).

13.04.060 Installation and connection charges for meters.

A. Installation of the meter will be done only after payment of the minimum meter installation charge is received. A meter installation charge shall be set by resolution of the town council.

B. The water main shall be considered to be in the center of the right-of-way, and in addition to the installation charge, a per-lineal-foot charge shall be added. Measurement shall be at right angles from the main to the property line. This lineal-foot charge shall be set by resolution of the town council.

C. All new construction, residential and commercial, on property which is located within 150 feet of a water main of the town, shall be required to extend the water main to and across the entire frontage of their property and connect to the town water system prior to the occupancy of the building. No new wells shall be constructed and no

alterations to existing wells shall be permitted on properties that can be served, within 150 feet of a water main of the town, or are now served by the town water system.

D. Sprinkler connections shall be constructed at the property owner's expense subject to approval and inspection by the public works department.

E. Water meter connection charges may be waived, with proper approval of the public works director, if constructed and paid for by the property owner; provided, all the work is done to town standards.

F. Any person, firm or corporation desiring to construct any new or the replacement of water service systems, water mains or side water lines which are to be constructed by anyone other than the town shall first submit a plan for the construction to the public works director. To assure that an as-built plan is submitted for the town records and approved by the public works director, the water meter shall be secured in the off position and remain that way until the as-built plan is received and approved. (Ord. 91-15 § 5, 1991; Ord. 70-3 § 5, 1970).

13.04.065 Public works water development and construction standards.

All persons within the town, all persons served by the water distribution system of the town, and all persons who desire to be served by the water distribution of the town, shall adhere to the "Town of Eatonville Public Works Design, Development and Construction Standards," a copy of which is on file with the town clerk. The standards may be revised and reissued from time to time by the public works director. (Ord. 91-15 § 6, 1991).

13.04.070 Connection – Specifications – Exceptions.

All service connection pipes shall be installed directly from the street main to the owner's property line and shall be laid at a depth of not less than 24 inches below the surface of the ground, with the meter box to be located at or near the property line. The meter box may be located elsewhere if reasonable to do so, by special permission of the public works director. (Ord. 91-15 § 7, 1991; Ord. 70-3 § 7, 1970).

13.04.075 Corporation stops.

All service pipes must come direct from the street main and shall be laid at such depth and at such point as the public works department designates. No bibb or fixture of any kind shall be installed between the main and the meter. All cor-

poration stops and connections thereto shall be maintained under the control of the public works department. (Ord. 91-15 § 8, 1991).

13.04.080 Turn-off or turn-on – Prohibited – Exceptions.

No person except an officer or employee of the town will be allowed to turn the water off or on at the town's curb stop after the plumbing has been completed and the water turned on by the town. (Ord. 70-3 § 8, 1970).

13.04.090 Connection – Owner responsibility – Cost.

All pipes and connections from the property line shall be put in at the expense of the owner, who shall be responsible for all damages resulting from leaks or breaks. (Ord. 70-3 § 9, 1970).

13.04.100 Prohibited acts – Exceptions.

No plumber or person other than an officer or employee of the town will be allowed to make connections with the town's mains, or to make alterations in any conduit, pipe or other fixture connecting therewith, or to connect pipes when they have been disconnected, or to turn water off or on any premises at the town's stopcock. (Ord. 70-3 § 10, 1970).

13.04.110 Connection – Permit required – Penalty – Water service from fire hydrant.

A. Any person making connection to or alterations in any pipe whereby water may be drawn from the town's mains, or taking water from any fire hydrant, bibb pipe or fixture of any kind without first having secured a permit for the same from the town clerk, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not less than \$50.00 nor more than \$500.00. All such fines shall revert to the water fund.

B. Any person, business, or agency desiring water service from a fire hydrant, or hose connection, shall first request their use of a hydrant to the public works director, and pay a fee equal to a two-inch basic meter charge plus the water usage charge in effect at the time of hook-up. The town employee shall install a meter on each hydrant prior to any water usage. This subsection does not apply to uses of the fire hydrant by the town fire department. (Ord. 91-15 § 9, 1991; Ord. 70-3 § 11, 1970).

13.04.120 Turn-on – Payment in advance required – Right to turn off – Notice.

Should it be desired to have the water turned on after it has been turned off, or where new services have been put in and the plumbing is completed, charges for the remainder of the month must be paid in advance, upon payment of which the water will be turned on. The town shall have the right at any time to shut off the water service to any premises on which there are situated leaky faucets, closets or other fixtures after notice to such property owner given 24 hours in advance. (Ord. 70-3 § 12, 1970).

13.04.130 Discontinuance – Short term – Procedure.

Should it be desired to discontinue the use of water supplied to vacant premises for a period of not less than 30 days, notice in writing must be given to the town clerk. The water will then be turned off and turned on again upon proper application and payment of a \$25.00 charge, but no remission of charges will be made for a period of less than 30 days or without the notice prescribed in this section. (Ord. 91-15 § 10, 1991; Ord. 70-3 § 13, 1970).

13.04.140 Shut-off – Town rights and responsibilities.

A. The water may, at any time, be shut off from the mains, without notice, for repairs, extensions or other necessary purposes, and the town shall not be responsible for the safety of boilers supplied by direct pressure from the mains or otherwise on the premises of any water consumer. Persons having boilers supplied by direct pressure from the mains are cautioned against danger of explosion or collapse, and where meters are in use or to be used on such service, a safety valve shall be placed between the boiler on such service and the meter, at the owner's expense, and such person shall be held responsible to the town for any and all damages to meters or injuries to persons caused by hot water.

B. The town will not be responsible for the safety of boilers or other fixtures on the premises of any water consumer.

C. It shall be the responsibility of the property owner to place on record with the town, life-support equipment data that requires water for its operation or function. The town shall not be responsible for service interruption but shall endeavor to give prior notice if possible. (Ord. 91-15 § 11, 1991; Ord. 70-3 § 14, 1970).

13.04.150 Irrigation or sprinkling – Prohibited during fire.

No person shall use water for irrigation or sprinkling during the progress of any fire in the town, and all irrigation or sprinkling shall be immediately stopped when requested by the fire chief or his designee. (Ord. 91-15 § 12, 1991; Ord. 70-3 § 15, 1970).

13.04.160 Right of access for inspection.

Officers and employees of the town shall have access at all times in the day to all parts of the building in which water may be delivered from the town mains for the purposes of proper inspection after obtaining access by the home owner. (Ord. 91-15 § 13, 1991; Ord. 70-3 § 16, 1970).

13.04.170 Extra connections – Charge.

Extra connections from the town shall be charged the regular rate for the time such service is used. An additional service connection charge shall be made for such additional service connections. (Ord. 91-15 § 14, 1991; Ord. 70-3 § 17, 1970).

13.04.180 Water main extensions – Fees.

All water main extensions financed by other than town funds must have the design plans approved by the town. Plan review fees will be at \$25.00 per hour and/or actual cost of consulting engineer fees, if required by the public works director. Field inspection fees will be at the rate of one-half of one percent of actual construction bid costs or \$100.00 whichever is greater, but in any event not less than \$25.00. (Ord. 91-15 § 15, 1991; Ord. 78-8 § 14, 1978; Ord. 70-3 § 19, 1970).

13.04.190 Extension, repair or replacement of distribution mains within town limits.

Whenever there is need for extension, repair or replacement of distribution mains, the following methods are available:

- A. Formation of a local improvement district as set forth in the Revised Code of Washington;
- B. Private funding with the option of latecomer agreement;
- C. Other funding methods allowed by law and approved by the town council.

Before connecting such pipe with the municipal water system, the property owner to be supplied by such extension shall execute a bill of sale to the town for the water main and appurtenances together with an easement, if required by the town, for the water main and appurtenances. The charges

shall include assessments in lieu of LID, charges under latecomer agreements, permit fees, system buy-in charges, inspection fees and any additional fees imposed by the town. (Ord. 91-15 § 16, 1991; Ord. 70-3 § 20, 1970).

13.04.200 Meters – Testing procedures and charges.

In the event of the meters getting out of order and failing to properly register the amount of water used, the property owner shall be charged at the average rate of monthly consumption as shown by the meter when in order. When the property owner requests that the meter be checked for errors the town may replace the meter with another meter. The meter that was replaced may be tested by the town or may be taken out of service. (Ord. 91-15 § 25, 1991; Ord. 70-3 § 21, 1970).

13.04.210 Fire hydrant – Operation restrictions.

It is unlawful for any person, other than properly authorized employees of the town or members of the fire department, to operate fire hydrants and hose outlets unless permission has first been granted by the public works department and proper arrangements have been made with the clerk for payment of the water to be used. (Ord. 91-15 § 18, 1991; Ord. 70-3 § 22, 1970).

13.04.220 Fire hydrant – Operation by inspector – Costs borne.

When it is deemed necessary by the public works department, the town will furnish an inspector to operate a fire hydrant or hose connection to avoid damage and to obtain the necessary information for computing the volume of water consumed. The expense for the services of the inspector and equipment furnished shall be paid by the applicant, and in no case shall the charge be less than \$35.00. (Ord. 91-15 § 19, 1991; Ord. 70-3 § 23, 1970).

13.04.230 Connections outside of town limits.

Whenever any one or more persons outside the corporate limits of the town, not already furnished with water by the town, desires the system to be extended so as to furnish any premises with water which are not already connected with the system, such person or persons shall apply to the town to have such water service so extended by the applicant. Such application shall designate the premises to be supplied and the number of services desired, together with the plans and specifications for the extension. In addition, if the area to be served can-

not be legally annexed to the town, the property owner desiring service shall complete an out-of-town water user agreement and enter into a developer's water extension agreement per this code if the extension requires any additional mains prior to the issuance of any permit. The connection charges outside the corporate limits of the town shall include permit fees, system fee, meter installation charges, inspection fees, and shall be at the same rates, fees and charges as within the corporate limits of the town plus a 50 percent surcharge. The monthly water rates charged to water users outside the corporate limits of the town shall be the same as for users residing within the town. (Ord. 91-15 § 17, 1991; Ord. 70-3 § 24, 1970).

13.04.235 Fire hydrant – Monthly rates for water consumption.

The monthly rate for water consumed from fire hydrants shall be the same as for a two-inch meter as set forth by town resolution. The user shall be billed for the service until the town is notified in writing that the service is to be discontinued. (Ord. 91-15 § 20, 1991).

13.04.240 Piling rubbish on meters prohibited.

All persons are prohibited from piling rubbish of any kind on water meters and covers so as to prevent free access thereto by employees of the public works department. (Ord. 91-15 § 21, 1991).

13.04.250 Fire protection service – Standby charges.

The monthly rate for water supplied for the purpose of building sprinkler systems and fire hydrants on private property shall be set by resolution of the town council. (Ord. 91-15 § 22, 1991).

13.04.260 Fire protection service – Equipment installation and maintenance.

A. Pipes for fire protection purposes must be fitted with such fixtures only as are needed for fire protection and such fixtures shall be sealed by the fire marshal, and in no case shall such seal be broken, except in case of fire or by the fire chief for the purpose of testing the pipes, fixtures or hose.

B. When seals are broken in case of fire, it shall be the duty of the owner or tenant of the premises to notify the fire marshal within 24 hours after its occurrence, and the seal shall be replaced by the fire marshal.

C. Violation of this section shall be deemed a misdemeanor. All fines collected shall be placed to the credit of the water/sewer operating fund.

D. No domestic water services shall be allowed to be connected to a dead-end water main that is designed to be installed on private property for fire protection. All domestic water services shall be connected to the water system within the road rights-of-way unless approved by the public works director. (Ord. 91-15 § 23, 1991).

13.04.270 Meter installation – Town's rights – Costs.

The right is reserved to the town through its public works director to place a town water meter on any service for the purpose of measuring the water used on the premises by such service, and payment for installation and water used shall be made by the property owner in the manner as prescribed in this chapter. (Ord. 91-15 § 24, 1991).

13.04.280 Meter rates for water services within the town limits.

The rates for water service within the town limits shall be set from time to time by town resolution. (Ord. 91-15 § 26, 1991).

13.04.290 Irrigation water service meter charges.

Users with water service meters for landscape irrigation only shall not be charged from November 1st through April 30th unless the meter shows usage during such months; in which event, a charge shall be made for the billing period in which the water was used. (Ord. 91-15 § 27, 1991).

13.04.300 Violation – Penalty – Additional liability.

Any knowing violation of the provisions of this chapter or any knowing failure to comply with the requirements of this chapter or any of the provisions of any other ordinances of the town relating to water regulations, shall be a misdemeanor and any person, firm or corporation found guilty thereof shall be punished by a fine not to exceed \$500.00 or imprisonment in jail not to exceed 90 days, or both such fine and imprisonment, and the water shall be turned off and remain so until the penalty and all other charges due are paid; provided, that the penalties shall not apply to violations of sections of the water ordinances of the town of which specific penalties have been provided. In addition thereto, any person violating any of the provisions of this chapter shall be liable to the town for any expense, loss or damage occasioned by the town by reason of such violation. (Ord. 91-15 § 28, 1991).

Chapter 13.06

WATER CONSERVATION PROGRAM

Sections:

- 13.06.010 Declaration of purpose.
- 13.06.020 Level I water supply problem.
- 13.06.030 Level II water supply problem.
- 13.06.040 Level III water emergency.
- 13.06.050 Nonessential residential uses.
- 13.06.060 Nonessential commercial or industrial uses.
- 13.06.070 Service disconnections.
- 13.06.080 Variances.

13.06.010 Declaration of purpose.

The conservation and efficient use of water is found and declared to be a public purpose of highest priority. It will result in preservation of natural resources, enhancement of public health, safety and welfare, and a reduction in public costs for the construction of enlarged water and sewer facilities. (Ord. 2003-10, 2003).

13.06.020 Level I water supply problem.

At the discretion of the mayor for the town of Eatonville, a "level I" water supply problem may be declared. During a level I water supply problem, the administrator may request voluntary water conservation measures by notice to and education of the customers of the Eatonville water utility, particularly with regard to "nonessential uses." (Ord. 2003-10, 2003).

13.06.030 Level II water supply problem.

In the event of a system failure or other situation in which water usage exceeds the rate of resupply, the administrator may declare a level II water supply problem. During a level II water supply problem, the mayor shall implement voluntary water conservation measures, up to and including reduced or altered lawn water schedules. (Ord. 2003-10, 2003).

13.06.040 Level III water emergency.

In the event of a system failure or other situations in which the water supply fails to meet the demand for water, and voluntary conservation measures remain ineffective or would be expected to be inadequate, the mayor may request a declaration by the Eatonville town council that during a level III water emergency, no person or customer shall sprinkle, water, or irrigate any shrubbery, trees, lawns, grass, ground covers, plants, vines,

gardens, vegetables, flowers, or any other vegetation, except as authorized by council declaration. In addition, no person or customer shall cause or permit water to run to waste in any gutter or drain. (Ord. 2003-10, 2003).

13.06.050 Nonessential residential uses.

The following residential water uses are hereby determined to be nonessential and are prohibited during a level III water emergency:

A. The use of water to wash any motorbike, motor vehicle, boat trailer, trailer, airplane, or other vehicle, except at a commercial self-contained washing facility.

B. The use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts or other hard-surfaced area, or building or structure.

C. The use of water to fill, refill or add to any indoor or outdoor swimming pools or jacuzzi pools except for neighborhood fire control, where the pools have recycling water systems and evaporative covers, or where the use of the pool is required by a medical doctor's prescription.

D. The use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support fish life. (Ord. 2003-10, 2003).

13.06.060 Nonessential commercial or industrial uses.

The following commercial or industrial water uses are hereby determined to be nonessential and are prohibited during a level III water emergency:

A. The use of water to serve a customer in a restaurant unless required by the customer.

B. The use of water for scenic and recreational ponds or lakes, except for the minimum amount required to support fish life.

C. The use of water from hydrants for fire drills, or any purpose other than fire fighting.

D. The use of water by a golf course to irrigate any portion of its ground except those areas designated as tees and greens.

E. The use of water for dust control. (Ord. 2003-10, 2003).

13.06.070 Service disconnections.

If the administrator determines that any customer has failed to comply with any provisions of this chapter relating to a level III water emergency, then one written warning notice shall personally be delivered to a responsible occupant of the customer's residence. If there is no responsible occupant present, then the notice shall be posted at the

front entrance of the residence. If the customer fails to respond to the notice within the time limit set forth therein, then the administrator may authorize disconnection of the customer's water service. Service so disconnected shall be restored only upon payment of a turn-on charge, hereby fixed at \$25.00 during office hours, and \$100.00 after office hours, or as otherwise specified by law, and any other costs incurred by the town of Eatonville in the discontinuance of service, and the giving of suitable assurance to the town of Eatonville that the action causing the discontinuance will not be repeated.

In addition to the foregoing, the town of Eatonville may, prior to restoration of service, install a flow-restrictive device on the customer's service. The flow-restrictive device shall be removed at the expiration of the level III water emergency, and may be removed earlier at the discretion of the administrator upon petition of the customer. (Ord. 2003-10, 2003).

13.06.080 Variances.

The administrator may, in writing, grant temporary variances for the prospective uses of water otherwise prohibited after determining that due to unusual circumstances failure to grant such variance would cause an emergency condition affecting health, sanitation, or fire protection of the applicant of the public.

A. The town council shall ratify or revoke any such variances at its next scheduled meeting. Any variances so ratified may be revoked by later action of the town council.

B. No variance shall be retroactive otherwise justifies any violation of this chapter occurring prior to issuance of said temporary variance. (Ord. 2003-10, 2003).

Chapter 13.08

WATER MAIN EXTENSIONS

Sections:

13.08.010 Water main extensions – Procedure.

13.08.010 Water main extensions – Procedure.

All water main extensions shall be applied for, designed, installed, constructed, inspected, and approved in accordance with the "Town of Eatonville Public Works Development and Construction Standards," as time to time amended by the public works director. A copy of the current standards shall be on file with the town clerk. (Ord. 91-16 § 2, 1991).

Chapter 13.10

WATER SYSTEM CROSS-CONNECTIONS

Sections:

- 13.10.010 Definitions.
- 13.10.020 Purpose.
- 13.10.030 Administration and enforcement.
- 13.10.040 Inspection of premises.
- 13.10.050 Design standards.
- 13.10.060 Backflow prevention devices.

13.10.010 Definitions.

For purposes of this chapter:

A. "Consumer" means an individual dwelling unit or individual business which receives water through an individual meter or master meter.

B. "Council" means the town council of the town of Eatonville.

C. "Mains" means water lines designed or used to serve more than one premises.

D. "Person," "customer," "owner" and "occupant" means and includes natural persons of either sex, associations, copartnerships and corporations whether acting individually or by a servant, agent or employee; the singular number shall be held to include the plural and the masculine pronoun to include the feminine.

E. "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. Subdivisions of such use or responsibility shall constitute a division into separate premises as herein defined.

F. "Standard specifications" means the specifications set forth in the current volume of Standard Specifications for Road, Bridge, and Municipal Construction prepared and distributed jointly by the Washington State Department of Transportation (WSDOT) and by the Washington State Chapter of the American Public Works Association (APWA) and the current "Standards" of the American Water Works Association (AWWA).

G. "Superintendent" means the person duly appointed by the mayor of the town as the superintendent of the water department and is in responsible charge of all day-to-day activities.

H. "Town" means the town of Eatonville, Washington, or as indicated by the context, may mean the water department, water superintendent, clerk-treasurers, engineer or other employee or agent representing the town in the discharge of his duties.

I. "Town engineer" means the professional engineer regularly employed or retained by the town.

J. "Residential water service" means domestic water service (including lawn and garden sprinkling) provided to a residential living unit.

K. "Commercial water service" means water service provided to premises utilized for business or industrial purposes. (Ord. 90-12 § 1, 1990).

13.10.020 Purpose.

A. The purpose of this chapter is to protect the water supply of the town from contamination or pollution from potential cross-connections.

B. The installation or maintenance of any cross-connections which would endanger the water supply of the town is prohibited. Any such cross-connection now existing or hereafter installed is declared unlawful and shall be abated immediately. (Ord. 90-12 § 2, 1990).

13.10.030 Administration and enforcement.

The superintendent is charged with the administration and enforcement of this chapter. Water service to any premises served by the town water system may be discontinued for any violation or abridgement of the provisions of this chapter after due notice thereof. (Ord. 90-12 § 3, 1990).

13.10.040 Inspection of premises.

Authorized employees of the water department, properly identified, shall have free access at reasonable hours of the day, to all premises served by the town water system for the purpose of ascertaining conformity to this chapter. (Ord. 90-12 § 4, 1990).

13.10.050 Design standards.

Design standards shall be adopted from time to time by the council upon the recommendation of the water superintendent and the town engineer and three copies of the same shall be maintained on file at the office of the town clerk. (Ord. 90-12 § 5, 1990).

13.10.060 Backflow prevention devices.

A. The council may require the installation of backflow prevention devices on any premises being serviced by the water system when in the judgment of the council, acting upon the advice and recommendation of the town engineer, the nature and extent of activities on the premises or materials stored on the premises would present an immediate and dangerous hazard to health should a

cross-connection occur. The cost of such devices and the installation thereof shall be borne by the owner of the premises affected. The control or elimination of cross-connections shall be in accordance with the Cross Connection Control Regulation in Washington State (Rules and Regulations of the State Board of Health Regarding Public Water Supplies, WAC 248-54-285). The policies, procedures, and criteria for determining appropriate levels of protection shall be in accordance with the Accepted Procedure and Practice in Cross-Connection Control Manual – Pacific Northwest Section – American Waterworks Association, Fourth Edition, or any superseding edition.

B. Water service to any premises shall be contingent upon the customer providing cross-connection control in a manner approved by the town.

C. Backflow devices required to be installed shall be a model acceptable to the Washington State Department of Health. (Ord. 90-12 § 6, 1990).

Chapter 13.11

FIRE HYDRANTS

Sections:

- 13.11.010 Purpose.
- 13.11.020 Definitions.
- 13.11.030 General applicability.
- 13.11.040 Procedures for compliance.
- 13.11.050 Water system requirements.
- 13.11.060 Fire hydrant requirements.
- 13.11.070 Purveyor requirements.
- 13.11.080 Industrial and commercial area requirements.
- 13.11.090 Compliance.
- 13.11.100 Waivers.
- 13.11.110 Exemptions.

13.11.010 Purpose.

The purpose of this chapter is to better protect the residents, inhabitants, commercial developments and industrial developments in the town against the dangers of fire. (Ord. 91-17 § 1, 1991).

13.11.020 Definitions.

The words and phrases used in this chapter shall have the following meanings:

A. "Agricultural building" means a structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are used by the public.

B. "Board of appeals" means the town council.

C. "Building valuation data" means the building standards issued monthly by the International Conference of Building Officials.

D. "Commercial areas" means any area proposed to be developed with buildings or structures other than family dwellings.

E. "Dead-end main" means a water main over 50 feet long and not being fed from both ends at the time of the installation.

F. "Family dwelling" means a building under one roof which accommodates not more than two families.

G. "Fire department" means the fire authority normally responsible for fire protection in the area.

H. "Fire flow" means the minimum flow of water required for fighting a fire at a specific building, development or within a specific area. The minimum flows shall be determined by the fire marshal based on the criteria set forth in the insur-

ance service office guide for determination of required fire flow (current edition).

I. "Fire hydrant" means a mechanical device which is self-draining and frost-free and is constructed to provided the required fire flow for the area served. The fire hydrant must be approved by the town's department of public utilities.

J. "Fire marshal" means the building official of the town.

K. "Flush-type hydrant" means a hydrant that is installed entirely below the grade.

L. "Gpm" means gallons per minute.

M. "IBC" means the International Building Code as adopted by the town.

N. "IFC" means the International Fire Code as adopted by the town.

O. "Industrial area" means an area developed with uses first permitted in zone classifications I (industrial) or subareas of A-D (airport district).

P. "I.S.O." means the insurance service office pamphlet entitled "Guide for Determination of Required Fireflow," current edition.

Q. "Private hydrant" means a fire hydrant situated and maintained to provide water for firefighting purposes. The location shall be such that it is readily accessible for immediate use by the fire department.

R. "Public fire protection" means the current edition of the pamphlet entitled "Public Fire Protection" published by the Washington Surveying and Rating Bureau.

S. "Public hydrant" means a fire hydrant so situated and maintained as to provide water for firefighting purposes without restrictions as to its use for the purpose of firefighting. The location is such that it is accessible for immediate use of the fire department.

T. "Purveyor" means the federal agency, state agency, county agency, city/town, municipal corporation, partnership, district, institution, person or persons owning or operating a public water system or the authorized agent.

U. "Substantial alteration" means any alteration, remodeling or structural change, with a total cost of 25 percent or more, of the current assessed valuation of the building. Substantial alterations will be cumulative over a five-year period. When the cumulative alteration costs reach 25 percent or more of the building's current assessed valuation, the building shall meet all water flow requirements.

V. "Travel distance" means that measurements are made by the route the fire engine would travel.

W. “Water main” means the piping used to deliver fire flows intended for fire protection in amounts as required by this chapter. (Ord. 91-17 § 2, 1991).

13.11.030 General applicability.

Except as exempted in this chapter, the following shall be subject to the minimum flow and fire hydrant requirements:

- A. New commercial and industrial structures;
- B. Subdivisions and/or short subdivisions;
- C. Substantial alterations or additions to existing commercial or industrial structures;
- D. New water systems, replacements or new extension to existing systems shall comply with the town’s comprehensive water plan and water construction standard;
- E. Changing of occupancy of an existing building to a higher classification;
- F. A new residential building. (Ord. 91-17 § 3, 1991).

13.11.040 Procedures for compliance.

The following shall be required of all subdivisions, short subdivisions, and commercial and industrial areas:

- A. The water main to be installed shall meet the requirements of the town’s comprehensive water plan.
- B. Water system plans shall be approved in writing by the public works director and/or the town engineer, and shall be inspected by the same.
- C. The approved water system must be installed prior to the issuance of a building permit. The requirement may be waived if a bond or other surety is posted and approved prior to the issuance of the building permit. The amount of the bond or other surety shall be determined by the purveyor supplying the water. The type of bond, or other surety, and the form thereof shall be approved by the town attorney and filed with the clerk prior to issuance of the building permit. The water system, fire hydrants and fire flows shall be installed and approved prior to issuance of the occupancy permit. (Ord. 91-17 § 4, 1991).

13.11.050 Water system requirements.

- A. The insurance service office pamphlet, current edition, shall be used as the standard for the amount of fire flow that is required.
- B. New or replaced water mains shall be installed or replaced in accordance with the town’s comprehensive water plan. In areas not covered by the town’s comprehensive water plan, new or

replaced water main sites shall be determined by the director of public works and/or the town engineer. In cul-de-sacs, an eight-inch main need only extend to the last required fire hydrant, and normal domestic lines may be installed thereafter to the remaining residences. (Ord. 91-17 § 5, 1991).

13.11.060 Fire hydrant requirements.

- A. Standard fire hydrants shall have no less than five-inch main valve openings (MVO) with two-and-one-half-inch outlet ports and a four-and-one-half-inch steamer outlet. All ports shall have national standard threads that meet the approval of the affected fire department. Fire hydrants shall meet AWWA standards for private fire hydrants.
- B. Fire hydrants shall stand plumb and be set to the finished grade. The bottom of the lowest outlet of the fire hydrant shall be no less than 18 inches above the grade. The area around the fire hydrant shall be free of obstructions which would prevent adequate access to and use of the fire hydrant. Where the street cannot be clearly defined or recognized, the steamer port shall face the most likely route of approach by fire apparatus.
- C. Fire hydrants shall not be obstructed by any structure, vegetation or have the visibility impaired for a distance of 50 feet in the direction of the vehicular approach to the fire hydrant. Blue reflectors in the street are also required to help locate the hydrant in the dark by the lights of the fire truck.
- D. Fire hydrants are to be accessible for fire department pumps.
- E. Fire hydrants subject to vehicular damage (e.g., those located in parking lots) shall be adequately protected.
- F. Table A, as set forth in this subsection, specifies the maximum allowable distance which buildings shall be from a fire hydrant:

Type of Development	Hydrant Spacing Maximum (in feet)	Distance to Structure Maximum (in feet)
Subdivisions and short subdivisions – limited to family dwellings	660	350
Multiple dwelling-low density – 12 or less units per acre	500	250

Commercial and multiple dwelling – high density – more than 12 units per acre	400	200
Industrial, hospitals, shopping centers, schools, areas of more than 20 commercial establishments	300	150

G. When the center of a building to be protected is greater than the maximum travel distance from the structure to a fire hydrant, on-site fire hydrants shall be installed.

H. Location of the fire hydrants shall be determined by the fire marshal, and/or fire chief.

I. The location of all water mains, fire hydrants and valves to be installed shall be properly and accurately marked on identifiable plans or drawings. Four copies of all plans and drawings shall be furnished to the town building department.

J. All fire hydrants must be approved by the appropriate water authority prior to installation and shall be the brands required by the town.

K. The installation of all fire hydrants and their attendant water system connections shall conform to the design standards and specifications promulgated by the appropriate water authority. (Ord. 91-17 § 6, 1991).

13.11.070 Purveyor requirements.

All purveyors shall continuously supply water at or above the minimum flow requirements specified in this chapter; provided, that the purveyor need not comply with these regulations in the event of vandalism, acts of God, loss of power and temporary shutdown for repairs and/or replacement. (Ord. 91-17 § 7, 1991).

13.11.080 Industrial and commercial area requirements.

The requirement stated in this section applies to all commercial and industrial areas: When the required fire flow exceeds 2,000 gpm, additional fire hydrants shall be required. Fire hydrants shall be served on the property by an eight-inch or larger water main. (Ord. 91-17 § 8, 1991).

13.11.090 Compliance.

If there is a conflict between the provisions of this chapter and any other ordinance or code of the town, then the most stringent requirements shall apply. (Ord. 91-17 § 9, 1991).

13.11.100 Waivers.

Some of the requirements of this chapter may be waived and/or alternate procedures approved by the fire marshal, if the alternate procedure will not result in an unreasonable risk to persons or property. All waivers and alternate procedures shall be in writing; the reasons shall be given for each; a copy shall be placed in a waiver notebook; a copy shall be mailed to the appropriate fire chief; and a copy shall be given to the board of appeals. (Ord. 91-17 § 10, 1991).

13.11.110 Exemptions.

The following may be exempt from these regulations: a single-family dwelling or duplex that is built upon a single lot which is not constructed for the purpose of sale or rental. To apply for this exemption, the owner must indicate in a letter the reasons for the request for exemption and distance to the nearest water main. The owner shall sign an agreement with the town to participate in an ULID or LID or pay a fair share of any water main to be placed in the future in his area and hold the town harmless. (Ord. 91-17 § 11, 1991).

Chapter 13.13

AGREEMENTS WITH OWNERS OF REAL ESTATE FOR WATER OR SEWER FACILITIES

Sections:

- 13.13.010 Latecomer agreements authorized.
- 13.13.020 Notice required.
- 13.13.030 Approval by the town council.
- 13.13.040 Provisions required in agreement.

13.13.010 Latecomer agreements authorized.

The town is hereby authorized to contract with the owners of real estate in the manner provided in Chapter 35.91 RCW, the Municipal Water and Sewer Facilities Act. (Ord. 90-29 § 1, 1990).

13.13.020 Notice required.

The owner desiring to contract with the town shall notify the mayor in writing at least 30 days prior to construction of the facilities of his intent to enter into a latecomer agreement with the town. The notice shall contain the following information:

- A. The description of the facilities to be installed;
- B. The legal and general description of the area where the facilities are to be installed and a map showing the location thereof;
- C. The cost estimate of the facilities. (Ord. 90-29 § 2, 1990).

13.13.030 Approval by the town council.

A. The owner shall submit the final construction costs to the mayor within 60 days from the date of final approval of the construction by the town. The matter shall then be submitted to the town council, which shall have authority to approve or disapprove entering into the latecomer agreement with the owner. If the project is approved for a latecomer agreement by the town council, the town shall have 90 days thereafter to finalize the agreement.

B. In the event the owner fails to comply with any of the time limitations set forth in this chapter, then the owner shall have waived his right to enter into a latecomer agreement with the town. (Ord. 90-29 § 3, 1990).

13.13.040 Provisions required in agreement.

The latecomer agreement shall be approved as to form by the town attorney and shall contain the following provisions:

A. The latecomer agreement shall be in effect for a period of up to 15 years from the date thereof.

B. The town shall have sole authority to determine the fair pro rata share of the cost of construction to be collected from latecomers for reimbursement to the owner.

C. In addition to the amounts agreed to be collected by the town, the town shall charge a sum equal to 15 percent of the agreed amount to defray the cost of labor, bookkeeping and accounting.

D. The ownership of all water and sewer main lines shall be conveyed to the town and any water or sewer line installation on private property shall be conveyed with an appropriate easement in a form acceptable to the town. All deeds and easements for the main lines shall be submitted to the town within 60 days of the completion of construction. (Ord. 90-29 § 4, 1990).

Chapter 13.14**SANITARY SEWER AND WASTE DISPOSAL**

Sections:

- 13.14.010 Definitions.
- 13.14.020 Deposit of objectionable waste upon public or private property.
- 13.14.030 Unlawful discharge of polluted substances into natural outlets.
- 13.14.040 Unlawful use or construction of private sewage disposal systems.
- 13.14.050 Connection of sanitary sewer/wastewater disposal facilities required by owner.
- 13.14.060 Private wastewater disposal systems – Requirements generally.
- 13.14.070 Building sewer – Connection permits – Required.
- 13.14.080 Building sewer – Connection permits – Inspection – Fees.
- 13.14.090 Building sewer – Owner responsible for installation and connection costs.
- 13.14.100 Building sewer – Separate and independent connections required – Exception.
- 13.14.110 Building sewer – Use of old sewers – Inspection – Costs.
- 13.14.120 Building sewer – Construction requirements.
- 13.14.130 Building sewer – Elevation requirement.
- 13.14.140 Building sewer – Surface drainage disposal.
- 13.14.150 Building sewer – Connection to public sewer.
- 13.14.160 Building sewer – Applicant to notify superintendent for inspection and connection.
- 13.14.170 Building sewer – Excavations for installation.
- 13.14.180 Discharge of unpolluted waters to sanitary sewer prohibited.
- 13.14.190 Use of storm sewers.
- 13.14.200 Public sewers – Prohibited discharges.
- 13.14.210 Restrictions on concentrations and quantities of waste discharged to sanitary sewer.
- 13.14.220 Alternatives to acceptance of waste prohibited in EMC 13.14.210.
- 13.14.230 Grease, oil and sand separators.
- 13.14.240 Pretreatment or flow-equalizing facilities – Maintenance by owner.
- 13.14.250 Installation of structure for testing of industrial waste when carried by building sewer.
- 13.14.260 Users required to provide information to determine compliance with chapter provisions.
- 13.14.270 Measurements, tests, and analyses – Standards.
- 13.14.280 Special agreements between town and industrial concern for treatment of unusually strong waste.
- 13.14.290 Destruction or defacement of wastewater equipment or structures prohibited.
- 13.14.300 Inspectors – Right of entry to premises.
- 13.14.310 Inspectors – Authority to obtain information concerning industrial processes.
- 13.14.320 Inspectors – Liability of town for personal injury or property damage.
- 13.14.330 Inspectors – Entry and work on private property when easement granted.
- 13.14.340 Granting of variance to existing buildings required to hook up to sewer system.
- 13.14.345 Sewer extension – New and existing lots/buildings.
- 13.14.350 Damaging or tampering with system prohibited.
- 13.14.360 Discharging septic tank waste into system prohibited.
- 13.14.370 No vested sewer discharge rights.
- 13.14.380 Charges, rates and fees.
- 13.14.390 Connection – Permit – Application – Conditions – Charge.
- 13.14.400 Fees received – Disposition of funds.
- 13.14.410 Connection – Payment of fees – Required for LID No. 16.
- 13.14.420 Delinquent charges – Interest.
- 13.14.430 Lien – Enforcement – Alternative method.
- 13.14.440 Sewer account – Change of ownership – Notice.
- 13.14.450 Sewer bills – When due – Penalty.
- 13.14.460 Sewer bills – Enforcement of collections.
- 13.14.470 Sewer main extensions – Plans and fees required when.
- 13.14.480 Service connections outside town – Rates and charges.
- 13.14.490 Connections within town limits.
- 13.14.500 Failure to connect building sewer – Town to perform work when – Costs.

- 13.14.510 Use restrictions.
- 13.14.520 Public works water development and construction standards.
- 13.14.530 Violation – Penalty – Additional remedies.

13.14.010 Definitions.

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

1. “Biochemical oxygen demand” (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees centigrade, expressed in milligrams per liter.
2. “Building drain” means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the innerface of the building wall.
3. “Building sewer” means the extension from the building drain to the public sewer or other place of disposal, also called house connection.
4. “Combined sewer” means a sewer intended to receive both wastewater and stormwater or surface water.
5. “Easement” means an acquired legal right for the specific use of land owned by others.
6. “Engineer” means the town engineer, a licensed professional engineer appointed by the mayor and duly authorized to act on behalf of the town.
7. “Floatable oil” is 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.
8. “Garbage” means the animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.
9. “Industrial wastes” means the wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.
10. “Natural outlet” means any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface water or groundwater.
11. “May” is permissive (see “shall”, subsection 19 of this section).

12. “Person” means any individual, firm, company association, society, corporation or group.

13. “pH” means the logarithm to the base 10, of the reciprocal 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 7 and a hydrogen-ion concentration of 10^{-7} .

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

15. “Public sewer” means a common sewer controlled by a governmental agency or public utility.

16. “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 groundwaters, stormwaters and surface waters that are not admitted intentionally.

17. “Sewage” is the spent water of a community. The preferred term is “wastewater,” as defined in subsection 25 of this section.

18. “Sewer” means a pipe or conduit that carries wastewater or drainage water.

19. “Shall” is mandatory (see “may,” subsection 11 of this section).

20. “Slug” means any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

21. “Storm drain,” sometimes termed “storm sewer,” means a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

22. “Public works director” means the director of public works or the superintendent of wastewater facilities, and/or of wastewater treatment works, and/or of water pollution control of the town, or their authorized deputy, agent, or representative.

23. “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.

24. “Unpolluted water” is water of quality equal to or better than the 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.

25. “Wastewater” means the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and stormwater that may be present.

26. “Wastewater facilities” means the structures, equipment and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

27. “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 “water pollution control plant”. (Ord. 91-28 § 1, 1991; Ord. 78-18 Art. 1, 1979).

13.14.020 Deposit of objectionable waste upon public or private property.

It is unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the town or in any area under the jurisdiction of the town, any human or animal excrement, garbage, or objectionable waste. (Ord. 78-18 Art. 2 § 1, 1979).

13.14.030 Unlawful discharge of polluted substances into natural outlets.

It is unlawful to discharge to any natural outlet within the town, 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 subsequent provisions of this chapter. (Ord. 78-18 Art. 2 § 2, 1979).

13.14.040 Unlawful use or construction of private sewage disposal systems.

Except as hereinafter provided, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater. (Ord. 78-18 Art. 2 § 3, 1979).

13.14.050 Connection of sanitary sewer/wastewater disposal facilities required by owner.

The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes including commercial and industrial business and buildings that generate wastewater situated within the town and abutting on any street, alley, easement or right-of-way in which there is located a public sanitary sewer of the town is required at the owner’s expense, to connect any and all wastewater and toilet facilities directly with the proper public sewer in accordance with the provisions of this chapter and the public works development and construction standards within 90 days after date of official notice to do so; provided, that the public sewer is within 100 feet (30.5 meters) of the property line. (Ord. 93-02 § 4, 1993; Ord. 91-28 § 2, 1991; Ord. 78-18 Art. 2 § 4, 1979).

13.14.060 Private wastewater disposal systems – Requirements generally.

A. Where a public sanitary or combined sewer is not available under the provisions of EMC 13.14.050, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section.

B. Before commencement of construction of a private wastewater disposal system, the owner shall first obtain a written permit from the town’s designated health agency, which presently is Pierce County health department, and submit the same to the town’s public works director for his approval. The owner shall abide by all the rules and regulations of the county health department and the town regarding the placement, construction, operation and maintenance of such private wastewater disposal system. In addition, the owner is required to enter into an agreement with the town that requires him not to protest the formation of a LID which would encompass his property for sewer purposes; to pay his proportionate share of the cost of extending sewers (pursuant to any sewer extension agreement extending the sewers) that will come within 100 feet of his property; and will extend such sewer line to the end of his property; and will connect at such time, paying the required hookup and system fees. Any sewer agreement signed pursuant to this section shall be recorded with the Pierce County auditor and shall be binding on the owners heirs and assigns and run with the land.

C. The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary

and proper operating manner at all times at no expense to the town.

D. No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the health department. (Ord. 93-2 § 5, 1993; Ord. 91-28 §§ 3, 20, 1991; Ord. 78-18 Art. 3, 1979).

13.14.070 Building sewer – Connection permits – Required.

No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the superintendent. (Ord. 78-18 Art. 4 § 1, 1979).

13.14.080 Building sewer – Connection permits – Inspection – Fees.

A. The owner(s) or his agent shall make application to connect to the public sewer on a special form furnished by the town. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the public works director.

B. A permit and inspection fee for a residential, commercial or industrial building shall be paid to the town at the time the application is filed as set forth by town resolution.

C. Charges and rates for sewage as permitted by Chapter 35.67 RCW shall be set by resolution of the town council.

D. Sewer system fees and sewer hookup fees shall be set by resolution of the town council. (Ord. 93-03 § 1, 1993; Ord. 93-02 § 8, 1993; Ord. 91-28 § 4, 1991; Ord. 78-18 Art. 4 § 2, 1979).*

*Editor's note: Ord. 91-28 had two sections numbered "4." The other is codified at EMC 13.14.110.

13.14.090 Building sewer – Owner responsible for installation and connection costs.

All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. (Ord. 78-18 Art. 4 § 3, 1979).

13.14.100 Building sewer – Separate and independent connections required – Exception.

A separate and independent building sewer shall be provided for every building; except, where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the front building may be extended to the rear building and the whole considered as one building sewer, but the town does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned. (Ord. 78-18 Art. 4 § 4, 1979).

13.14.110 Building sewer – Use of old sewers – Inspection – Costs.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the public works director to meet all requirements of this chapter. The owner shall pay the costs associated with the examination and tests. (Ord. 91-28 § 4, 1991; Ord. 78-18 Art. 4 § 5, 1979).*

*Editor's note: Ord. 91-28 had two sections numbered "4." The other is codified at EMC 13.14.080.

13.14.120 Building sewer – Construction requirements.

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply. (Ord. 78-18 Art. 4 § 6, 1979).

13.14.130 Building sewer – Elevation requirement.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer. (Ord. 78-18 Art. 4 § 7, 1979).

13.14.140 Building sewer – Surface drainage disposal.

No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain, for purposes of disposal of surface drainage, which in turn is connected directly or indirectly to a public sanitary sewer, unless such connection is approved in writing by the public works director. If such a connection is discovered, the property owner must disconnect the drain from the sewer within 60 days or the town may shut off water service to the same sewer service site. (Ord. 91-18 § 6, 1991; Ord. 78-18 Art. 4 § 8, 1979).*

*Editor's note: Ord. 91-28 had two sections numbered "6." The other is codified at EMC 13.14.150.

13.14.150 Building sewer – Connection to public sewer.

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code of the town and to "The Town of Eatonville Public Works Development and Construction Standards," as from time to time amended by the public works director, or other applicable rules and regulations of the town, or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the public works director before installation. (Ord. 91-28 § 6, 1991; Ord. 78-18 Art. 4 § 9, 1979).*

*Editor's note: Ord. 91-28 had two sections numbered "6." The other is codified at EMC 13.14.140.

13.14.160 Building sewer – Applicant to notify superintendent for inspection and connection.

The applicant for the building sewer permit shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the superintendent or his representative. (Ord. 78-18 Art. 4 § 10, 1979).

13.14.170 Building sewer – Excavations for installation.

All excavations for building sewer installation shall be adequately guarded with barricades and

lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of work shall be restored in a manner satisfactory to the town. (Ord. 78-18 Art. 4 § 11, 1979).

13.14.180 Discharge of unpolluted waters to sanitary sewer prohibited.

No person(s) shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage, or cooling water to any sewer. (Ord. 91-28 § 21, 1991; Ord. 78-18 Art. 5 § 1, 1979).

13.14.190 Use of storm sewers.

Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the town engineer and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged only by written approval of the public works director or town engineer to a storm sewer or natural outlet. (Ord. 91-28 § 8, 1991; Ord. 78-18 Art. 5 § 2, 1979).

13.14.200 Public sewers – Prohibited discharges.

No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

A. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;

B. Any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant;

C. Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works;

D. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either

whole or ground by garbage grinders. (Ord. 78-18 Art. 5 § 3, 1979).

13.14.210 Restrictions on concentrations and quantities of waste discharged to sanitary sewer.

The following described substances, materials, waters, or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving body of water, or will not otherwise endanger life, limb, public property, or constitute a nuisance. The engineer may set limitations lower than the limitations established in the regulations below if in his opinion such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, the public works director or town engineer will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the public works director or town engineer are as follows:

- A. Wastewater having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius);
- B. Wastewater containing more than 25 milligrams per liter of petroleum oil, non-biodegradable cutting oils, or product of mineral oil origin;
- C. Wastewater from industrial plants and commercial establishments containing floatable oils, fat, or grease;
- D. Any garbage that has not been properly shredded, as defined in EMC 13.14.010(14). Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers;
- E. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the engineer for such materials;

F. Any water or wastes containing odor-producing substances exceeding limits which may be established by the engineer;

G. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the engineer in compliance with applicable state or federal regulations;

H. Quantities of flow, concentrations, or both which constitute a "slug" as defined in EMC 13.14.010(20);

I. 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;

J. Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes. (Ord. 91-28 §§ 9, 10, 1991; Ord. 78-18 Art. 5 § 4, 1979).

13.14.220 Alternatives to acceptance of waste prohibited in EMC 13.14.210.

If any waters or wastes as determined under EMC 13.14.270 are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in EMC 13.14.213, and which in the judgment of the public works director or town engineer may have a deleterious effect upon the wastewater facilities, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the engineer may:

- A. Reject the wastes;
- B. Require pretreatment to an acceptable condition for discharge to the public sewers;
- C. Require control over the quantities and rates of discharge; and/or
- D. Require payment to cover added cost of handling and treating the wastes not covered by existing taxes or sewer charges.

When considering the above alternatives, the public works director or the town engineer shall give consideration to the economic impact of each alternative on the discharger. If the public works director or town engineer permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the public

works director or town engineer. (Ord. 91-28 § 11, 1991; Ord. 78-18 Art. 5 § 5, 1979).

13.14.230 Grease, oil and sand separators.

Grease, oil and sand separators shall be provided when, in the opinion of the public works director or town engineer, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in EMC 13.14.210(C), or any flammable wastes, sand, or other harmful ingredients; except, that such separators shall not be required for private living quarters or dwelling units. All separators shall be of a type and capacity approved by the public works director or town engineer and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these separators, 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 public works director or the town engineer. Any removal and hauling of the collected materials not performed by the owner(s)' personnel shall be performed by currently licensed waste disposal firms. (Ord. 91-28 § 12, 1991; Ord. 78-18 Art. 5 § 6, 1979).

13.14.240 Pretreatment or flow-equalizing facilities – Maintenance by owner.

Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at his expense. (Ord. 78-18 Art. 5 § 7, 1979).

13.14.250 Installation of structure for testing of industrial waste when carried by building sewer.

When required by the public works director or the town engineer, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure, together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such structure, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the public works director or the town engineer. The structure shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times. (Ord. 91-28 § 13, 1991; Ord. 78-18 Art. 5 § 8, 1979).

13.14.260 Users required to provide information to determine compliance with chapter provisions.

The superintendent and/or engineer may require a user of sewer services to provide information needed to determine compliance with this chapter. These requirements may include:

- A. Wastewaters discharge peak rate and volume over a specified time period;
- B. Chemical analyses of wastewaters;
- C. Information on raw materials, processes, and products affecting wastewater volume and quality;
- D. Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control;
- E. A plot plan of sewers of the user's property showing sewer and pretreatment facility location;
- F. Details of wastewater pretreatment facilities;
- G. Details of systems to prevent and control the losses of materials through spills to the municipal sewer. (Ord. 78-18 Art. 5 § 9, 1979).

13.14.270 Measurements, tests, and analyses – 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 Public Health Association. Sampling methods, location, times, durations, and frequencies are to be determined on an individual basis subject to approval by the engineer. Before any matter of any nature may be discharged into the sewer system, which discharge might reasonably be considered a violation of this chapter, a controlling characteristic of such matter shall be determined to the satisfaction of the public works director. The responsibility of initiating such determination, the costs involved, and of submitting the results of the determination for approval, lie solely with the party or parties desiring to discharge the matter into the sewer system. Verification of these results and the decisions as to whether or not a permit shall be issued shall be the responsibility of the public works director. (Ord. 91-28 § 14, 1991; Ord. 78-18 Art. 5 § 10, 1979).

13.14.280 Special agreements between town and industrial concern for treatment of unusually strong waste.

No statement contained in EMC 13.14.180 through 13.14.270 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. 78-18 Art. 5 § 11, 1979).

13.14.290 Destruction or defacement of wastewater equipment or structures prohibited.

No person(s) shall maliciously, wilfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities. Any person(s) violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (Ord. 78-18 Art. 6 § 1, 1979).

13.14.300 Inspectors – Right of entry to premises.

The superintendent and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to the community system in accordance with the provisions of this chapter. (Ord. 78-18 Art. 7 § 1, 1979).

13.14.310 Inspectors – Authority to obtain information concerning industrial processes.

The superintendent or other duly authorized employees 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. 78-18 Art. 7 § 2, 1979).

13.14.320 Inspectors – Liability of town for personal injury or property damage.

While performing the necessary work on private properties, referred to in EMC 13.14.300, the superintendent or duly authorized employees of the town 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 employees, and the town shall indemnify the company against loss or damage to its property by the town employees and against liability claims

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 EMC 13.14.250. (Ord. 78-18 Art. 7 § 3, 1979).

13.14.330 Inspectors – Entry and work on private property when easement granted.

The superintendent and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all private properties through which the town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Ord. 78-18 Art. 7 § 4, 1979).

13.14.340 Granting of variance to existing buildings required to hook up to sewer system.

A. Owners of existing residences, buildings or lots which are required to hook up to the sewer system due to the extension of an existing sewer system to within 100 feet of their buildings, and which residence, building or lot has an existing approved private wastewater disposal system may apply to the town for a variance from the requirement of hooking to the system only if this requirement would provide a true financial hardship. The variance may be granted in writing by the public works director for up to two years. If a variance is requested for over two years, the variance must be acted on by the town council for no more than six years or until one of the following events take place whichever occurs sooner at which time the improvements shall be connected to the public sewer in accordance with the town's requirements and all hookup and connection fees paid:

1. The property is sold;
2. Additional bedrooms are added to the residence or wastewater volume for commercial buildings is increased or the commercial use is changed that will generate more wastewater;
3. The private wastewater disposal system is not properly functioning and a repair requiring a repair permit is needed. A variance application with a filing fee of \$25.00 shall be filed with the

town clerk by those requesting a variance for the required connection.

B. As a condition to granting the variance the owner shall sign a document agreeing to comply with the above conditions, which document may be recorded and shall run with the land. In addition, if the variance is for more than two years the owner shall pay the monthly sewer charge. (Ord. 93-02 § 6, 1993; Ord. 91-28 § 15, 1991; Ord. 78-18 Art. 10, 1979).

13.14.345 Sewer extension – New and existing lots/buildings.

Sewer extension to serve new developments, short plats, subdivisions or new construction shall be required to extend the sewer main along the right-of-way to the extended far boundary line of the subject property. Property owners of existing buildings with property lines within 100 feet of the end of a sewer line may connect to the sewer without extending the main to the far side of the property if they enter into an agreement with the town to pay their proportionate share of the main line when the line is extended. This agreement shall be recorded and run with the land. (Ord. 93-02 § 7, 1993).

13.14.350 Damaging or tampering with system prohibited.

No unauthorized person shall maliciously, wilfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the municipal sewage works. (Ord. 91-28 § 16, 1991).

13.14.360 Discharging septic tank waste into system prohibited.

It is unlawful for anyone to discharge the contents of any septic tank, cesspool or chemical toilet into the sewer system of the town. (Ord. 91-28 § 17, 1991).

13.14.370 No vested sewer discharge rights.

The fact that any matter has been discharged into the sewer system prior to the passage of the ordinance codified in this chapter or subsequent thereto, without objection, does not constitute a valid right to discharge such matter. Upon discovery by the public works director that any matter being discharged into the sewer does not conform to the requirements of this chapter, the public works director may immediately stop the discharge of such matter into the sewer system. (Ord. 91-28 § 18, 1991).

13.14.380 Charges, rates and fees.

A. Charges and rates for sewage, as permitted by Chapter 35.67 RCW, shall be set by resolution of the town council.

B. Sewer system fees for property shall be set by resolution of the town council. (Ord. 93-03 § 1, 1993; Ord. 91-18 § 1, 1991; Ord. 78-4 §§ 1, 2, 3, 1978; Ord. 200 §§ 1, 2, 1964).

13.14.390 Connection – Permit – Application – Conditions – Charge.

Sewer connection charges in lieu of assessments:

A. Persons owning property within the corporate limits of the town adjacent to and abutting on the sanitary sewer system, which property has not previously been assessed for sanitary sewer improvements may connect to and discharge into the sewer system upon receipt of a permit issued by the town clerk.

B. Such permit shall be issued only upon written application of the owner and only after all sewer connection charges and all sewer system fees as established by the town for all improvement(s) to be served on the property have been paid.

C. Additional sewer system fees may be required for changes in use of the property or for changes in the facilities on the property that will increase the quantity of sewage volume or characteristics, for uses other than single-family residence. The town shall maintain adequate records to determine the amount of fees paid and the type of improvements serviced by the connection. (Ord. 93-03 § 1, 1993; Ord. 93-02 § 1, 1993; Ord. 200 § 3, 1964).

13.14.400 Fees received – Disposition of funds.

All sewer hook up and system fees received shall be considered revenue of the sanitary disposal system. (Ord. 93-03 § 1, 1993; Ord. 93-02 § 2, 1993; Ord. 200 § 4, 1964).

13.14.410 Connection – Payment of fees – Required for LID No. 16.

All property owners within the area included in Local Improvement District No. 16 whose property is improved by a building requiring sanitary sewer service shall be compelled to connect their private sewers to the town sanitary sewage disposal system and to pay the sewer connection fees and the monthly charges for sewage disposal as herein provided. All such property not actually connected to the town sanitary sewage disposal system within

30 days of the date of adoption of the ordinance codified in this chapter shall nevertheless be assessed the monthly sewer disposal rates applicable to such property. (Ord. 93-03 § 1, 1993; Ord. 93-02 § 3, 1993; Ord. 200 § 5, 1964).

13.14.420 Delinquent charges – Interest.

All delinquent sewer service charges shall bear interest at the rate of seven percent per year. (Ord. 93-03 § 1, 1993; Ord. 200 § 6, 1964).

13.14.430 Lien – Enforcement – Alternative method.

A. As an additional and concurrent method of enforcing the lien authorized by Chapter 35.67 RCW, the town clerk may enforce the lien for delinquent sewage disposal charges more than 90 days delinquent, by cutting off the water services from the premises to which such sewer service charges were furnished until the delinquent charges are paid.

B. The right to enforce such lien by cutting off and refusing water service shall not be exercised after two years from the date of recording of a sewage lien notice, except to force payment of six month's charges for which no lien is required to be recorded. (Ord. 93-03 § 1, 1993; Ord. 200 § 7, 1964).

13.14.440 Sewer account – Change of ownership – Notice.

All charges shall be made against the property as well as the tenant or owner thereof. No change in ownership, tenancy, or occupancy shall affect the application of this section. It shall be the responsibility of the owner to notify the town upon change of ownership. (Ord. 93-03 § 1, 1993; Ord. 91-18 § 3, 1991).

13.14.450 Sewer bills – When due – Penalty.

All bills for sewer service shall be due and payable no later than 25 days after date of billing, and if not paid on or before such date, the town may, after five days, in its discretion, discontinue and shut off water to the premises at any time with notice to the delinquent party. When service has been shut off, reconnection will be made only after payment of all back charges for service rendered to the premises, and correction of any other violation of this chapter and payment of the reconnection fee established by the town. The present reconnection fee is \$25.00 during normal working hours, and \$50.00 on weekends or holidays. Future reconnection charges may be set by resolution of the town

council. If the bill remains unpaid 25 days after date of mailing, the town may impose a \$5.00 late assessment charge on each month's delinquent bill. Reconnection shall only performed by town employees. Unauthorized reconnection by persons other than town employees, without express written consent of the mayor or public works director, shall result in an additional \$25.00 assessment charge. (Ord. 93-03 § 1, 1993; Ord. 91-22 § 4, 1991).

13.14.460 Sewer bills – Enforcement of collections.

As the sewer system of the town was incorporated and made a part of the water system of the town, the town enforcement of collections of all rates and charges set forth in this chapter is the same as for the rates and charges for water consumption, including application of the lien laws and the cutting off of water service to force payment of sewerage charges, as provided by the laws of the state. (Ord. 93-03 § 1, 1993; Ord. 91-18 § 5, 1991).

13.14.470 Sewer main extensions – Plans and fees required when.

All sewer main extensions financed by other than town funds must have the design plans approved by the town. Plan review fees shall be \$25.00 per hour and/or the actual cost of the consulting engineer fees, if required by the public works director. Field inspection fees shall be at the rate of one-half of one percent of actual construction bid costs or \$100.00, whichever is greater. (Ord. 93-03 § 1, 1993; Ord. 91-18 § 7, 1991).

13.14.480 Service connections outside town – Rates and charges.

A. Sewer system fees, hookup charges, permit fees and inspection fees for connections outside the corporate limits of the town shall be at the same rates, fees and charges as within the corporate limits of the town plus a 50 percent surcharge. Monthly sewer rate usage charges for customers outside the corporate limits of the town shall be at the same rate as within the corporate limits of the town.

B. Before connection is made with the municipal sewer system, the property owner whose property is to be serviced by such extension shall execute a bill of sale to the town for the sewer main and appurtenances, and an easement, if required by the town, for the sewer main and appurtenances.

C. Whenever any one or more persons outside the corporate limits of the town, not already furnished with sewer service by the town, desires the system to be extended so as to furnish any premises with sewer service which are not already connected with the system, such person or persons shall apply to the town to have such sewer service so extended. Such application shall designate the premises to be supplied and the number of services desired together with the plans and specifications for the extension. In addition, if the area to which service is to be extended cannot be legally annexed by the town, the property owner desiring service shall complete an out-of-town sewer user agreement prior to the issuance of any permit. Should such permits be granted, the applicants shall, at their own expense, install all necessary mains or pipes and appurtenances according to the specifications of the town, and furnish or perform all labor, and shall also, at their own expense, provide side sewers for each premises to be supplied for such extension. Before connecting such pipe with the sewer system, the property owner to be supplied by such extension shall execute a bill of sale to the town for the sewer main and appurtenances together with an easement, if required by the town, for the water main and appurtenances. (Ord. 93-03 § 1, 1993; Ord. 91-18 § 7, 1991).

13.14.490 Connections within town limits.

A. Whenever there is need for extension, repair or replacement of distribution mains, the following methods are available:

1. Formation of a local improvement district as set forth in the Revised Code of Washington;
2. Private funding with the option of latecomer agreement;
3. Other funding methods allowed by law and approved by the town council.

B. Before connecting such pipe with the sewer system, the property owner to be supplied by such extension shall execute a bill of sale to the town for the water main and appurtenances together with an easement, if required by the town, for the water main and appurtenances.

C. The charges may include assessments in lieu of LID, charges under latecomer agreements, permit fees, system fees, inspection fees and any additional fees imposed by the town. (Ord. 93-03 § 1, 1993; Ord. 91-18 § 8, 1991).

13.14.500 Failure to connect building sewer – Town to perform work when – Costs.

In the event the building sewer and connection are not made within the time provided for in this chapter, following notice, the public works director is authorized and directed to cause the same to be made and to file a statement of the cost with the clerk, and thereupon a warrant shall be issued under the direction of the town attorney against the water-sewer fund for the payment of such cost. The cost, together with a penalty of 15 percent thereof, plus interest at the annual statutory judgment interest rate upon the total amount of the cost and penalty, shall be assessed against the property upon which such building sewer and connection has not been placed as required, and shall become a lien thereon as provided in this chapter. Such total amount, when collected, shall be paid into the water-sewer fund. (Ord. 93-03 § 1, 1993; Ord. 91-18 § 9, 1991).

13.14.510 Use restrictions.

No person supplied with sewer service from the town mains shall be entitled to use it for any purpose other than those stated in the application, or to supply other persons or families in any way or for any purpose, without first securing a permit to do so from the public works director. (Ord. 93-03 § 1, 1993; Ord. 91-18 § 10, 1991).

13.14.520 Public works water development and construction standards.

All persons within the town, all persons in the area served by the sewer distribution system of the town, and all persons who desire to be served by the sewer distribution of the town, shall meet the “Town of Eatonville Public Works Design, Development and Construction Standards,” as time to time revised and reissued by the public works director. A copy of the current standards shall be on file with the town clerk. (Ord. 93-03 § 1, 1993; Ord. 91-18 § 11, 1991).

13.14.530 Violation – Penalty – Additional remedies.

Any knowing violation of the provisions of this chapter or any knowing failure to comply with the requirements of this chapter or any of the provisions of any other ordinances of the town relating to sewer regulations, shall be a misdemeanor and any person, firm or corporation found guilty thereof shall be punished by a fine not to exceed \$1,000 and the water shall be turned off and remain

so until the penalty and all other charges due are paid; provided, that the penalties shall not apply to violations of sections of the sewer ordinances of the town for which specified penalties have been provided. In addition there to, any person, firm or corporation violating any of the provisions of this chapter shall be liable to the town for any expense, loss or damage occasioned by the town by reason of such violation. (Ord. 93-03 § 1, 1993; Ord. 91-18 § 12, 1991).

Chapter 13.16

ELECTRIC SERVICE*

Sections:

- 13.16.010 Title.
- 13.16.020 Applicability.
- 13.16.030 Point of delivery.
- 13.16.040 Discontinuance – Liability for payment.
- 13.16.050 Charges – Lien on property when.
- 13.16.060 Right of access.
- 13.16.070 *Repealed.*
- 13.16.080 State standards adopted.
- 13.16.090 State electrical code adopted by reference.
- 13.16.100 Residential and commercial use defined.
- 13.16.110 Inspections – Notification.
- 13.16.120 Meter – Location – Charge.
- 13.16.130 Town nonliability.
- 13.16.140 Damaging town property prohibited.
- 13.16.150 Billing – Delinquency – Penalty – Shutoff – Reconnection.
- 13.16.160 Deposit – Required when – Refund.
- 13.16.170 Resale prohibited.

*For statutory provisions on town electric systems, see RCW 35.84.010 et seq.

13.16.010 Title.

This chapter shall be known and may be cited or referred to, as the electrical code of the town. (Ord. 74-16 § 1, 1974).

13.16.020 Applicability.

The town will sell electrical energy when and as available, for both domestic and commercial use and both within and outside of the corporate limits of the town, upon the terms and subject to the conditions as set forth in this chapter. (Ord. 74-16 § 2, 1974).

13.16.030 Point of delivery.

The point of delivery is the point on the consumer's premises, as designated by the town, where electrical current is to be delivered to the building or premises without regard to the town's meter, transformer or other apparatus. All wiring and equipment beyond point of delivery shall be installed and maintained by the consumer. It is designated that the delivery point shall be to the weatherhead. All meters provided remain the property of the town. (Ord. 74-16 § 4, 1974).

13.16.040 Discontinuance – Liability for payment.

Electrical energy service may be discontinued at any time upon application of the consumer, or by the town because of the failure of a consumer to pay the charges for the service rendered or for violation by a consumer of any of the provisions of this chapter. Discontinuance of service shall not relieve the consumer from his liability to pay any charges accrued. (Ord. 74-16 § 6, 1974).

13.16.050 Charges – Lien on property when.

Any unpaid service charges for electrical energy distributed by the town shall be and constitute a lien upon the property where the electrical energy is distributed, which lien shall be foreclosed by the town in the event of nonpayment of service charges, and which lien shall include any and all court costs incurred in such foreclosure action. (Ord. 74-16 § 7, 1974).

13.16.060 Right of access.

Meters are to be installed at some convenient place on the consumer's property where they are readily accessible for inspection or service. The town's identified employees shall have the full right of access to the consumer's property at all reasonable times for the purpose of reading meters, inspecting wiring and devices, or testing, repairing, removing or exchanging any and all equipment belonging to the town. (Ord. 74-16 § 8, 1974).

13.16.070 Reconnection – Charge – Conditions.

Repealed by Ord. 99-26. (Ord. 88-11 § 1, 1988; Ord. 74-16 § 9, 1974).

13.16.080 State standards adopted.

The standards of methods and materials as set forth in and required by the state of Washington in its electrical code, being Chapter 19.28 RCW, shall be the standards hereafter to be followed and enforced in the town. The town clerk shall procure and keep on file the Revised Code of Washington, which shall be open for inspection and reference purposes by the public. (Ord. 74-16 § 10, 1974).

13.16.090 State electrical code adopted by reference.

The standards of methods and materials as set forth in and required by the state of Washington in its electrical code, as aforesaid, shall be the standards hereafter to be followed and enforced in the town, and the state of Washington electrical code,

being Chapter 19.28 RCW, be and the same is adopted as the electrical code of the town, and is incorporated herein by reference as if fully set forth. (Ord. 74-16 § 11, 1974).

13.16.100 Residential and commercial use defined.

Electrical energy furnished by the town for non-commercial, nonindustrial use shall constitute residential use. Electrical energy furnished by the town for nonresidential, nonindustrial use but for profit or income in business shall constitute commercial use. (Ord. 74-16 § 12, 1974).

13.16.110 Inspections – Notification.

All electrical installation work shall be subject to inspection by the town and by the designated representative of the state of Washington at the time such work is being done and must be approved before electrical energy will be furnished thereto. Inspections shall be made by and under the supervision of the town's general superintendent and the designated representative of the state of Washington. It shall be the duty of the owner or his electrical contractor or general contractor to notify the town and the designated representative of the state of Washington of the completion of the electrical work and to call for inspections. (Ord. 74-16 § 13, 1974).

13.16.120 Meter – Location – Charge.

There will be a monthly charge of \$0.50 for each meter located upon a consumer's premises which is not located according to the standards of the state of Washington electrical code with reference to distance from ground, outside walls and access. The \$0.50 charge will be in addition to the minimum service charge and electrical energy charge and shall not be required at such time as the consumer complies with the state of Washington electrical code, as cited in this chapter. (Ord. 74-16 § 15, 1974).

13.16.130 Town nonliability.

The town shall not be liable for any damage to or which occurs on private property served with electrical energy by the town which results from defective or improper wiring or appliances not installed by the town; and the fact that agents of the town may have inspected such wiring or appliances shall not operate to make the town liable for only such damage. (Ord. 74-16 § 16, 1974).

13.16.140 Damaging town property prohibited.

It is unlawful for any person to in any manner interfere, change, injure, mutilate, destroy, remove, disconnect or in any way interfere or tamper with any of the poles, wires, meters, ducts, meter seals, structures, cables, machinery or other equipment and appliances belonging to the town or in any way connected with the electrical distribution system of the town. (Ord. 74-16 § 17, 1974).

13.16.150 Billing – Delinquency – Penalty – Shutoff – Reconnection.

A. All utility bills are due and payable when mailed.

B. All bills become delinquent if not paid within 25 days after date of billing; if unpaid, the town may impose a late payment fee.

C. Bills become subject to shutoff if not paid within 25 days from the billing date.

1. The town may make written demand to such consumer to either pay such fees or cease such violation, as the case may be, and may shut off service to the premises at any time after five days following delivery of such demand, if the late payment fee has not been paid or the violation is not ceased.

2. Discontinuance of service shall not occur earlier than five days after written notice of the discontinuance date has been deposited in the mail addressed to the consumer, and not earlier than 24 hours after an additional written notice has been posted at the front door of the premises.

D. When service has been shut off, reconnection will be made only after payment of all back charges for service rendered to said premises, and correction of any other violation of this chapter and payment of the reconnection fee established by the town.

E. Unauthorized reconnection by persons other than town employees, without express written consent of the mayor or public works director, shall result in an additional tampering charge.

F. Fees for late payment, reconnection, and tampering may be set by resolution adopted by the town council, which may be amended from time to time as deemed necessary. (Ord. 99-26 § 3, 1999)

13.16.160 Deposit – Required when – Refund.

Any applicant for service of electrical energy who is not the fee owner of the premises to be served shall pay a deposit as set forth under EMC 13.18.010. The deposit shall be held by the town and refunded to the applicant either upon the vol-

untary discontinuance of service by the consumer, or upon proof to the town that such consumer has since become the legal fee owner of the premises. In the event any such person vacates the premises leaving unpaid charges for electric service, the town shall apply such deposit to the payment of such charges and refund any portion thereof remaining unused. No deposit will be charged in the event the owner of the premises shall in writing assume the responsibility for payments of any unpaid charges for electric service. (Ord. 91-20 § 2, 1991; Ord. 90-16 § 2, 1990; Ord. 74-16 § 19, 1974).

13.16.170 Resale prohibited.

It is unlawful for any person to resell electrical energy received from the town. (Ord. 74-16 § 20, 1974).

Chapter 13.18**UTILITY DEPOSIT**

Sections:

13.18.010 Utility deposit.

13.18.010 Utility deposit.

A. Deposit Required. Any applicant for service of electrical energy or other utilities within the town shall pay a deposit of \$400.00 or two times the highest monthly charges for the utilities during the preceding 12 months, whichever sum is greater. The fee owner of the real property, in lieu of paying a deposit, may sign a form provided by the town wherein the fee owner agrees to be personally responsible for the payment of any delinquent utility bills even if the fee owner is not occupying the premises. Any customer, whether or not a fee owner, who becomes delinquent in payment of the utility charges may be required by the town to make the deposit required in this chapter as a condition to receiving further utility service.

B. Use of Deposit. In the event a person vacates premises leaving unpaid charges for electric services or unpaid charges for other utility services, the town shall apply such deposit to the payment of such charges as far as necessary, and shall refund any portion thereof remaining unused. The deposit shall not be transferable to new premises to which the applicant might move until all utility bills are paid on the former premises.

C. Other Remedies. This procedure is in addition to the town's right to terminate utility service to any premises, during any period of time, when any outstanding utility bill remains unpaid regardless of whether the fee owner incurred the bill. (Ord. 2001-05 § 2, 2001).

Chapter 13.20**CEMETERY***

Sections:

- 13.20.010 Definitions.
- 13.20.020 Town cemetery.
- 13.20.030 Cemetery funds.
- 13.20.040 Cemetery administered by public works director.
- 13.20.050 Existing cemetery improvements.
- 13.20.060 Grass seeding.
- 13.20.070 Funerals – Opening and closing graves.
- 13.20.080 Visitors regulations.
- 13.20.090 Temporary memorials.
- 13.20.100 Violations.

*For statutory provisions on public cemeteries, see Chapter 68.12 RCW.

13.20.010 Definitions.

A. "Cemetery plot" and "cremation plot" refer to those plots set forth in the town cemetery subdivision plat which is on file with the town clerk, the typical size cemetery plot is five feet by 10 feet; however, there are a few nonstandard cemetery plot sizes. The cremation plot is two and one-half feet by two and one-half feet, although there are some nonstandard cremation plot sizes.

B. "Memorial wall" refers to a wall to be constructed by the town on the cemetery site, which will have standard uniform size recesses, which will contain plot spaces for cremation remains and allow for a monument to be placed on the front side of the wall. The space will allow for a cremation memorial plaque to be mounted in front of the space where the remains are located. The memorial wall will also have a space which will allow for a memorial plaque to be mounted permanently on the wall for persons desiring a memorial plaque, but which does not have provisions for containing any cremation remains.

C. "Memorial space" refers to a space on the memorial wall which will be sold to persons desiring to erect a memorial plaque for a deceased person memorial.

D. "Memorial plaque" refers to a plaque of a size, and of materials to be approved by the town which will be permanently installed by the town on the memorial wall space purchased by the owner.

E. "Owner" means the person designated by the records of the town of Eatonville as the owner of

the burial plot, cremation plot, or memorial plaque. (Ord. 99-19 § 2, 1999).

13.20.020 Town cemetery.

A. The town has historically owned and operated a cemetery as authorized by state law, and which is currently authorized under Chapter 68.52 RCW. The town hereby reaffirms its decision to continue to own and operate the cemetery as authorized by the above statute.

B. The town clerk shall maintain an accurate record of all persons who have acquired cemetery plots, cremation plots, memorial wall spaces and designate whether memorial wall plaques have been installed in said space. The town in the past has given deeds of various forms for the cemetery plots; however, effective with the date of the ordinance codified in this chapter, the form of the conveyance document for all cemetery plots, cremation plots, memorial plots, or memorial wall plaques shall be in the form as attached to the ordinance codified in this chapter. The price of all cemetery plots, grave liners, cremation burials, memorial spaces and plaques and all charges in connection with the cemetery shall be set by resolution of the town council. The payment must be made in full for all cemetery plots, cremation plots, memorial plaques, prior to the town issuing any deeds, or showing ownership on the town records. Arrangements for payment in full of all charges must be made prior to any burial or interment, or setting any monuments.

C. In the event the owner wishes to transfer the cemetery, cremation plot, or memorial space to family members, then this may be accomplished by the owner, or the owner's representative, signing a document entitled, "Assignment of Rights/Affidavit of Heirs" form which will be kept on file with the town clerk, and if the assignment is made to a family member, then the town clerk shall transfer title to the person receiving the plot on the town records. (Ord. 99-19 § 3, 1999).

13.20.030 Cemetery funds.

The town has heretofore created a town cemetery fund into which all funds received for sale of lots and for other town cemetery services have been deposited. The town cemetery fund shall remain in full force and effect and all funds hereafter received in connection with the cemetery except funds designated as "cemetery improvement fees" shall be deposited to said fund, to be known as the cemetery fund. In addition there is also created a new fund to be known as the "cemetery improve-

ment fund". The cemetery improvement fund shall be a perpetual fund, created pursuant to RCW 68.52.050 and 68.52.060, and none of the principal of the cemetery improvement fund shall be used other than for investment and to create an income stream for perpetual care of the cemetery. The monies to be deposited into the cemetery improvement fund shall come from fees designated as cemetery improvement fees, which shall be an additional cost of all cemetery plots, cremation plots, and memorial spaces and plaques, to be set by resolution of the council of the town of Eatonville. Funds for the cemetery improvement fund shall be invested in investments authorized under RCW 68.52.060 and any amendments thereto. Ninety-five percent of the investment income from the cemetery improvement fund shall be used for maintenance of the town cemetery, and five percent of the investment income shall be reinvested as principal in the cemetery improvement fund. In the event the investment from the cemetery improvement fund is not adequate to maintain and improve the cemetery, then the balance of the funds shall come from the cemetery fund, which was originally established for the cemetery. (Ord. 99-19 § 5, 1999).

13.20.040 Cemetery administered by public works director.

The cemetery shall be administered by the public works director. (Ord. 99-19 § 6, 1999).

13.20.050 Existing cemetery improvements.

The town reaffirms its right to determine the level to which those improvements, including monuments, borders, surface treatments, and plantings, installed before adoption of the ordinance codified in this chapter shall be maintained. The town explicitly affirms its right to reset, replace, or remove monuments, borders, surface treatments or plantings that, in the sole judgment of the public works director, adversely impacts the general maintenance of the cemetery. The town is not responsible for maintaining, repairing, or replacing any grave markers or monument structures that have been erected in the cemetery. The employees of the town shall perform all work in the care and improvement of plots and graves. Plots and graves will not be defined by fence, railing, coping, hedge, or any other marking. No grave shall be decorated with any trees, shrubs or plants without the approval of the public works director. Persons wishing to make donations of shrubbery or other articles to the cemetery as memorials may do so,

but such shrubbery or articles must be appropriate and will be placed by the town's employees, and in such position as shall be decided by the town. (Ord. 99-19 § 7, 1999).

13.20.060 Grass seeding.

All graves will be seeded by the town without charge to the lot owners, when the graves shall have thoroughly settled to allow the town to level the surface with the surrounding lawn. (Ord. 99-19 § 8, 1999).

13.20.070 Funerals – Opening and closing graves.

No burials or cremations shall be permitted without a proper death certificate or burial permit as required by the health authorities. The town must receive at least 24 hours' prior notice of a burial in order that the grave may be properly prepared. (Ord. 99-19 § 9, 1999).

13.20.080 Visitors regulations.

A. Visiting hours are from 8:00 a.m. to 9:00 p.m. daily in summer. Winter hours are 8:00 a.m. to dusk;

B. Town of Eatonville office hours are Monday to Friday, 8:00 a.m. to 5:00 p.m.;

C. Vehicles in the cemetery shall observe a speed limit of 10 miles per hour;

D. Parking shall only be in roadways;

E. Dogs and other pets are not allowed except when kept within an automobile or on a leash; and

F. Animals shall not be permitted to deposit waste on any grave site and any animal waste shall be immediately removed by the owner of the pet. (Ord. 99-19 § 10, 1999).

13.20.090 Temporary memorials.

These regulations are designed to preserve the beauty, neatness, and dignity of the town cemetery. In furtherance of this goal, the following rules have been adopted:

A. Fresh cut flowers may be placed in ground level cemetery vases at the place of interment throughout the year;

B. Placement of artificial flowers (plastic, silk, or wood, flags, wreathes, potted plants, baskets and flower boxes are permitted only between November 1st and March 1st (the nongrowing season). Exceptions are made for Easter, Mother's Day, Father's Day, Memorial Day and Veteran's Day and they will be removed within 10 days following the holiday;

C. Distinctly Christmas-type arrangements shall be removed by January 15th;

D. Digging holes, planting flowers, shrubs or trees on a burial space, or placement of glass jars, tin cans, rocks, wooden items, metal rods, are not permitted at any time;

E. Cemetery personnel will remove arrangements that are wilted, faded or unsightly; and

F. Potted plants and other flower arrangements may contain fertilizing elements as well as materials that may rust (wires, clips, etc.); therefore, they should not be placed on a bronze or granite memorial as discoloration may result for which the town of Eatonville cannot be held responsible. Potted plants should not be larger than can be lifted by one hand. (Ord. 99-19 § 11, 1999).

13.20.100 Violations.

In addition to any civil remedy, which the town has by law, a violation of this chapter shall be punishable in accordance with the general penalty ordinance adopted by the town. (Ord. 99-19 § 12, 1999).

Chapter 13.24

STORM DRAINAGE UTILITY

Sections:

- 13.24.010 Original drainage system.
- 13.24.020 Utility administered by public works director.
- 13.24.030 Definitions.
- 13.24.040 Rates.
- 13.24.050 System development charge.
- 13.24.060 Billing and collection.
- 13.24.070 Commencement of charges for new construction.
- 13.24.080 Collection of and penalties for nonpayment of bills.
- 13.24.090 Storm drainage utility fund – Annual report.
- 13.24.100 Appeal of charges – Rate adjustments.

13.24.010 Original drainage system.

There is specified and adopted as the original system and plan of the utility the town of Eatonville storm drainage report, first adopted by Ordinance 86-7, three copies of which are on file with the clerk and incorporated by reference. (Ord. 99-15 § 3, 1999).

13.24.020 Utility administered by public works director.

The utility shall be administered by the director of public works. (Ord. 99-15 § 4, 1999).

13.24.030 Definitions.

For the purposes of this chapter, definitions in Chapter 16.54 EMC, Stormwater Management and Erosion Control, shall apply except where different definitions are included herein. Words set out in this section shall have the following meanings.

A. “Town” means the town of Eatonville, a municipality, and its authorized employees.

B. “Council” means the town council of the town.

C. “Customer” means a person in whose name service is rendered as evidenced by the signature on the application or contract for that service or, in the absence of a signed instrument, by the receipt and payment of bills regularly issued in his/her/its name regardless of the identity of the actual user of the service.

D. “Developed parcel” means any parcel, which has been altered by grading or filling of the ground surface, or by construction of any improve-

ments or other impervious surface area, which affects the hydraulic properties of the parcel.

E. “Equivalent service unit (ESU)” means a configuration of development, or impervious surfaces on a parcel, estimated to contribute an amount of runoff to the town’s storm and surface water drainage system which is approximately equal to that created by the average single-family residential parcel. One ESU is equal to 3,000 square feet of impervious surface area or any portion thereof.

F. “Impervious surface” means that hard-surface area which either prevents or retards the entry of water into the soil mantle and/or causes water to run off the surface in greater quantities or at an increased rate of flow from that present under natural conditions. Impervious surfaces may include, but are not limited to, rooftops, concrete or asphalt paving, walkways, patios, driveways, parking lots or storage areas, and oiled, macadam or other surfaces which similarly impede the natural infiltration or runoff of surface water.

G. “North zone” means the area within the town of Eatonville that drains into Ohop Creek or its tributaries.

H. “Single-family residential parcel” means any parcel of land which is improved with a dwelling unit for occupancy by a single family or a similar group of people. A “single-family residential parcel” also may be an individual dwelling, mobile home, flat or unit in a multifamily building or portion thereof for occupancy as the home, residence or sleeping place for one or more persons, provided each such dwelling, mobile home, flat or unit is owned separately.

I. “Undeveloped parcel” means any parcel which has not been altered by grading or filling of the ground surface, or by construction of any improvements or other impervious surface area, which affects the hydraulic properties of the parcel.

J. “Runoff” means the portion of precipitation from either rain or melted snow that ultimately reaches natural watercourses by flowing over the surface of land.

K. “South zone” means the area within the town of Eatonville that drains into the Mashell River and its tributaries.

L. “System development charge” means the charge levied for a pro rata share of the existing physical storm and surface water system and future storm and surface water system as represented in the storm drainage basin modeling report.

M. “Utility” means the storm drainage utility. (Ord. 99-15 § 5, 1999).

13.24.040 Rates.

The monthly rates for drainage service within the town limits shall be set from time to time by town resolution. (Ord. 99-15 § 6, 1999).

13.24.050 System development charge.

Each applicant for development within the town of Eatonville shall pay a system development charge. This charge shall be an impact fee administered in accordance with Chapters 17.55 and 17.60 EMC and shall be set by resolution. (Ord. 99-15 § 7, 1999).

13.24.060 Billing and collection.

Utility rates and charges for each parcel of developed real property within the town shall be computed on a bimonthly basis. The amount to be billed shall be included on the existing water/sewer/power/refuse bill as a separate line item. A “storm water only” statement will be sent to those property owners who are not town water, sanitary sewer, power, or refuse customers. The town shall bill the owner of the served property for the payment of utility rates and charges specified in this chapter; however, the owner may have the bills mailed to a tenant, or agent, but this shall not relieve the owner from liability for utility rates and charges. (Ord. 99-15 § 8, 1999).

13.24.070 Commencement of charges for new construction.

A. Full charges for the storm sewer utility for single-family residential accounts shall commence upon issuance of a building permit by the town of Eatonville.

B. Full charges for multifamily and commercial accounts with a construction period of less than six months shall commence upon issuance of a building permit by the town of Eatonville.

C. Multifamily and commercial accounts with a construction period of more than six months shall pay in accordance with a billing schedule based on the construction schedule for impervious surface as determined by the public works director. The billing schedule shall be used to prorate storm sewer charges based on the amount of impervious surface to be constructed by the end of a billing cycle. A copy of the billing schedule shall be sent to the town clerk for billing purposes. Any amendments to the billing schedule shall require 30 days’ written notification to the public works director. The billing schedule shall be amended only if the construction schedule changes by one month or more (one billing cycle). (Ord. 99-15 § 9, 1999).

13.24.080 Collection of and penalties for nonpayment of bills.

The town shall have the right and privilege of discontinuing water service to any premises for nonpayment of the service charge for use of the storm and surface water utility of the town in the same manner and subject to the same terms as now or hereafter prescribed by law for discontinuance of water service for nonpayment of water bills. (Ord. 99-15 § 10, 1999).

13.24.090 Storm drainage utility fund – Annual report.

All money collected through utility rates and charges shall be deposited in a storm drainage utility fund as maintained by the town clerk. The town clerk and the public works director shall conduct an annual review of the utility’s operations, the total costs of operation and maintenance of the storm water retention, detention, collection and conveyance systems, and the schedule of rates and charges. They shall submit a report to the town council for each calendar year, summarizing the review and containing recommendations for rate adjustments to:

A. Maintain the proper proportionate distribution of operation and maintenance costs among users and user classes;

B. Ensure generation of sufficient revenue to pay the total operation and maintenance costs for the proper operation, maintenance and improvement of the utility; and

C. Address those portions of previous rate increases attributable to major projects at the conclusion of payments for bonds or debt service related to those projects and determine if conditions exist for a reduction of rates because of the retirement of debt service in light of the total operational requirements of the utility. (Ord. 99-15 § 11, 1999).

13.24.100 Appeal of charges – Rate adjustments.

A. Any person making a timely payment of the town’s total utility bill who considers the utility charges applied to a parcel to be inaccurate, or who otherwise disagrees with a utility rate determination, may apply to the public works director for a rate adjustment, stating in writing the grounds of the appeal. The public works director will review the case file and determine whether an adjustment is necessary to provide for reasonable and equitable application of the utility rates and charges.

B. Appeals of decisions made by the public works director may be brought before the council's public works committee, consisting of the mayor and one council member appointed by the mayor, who may direct the reevaluation of the appeal. Appeals beyond the public works committee may then be brought before the council.

C. Any appeal under this chapter shall be filed with the public works director no later than 20 days after billing. Any subsequent appeal shall be brought within 20 days of the date of the decision appealed from.

D. Nothing in this chapter shall be construed to grant a right to judicial review that does not otherwise exist in law. In all cases, the decision of the council shall be final and conclusive. (Ord. 99-15 § 12, 1999).

Chapter 13.28

DEVELOPMENT AGREEMENTS FOR WATER, SEWER AND STREET FACILITIES

Sections:

- 13.28.010 Development agreement required.
- 13.28.020 Predesign conference.
- 13.28.030 Contents.
- 13.28.040 Execution.
- 13.28.050 Fees.
- 13.28.060 Exclusions.

13.28.010 Development agreement required.

Whenever any developer of commercial, industrial or residential land desires or finds it necessary to construct sanitary sewage facilities, water distribution facilities, storm drainage facilities and streets at his own expense before connection with, delivery to and operation by the town, such developer shall, before securing a building or construction permit, enter into a developer's agreement with the town. (Ord. 91-7 § 1, 1991).

13.28.020 Predesign conference.

A predesign conference with the mayor or his designee shall be held during which the matters which will be in the development agreement will be discussed. (Ord. 91-7 § 2, 1991).

13.28.030 Contents.

The development agreement entered into shall contain but need not be limited to the following provisions:

A. Prior to commencing construction the developer shall deliver to the town two (or such further number as required by the town) sets of plans and specifications, with an appropriate stamp by a professional engineer, for the proposed sewer system, water system, storm drainage system and streets prior to construction, and the governing standards for such plans and specifications;

B. Inspection requirements;

C. Conveyance of necessary property rights, including but not limited to water lines, sewer lines, drainage systems, roads which are to be used as public roads and any necessary easements;

D. Notice of when construction commences;

E. Control over execution of construction contracts;

F. State and county construction licenses and permits;

G. Testing requirements of systems;

H. Warranty bond for repairs necessary within one year from the date of acceptance arising from faulty labor, workmanship or materials;

I. Indemnity and hold-harmless clause;

J. Provision that the construction improvements be performed by a licensed, insured and bonded contractor;

K. Limitation on assignment of the agreement;

L. Provision for charges, taxes and future assessments applicable to the property;

M. Waiver clause;

N. Certification of the consulting engineer/town engineer as a prerequisite for connection to the town sewer or water lines and acceptance of streets;

O. Submission of a performance bond in an amount satisfactory to the town to ensure completion of the improvements;

P. Agreements regarding easements and servitudes;

Q. Change and correction requirements. (Ord. 91-7 § 3, 1991).

13.28.040 Execution.

The developer's agreement shall be executed by a developer presently constructing any sanitary sewage facility, waste distribution facility, storm drainage facility or street at his own expense prior to connection with, delivery to or operation by the town. (Ord. 91-7 § 4, 1991).

13.28.050 Fees.

The following fees shall be paid by the developer:

A. A plan review fee in the amount which the consulting engineer/town engineer is paid for his services.

B. An inspection fee at the rate of \$40.00 per hour.

C. A construction review fee in the amount which the consulting engineer/town engineer is paid for checking the progress, compliance and completion of the improvements to required standards.

D. Reimbursement to the town for other actual costs incurred in testing and verification that the improvements meet required standards. (Ord. 91-7 § 5, 1991).

13.28.060 Exclusions.

A development agreement shall not be required for extension of utilities for two or less single-family residences by a single individual. (Ord. 91-7 § 6, 1991).

Chapter 13.30

PUBLICLY OWNED TREATMENT WORKS

Sections:

- 13.30.010 Purpose – Administration –
Definitions – Abbreviations.
- 13.30.020 Standards – Requirements.
- 13.30.030 Wastewater discharge permit.
- 13.30.040 Reports – Notifications.
- 13.30.050 Sampling – Pollutant analysis.
- 13.30.060 Inspection – Monitoring.
- 13.30.070 Public records.
- 13.30.080 Noncompliance.
- 13.30.090 Enforcement.
- 13.30.100 Violation – Penalty.
- 13.30.110 Additional remedies.
- 13.30.120 Upset – Bypass.
- 13.30.130 Reserved.
- 13.30.140 Charges and fees – Severability –
Conflicts.

13.30.010 Purpose – Administration – Definitions – Abbreviations.

A. Purpose and Policy. This chapter sets forth uniform requirements for users of the publicly owned treatment works (POTW) for the town of Eatonville and enables the town of Eatonville to comply with all applicable state and federal laws, including the Clean Water Act (33 USC 1251 et seq.) and the General Pretreatment Regulations (40 CFR Part 403). The objectives of this chapter are:

1. To prevent the introduction of pollutants into the POTW that will interfere with the operation of the POTW;
2. To prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated, into receiving waters or otherwise be incompatible with the POTW;
3. To ensure that the quality of the wastewater treatment plant sludge is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations;
4. To protect POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public; and
5. To improve the opportunity to recycle and reclaim wastewater and sludge from the POTW. This chapter shall apply to all users of the POTW. This chapter authorizes the issuance of wastewater discharge permits; authorizes monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires

user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

B. Administration. Except as otherwise provided herein, the town shall administer, implement, and enforce the provisions of this chapter. Any powers granted to or duties imposed upon the superintendent may be delegated by the superintendent to other town personnel.

C. Definitions. Unless a provision explicitly states otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated.

“Act” or “the Act” means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended.

“Applicable pretreatment standards” means, for any specified pollutant, town prohibitive standards, town specific pretreatment standards local limits, state of Washington pretreatment standards, or EPA’s categorical pretreatment standards when effective, whichever standard is appropriate or most stringent.

“Authorized representative of the user” means:

1. If the user is a corporation: the president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
2. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively; or
3. If the user is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his/her designee.
4. The individuals described in subsections (1) through (3) of this definition may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the town.

“Biochemical oxygen demand (BOD)” means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days at 20 degrees Celsius, usually expressed as a concentration (milligrams per liter (mg/l)).

“Categorical pretreatment standard” or “categorical standard” means any regulation containing

pollutant discharge limits promulgated by the U.S. EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. 1317) which applies to a specific category of users and which appears in 40 CFR Chapter I, Subchapter N, Parts 405 through 471.

“Composite sample” means the sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

“Cooling water/noncontact cooling water” means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product. Cooling water may be generated from any use, such as air conditioning, heat exchangers, cooling or refrigeration, to which the only pollutant added is heat.

“Domestic user (residential user)” means any person who contributes, causes, or allows the contribution of wastewater into the town POTW that is of a similar volume and/or chemical make-up to that of a residential dwelling unit. Discharges from a residential dwelling unit typically include up to 100 gallons per capita per day, 0.2 pounds of BOD per capita per day, and 0.17 pounds of TSS per capita per day.

“Environmental Protection Agency (EPA)” means the U.S. Environmental Protection Agency or, where appropriate, the Director of the Region 10 Office of Water, or other duly authorized official of said agency.

“Existing source” means a categorical industrial user, the construction or operation of whose facility commenced prior to the publication by EPA of proposed categorical pretreatment standards, which would be applicable to such source if and when the standard is thereafter promulgated in accordance with Section 307 of the Act.

“Existing user” means any noncategorical user which was discharging wastewater prior to the effective date of the ordinance codified in this chapter.

“Grab sample” means a sample which is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and without consideration of time.

“Indirect discharge” or “discharge” means the introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act. The discharge into the POTW is normally by means of pipes, conduits, pumping stations, force mains, constructed drainage ditches, surface water intercepting ditches, and

all constructed devices and appliances appurtenant thereto.

“Interference” means a discharge which alone or in conjunction with a discharge or discharges from other sources either:

1. Inhibits or disrupts the POTW, its treatment processes or operations;
2. Inhibits or disrupts its sludge processes, use or disposal; or

3. Is a cause of a violation of the town’s NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA), including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

“Maximum allowable discharge limit” means the maximum concentration (or loading) of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

“Medical wastes” means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes not allowed.

“New source” means:

1. Any building, structure, facility, or installation from which there is a discharge of pollutants, the construction of which commenced after the publication of proposed categorical pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section; provided, that:

- a. The building, structure, facility, or installation is constructed at a site at which no other source is located; or

- b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

- c. The production or wastewater generating processes of the building, structure, facility, or

installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

2. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of subsection (1)(b) or (c) of this definition but otherwise alters, replaces, or adds to existing process or production equipment.

3. Construction of a new source as defined under this subsection has commenced if the owner or operator has:

a. Begun, or caused to begin as part of a continuous on-site construction program:

i. Any placement, assembly, or installation of facilities or equipment; or

ii. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this subsection.

New User. A “new user” is a user that is not regulated under federal categorical pretreatment standards but that applies to the town for a new building permit or occupies an existing building and plans to commence discharge of wastewater to the town’s collection system after the effective date of the ordinance codified in this chapter. Any person that buys an existing facility that is discharging nondomestic wastewater will be considered an “existing user” if no significant changes are made in the manufacturing operation.

“Pass through” means a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the town’s NPDES permit (including an

increase in the magnitude or duration of a violation).

“Permittee” means a person or user issued a wastewater discharge permit.

“Person” means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state, or local governmental entities.

“pH” means a measure of the acidity or alkalinity of a substance, expressed in standard units.

“Pollutant” means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes, and the characteristics of the wastewater (i.e., pH, temperature, TSS, turbidity, color, BOD, chemical oxygen demand (COD), toxicity, or odor).

“Pretreatment” means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to (or in lieu of) introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means (except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard).

“Pretreatment requirement” means any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

“Pretreatment standards” or “standards” means prohibited discharge standards, categorical pretreatment standards, and local limits established by the town/POTW.

“Prohibited discharge standards” or “prohibited discharges” means absolute prohibitions against the discharge of certain substances, which appear in EMC 13.30.020(A)(1) and (2).

“Publicly owned treatment works (POTW)” means a “treatment works,” as defined by Section 212 of the Act (33 U.S.C. 1292) which is owned by the town. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant. The term also means the town.

“Septic tank waste” means any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

“Sewage” means human excrement and gray water (household showers, dishwashing operations, etc.).

“Sewer” means any pipe, conduit, ditch, or other device used to collect and transport sewage from the generating source.

Shall, May. “Shall” is mandatory, “may” is permissive.

“Significant industrial user” means:

1. A user subject to categorical pretreatment standards; or

2. A user that:

a. Discharges an average of 25,000 GPD or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blow down wastewater); or

b. Contributes a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

c. Is designated as such by the town on the basis that it has a reasonable potential for adversely affecting the POTW’s operation or for violating any pretreatment standard or requirement.

3. Upon a finding that a user meeting the criteria in subsection 2 of this definition has no reasonable potential for adversely affecting the POTW’s operation or for violating any applicable pretreatment standard or requirement, the town may at any time, on its own initiative or in response to a petition received from a user (and in accordance with procedures in 40 CFR 403.8(f)(6)), determine that such user should not be considered a significant industrial user.

“Slug load” means any discharge at a flow rate or concentration which could cause a violation of the discharge standards in EMC 13.30.020(A) through (D) or any discharge of a nonroutine, episodic nature, including but not limited to an accidental spill or a noncustomary batch discharge.

“Standard industrial classification (SIC) code” means a classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

“Stormwater” means any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

“Superintendent” means the person designated by the town to supervise the operation of the

POTW, and who is charged with certain duties and responsibilities by this chapter, or a duly authorized representative.

“Total suspended solids” means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

“Treatment plant effluent” means the discharge from the POTW into waters of the United States.

“User” or “industrial user” means a source of indirect discharge. The source shall not include “domestic user” as defined herein.

“Wastewater” means liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

“Wastewater discharge permit” (industrial wastewater discharge permit, discharge permit) means an authorization or equivalent control document issued by the town to users discharging wastewater to the POTW. The permit may contain appropriate pretreatment standards and requirements as set forth in this chapter.

“Wastewater treatment plant” or “treatment plant” means that portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste. The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.

D. Abbreviations. The following abbreviations shall have the designated meanings:

ASPP – accidental spill prevention plan

BOD – biochemical oxygen demand

CFR – Code of Federal Regulations

COD – chemical oxygen demand

EPA – U.S. Environmental Protection

Agency

GPD – gallons per day

IWA – industrial waste acceptance

l – liter

LEL – lower explosive limit

mg – milligrams

mg/l – milligrams per liter

NPDES – National Pollutant Discharge Elimination System

O&M – operation and maintenance

POTW – publicly owned treatment works

RCRA – Resource Conservation and Recovery Act

SIC – standard industrial classifications

SWDA – Solid Waste Disposal Act (42 U.S.C. 6901, et seq.)

TSS – total suspended solids

U.S.C. – United States Code (Ord. 2006-10 § 1, 2006).

13.30.020 Standards – Requirements.

A. Prohibited Discharge Standards.

1. General Prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements.

2. Specific Prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

a. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed-cup flash point of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR Section 261.21;

b. Wastewater having a pH less than 5.0 or more than 9.0, or otherwise causing corrosive structural damage to the POTW or equipment;

c. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference, but in no case substances greater than 10 percent solids;

d. Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;

e. Wastewater having a temperature which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees F (40 degrees C) unless the approval authority, upon the request of the POTW, approves alternate temperature limits;

f. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;

g. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

h. Trucked or hauled pollutants, except at discharge points designated by the town;

i. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life or health, or to prevent entry into the sewers for maintenance or repair;

j. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the town's NPDES permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than 10 percent from the seasonably established norm for aquatic life;

k. Wastewater containing any radioactive wastes or isotopes except as specifically approved by the superintendent in compliance with applicable state or federal regulations;

l. Stormwater, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the superintendent;

m. Any sludges, screenings, or other residues from the pretreatment of industrial wastes or from industrial processes;

n. Medical wastes, except as specifically authorized by the superintendent;

o. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;

p. Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;

q. Any liquids, solids, or gases which by reason of their nature or quantity are or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two successive readings on an explosion meter, at the point of discharge into the system (or at any point in the system), be more than five percent nor any single reading over 10 percent of the lower explosive limit (LEL) of the meter;

r. Grease, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dusts, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent

hops, waste paper, wood, plastics, gas, tar asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes;

s. Any substance which will cause the POTW to violate its NPDES and/or other disposal system permits;

t. Any wastewater, which in the opinion of the town, can cause harm either to the sewers, sewage treatment process, or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance, unless allowed under special agreement by the town (except that no special waiver shall be given from categorical pretreatment standards);

u. The contents of any tank or other vessel owned or used by any person in the business of collecting or pumping sewage, effluent, septic tank waste, or other wastewater unless said person has first obtained testing and approval as may be generally required by the town and paid all fees assessed for the privilege of said discharge;

v. Any hazardous wastes as defined in rules published by the state of Washington or in 40 CFR Part 261;

w. Persistent pesticides and/or pesticides regulated by the Federal Insecticide Fungicide Rodenticide Act (FIFRA);

x. Sewage sludge, except in accordance with the city's NPDES permit, providing that it specifically allows the discharge to surface waters of sewage sludge pollutants. Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

B. Federal Categorical Pretreatment Standards. The national categorical pretreatment standards as amended and promulgated by EPA pursuant to the Act and as found at 40 CFR Chapter I, Subchapter N, Parts 405 through 471, are hereby incorporated and shall be enforceable under this chapter.

C. State Requirements. State requirements and limitations on discharges to the POTW shall be met by all users which are subject to such standards in any instance in which they are more stringent than federal requirements and limitations or those in this chapter or in other applicable ordinances.

D. Local Limits. The above limits apply at the point where the wastewater is discharged to the POTW (end of the pipe). All concentrations for metallic substances are for "total" metal unless indicated otherwise. The superintendent may impose mass limitations in addition to (or in place

of) the concentration-based limitations above. Where a user is subject to a categorical pretreatment standard and a local limit for a given pollutant, the more stringent limit or applicable pretreatment standard shall apply.

E. Town's Right of Revision. The town reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.

F. Special Agreement. The town reserves the right to enter into special agreements with users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance with a categorical pretreatment standard or federal pretreatment requirement. However, users may request a net/gross adjustment to a categorical standard in accordance with 40 CFR Section 403.15. They may also request a variance from the categorical pretreatment standard from the approval authority in accordance with 40 CFR Section 403.13.

G. Dilution. No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with an applicable pretreatment standard or requirement unless expressly authorized by an applicable pretreatment standard or requirement. The superintendent may impose mass limitations on users which he believes may be using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

H. Pretreatment Facilities. Users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all applicable pretreatment standards and requirements set out in this chapter within the time limitations specified by the EPA, the state, or the superintendent, whichever is more stringent. Any facilities required to pretreat wastewater to a level acceptable to the town shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the town for review and shall be acceptable to the town before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an acceptable discharge to the town under the provisions of this chapter.

I. Deadline for Compliance with Applicable Pretreatment Requirements. Compliance by exist-

ing sources covered by categorical pretreatment standards shall be within three years of the date the standard is effective unless a shorter compliance time is specified in the appropriate standard. The town shall establish a final compliance deadline date for any existing user not covered by categorical pretreatment standards or for any categorical user when the local limits for said user are more restrictive than the federal categorical pretreatment standards.

New source and new users are required to comply with applicable pretreatment standards within the shortest feasible time, not to exceed 90 days from the beginning of discharge. New sources and new users shall install, have in operating condition, and shall start up all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge. Any wastewater discharge permit issued to a categorical user shall not contain a compliance date beyond any deadline date established in EPA's categorical pretreatment standards. Any other existing user or a categorical user that must comply with a more stringent local limit which is in noncompliance with any local limits shall be provided with a compliance schedule placed in an industrial wastewater permit to ensure compliance within the shortest time feasible.

J. Additional Pretreatment.

1. Whenever deemed necessary, the superintendent may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this chapter.

2. Each user discharging into the POTW greater than 5,000 gallons per day shall install and maintain, on its property and at its expense, a suitable storage and flow-control facility to ensure equalization of flow over a 24-hour period. A wastewater discharge permit may be issued solely for flow equalization.

3. Grease, oil, and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil or sand, except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the superintendent and shall be so

located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at its expense.

4. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

K. Accidental Spill Prevention Plans. The superintendent may require any user to develop and implement an accidental spill prevention plan (ASPP) or slug control plan. Where deemed necessary by the town, facilities to prevent accidental discharge or slug discharges of pollutants shall be provided and maintained at the user's cost and expense. An accidental spill prevention plan or slug control plan showing facilities and operating procedures to provide this protection shall be submitted to the town for review and approval before implementation. The town shall determine which user is required to develop a plan and require said plan to be submitted within 60 days after notification by the town. Each user shall implement its ASPP as submitted or as modified after such plan has been reviewed and approved by the town. Review and approval of such plans and operating procedures by the town shall not relieve the user from the responsibility to modify its facility as necessary to meet the requirements of this chapter.

1. Any user required to develop and implement an accidental spill prevention plan shall submit a plan which addresses, at a minimum, the following:

a. Description of discharge practices, including nonroutine batch discharges;

b. Description of stored chemicals;

c. Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the standards in subsections A through D of this section; and

d. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic chemicals (including solvents), and/or measures and equipment for emergency response.

2. Users shall notify the town wastewater treatment plant immediately after the occurrence of a slug or accidental discharge of substances regu-

lated by this chapter. The notification shall include location of discharge, date and time thereof, type of waste, concentration and volume, and corrective actions. Any affected user shall be liable for any expense, loss, or damage to the POTW, in addition to the amount of any fines imposed on the town on account thereof under state or federal law.

3. Within five days following an accidental discharge, the user shall submit to the superintendent a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property, nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this chapter or other applicable law.

4. Signs shall be permanently posted in conspicuous places on the user's premises advising employees whom to call in the event of a slug or accidental discharge. Employers shall instruct all employees who may cause or discover such a discharge with respect to emergency notification procedures.

L. Septic Tank Wastes.

1. Septic tank waste may be introduced into the POTW only at a designated receiving structure within the treatment plant area, and at such times as are established by the superintendent. Such wastes shall not violate this section or any other requirements established or adopted by the town. Wastewater discharge permits for individual vehicles to use such facilities shall be issued by the superintendent.

2. Septic tank waste haulers may only discharge loads at locations specifically designated by the superintendent. No load may be discharged without prior consent of the superintendent. The superintendent may collect samples of each hauled load to ensure compliance with applicable pretreatment standards. The superintendent may require the hauler to provide a waste analysis of any load prior to discharge.

3. Septic tank waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the waste hauler, permit number, truck identification, sources of waste, and volume and characteristics of waste.

4. Fees for dumping hauled wastes will be established as part of the user fee system as authorized in EMC 13.30.140. (Ord. 2006-10 § 2, 2006).

13.30.030 Wastewater discharge permit.

No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the superintendent. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this chapter and subjects the wastewater discharge permittee to the sanctions set forth in this chapter. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, and local law.

The superintendent may require other users, including liquid waste haulers, to obtain wastewater discharge permits (as necessary) to carry out the purposes of this chapter.

A. Wastewater Discharge Permitting – Existing SIU. Any SIU that was discharging wastewater into the POTW prior to the effective date of the ordinance codified in this chapter and that wishes to continue such discharges in the future shall, within 60 days after notification by the superintendent, submit a permit application to the town in accordance with subsection D of this section and shall not cause or allow discharges to the POTW to continue after three days after the effective date of the ordinance codified in this chapter except in accordance with a wastewater discharge permit issued by the superintendent.

B. Wastewater Discharge Permitting – New Source and New User. At least 90 days prior to the anticipated start-up, any new source, which is a source that becomes a user subsequent to the proposal of an applicable categorical pretreatment standard that is later promulgated, and any new user considered by the town to fit the definition of SIU shall apply for a wastewater discharge permit and will be required to submit to the town at least the information listed in subsections (D)(1) through (5) of this section. A new source or new user cannot discharge without first receiving a wastewater discharge permit from the town. New sources and new users shall also be required to include in their application information on the method of pretreatment they intend to use to meet applicable pretreatment standards. New sources and new users shall give estimates of the information requested in subsections (D)(4) and (5) of this section.

C. Wastewater Discharge Permitting – Extrajurisdictional Users. Any existing user who is located beyond the town's limits and who is required to obtain a wastewater discharge permit

shall submit a wastewater discharge permit application as outlined in subsection A of this section. New source and new users who are located beyond the town limits and who are required to obtain a wastewater discharge permit shall comply with subsection B of this section.

D. Wastewater Discharge Permit Application Contents. All users required to obtain a wastewater discharge permit must submit, at a minimum, the following information. The superintendent shall approve a form to be used as a permit application. Categorical users submitting the following information shall have complied with 40 CFR Section 403.12(b):

1. Identifying Information. The user shall submit the name and address of the facility including the name of the operator and owners;

2. Permits. The user shall submit a list of all environmental control permits held by or for the facility;

3. Description of Operations. The user shall submit a brief description of the nature, average rate of production, and standard industrial classification of the operation(s) carried out by such industrial user, including a list of all raw materials and chemicals used or stored at the facility which are or could accidentally or intentionally be discharged to the POTW; number and type of employees; hours of operation; each product produced by type, amount, process or processes, and rate of production; type and amount of raw materials processed (average and maximum per day) and the time and duration of discharges. This description should also include a schematic process diagram which indicates points of discharge to the POTW from the regulated or manufacturing processes; site plans; floor plans; mechanical and plumbing plans; and details to show all sewers, sewer connections, inspection manholes, sampling chambers and appurtenances by size, location and elevation;

4. Flow Measurement.

a. Categorical User. The user shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:

i. Regulated or manufacturing process streams; and

ii. Other streams as necessary to allow use of the combined waste stream formula (40 CFR Section 403.6(e)).

b. Noncategorical User. The user shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:

i. Total process flow, wastewater treatment plant flow, total plant flow or individual manufacturing process flow as required by the superintendent. The town may allow for verifiable estimates of these flows where justified by cost or feasibility considerations;

5. Measurements of Pollutants.

a. Categorical User.

i. The user shall identify the applicable pretreatment standards for each regulated or manufacturing process.

ii. In addition, the user shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required) by the categorical pretreatment standard or as required by the town of regulated pollutants (including standards contained in EMC 13.30.020(A) through (D), as appropriate) in the discharge from each regulated or manufacturing process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall conform to sampling and analytical procedures outlined in EMC 13.30.050.

iii. The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this subsection.

iv. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR Section 403.6(e) for a categorical user, this adjusted limit along with supporting data shall be submitted as part of the application.

b. Noncategorical User.

i. The user shall identify the applicable pretreatment standards for its wastewater discharge.

ii. In addition, the user shall submit the results of sampling and analysis identifying the nature and concentration in the discharge (or mass, where required) by the town of regulated pollutants contained in EMC 13.30.020(A) through (D), as appropriate. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall conform to sampling and analytical procedures outlined in EMC 13.30.050.

iii. The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this subsection.

iv. Where the superintendent developed alternate concentration or mass limits because of dilution, this adjusted limit along with

supporting data shall be submitted as part of the application.

6. Certification. The user shall submit a statement, worded as specified in subsection E of this section, which has been reviewed by an authorized representative of the user, and certified by a qualified professional, indicating whether the applicable pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet the applicable pretreatment standards and requirements.

7. Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the applicable pretreatment standards, the user shall submit the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The user's schedule shall conform with the requirements of EMC 13.30.040(D). The completion date in this schedule shall not be later than the compliance date established pursuant to EMC 13.30.020(I).

a. Where the user's categorical pretreatment standard has been modified by a removal allowance (40 CFR Section 403.7), the combined waste stream formula (40 CFR Section 403.6(e)), and/or a fundamentally different factors variance (40 CFR Section 403.13) at the time the user submits the report required by this subsection, the information required by subsections (D)(6) and (7) of this section shall pertain to the modified limits.

b. If the categorical pretreatment standard is modified by a removal allowance (40 CFR Section 403.7), the combined waste stream formula (40 CFR Section 403.6(e)), and/or a fundamentally different factors variance (40 CFR Section 403.13) after the user submits the report required by subsections (D)(6) and (7) of this section, then a report containing modified information shall be submitted by the user within 60 days after the new limit is approved.

8. The user shall submit any other information as may be deemed necessary by the superintendent to evaluate the wastewater discharge permit application. Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

E. Signatory and Certification Requirement. All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

F. Wastewater Discharge Permit Decisions. The superintendent will evaluate the data furnished by the user and may require additional information. Within 30 days of receipt of a complete wastewater discharge permit application, the superintendent will determine whether or not to issue a wastewater discharge permit. Upon a determination to issue, the permit shall be issued within 30 days of full evaluation and acceptance of the data furnished. The superintendent may deny any application for a wastewater discharge permit.

G. Wastewater Discharge Permit Contents. Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the superintendent to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

1. Wastewater discharge permits must contain the following conditions:

a. A statement that indicates wastewater discharge permit duration, which in no event shall exceed five years;

b. A statement that the wastewater discharge permit is nontransferable without prior notification to and approval from the town, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

c. Applicable pretreatment standards and requirements, including any special state requirements;

d. Self-monitoring, sampling, reporting, notification, submittal of technical reports, compliance schedules, and record-keeping requirements. These requirements shall include an identification

of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law;

e. Requirement for immediate notification to the town where self-monitoring results indicate noncompliance;

f. Requirement to report a bypass or upset of a pretreatment facility;

g. Requirement to report immediately to the town all discharges, including slug loadings, that could cause problems to the POTW;

h. Requirement for the SIU who reports noncompliance to repeat the sampling and analysis and submit results to the town within 30 days after becoming aware of the violation;

i. A statement of applicable civil, criminal, and administrative penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule.

2. Wastewater discharge permits may contain, but need not be limited to, the following conditions:

a. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

b. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;

c. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or routine discharges;

d. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

e. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;

f. Requirements for installation and maintenance of inspection and sampling facilities and equipment;

g. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit;

h. Any special agreements the superintendent chooses to continue or develop between the town and user;

i. Other conditions as deemed appropriate by the superintendent to ensure compliance with this chapter, and state and federal laws, rules, and regulations.

H. Wastewater Discharge Permit Appeals. Any person, including the user, may petition the town to reconsider the terms of a wastewater discharge permit within 45 days of its issuance.

1. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

2. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.

3. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.

4. If the town fails to act within 45 days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.

I. Wastewater Discharge Permit Duration. Wastewater discharge permits shall be issued for a specified time period, not to exceed five years. A wastewater discharge permit may be issued for a period less than five years, at the discretion of the superintendent. Each wastewater discharge permit will indicate a specific date upon which it will expire.

J. Wastewater Discharge Permit Modification. The superintendent may modify the wastewater discharge permit for good cause including, but not limited to, the following:

1. To incorporate any new or revised federal, state, or local pretreatment standards or requirements;

2. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;

3. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

4. Information indicating that the permitted discharge poses a threat to the town's POTW, town personnel, or the receiving waters;

5. Violation of any terms or conditions of the wastewater discharge permit;

6. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required report;

7. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR Section 403.13;

8. To correct typographical or other errors in the wastewater discharge permit; or

9. To reflect a transfer of the facility ownership and/or operation to a new owner/operator.

K. Wastewater Discharge Permit Transfer. Wastewater discharge permits may be reassigned or transferred to a new owner and/or operator only if the permittee gives at least 30 days' advance notice to the superintendent and the superintendent approves the wastewater discharge permit transfer. The notice to the superintendent must include a written certification by the new owner and/or operator which:

1. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;

2. Identifies the specific date on which the transfer is to occur; and

3. Assumes full responsibility for complying with the existing wastewater discharge permit beginning on the date of the transfer. Failure to provide advance notice of a transfer renders the wastewater discharge permit voidable as of the date of facility transfer. Provided that the notice required above occurred and that there were no significant changes to the manufacturing operation or wastewater discharge, the new owner will be considered an existing user and will be covered by the existing limits and requirements in the previous owner's permit.

L. Wastewater Discharge Permit Revocation. Wastewater discharge permits may be revoked for, but not limited to, the following reasons:

1. Failure to notify the town of significant changes to the wastewater prior to the changed discharge;

2. Failure to provide prior notification to the town of changed conditions;

3. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

4. Falsifying self-monitoring reports;

5. Tampering with monitoring equipment;

6. Refusing to allow the town timely access to the facility premises and records;

7. Failure to meet discharge limitations;

8. Failure to pay fines;

9. Failure to pay sewer charges;

10. Failure to meet compliance schedules;

11. Failure to complete a wastewater survey or the wastewater discharge permit application;

12. Failure to provide advance notice of the transfer of a permitted facility;

13. If the town has to invoke its emergency provision as cited in EMC 13.30.090(G); or

14. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this chapter. Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

M. Wastewater Discharge Permit Reissuance. A user who is required to have a wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete wastewater discharge permit application, in accordance with subsection D of this section, a minimum of 60 days prior to the expiration of the user's existing wastewater discharge permit. A user whose existing wastewater discharge permit has expired and who has submitted its re-application in the time period specified herein shall be deemed to have an effective wastewater discharge permit until the town issues or denies the new wastewater discharge permit. A user whose existing wastewater discharge permit has expired and who failed to submit its reapplication in the time period specified herein will be deemed to be discharging without a wastewater discharge permit. (Ord. 2006-10 § 3, 2006).

13.30.040 Reports – Notifications.

A. Baseline Monitoring Reports.

1. Within either 180 days after the effective date of a categorical pretreatment standard or the final administrative decision on a category determination under 40 CFR Section 403.6(a)(4) (whichever is later), existing categorical users currently discharging to or scheduled to discharge to the POTW shall be required to submit to the town a report which contains the information listed in subsection (A)(2) of this section. At least 90 days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the town a report which contains the information listed in subsection (A)(2) of this section. A new source shall also be required to report the method of pretreatment it intends to use to meet applicable

categorical standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged.

2. Users described above shall submit the information set forth below.

a. Identifying Information. The name and address of the facility, including the name of the operator and owner.

b. Environmental Permits. A list of any environmental control permits held by or for the facility.

c. Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

d. Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR Section 403.6(e).

e. Measurement of Pollutants.

i. The categorical pretreatment standards applicable to each regulated process.

ii. The results of sampling and analysis identifying the nature and concentration (and/or mass, where required) by the standard or by the town of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in EMC 13.30.050.

iii. Sampling must be performed in accordance with procedures set out in EMC 13.30.050.

f. Certification. A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

g. Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance

date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in subsection D of this section.

h. Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with EMC 13.30.030(E).

B. Final Compliance Report (Initial Compliance Report).

1. Within 90 days following the date for final compliance of an existing significant industrial user with applicable pretreatment standards and requirements set forth in this chapter, in federal categorical standards, or in a wastewater discharge permit, or, in the case of a new source or a new user considered by the town to fit the definition of SIU, within 90 days following commencement of the introduction of wastewater into the POTW, the affected user shall submit to the town a report containing the information outlined in EMC 13.30.030(D)(4) through (6).

2. For users subject to equivalent mass or concentration limits established by the town in accordance with procedures established in 40 CFR Section 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period.

C. Periodic Compliance Report.

1. Any user that is required to have an industrial waste discharge permit and performs self-monitoring shall submit to the town during the months of June and December, unless required on other dates or more frequently by the town, a report indicating the nature of the effluent over the previous reporting period. The frequency of monitoring shall be as prescribed within the industrial waste discharge permit. At a minimum, users shall sample their discharge at least twice per year.

2. The report shall include a record of the concentrations (and mass if specified in the wastewater discharge permit) of the pollutants listed in the wastewater discharge permit that were measured and a record of all flow measurements (average and maximum) taken at the designated sampling locations and shall also include any additional information required by this chapter or the wastewater discharge permit. Production data shall be reported if required by the wastewater discharge permit. Both daily maximum and average concen-

tration (or mass, where required) shall be reported. If a user sampled and analyzed more frequently than what was required by the town or by this chapter, using methodologies in 40 CFR Part 136, it must submit all results of sampling and analysis of the discharge during the reporting period.

3. Any user subject to equivalent mass or concentration limits established by the town or by unit production limits specified in the applicable categorical standards shall report production data as outlined in subsection (B)(2) of this section.

4. If the town calculated limits to factor out dilution flows or nonregulated flows, the user will be responsible for providing flows from the regulated process flows, dilution flows and nonregulated flows.

5. Flows shall be reported on the basis of actual measurement; provided, however, that the town may accept reports of average and maximum flows estimated by verifiable techniques if the town determines that an actual measurement is not feasible.

6. Discharges sampled shall be representative of the user's daily operations and samples shall be taken in accordance with the requirements specified in EMC 13.30.050.

7. The town may require reporting by users that are not required to have an industrial wastewater discharge permit if information or data is needed to establish a sewer charge, determine the treatability of the effluent, or determine any other factor which is related to the operation and maintenance of the sewer system.

8. The town may require self-monitoring by the user or, if requested by the user, may agree to perform the periodic compliance monitoring needed to prepare the periodic compliance report required under this section. If the town agrees to perform such periodic compliance monitoring, it may charge the user for such monitoring, based upon the costs incurred by the town for the sampling and analyses. Any such charges shall be added to the normal sewer charge and shall be payable as part of the sewer bills. The town is under no obligation to perform periodic compliance monitoring for a user.

D. Compliance Schedules for Meeting Applicable Pretreatment Standards.

1. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer,

completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

2. No increment referred to in subsection (D)(1) of this section shall exceed nine months.

3. Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the town including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports.

E. Notification of Significant Production Changes. Any user operating under a wastewater discharge permit incorporating equivalent mass or concentration limits shall notify the town within two business days after the user has a reasonable basis to know that the production level will significantly change within the next calendar month. Any user not providing a notice of such anticipated change will be required to comply with the existing limits contained in its wastewater discharge permit.

F. Hazardous Waste Notification. Any user that is discharging more than 15 kilograms of hazardous wastes as defined in 40 CFR Part 261 (listed or characteristic wastes) in a calendar month or any facility discharging any amount of acutely hazardous wastes as specified in 40 CFR Sections 261.30(d) and 261.33(e) is required to provide a one-time notification in writing to the town, to the EPA Region 10 Office of Waste and Chemicals Management Director, and to the state Hazardous Waste Division. Any existing user exempt from this notification shall comply with the requirements contained herein within 30 days of becoming aware of a discharge of 15 kilograms of hazardous wastes in a calendar month or any discharge of acutely hazardous wastes to the town sewer system. Such notification shall include:

1. The name of the hazardous waste as set forth in 40 CFR Part 261;
2. The EPA hazardous waste number; and
3. The type of discharge (continuous, batch, or other).

4. If an industrial user discharges more than 100 kilograms of such waste per calendar month to the sewer system, the notification shall also contain

the following information to the extent it is known or readily available to the industrial user:

- a. An identification of the hazardous constituents contained in the wastes;
- b. An estimation of the mass and concentration of such constituents in the waste streams discharged during that calendar month; and
- c. An estimation of the mass of constituents in the waste streams expected to be discharged during the following 12 months. These notification requirements do not apply to pollutants already reported under the self-monitoring requirements.

Whenever the EPA publishes final rules identifying additional hazardous wastes or new characteristics of hazardous waste, a user shall notify the town of the discharge of such a substance within 90 days of the effective date of such regulations. In the case of any notification made under this subsection, an industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

G. Notice of Potential Problems, Including Accidental Spills, Slug Loads. Any user shall notify the town immediately of all discharges that could cause problems to the POTW, including any slug loads, as defined in EMC 13.30.010(C). The notification shall include the concentration and volume and corrective action. Steps being taken to reduce any adverse impact should also be noted during the notification. Any user who discharges a slug load of pollutants shall be liable for any expense, loss, or damage to the POTW, in addition to the amount of any fines imposed on the town under state or federal law.

H. Noncompliance Reporting. If sampling performed by a user indicates a violation, the user shall notify the town within 24 hours of becoming aware of the violation. The user shall also repeat the sampling within five days and submit the results of the repeat analysis to the town within 30 days after becoming aware of the violation, except the user is not required to resample if:

1. The town performs sampling at the user at a frequency of at least once per month; or
2. The town performs sampling at the user between the time when the user performs its initial sampling and the time when the user receives the results of this sampling.

I. Notification of Changed Discharge. All users shall promptly notify the town in advance of any substantial change in the volume or character of pollutants in their discharge, including significant

manufacturing process changes, pretreatment modifications, and the listed or characteristic hazardous wastes for which the user has submitted initial notification under 40 CFR Section 403.12(p).

J. Reports from Unpermitted Users. All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the town as the superintendent may require.

K. Record Keeping. Users subject to the reporting requirements of this chapter shall retain and make available for inspection and copying all records of information obtained pursuant to any monitoring activities required by this chapter and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning the user or POTW, or where the user has been specifically notified of a longer retention period by the superintendent. (Ord. 2006-10 § 4, 2006).

13.30.050 Sampling – Pollutant analysis.

A. Sampling Requirements for Users.

1. A minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. The superintendent will determine on a case-by-case whether the user will be able to composite the individual grab samples. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The city may waive flow-proportional composite sampling for any user that demonstrates that flow-proportional composite sampling is infeasible. In such cases, samples may be obtained through time-proportional composite sampling techniques or through a minimum of four grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged.

2. Samples shall be taken immediately downstream from pretreatment facilities if such exist, immediately downstream from the regulated or manufacturing process if no pretreatment exists, or at a location determined by the city and specified in the user's wastewater discharge permit. For

categorical users, if other wastewaters are mixed with the regulated wastewater prior to pretreatment, the user shall measure the flows and concentrations necessary to allow use of the combined waste stream formula of 40 CFR Section 403.6(e) in order to evaluate compliance with the applicable categorical pretreatment standards. For other SIUs, for which the city has adjusted its local limits to factor out dilution flows, the user shall measure the flows and concentrations necessary to evaluate compliance with the adjusted pretreatment standard(s).

3. All sample results shall indicate the time, date and place of sampling, and methods of analysis and shall certify that the waste stream sampled is representative of normal work cycles and expected pollutant discharges from the user. If a user sampled and analyzed more frequently than what was required in its wastewater discharge permit, using methodologies in 40 CFR Part 136, it must submit all results of sampling and analysis of the discharge as part of its self-monitoring report.

B. Analytical Requirements. All pollutant analyses, including sampling techniques, shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the EPA.

C. Town Monitoring of User's Wastewater. The town will follow the same procedures as outlined in subsections A and B of this section. (Ord. 2006-10 § 5, 2006).

13.30.060 Inspection – Monitoring.

A. Inspection and Sampling. The town shall have the right to enter the facilities of any user to ascertain whether the purpose of this chapter and any wastewater discharge permit or order issued hereunder is being met and whether the user is complying with all requirements thereof. Users shall allow the superintendent ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

1. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the superintendent will be permitted to

enter without delay for the purposes of performing specific responsibilities.

2. The superintendent shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

3. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the superintendent and shall not be replaced. The costs of clearing such access shall be borne by the user.

4. Unreasonable delays in allowing the superintendent access to the user's premises shall be a violation of this chapter.

B. Monitoring Facilities. Each user shall provide and operate at its own expense a monitoring facility to allow inspection, sampling, and flow measurements of each sewer discharge to the town. Each monitoring facility shall be situated on the user's premises, except, where such a location would be impractical or cause undue hardship on the user, the town may concur with the facility being constructed in the public street or sidewalk area, providing that the facility is located so that it will not be obstructed by landscaping or parked vehicles. The superintendent, whenever applicable, may require the construction and maintenance of sampling facilities at other locations (for example, at the end of a manufacturing line or a wastewater treatment system). There shall be ample room in or near such sampling facility to allow accurate sampling and preparation of samples for analysis. The facility, including the sampling and measuring equipment, shall be maintained at all times in a safe and proper operating condition at the expense of the user. The superintendent may require the user to install monitoring equipment as necessary. All monitoring facilities shall be constructed and maintained in accordance with all applicable local construction standards and specifications. All devices used to measure wastewater flow and quality shall be calibrated to ensure their accuracy.

C. Search Warrants. If the town has been refused access to a building, structure or property, or any part thereof and is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect as part of a routine inspection program of the town designed to verify compliance with this chapter or any wastewater discharge permit or order issued hereunder, or to protect the overall public health,

safety and welfare of the community, then the town shall seek issuance of a search and/or seizure warrant from the courts of the town. Such warrant shall be served at reasonable hours by a uniformed police officer of the town.

D. Vandalism. No person shall willfully or negligently break, damage, destroy, uncover, deface, tamper with, or prevent access to any structure, appurtenance or equipment, or other part of the POTW. Any person found in violation of this requirement shall be subject to the sanctions set out in this chapter. (Ord. 2006-10 § 6, 2006).

13.30.070 Public records.

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, monitoring programs, and from town inspection and sampling activities shall be available to the public without restriction, unless the user specifically requests and is able to demonstrate to the satisfaction of the town that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable state law. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR Section 2.302 will not be recognized as confidential information and will be available to the public without restriction. (Ord. 2006-10 § 7, 2006).

13.30.080 Noncompliance.

The town shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the users which, during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. For the purposes of this provision, an industrial user is in significant noncompliance if its violation meets one or more of the following criteria:

A. Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of wastewater measurements taken during a six-month period exceed the daily maximum limit

or average limit for the same pollutant parameter by any amount;

B. Technical review criteria (TRC) violations, defined here as those in which 33 percent or more of wastewater measurements taken for each pollutant parameter during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable criteria 1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH;

C. Any other discharge violation that the town believes has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of town personnel or the general public);

D. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the town's exercise of its emergency authority to halt or prevent such a discharge;

E. Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

F. Failure to provide, within 30 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

G. Failure to accurately report noncompliance; or

H. Any other violation(s) which the town determines will adversely affect the operation or implementation of the local pretreatment program. (Ord. 2006-10 § 8, 2006).

13.30.090 Enforcement.

A. Notification of Violation. When the town finds that a user has violated (or continues to violate) any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the superintendent may serve upon that user a written notice of violation via certified letter. Within five days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the town. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the

authority of the town to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

B. Consent Orders. The superintendent may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to subsections D and E of this section and shall be judicially enforceable. Use of a consent order shall not be a bar against, or prerequisite for, taking any other action against the user.

C. Show Cause Hearing. The town may order via a certified letter a user which has violated or continues to violate any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the superintendent and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least 10 days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

D. Compliance Orders. When the town finds that a user has violated or continues to violate any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the town may issue an order to the user responsible for the discharge directing that the user come into compliance within a time specified in the order. If the user does not come into compliance within the time specified in the order, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address the noncompliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the sewer. Issuance of a compliance order shall not be

a bar against, or a prerequisite for, taking any other action against the user.

E. Cease and Desist Orders. When the town finds that a user has violated (or continues to violate) any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the superintendent may issue an order to the user directing it to cease and desist all such violations and directing the user to:

1. Immediately comply with all requirements; and
2. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

F. Administrative Fines.

1. When the town finds that a user has violated or continues to violate any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the town may fine such user. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.

2. Unpaid charges, fines, and penalties shall, after 60 calendar days, be assessed an additional penalty of five percent of the unpaid balance, and interest shall accrue thereafter.

3. Users desiring to dispute such fines must file a written request for the superintendent to reconsider the fine along with full payment of the fine amount within 60 days of being notified of the fine. Where a request has merit, the superintendent shall convene a hearing on the matter within 90 days of receiving the request from the user. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The town may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

4. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

G. Emergency Suspensions. The town may immediately suspend a user's discharge after informal notice to the user whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an

imminent or substantial endangerment to the health or welfare of persons. The town may also immediately suspend a user's discharge after notice and opportunity to respond that threatens to interfere with the operation of the POTW or which presents or may present an endangerment to the environment.

1. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the town shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The superintendent shall allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the town that the period of endangerment has passed, unless the termination proceedings in subsection H of this section are initiated against the user.

2. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the superintendent prior to the date of any show cause or termination hearing under subsections C and H of this section. Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

H. Termination of Discharge (Nonemergency). In addition to the provisions in EMC 13.30.030(L), any user that violates the following conditions is subject to discharge termination:

1. Violation of wastewater discharge permit conditions;
2. Failure to accurately report the wastewater constituents and characteristics of its discharge;
3. Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge;
4. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling; or
5. Violation of the pretreatment standards in EMC 13.30.020. Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under subsection C of this section why the proposed action should not be taken. Exercise of this option by the town shall not be a bar to, or a prerequisite for, tak-

ing any other action against the user. (Ord. 2006-10 § 9, 2006).

13.30.100 Violation – Penalty.

A. Injunctive Relief. When the town finds that a user has violated or continues to violate any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the town may petition the court through the town's attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this chapter on activities of the user. The town may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

B. Civil Penalties.

1. A user which has violated or continues to violate any provision of this chapter, a wastewater discharge permit, order issued hereunder, or any other pretreatment standard or requirement shall be liable to the town for maximum civil penalties.

2. The town may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the town.

3. In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

4. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

C. Remedies Nonexclusive. The provisions in EMC 13.30.080 through 13.30.110 are not exclusive remedies. The town reserves the right to take any, all, or any combination of these actions against a noncompliant user. Enforcement in response to pretreatment violations will generally be in accordance with the town's enforcement response plan. However, the town reserves the right to take other action against any user when the circumstances warrant. Further, the town is empowered to take more than one enforcement

action against any noncompliant user. These actions may be taken concurrently. (Ord. 2006-10 § 10, 2006).

13.30.110 Additional remedies.

A. Performance Bonds. The town may decline to issue or reissue a wastewater discharge permit to any user which has failed to comply with any provision of this chapter, a previous wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement unless such user first files a satisfactory bond, payable to the town, in a sum not to exceed a value determined by the town to be necessary to achieve consistent compliance.

B. Liability Insurance. The town may decline to issue or reissue a wastewater discharge permit to any user which has failed to comply with any provision of this chapter, a previous wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

C. Water Supply Severance. Whenever a user has violated or continues to violate any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

D. Public Nuisances. A violation of any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, is hereby declared a public nuisance and shall be corrected or abated as directed by the superintendent. Any person(s) creating a public nuisance shall be subject to the provisions of the town code governing such nuisances, including reimbursing the town for any costs incurred in removing, abating, or remedying said nuisance.

E. Contractor Listing. Users which have not achieved compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the town. Existing contracts for the sale of goods or services to the town held by a user found to be in significant noncompliance with pretreatment standards or requirements may be terminated at the discretion of the town. (Ord. 2006-10 § 11, 2006).

13.30.120 Upset – Bypass.

A. Upset.

1. For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with applicable pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

2. An upset shall constitute an affirmative defense to an action brought for noncompliance with applicable pretreatment standards if the requirements of subsection (A)(3) of this section are met.

3. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

a. An upset occurred and the user can identify the cause(s) of the upset;

b. The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures; and

c. The user has submitted the following information to the POTW and treatment plant operator within 24 hours of becoming aware of the upset. If this information is provided orally, a written submission must be provided within five days:

i. A description of the indirect discharge and cause of noncompliance;

ii. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

iii. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

4. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

5. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with applicable pretreatment standards.

6. Users shall control production of all discharges to the extent necessary to maintain compliance with applicable pretreatment standards upon reduction, loss, or failure of their treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement

applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

B. Prohibited Discharge Standards. A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the prohibitions in EMC 13.30.020(A)(1) and (2)(c) through (g) if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either: (1) a local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or (2) no local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the town was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

C. Bypass.

1. For the purposes of this section:

a. "Bypass" means the intentional diversion of waste streams from any portion of a user's treatment facility.

b. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

2. A user may allow any bypass to occur which does not cause applicable pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of subsections (C)(3) and (4) of this section.

3. Notice of Bypass.

a. If a user knows in advance of the need for a bypass, it shall submit prior notice to the POTW at least 10 days before the date of the bypass, if possible.

b. A user shall submit oral notice to the town of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within five days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the

bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass. The POTW may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

4. Bypass Conditions.

a. Bypass is prohibited, and the POTW may take an enforcement action against a user for a bypass, unless:

i. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

ii. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

iii. The user submitted notices as required under subsection (C)(3) of this section.

b. The POTW may approve an anticipated bypass, after considering its adverse effects, if the POTW determines that it will meet the three conditions listed in subsection (C)(4)(a) of this section. (Ord. 2006-10 § 12, 2006).

13.30.130 Reserved.

(Ord. 2006-10 § 13, 2006).

13.30.140 Charges and fees – Severability – Conflicts.

A. Pretreatment Charges and Fees. The town may adopt reasonable fees for reimbursement of costs of setting up and operating the town's pretreatment program which may include:

1. Fees for wastewater discharge permit applications including the cost of processing such applications;

2. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users;

3. Fees for reviewing and responding to accidental discharge procedures and construction;

4. Fees for filing appeals; and

5. Other fees as the town may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by

this chapter and are separate from all other fees, fines, and penalties chargeable by the town.

B. Severability. If any provision of this chapter is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

C. Conflicts. All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this chapter are hereby repealed to the extent of the inconsistency or conflict. (Ord. 2006-10 § 14, 2006).