

Title 13

SEWERS¹

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Chapter 13.04

TITLE AND DEFINITIONS

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13.04.010 Title.

The ordinance codified in this title shall be known and may be cited as “the sewer ordinance of the city.” (Ord. 3481 § 1, 2010).

13.04.020 Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this title shall be as set forth in this chapter. (Ord. 3481 § 1, 2010).

13.04.030 BOD.

“BOD” means biological oxygen demand, that is, 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 parts per million by weight. (Ord. 3481 § 1, 2010).

13.04.040 Building drain.

“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. (Ord. 3481 § 1, 2010).

13.04.050 Building sewer.

“Building sewer” or “side sewer” means the extension from the building drain to the public sewer. (Ord. 3481 § 1, 2010).

13.04.060 City.

“City” means the city of Mount Vernon. (Ord. 3481 § 1, 2010).

13.04.070 City finance director.

“City finance director” means the finance director of the city and any employee acting on behalf of the finance director. (Ord. 3481 § 1, 2010).

13.04.080 Combined sewer.

“Combined sewer” means a sewer receiving both surface runoff and sewage. (Ord. 3481 § 1, 2010).

13.04.090 Commercial unit.

“Commercial unit” means any establishment or place of business not a single-family or duplex residential unit or an industrial unit. Any structure containing three or more residential units shall be considered a commercial unit. (Ord. 3481 § 1, 2010).

13.04.100 Connection charges.

“Connection charges” means the charges imposed by the city for connecting any building sewer to the public sewer and any inspection charges. (Ord. 3481 § 1, 2010).

13.04.110

13.04.110 Garbage.

“Garbage” means solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce. (Ord. 3481 § 1, 2010).

13.04.115 Holding tank sewage system.

“Holding tank sewage system” means an on-site sewage system that incorporates a holding tank, the services of a sewage pumper/hauler, and the off-site treatment and disposal of the sewage generated at the site served by the holding tank sewage system. (Ord. 3481 § 1, 2010).

13.04.120 Industrial unit.

“Industrial unit” means any establishment which discharges on any day into the public sewers more than 120,000 gallons of flow, 300 pounds of BOD or 300 pounds of suspended solids.

An industrial unit in existence on June 1, 1986, shall be considered a commercial user and billed accordingly, if none of the following loads are exceeded in the time frame indicated:

July 1, 1986 – June 30, 1987:	
Peak daily flow	120,000 gallons
Peak daily BOD	600 pounds
Peak daily suspended solids	600 pounds
July 1, 1987 – June 30, 1988:	
Peak daily flows	120,000 gallons
Peak daily BOD	450 pounds
Peak daily suspended solids	450 pounds
After June 30, 1988:	
Peak daily flows	120,000 gallons
Peak daily BOD	300 pounds
Peak daily suspended solids	300 pounds

If the above loads are exceeded, the existing industrial unit may be considered an industrial unit from that point forward and billed accordingly. (Ord. 3481 § 1, 2010).

13.04.130 Industrial wastes.

“Industrial wastes” means the water or liquid carried waste from industrial or commercial processes, as distinct from domestic wastewater. These wastes may result from any process or activity of industry, manufacturing, trade or business, from the development of any natural resource, or from animal operations such as feed lots, poultry houses or dairies. (Ord. 3481 § 1, 2010).

13.04.133 Local health officer.

“Local health officer” means the health officer of Skagit County within the state of Washington, or a representative authorized by and under the direct supervision of the health officer, as defined in Chapter 70.05 RCW. (Ord. 3481 § 1, 2010).

13.04.135 Low income elderly.

“Low income elderly” means a person who has applied for classification as a low income elderly person and has certified he/she qualified for exemption from all excess property taxes pursuant to the terms of RCW 84.36.381. Proof of entitlement may consist of documents or copies of documents from the county assessor’s office showing that the applicant meets the necessary qualification as set forth in RCW 84.36.381. (Ord. 3481 § 1, 2010).

13.04.140 Natural outlet.

“Natural outlet” means any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water. (Ord. 3481 § 1, 2010).

13.04.141 Nonsystem wastewater.

“Nonsystem wastewater” means any wastewater discharged from temporary commercial operations or hauled into the city for discharge and treatment. (Ord. 3481 § 1, 2010).

13.04.143 On-site sewage system.

“On-site sewage system” shall mean an integrated arrangement of components for a residence, building, industrial establishment, or other places not connected to a public sewer system which are regulated by Chapter 246-272 WAC, and which:

- A. Convey, store, treat, and/or provide subsurface soil treatment and disposal on the property where the sewage originates, or upon adjacent or nearby property; and
- B. Includes piping, treatment devices, other accessories, and soil underlying the disposal component of the initial and reserve areas. (Ord. 3481 § 1, 2010).

13.04.145 On-site sewage system failure.

“On-site sewage system failure” shall be determined by the local health officer. (Ord. 3481 § 1, 2010).

13.04.150 Person.

“Person” means any individual, group, firm, company, association, society, or corporation. (Ord. 3481 § 1, 2010).

13.04.160 pH.

“pH” means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution. (Ord. 3481 § 1, 2010).

13.04.170 Properly shredded garbage.

“Properly shredded garbage” means the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension. (Ord. 3481 § 1, 2010).

13.04.180 Public sewer.

“Public sewer” means any portion of the sewers of the city which is owned by the city. (Ord. 3481 § 1, 2010).

13.04.183 Public works director.

“Public works director” means the public works director of the city, or his authorized deputy, agent or representative. (Ord. 3481 § 1, 2010).

13.04.185 Residential equivalent unit.

“Residential equivalent unit” means the equivalent of one residential unit for purposes of computing connection charges. A “residential unit” (MVMC 13.04.190) is a single-family residential structure and shall be one residential equivalent unit. Each residential unit in a duplex residential structure shall be 0.75 of a residential equivalent unit. Each “multiple residential unit” (MVMC 13.04.195) shall be 0.5 of a residential equivalent unit. (Ord. 3481 § 1, 2010).

13.04.190 Residential unit.

“Residential unit” means any structure which is designed for single-family or duplex occupancy and has one or more sinks and/or showers, and/or bathing facilities, and/or laundry facilities, and/or toilets, and shall not include garages, or sheds not having any of the above appurtenances. (Ord. 3481 § 1, 2010).

13.04.195 Residential unit, multiple.

“Multiple residential unit” means a building designed to house three or more families living independently of each other. (Ord. 3481 § 1, 2010).

13.04.200 Sanitary sewer.

“Sanitary sewer” means a sewer which carries sewage and to which storm, surface water and

ground water are not intentionally admitted. (Ord. 3481 § 1, 2010).

13.04.210 Sewage.

“Sewage” means a combination of the water-carried wastes from residence, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present. (Ord. 3481 § 1, 2010).

13.04.215 Sewer service available.

“Sewer service available” shall refer to those circumstances in which:

A. Plumbing fixtures, drain lines, or other appurtenances have been connected to the city’s sewer facilities, whether or not such plumbing fixtures, drain lines, or other appurtenances are actually used, such that they empty wastes into the city’s sewer facilities; or

B. The property boundary is 200 feet or less from the existing public sewer system, as measured along the anticipated sewer route using the shortest distance possible. (Ord. 3481 § 1, 2010).

13.04.220 Sewage treatment plant.

“Sewage treatment plant” means any arrangement of devices and structures used for treating and disposing of sewage. (Ord. 3481 § 1, 2010).

13.04.230 Sewage works.

“Sewage works” means all facilities for collecting, pumping, treating and disposing of sewage. (Ord. 3481 § 1, 2010).

13.04.240 Sewer.

“Sewer” means a pipe or conduit for carrying sewage. (Ord. 3481 § 1, 2010).

13.04.250 Sewer connection permit.

“Sewer connection permit” means the permit issued by the city to allow the connection of any building sewer to the public sewer. (Ord. 3481 § 1, 2010).

13.04.260 Sewer service rates.

“Sewer service rates” means the monthly or annual charges imposed by the city for the use of the public sewers of the city or charges imposed whenever those sewers are available for use. (Ord. 3481 § 1, 2010).

13.04.270 Shall – May.

“Shall” is mandatory; “may” is permissive. (Ord. 3481 § 1, 2010).

13.04.280 Slug.

“Slug” means any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds, for any period of duration longer than 15 minutes, more than five times the average 24-hour concentration or flows during normal operations. (Ord. 3481 § 1, 2010).

13.04.290 Storm drain.

“Storm drain,” sometimes termed “storm sewer,” means a sewer which carries storm water and surface water and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water. (Ord. 3481 § 1, 2010).

13.04.310 Suspended solids.

“Suspended solids” means solids that either float on the surface of, or are in suspension in, water, sewage or other liquids, and which are removable by laboratory filtering. (Ord. 3481 § 1, 2010).

13.04.320 Waste discharge permit.

“Waste discharge permit” means both a permit issued by the city and a separate permit issued by the Department of Ecology for the discharge of waste into a public sewer, or side sewer tributary to the Mount Vernon sewerage system. When provisions herein deal with only one of the permits, it will be designated as “city discharge permit” or “Department of Ecology (DOE) discharge permit.” (Ord. 3481 § 1, 2010).

13.04.330 Watercourse.

“Watercourse” means a channel in which a flow of water occurs, either continuously or intermittently. (Ord. 3481 § 1, 2010).

Chapter 13.08

PUBLIC SEWERS

Sections:

- 13.08.005 On-site sewage disposal systems – Policy to limit.
- 13.08.010 Discharge of excrement, garbage or other objectionable waste prohibited.
- 13.08.020 Discharge of sewage or polluted waters restricted.
- 13.08.030 Privies, septic tanks and cesspools prohibited.
- 13.08.035 Mandatory sewer service – No rights created.
- 13.08.040 Connections to public sewer.
- 13.08.045 Construction of new septic systems provided in limited cases as interim measure.
- 13.08.050 Construction of new holding tank sewage systems.
- 13.08.060 Outside city limit connections.

13.08.005 On-site sewage disposal systems – Policy to limit.

A. It is the policy and intent of the city of Mount Vernon that the construction of new holding tank sewage systems and on-site sewage disposal be limited and discouraged and, except where specifically authorized by permit pursuant to this title, prohibited in all areas, and that all sewage be discharged into the public sewer.

B. Except as provided in MVMC 13.08.045 and 13.08.050, no holding tank sewage system or on-site sewage system may be constructed in the city of Mount Vernon without a written permit from the local health officer certifying that it meets the requirements of the Skagit County health department. On-site sewage disposal systems must also meet the requirements of the director of public works and this code. (Ord. 3156 § 5, 2003; Ord. 3135 § 2, 2002; Ord. 3036 § 6, 2000).

13.08.010 Discharge of excrement, garbage or other objectionable waste prohibited.

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 city, or in any area under the jurisdiction of the city, any human or animal excrement, garbage or other objectionable waste. (Ord. 2057 Ch. 2 § 1, 1981).

13.08.020 Discharge of sewage or polluted waters restricted.

It is unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of the city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this title. (Ord. 2057 Ch. 2 § 2, 1981).

13.08.030 Privies, septic tanks and cesspools prohibited.

Except as provided in this title, it is unlawful to construct any new on-site sewage system or holding tank sewage system. (Ord. 3156 § 6, 2003; Ord. 3135 § 3, 2002; Ord. 2057 Ch. 2 § 3, 1981).

13.08.035 Mandatory sewer service – No rights created.

A. All wastewater in the city of Mount Vernon, excepting storm water, must be discharged into the public sewer of the city of Mount Vernon and/or into holding tank sewage systems or on-site sewage systems. This obligation applies to the owner of premises and to persons in possession, charge, or control of the premises where prohibited discharges either originate or occur.

B. This title does not create rights for any individual or group to require construction of public sewers, connection thereto or otherwise to receive sewer service from the city. The city reserves all rights to deny, limit, or curtail service. (Ord. 3156 § 7, 2003; Ord. 3135 § 4, 2002; Ord. 3036 § 4, 2000).

13.08.040 Connections to public sewer.

A. Connections Required. Any house, building, or property on or in which any plumbing facilities that are subject to the provisions of either the Uniform Plumbing Code as adopted by the city or the Washington State Plumbing Code as adopted by the state have been installed shall be connected to the public sewer in accordance with the provisions of this title, and MVMC Title 15 when adequate public sewer services are available pursuant to MVMC 13.04.215(B). Such connections shall be made at the cost of the owner of such house, building, or property. The determination of when public sewer facilities are adequate shall be made by the public works director.

B. Notwithstanding subsection A of this section, and subject to the provisions of MVMC 13.08.005, an on-site sewage system may continue in use. (Ord. 3156 § 8, 2003; Ord. 3135 § 5, 2002; Ord. 3036 § 5, 2000; Ord. 2057 Ch. 2 § 4, 1981).

13.08.045 Construction of new septic systems provided in limited cases as interim measure.

Notwithstanding the provisions of this chapter, the construction of new on-site sewage systems shall be provided in limited cases and as an interim measure only. A permit to install an on-site sewage system shall be authorized only in accordance with the following provisions:

A. Variance from Sewer Connection Requirement.

1. Any property owner may apply for a variance to allow for the construction of an on-site sewage system on lots of record existing as of the effective date of the ordinance codified in this chapter when such property is zoned R-A, R-1, or R-2 in accordance with MVMC Title 17. Such on-site sewage systems shall be limited to serving one single-family residence.

2. The public works director or the director's designee shall approve a variance only if all of subsections (A)(2)(a), (b) and (c) of the following decision criteria are met:

a. Sewer service is not available pursuant to MVMC 13.04.215(B);

b. The proposed on-site sewage system will not have an adverse environmental effect on potable water wells, ground water, streams, or other surface bodies of water; and

c. The proposed on-site sewage system is in compliance with all applicable federal, state and local health and environmental regulations.

3. No variance may be granted if:

a. The premises to be served are occupied by any occupancy group other than an R-3 occupancy as defined by the Washington State Building Code; or

b. The public health or safety would be adversely affected.

B. Should the on-site sewage system fail to comply as provided under subsections (A)(2)(b) and (c) of this section, connection to the public sewer system is mandatory and a variance will not be granted.

C. On-site sewage system variances issued by the public works director shall be subject to the following conditions: (1) the applicant must first obtain appropriate approvals from government agencies having jurisdiction; (2) the applicant shall record an agreement, referred to herein as an "agreement to connect," with the Skagit County auditor. The agreement shall be a covenant which shall run with the land and shall be binding upon the owner and successors in interest of the property. Such agreement shall require payment of all

connection charges applicable at the time of actual connection to the public sewage system. The agreement shall provide that the structure served by the on-site sewage system shall be connected to the public sewer at such time as the public sewer is available.

D. The following land development actions approving residential uses or developments shall require connection to the public sewer system regardless of the distance of the property from the public sewer:

1. Short subdivisions and subdivisions, as set forth in MVMC Title 16;
2. Binding site plans, as set forth in MVMC Title 16;
3. PUDs as set forth in MVMC Title 17.

E. On-site sewage systems must be designed and built to facilitate eventual conversion to the public sewer, including the siting of improvements on the property and the construction of sanitary sewer lines to be used for future connection to the public sewer.

F. A building permit will be issued only after the applicant obtains a septic system permit from the Skagit County health department.

G. Term of Variance. Variances issued pursuant to the provisions of this section shall expire when sewer services are available.

H. Appeals. Any person aggrieved by an administrative determination of the public works director or designee made under the authority granted by this chapter may request review by the Mount Vernon hearing examiner by filing written notice with the city finance director within 30 days of the issuance of the determination, together with an appeal fee of \$100.00. The hearing examiner shall cause a notice of the time and place of the hearing to be mailed to the property owner. At such hearing the property owner shall be entitled to be heard and to introduce evidence on his or her behalf. The hearing examiner shall thereupon render a decision. In rendering a decision, the hearing examiner may either uphold or overturn the decision of the public works director or take such other action as the hearing examiner deems appropriate within the decision criteria provided under this chapter. The decision of the hearing examiner shall be supported by findings and provided in writing to the applicant. Appeals of decisions of the hearing examiner under this chapter are to the superior court. (Ord. 3156 § 9, 2003; Ord. 3135 § 6, 2002).

13.08.050 Construction of new holding tank sewage systems.

Notwithstanding the provisions of this chapter, the construction of new holding tank sewage systems shall be provided in limited cases and as an interim measure only. A permit to install a holding tank sewage system shall be authorized only in accordance with the following provisions:

A. Variance from Sewer Connection Requirement.

1. The owner of any property situated within the unincorporated Mount Vernon urban growth area may apply for a variance to allow for the construction of a holding tank sewage system, when such property is zoned commercial/limited industrial in accordance with MVMC Title 17.

2. The public works director or the director's designee shall approve a variance only if all of subsections (A)(2)(a), (b), and (c) of the following decision criteria are met:

a. The proposed holding tank sewage system will not have an adverse environmental effect on potable water wells, ground water, streams, or other surface bodies of water; and

b. The proposed holding tank sewage system is in compliance with all applicable federal, state and local health and environmental regulations, including the applicable provisions of Chapter 12.05 of the Skagit County Code; and

c. Sewer service is not available.

3. A variance allowing the installation of a holding tank sewage system shall only be granted for lots of record existing as of the date of the ordinance codified in this section; provided, that a variance allowing the installation of a single holding tank sewage system to serve all lots of a parcel for which subdivision is sought may be granted upon an applicants showing that the public health and safety will not be adversely affected by the installation of such a community holding tank sewage system.

4. No variance may be granted if the public health or safety would be adversely affected.

B. Holding tank sewage system variances issued by the public works director shall be subject to the following conditions:

1. The applicant must first obtain appropriate approvals from government agencies having jurisdiction.

2. The applicant shall record an agreement, referred to herein as an "agreement to connect," with the Skagit County auditor. The agreement shall be a covenant which shall run with the land and shall be binding upon the owner and successors in interest of the property. Such agreement

shall require payment of all connection charges applicable at the time of actual connection to the public sewage system. The agreement shall provide that the structure served by the holding tank sewage system shall be connected to the public sewer at such time as the public sewer is available.

C. It is the intent of the city council that property owners who construct sewer lines and appurtenances which are dedicated to public use shall be afforded the opportunity to recover certain costs by virtue of entry into a utility reimbursement agreement (latecomer's agreement), pursuant to the provisions of Chapter 35.91 RCW.

D. Holding tank sewage systems must be designed and built to facilitate eventual conversion to the public sewer, including the siting of improvements on the property and the construction of sanitary sewer lines to be used for future connection to the public sewer.

E. Term of Variance. Variances issued pursuant to the provisions of this section shall expire when sewer services are available.

F. Holding tank sewage systems must provide safe and adequate temporary storage of sewage, with scheduled and approved pumping service followed by approved off-site treatment and disposal of the stored sewage. By design, installation, operation and maintenance, holding tank sewage systems must not contaminate ground or surface waters, expose the public to untreated sewage or be a source of nuisance odors. All holding tank sewage systems shall be designed and constructed to meet the following criteria:

1. The holding tank portion of the holding tank sewage system must be located in such a way as to facilitate pumping while limiting the general public exposure to, or nuisance caused by, accidental sewage spillage during pumping.

2. The holding tank sewage system must meet the same horizontal setbacks required for septic tanks by WAC 246-272-140 (Location).

3. Holding tanks must be:

a. Designed, constructed, and installed to maintain water-tightness; and

b. Designed, constructed, and installed to withstand anticipated stresses associated of use which includes resistance to effects of raw sewage, and ability to withstand internal and external loading.

4. If buried, a holding tank must be:

a. Inherently nonbuoyant so as to prevent floating when empty during high ground water periods if such events are anticipated. A tank is nonbuoyant if installed above the ground water elevation, weight of the empty tank exceeds buoyant

forces, or "side wings" anchor the tank into surrounding soil; and

b. Able to withstand traffic loading if the area is subject to vehicular traffic loads.

5. If installed above ground, holding tanks must:

a. Be designed and constructed to function as needed, retain shape, integrity, and watertightness; and

b. Provide adequate support for all associated piping.

6. Both audible and visual alarm capacity alarms shall be installed on holding tanks.

a. Alarms must be set to signal at the "time to pump" and "exceeding reserve storage volume" levels.

b. Audible and visual alarm enunciators must be located outside the facility, with battery power where electrical power is not available.

c. Only the audible alarm may be turned off by the user.

7. All plumbing connections to the holding tank must be watertight and such that if the holding tank is full, further use of the system will cause sewage to back up into fixtures within the facility served. Use of the holding tank sewage system beyond the rated tank capacity must not allow discharge of sewage to the ground surface through the service access, pumping access ports, or vent openings.

G. Appeals. Any person aggrieved by an administrative determination of the public works director or designee made under the authority granted by this chapter may request review by the Mount Vernon hearing examiner by filing written notice with the city finance director within 30 days of the issuance of the determination together with an appeal fee of \$100.00. The hearing examiner shall cause a notice of the time and place of the hearing to be mailed to the property owner. At such hearing the property owner shall be entitled to be heard and to introduce evidence on his or her behalf. The hearing examiner shall thereupon render a decision. In rendering a decision, the hearing examiner may either uphold or overturn the decision of the public works director or take such other action as the hearing examiner deems appropriate within the decision criteria provided under this chapter. The decision of the hearing examiner shall be supported by findings and provided in writing to the applicant. Appeals of decisions of the hearing examiner under this chapter are to the superior court. (Ord. 3156 § 10, 2003; Ord. 3135 § 7, 2002).

13.08.060 Outside city limit connections.

Sewer connections shall not be allowed outside the city limits of Mount Vernon. Only after property is annexed into the city may a sewer connection be made in accordance with this chapter. This section shall not apply to any sewer connection outside the city limits that exists or any sewer connection agreement between the city and property owner in effect prior to the effective date of the ordinance codified in this section. (Ord. 3473 § 4, 2009).

Chapter 13.12

WASTEWATER CONNECTION AND CONNECTION CHARGES

Sections:

- 13.12.005 Connection charges – Basis for computation.
- 13.12.010 Permit – Required for connections when.
- 13.12.020 Permit – Application – Issuance conditions.
- 13.12.030 Permit – Processing and inspection fee.
- 13.12.040 Permit – Wastewater connection charge required.
- 13.12.050 Wastewater connection charge – Proceeds.
- 13.12.060 Credits against charges authorized when.
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- 13.12.080 Connection permit – Payments prerequisite to issuance.
- 13.12.090 Connection charge annual escalation.
- 13.12.100 Updating connection charge every three to five years.
- 13.12.110 Waste discharge permit – Required – Terms.
- 13.12.120 Connections – Required – Application regulations – Costs – Inspection and approval required.
- 13.12.130 Discharging certain waters prohibited – Pretreatment required when.
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- 13.12.160 Charge in lieu of assessment – Trunkage, connection, and permit fees and charges – Lateral sewer pipelines.
- 13.12.170 Standard participation contract – Additional terms.
- 13.12.180 Developer’s contracts.
- 13.12.190 LID charges – Payment procedure.
- 13.12.200 Installment payments authorized when.

13.12.005 Connection charges – Basis for computation.

The city council finds that the connection charges set forth in this chapter assess against property owners seeking to connect to the sewer system a fair and equitable share of the cost of such

system. Such charges are calculated to include a pro rata share of the cost of existing facilities plus costs directly attributable to the improvements required by the property owners seeking to connect. Such charges take into account those portions of the system which have been donated or which have been paid for by grants, including grants provided by Skagit County to further economic development. The city council further finds that it is in the interests of the city of Mount Vernon to minimize threats to the public health through the proliferation and/or continued use of on-site sewage systems. The charges set forth in this chapter are based upon the comprehensive plans and facility plans prepared by HDR Engineering, Inc., as summarized in their report of 2005, titled Wastewater Treatment Plant Upgrade Facilities Plan, the 2003 Comprehensive Sewer Plan Update and the Wastewater Connection Charge Study dated July 2008. (Ord. 3414 § 1, 2008).

13.12.010 Permit – Required for connections when.

No building sewer shall be connected to any public sewer of the city without the owner thereof first obtaining the proper sewer connection permit from the city. No person other than the representatives of the city shall uncover, make any connection to or opening into, use, alter or disturb any public sewer or appurtenances thereof without first obtaining such permit from the city. (Ord. 3414 § 1, 2008).

13.12.020 Permit – Application – Issuance conditions.

A. The permit application for a sewer or drain connection, repair, alteration or addition shall be made by the owner of such property or premises or by a side sewer contractor representing the owner, and the city engineer shall determine whether the permit application conforms to the requirements of this chapter and other ordinances of the city regulating side sewers.

B. A connection permit shall be required when any nonsingle-family residential user already connected to the public sewer changes or adds to the use of an existing facility in any way which adds to the number of fixture units or to the flow entering the public sewer. The connection charges shall be based on the number of fixture units or flow added.

C. No connection permit shall be issued without prior approval of the city engineer. In all cases of dispute regarding fees, permits or other matters relating to this chapter, the decision of the city

engineer shall be final and conclusive. (Ord. 3414 § 1, 2008).

13.12.030 Permit – Processing and inspection fee.

For each connection permit there shall be paid by the applicant a processing and inspection fee. The processing and inspection fee shall be as set forth in the following schedule:

A. Single-family dwelling houses, \$50.00;

B. Multiple-family dwelling structures, including duplex houses, apartment buildings, trailer and auto courts, motels, hotels, apartment hotels, boarding or rooming houses, and similar structures or additions thereto, \$50.00 for the first dwelling unit and \$25.00 for each additional unit, up to a maximum fee of \$1,500;

C. All other structures, including office buildings, stores, churches, schools, hospitals and buildings accessory thereto, and industrial or commercial structures of every kind and additions thereto, one cent per square foot of ground area occupied by the structure and its foundation for the first 100,000 square feet, exclusive of areas devoted to single-family dwelling houses or multiple dwelling structures, and one-half cent per square foot for the remainder in excess thereof; and, in addition, \$10.00 for each single-family or multiple-family unit combined therewith; with a minimum fee of \$50.00 and a maximum fee of \$1,500;

D. Alterations or repair to an existing side sewer installed and accepted under a previous permit, other than normal cleanout or root cutting for which no permit is required, \$25.00;

E. Additional direct connections to a public sewer, one-half the rate for an initial connection, but not less than \$50.00;

F. Reconnection to a public sewer of structures moved from another location shall be the same as for an initial connection, but not less than \$50.00. (Ord. 3414 § 1, 2008).

13.12.040 Permit – Wastewater connection charge required.

For each connection permit there shall be paid by the applicant a wastewater connection charge as follows:

A. Residential Occupancies. Except as provided in subsections D and E of this section, the wastewater connection charge for residential construction shall be \$5,360 per equivalent residential unit (ERU).

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B. Duplex connections shall pay 75 percent of the residential occupancy rate per unit, or \$4,020 per unit.

C. Commercial Occupancies. Except as provided in subsection E of this section, the wastewater connection charge for nonresidential construction shall be \$255.00 per fixture unit (as defined pursuant to the Uniform Plumbing Code). The number of fixture units for nonresidential users shall be determined by estimating the peak flow (water consumption) for the use and utilizing the Uniform Plumbing Code, Appendix A, Chart A-2, Curve No. 2.

D. Mixed Occupancies. Mixed residential and nonresidential uses shall be charged at both residential and nonresidential rates in proportion to the use, as necessary.

E. Multifamily Construction. Applicants for sewer connection permits for multiple-family construction may request that the wastewater connection charge be calculated at the rate of \$153.00 per fixture unit. It shall be the burden of the applicant to clearly demonstrate the number of fixture units to be included in the construction, and that it is not likely that additional fixture units will be added after payment of the connection charges. Otherwise, multifamily construction will be charged 50 percent of the residential occupancy connection charge per unit, or \$2,680 per unit.

F. Developed Properties. Applicants for sewer connection permits for any previously developed property within city limits that has an on-site sewage system as of February 1, 2005, shall be exempt from the payment of a wastewater connection charge; provided, that this subsection shall be void and of no further effect as of August 1, 2012, without further action of the Mount Vernon city council. For the purposes of this subsection, a "previously developed property" means a parcel of real property on which a building or other structure has been erected prior to February 1, 2005, and which building or structure had received approval for occupancy by the applicable unit of local government authorized to approve such occupancy. (Ord. 3493 § 1, 2010; Ord. 3414 § 1, 2008).

13.12.050 Wastewater connection charge – Proceeds.

All proceeds of the wastewater connection charge shall be placed in a separate sewer fund for use by the city only for sewer system facilities made necessary by growth within the city. Where necessary, moneys in such fund may be loaned to another, with interest as required by law for inter-fund loans. (Ord. 3414 § 1, 2008).

13.12.060 Credits against charges authorized when.

A. That portion of the cost of any of the improvements to the sewer system of the city listed within the Wastewater Connection Charge Study, dated July 2008, by HDR Engineering, Inc., fairly credited to or made on behalf of the lot to be connected, as, for example, in the case of a developer who constructs such improvements as a condition of plat approval, with a pro rata share of the cost credited to each lot; each facility as more particularly described in the plans and schedules under such project names and located in the office of the city engineer may be credited against the wastewater connection charge, not to exceed the amount thereof, to reduce the amount payable by the applicant.

B. The city has a system for assessing "late-comer charges" pursuant to Chapter 14.20 MVMC, Latecomer Agreements. Chapter 14.20 MVMC provides the course of action to give credit against the wastewater connection charge, not to exceed the amount thereof, for the cost of off-site sewer improvements which, in the opinion of the city engineer, confer substantial benefits upon other nonparticipating parties, and which are fairly credited to or made on behalf of the lot to be connected, as, for example, in the case of a developer who constructs such off-site improvements as a condition of plat approval, with a pro rata share of the cost credited to each lot.

C. The applicant for a sewer connection permit for any property for which there has been executed a standard participation agreement shall be exempt from payment of the wastewater connection charge for such permit. The amount shown on such agreement must be paid prior to issuance of any sewer connection permit.

D. There shall be an exemption from payment of the wastewater connection charge where, before the date of the ordinance codified in this section becomes effective, a completed application for a connection permit has been made together with a completed application for a building permit and all other associated permits. No such permit application shall be deemed complete unless the structure and use proposed in the permit application would be allowable without rezone, conditional use permit or other land use action by the city at the time of the application. Where all such circumstances exist, payment in the amount of the previously calculated facility expansion charge and facility capacity charge previously established by such ordinances as were in effect prior to the effective

date of the ordinance codified in this section shall be required.

E. The applicant for a sewer connection charge for any connection within a mobile home park with a binding site plan approved prior to the effective date of the ordinance codified in this section shall be exempt from payment of the wastewater connection charge. In such circumstances, the facility expansion and facility capacity charges previously established by such ordinances as were in effect prior to the date of the ordinance codified in this section shall be paid.

F. There shall be a credit against the wastewater connection charge, not to exceed the amount thereof, for any facility expansion and capacity charge previously paid for the property to be connected.

G. The applicant for any sewer connection permit to install or repair a private sewer, which private sewer will serve an existing structure that was connected to the public sewer at the time the sewer connection permit application was made, shall receive a credit against the wastewater connection charge in an amount equal to the wastewater connection charge that would be charged against the existing structure. In the event an existing structure is to be demolished and reconstructed or a private sewer abandoned, the credit set forth in this subsection G shall expire on a date two years from the date of issuance of a demolition permit by the city, or the date on which an existing private sewer is taken out of service and the premises served by the private sewer that was taken out of service are no longer subject to sewer service charges pursuant to Chapter 13.32 MVMC, whichever occurs first. (Ord. 3414 § 1, 2008).

13.12.070 Exemption to charges not applicable when.

The exemption set forth in MVMC 13.12.060(D) shall not apply and the charges shall be payable for any lots within plats recorded after the effective date of the ordinance codified in this section. (Ord. 3414 § 1, 2008).

13.12.080 Connection permit – Payments prerequisite to issuance.

Except as provided in this title, no connection permit shall be issued without prior payment of the connection charges, which shall consist of a processing and inspection charge as set forth in MVMC 13.12.030 and a wastewater connection charge as set forth in MVMC 13.12.040. (Ord. 3414 § 1, 2008).

13.12.090 Connection charge annual escalation.

Each year beginning January 1, 2010, the wastewater connection charge will be adjusted by the Engineering News Record – Construction Cost Index for the Seattle area (ENR-CCI). (Ord. 3414 § 1, 2008).

13.12.100 Updating connection charge every three to five years.

The wastewater connection charge, as adopted and amended herein, shall be escalated per MVMC 13.12.090 up to five years. The connection charge should be fully updated every three to five years, or after comprehensive wastewater utility planning has been completed. (Ord. 3414 § 1, 2008).

13.12.110 Waste discharge permit – Required – Terms.

A. Any industrial unit as defined in this title shall be required to obtain a waste discharge permit from both the city of Mount Vernon and the Washington State Department of Ecology prior to discharging any industrial waste into a public sewer or side sewer; provided, that nothing herein shall be construed as limiting the authority of the city to prohibit or regulate the discharge of any industrial waste from any user where, in the opinion of the superintendent, circumstances so require.

B. The waste discharge permit, if obtained, shall be automatically renewed annually unless the industrial unit notifies the city, in writing, 60 days prior to expiration, requesting modification of the permit. The city may, at its option, modify the permit when so requested by the industrial unit. The city may initiate modification of a permit by serving written notice to the industrial unit 60 days prior to expiration of the current permit.

C. The granting of a permit or modification of a permit shall be within the sole and exclusive discretion of the city; provided, that no permit, if obtained, may be arbitrarily modified by the city's initiative, nor may the city arbitrarily fail to renew an existing permit.

D. The determination to grant or modify a discharge permit shall be based on the following criteria:

1. Capacity of the treatment plant;
2. Balanced growth of all user classes;
3. Duration of operation of the industrial unit, with preference to year-around operations;
4. Potential for slugging;
5. Economic benefit to the community;
6. Potential for harmful effect on operation of the treatment plant;

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7. Health and safety of the public and employees of the city.

E. Terms and requirements of waste discharge permits may vary among industrial units depending on the factors outlined in subsection D of this section.

F. It shall be unlawful for a waste discharge permit holder (permit holder) to discharge waste into the Mount Vernon sewerage system which is not in compliance with parameter values established in the waste discharge permit. (Ord. 3414 § 1, 2008).

13.12.120 Connections – Required – Application regulations – Costs – Inspection and approval required.

The owners of all buildings and structures within the city are required to connect the plumbing and building drains of those buildings to the public sewers of the city in accordance with the ordinances, rules and regulations of the city applicable thereto. The costs of any such connection must be borne solely by the owner of the property or his designee, but not by the city. All work shall be subject to the inspection and approval of the city engineer or other authorized representatives of the city. (Ord. 3414 § 1, 2008).

13.12.130 Discharging certain waters prohibited – Pretreatment required when.

It is unlawful for any person to discharge or cause to be discharged any storm water, surface water, roof runoff, subsurface drainage, cooling water, unpolluted industrial process waters, or waters or wastes of a type or quality for which the sewage collection, treatment and disposal system of the city has not been designed to receive. The city may require any sewer user to pretreat any water or waste not meeting the city requirements prior to discharge thereof into any public sewer (see Chapter 13.20 MVMC). (Ord. 3414 § 1, 2008).

13.12.140 Standard participation contract – Eligibility.

Properties, or portions thereof, which are not entitled to sewer service by reason of either not having been subject to a sewer assessment of the city or otherwise qualifying for sewer service without executing a standard participation contract may be connected to the public sewers of the city, and served thereby, when the owner thereof executes a standard participation contract and the mayor, or

authorized representative of the city, concurs therewith. (Ord. 3414 § 1, 2008).

13.12.150 Standard participation contracts – Terms generally.

The standard participation contract shall provide the following:

A. The property owner warrants that he is the owner of that property with full authority to bind the property with the covenants and conditions contained in the contract.

B. The property owner shall subject his property to the terms of the contract and the resolutions and ordinances of the city, and shall use the public sewers of the city in accordance with the rules, regulations and ordinances of the city as they may be amended from time to time; and that the property shall be subject to the regular schedule of sewer service charges of the city as may from time to time be fixed by the city for its use classification, including, if the city so provides, a reasonable split rate for properties served in particular areas.

C. The property described in the contract shall be the only property served with sewer service pursuant to that contract.

D. The property subject to the contract shall be subject to liens, penalties, and interest for nonpayment of sewer service charges to the same extent as any other property served by the city.

E. Building sewers and other sewer facilities constructed and installed by the property owner shall be subject to the permit, design review, construction, inspection, connection, conveyance, and other requirements of this chapter, including the required fees and charges.

F. There shall be paid for the property, subject to the contract, a charge in lieu of assessment required by MVMC 13.12.160.

G. The contract shall be filed for record at the office of the county auditor and shall constitute a charge against the property and a covenant running with the land and shall bind the property and all future owners thereof. (Ord. 3414 § 1, 2008).

13.12.160 Charge in lieu of assessment – Trunkage, connection, and permit fees and charges – Lateral sewer pipelines.

A. The standard participation contract shall provide that before the property or a portion thereof receives sewer service, the property owner must pay to the city, in addition to any connection and permit fee or charge which may be due, an amount which shall constitute a charge in lieu of assessment and which may be determined, as near

as may be, by the use of the assessment formula used in the local improvement district or utility local improvement district or, if the assessment therein did not cover the cost of providing treatment and pipe capacity to the property, then by any fair means at the discretion of the city engineer which will assure that the property to be served will bear its fair share of the cost of providing sewer line and treatment plant capacity to that property.

B. The charge in lieu of assessment must be paid in full before connection to the public sewers of the city is permitted, but for any charge exceeding \$1,000, if the mayor or other authorized representative of the city approves, and if the property owner prepays at least \$1,000, the balance of the charge in lieu of assessment may be paid in not more than five equal annual installments, plus interest at the current market rate for municipal warrants and bonds. Said interest rate shall be determined by the finance director. Any unpaid balance plus interest shall become and remain a lien against the property prior to any other charges whatsoever, except taxes. If the property, or portion thereof, covered by the standard participation contract is not platted, then all of the property owned by the same person in a contiguous area which at that time had not been subject to special assessments for the public sewer into which it is to be connected and which can be served by that public sewer must be covered by the standard participation contract, except that, if the parcel is substantially larger than the zoning of the surrounding area and only a small portion is being developed, that portion may be assigned by the city engineer specific boundaries similar in size of nearby parcels. The standard participation contract and charge in lieu of assessment may then be executed only for the area within said boundaries. If such property is platted, then only the lot to be served need be covered by the contract.

C. Instead of all or a portion of the charge in lieu of assessment, the city may accept from the property owner a sewer pipeline of sufficient value installed in an easement or public right-of-way, or some other performance reflecting value approximating the charge in lieu of assessment. Such sewer pipeline shall be subject to all applicable requirements of this title. (Ord. 3414 § 1, 2008).

13.12.170 Standard participation contract – Additional terms.

To protect the interest of the city, the mayor, the city engineer, or other authorized representative of the city may require other conditions and provisions to be inserted in the standard participation

contract as the individual case may warrant, including, but not limited to, reasonable design requirements, design review, and inspection requirements, and protective and safety requirements. (Ord. 3414 § 1, 2008).

13.12.180 Developer's contracts.

The city may also enter into contracts with owners of real estate as provided in Chapter 35.91 RCW, Municipal Water and Sewer Facilities, or other contracts which law permits. (Ord. 3414 § 1, 2008).

13.12.190 LID charges – Payment procedure.

In the event of formation of sewer improvements which results in the availability of sewer service to residential structures which were included in the LID, the sewer connection charges for such residential structures may be paid in equal annual installments over a period of time concurrent with the payment period of the LID. In such event there shall be paid interest upon the unpaid balance of such charges at the rate of eight percent per year; provided, that if such residential structure is sold prior to payment of the entire balance of the charges then the entire balance due shall become immediately due and payable in full on the day of closing of the sale of such residential structure; and provided further, that to qualify for such payment plan the fee owner or owners of the property must first execute an agreement to pay such charges and to make such charges a lien upon the property. (Ord. 3414 § 1, 2008).

13.12.200 Installment payments authorized when.

In the event sewer service is made available to a residential structure existing at the time such sewer service is made available other than through an LID in which the residential structure is included, the wastewater connection charges for such residential structure may be paid in equal annual installments over a period of five years. In such event there shall be paid interest on the unpaid balance of such charges at the rate of eight percent per year; provided, that if such residential structure is sold prior to payment of the entire balance of the charges, then the entire balance due shall become immediately due and payable in full on the day of closing of the sale of such residential structure; and provided further, that to qualify for such payment plan the fee owner or owners of the property must first execute an agreement to pay such charges and to make such charges a lien upon the property. (Ord. 3414 § 1, 2008).

Chapter 13.16

BUILDING SEWERS AND CONNECTIONS

Sections:

- 13.16.010 Proper connection of all premises.
- 13.16.020 Use of old sewers.
- 13.16.030 Conformance with building and plumbing codes.
- 13.16.040 Location of building drains.
- 13.16.050 Connection of sources of surface waters prohibited.
- 13.16.060 Notification of city engineer for inspection and connection.
- 13.16.070 Excavation for installation.
- 13.16.080 Disorders on private premises – Prompt repairs.

13.16.010 Proper connection of all premises.

A. Every owner of any structure or premises used for human occupancy, employment, recreation, or other purposes requiring sanitary facilities shall construct or cause to be constructed all necessary sanitary facilities and a proper and sufficient sewer for connection to the public sewer in accordance with applicable city requirements unless specifically exempted therefrom in writing by the director of public works.

B. A separate and independent side sewer shall be provided for each and every building or structure or any premises or property, except as authorized by the director of public works. A private sewer may be permitted in cases of engineering necessity, to prevent or correct a health or safety hazard, or for other good cause, all as determined by the director of public works. (Ord. 3036 § 7, 2000).

13.16.020 Use of old sewers.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the city engineer, to meet all requirements of this title. (Ord. 2057 Ch. 4 § 2, 1981).

13.16.030 Conformance with building and plumbing codes.

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 city. (Ord. 2057 Ch. 4 § 3, 1981).

13.16.040 Location of building drains.

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 can be lifted by an approved means and discharged to the building sewer. (Ord. 2057 Ch. 4 § 4, 1981).

13.16.050 Connection of sources of surface waters prohibited.

No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. (Ord. 2057 Ch. 4 § 5, 1981).

13.16.060 Notification of city engineer for inspection and connection.

The applicant for the building sewer permit shall notify the city engineer when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the city engineer or his representative. (Ord. 2057 Ch. 4 § 6, 1981).

13.16.070 Excavation 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 the work shall be restored in a manner satisfactory to the city. One-half of the street shall be kept clear for the passage of vehicles. (Ord. 2057 Ch. 4 § 7, 1981).

13.16.080 Disorders on private premises – Prompt repairs.

A. When any sewer, pipe, drain, or on-site sewage disposal system located on private premises becomes obstructed, broken, out-of-order, or otherwise inoperative, the director of public works shall determine if the public health or safety is, or is likely to be, endangered thereby. In making such determination, the director of public works may take into consideration the opinions of the local health officer, or the opinion of the Washington State Department of Public Health.

B. Upon determining that the public health or safety is, or is likely to be, endangered, the public works director may proceed to abate the conditions resulting in the danger, or likely danger, to public health in accordance with the provisions set forth

in the Uniform Code for the Abatement of Dangerous Buildings, as adopted by MVMC 15.04.020 (D). (Ord. 3036 § 8, 2000).

Chapter 13.20

USE OF PUBLIC SEWERS

Sections:

- 13.20.010 Discharges into sanitary sewers restricted.
- 13.20.020 Discharge of storm water and other unpolluted drainage.
- 13.20.030 Discharge of certain waters or wastes prohibited.
- 13.20.040 Discharge of certain substances subject to approval of public works director.
- 13.20.050 Actions by public works director regarding prohibited discharges.
- 13.20.055 Pretreatment standards.
- 13.20.060 Grease, oil and sand separators.
- 13.20.070 Maintenance of preliminary treatment or flow-equalizing facilities.
- 13.20.080 Installation of control manholes required.
- 13.20.090 Measurement, testing and analysis standards.
- 13.20.100 Special agreements for industrial waste treatment.
- 13.20.110 Confidentiality.

13.20.010 Discharges into sanitary sewers restricted.

No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters into any sanitary sewer. (Ord. 3481 § 2, 2010).

13.20.020 Discharge of storm water and other unpolluted drainage.

Storm water and all other unpolluted drainage shall be discharged to such sewers or to a natural outlet approved by the public works director. Industrial cooling water or unpolluted process waters may be discharged on approval of the public works director to a storm sewer, combined sewer or natural outlet; provided, that the public works director may require sampling and testing or other satisfactory proof of water quality. (Ord. 3481 § 2, 2010).

13.20.030 Discharge of certain waters or wastes prohibited.

No person 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 or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singularly or by interaction with other wastes, to injure or interfere with any sewage treatment process, or which constitute a hazard to humans or animals, or create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant;

C. Any waters or wastes having corrosive properties capable of causing damage or hazard to structures, equipment, and personnel of the sewage 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 sewage works such as, but not limited to, ashes, 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;

E. No person may deposit any garbage, rubbish, dead animal, or any substance having a tendency to obstruct the flow of the sewer in any sewer, access portal, manhole, lamp-hole, flush tank, or sewer opening. (Ord. 3481 § 2, 2010).

13.20.040 Discharge of certain substances subject to approval of public works director.

No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes, if it appears likely in the opinion of the public works director that such wastes can harm either 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. In forming his opinion as to the acceptability of these wastes, the public works director will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

A. Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit (65 degrees centigrade);

B. Any water or waste containing substances which may solidify or become viscous at tempera-

tures between 32 and 150 degrees Fahrenheit (zero and 65 degrees centigrade);

C. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the public works director;

D. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solution whether neutralized or not;

E. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the public works director for such materials;

F. Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentration exceeding limits which may be established by the public works director as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies of jurisdiction of such discharge to the receiving waters;

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

H. Any nonsystem wastewater. Typical examples of nonsystem wastewater include wastewater from mobile vehicle washing operations, commercial motor vehicle wastewater, concrete cutting wastewater and landfill leachate;

I. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters. (Ord. 3481 § 2, 2010).

13.20.050 Actions by public works director regarding prohibited discharges.

If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in MVMC 13.20.040 and which, in the judgment of the public works director, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or

constitute a public nuisance, the public works director 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 the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of MVMC 13.20.100.

If the public works director 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 and subject to the requirements of all applicable codes, ordinances and laws. (Ord. 3481 § 2, 2010).

13.20.055 Pretreatment standards.

The national categorical pretreatment standards found at 40 CFR Chapter 1, Subchapter N, Parts 405 through 471, adopted, and hereafter amended by the EPA pursuant to the Act, and Washington State pretreatment standards found at WAC 173-216-060 and Chapter 173-303 WAC, adopted, and hereafter amended by the Washington State Department of Ecology are incorporated herein by reference as if set forth in full. These standards shall be met by all industrial users of the regulated industrial categories.

The public works director may also issue additional pretreatment standards pursuant to MVMC 13.20.050.

The pretreatment standards shall be kept on file in the office of the public works director, the office of the finance director, the office of the wastewater manager, and shall be made available to the public. The pretreatment standards shall be updated periodically, as warranted, and kept current with federal and state regulations and industry standards. (Ord. 3481 § 2, 2010).

13.20.060 Grease, oil and sand separators.

A. Grease, oil and sand interceptors shall be provided when, in the opinion of the public works director, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand, or other harmful ingredients, except that such interceptors shall not be required for private dwelling units. All interceptors shall be of a type and capacity approved by the public works director and shall be located as to be readily and easily accessible for cleaning and inspection.

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B. Construction. Grease, oil and sand interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures, and shall be of substantial construction, watertight, and equipped with easily removable covers which, when bolted in place, are gastight and watertight.

C. Maintenance. Where installed, all grease, oil and sand interceptors must be maintained by the owner, at the owner's expense and liability, in good order and condition, at all times. All interceptors shall be inspected and maintained at least every six months unless more frequent inspection and maintenance is required by operating conditions. (Ord. 3481 § 2, 2010).

13.20.070 Maintenance of preliminary treatment or flow-equalizing facilities.

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense. (Ord. 3481 § 2, 2010).

13.20.080 Installation of control manholes required.

When required by the public works director, the owner of any property serviced by a building sewer carrying sewage shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the public works director. The manhole 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. 3481 § 2, 2010).

13.20.090 Measurement, testing and analysis standards.

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this title shall be conducted in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building

sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. The particular analyses involved will determine whether a 24-hour composite of all outflows of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pHs are determined from periodic grab samples. (Ord. 3481 § 2, 2010).

13.20.100 Special agreements for industrial waste treatment.

No statement contained in this chapter shall be construed as preventing any special agreement or agreements between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor, by the industrial concern. (Ord. 3481 § 2, 2010).

13.20.110 Confidentiality.

A. A person submitting or allowing the examination of data required by the director of public works in the performance of the regulatory purposes of the city's wastewater pretreatment program may, by written request contemporaneous with the disclosure, stating in specific detail the data sought to be protected and the basis of the claim of confidentiality, request the director to keep in confidence information given under the program.

B. The person must segregate from other information the data sought to be protected at the time of submittal.

C. Requests for confidentiality may relate to trade secrets or similar commercially valuable information. Approval of confidentiality is subject to any applicable laws requiring the disclosure of public records information and, further, does not apply to requests by other governmental agencies for purposes relating to the NPDES or pretreatment programs or in any enforcement proceedings relating to this chapter. Wastewater constituents, characteristics, or other "effluent data" as defined in 40 CFR 2.302 may not be granted confidentiality protection.

D. In ruling on confidentiality requests, the director, with the advice of the city attorney, may consider the practices of federal and state agencies and the purposes of the program. A determination of confidentiality may be revoked upon reasonable notice to the person who submitted the confidential data. (Ord. 3481 § 2, 2010).

Chapter 13.24

PROTECTION FROM DAMAGE

Sections:

13.24.010 Damage or destruction to sewage works prohibited – Penalty for violation.

13.24.010 Damage or destruction to sewage works prohibited – Penalty for violation.

A. No unauthorized person shall knowingly, willfully or maliciously break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is part of the sewage works. Any person violating this provision and coming within the terms of RCW 9A.48.070 or 9A.48.080 shall be prosecuted under those statutes.

B. Any person violating these provisions but not coming within the terms of the above referred statutes or who negligently or recklessly commits any of the above described shall be guilty of a misdemeanor and be subject to the penalties provided for in MVMC 1.20.010. (Ord. 2057 Ch. 6 § 1, 1981).

Chapter 13.28

POWERS OF AUTHORITY OF INSPECTORS

Sections:

13.28.010 Right of entry for inspection and testing.

13.28.020 Observance of safety rules.

13.28.030 Right of entry to easements.

13.28.010 Right of entry for inspection and testing.

The public works director and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this title. The public works director or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment. (Ord. 3481 § 3, 2010).

13.28.020 Observance of safety rules.

While performing the necessary work on private properties referred to in MVMC 13.28.010, the public works director or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company. (Ord. 3481 § 3, 2010).

13.28.030 Right of entry to easements.

The public works director and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within the easement. All entry and subsequent work, if any, on the easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Ord. 3481 § 3, 2010).

Chapter 13.32

SEWER SERVICE RATES

Sections:

- 13.32.010 *Repealed.*
- 13.32.015 Taxes excluded.
- 13.32.020 Residential rates.
- 13.32.022 Multiple-residential unit rates.
- 13.32.024 Rate adjustment for low-income elderly persons.
- 13.32.030 Commercial rate schedule and other provisions.
- 13.32.040 Industrial rate schedule and other provisions.
- 13.32.050 Service outside city – Rates.
- 13.32.060 Service to other municipalities – Contract required.
- 13.32.070 Charges – Billing dates.
- 13.32.080 Sewer service charges – Payment due when – Penalty for late payment.
- 13.32.090 Delinquent charges – Enforcement of collection.
- 13.32.100 Billing procedures.
- 13.32.110 Recordation and attorneys’ fees.
- 13.32.120 Application of payments on delinquent accounts.
- 13.32.130 Severability.

13.32.010 Effective date.

Repealed by Ord. 3415. (Ord. 3298 § 1, 2005).

13.32.015 Taxes excluded.

The sewer use charges listed in this chapter do not include state and city utility taxes. (Ord. 3036 § 13, 2000).

13.32.020 Residential rates.

A. The monthly sewer service rates for each residential unit are set at the following amounts:

- 1. Base Charge. The monthly base charge for each residential unit is as follows:
 - a. Effective April 1, 2010, shall be \$28.50.
 - b. Effective January 1, 2011, shall be \$29.70.
 - c. Effective January 1, 2012, shall be \$30.20.
 - d. Effective January 1, 2013, shall be \$30.65.

2. Consumption Charge. In addition to the base charge, each residential unit shall pay a consumption charge for each 100 cubic feet of water consumed in a month. The monthly consumption charge:

- a. Effective April 1, 2010, shall be \$2.60.
- b. Effective January 1, 2011, shall be \$2.75.
- c. Effective January 1, 2012, shall be \$2.80.
- d. Effective January 1, 2013, shall be \$2.85.

B. It is the intent of this section to calculate residential wastewater charges based on water usage that enters the sewerage system, and not on water used exclusively for irrigation or other outdoor usage. Wastewater charges for residential units shall be calculated in the following manner:

- 1. For the eight months from October through May, the wastewater consumption charge shall be based on metered water consumption.
- 2. For the four months of June through September, the consumption charge for each such month shall be based on a winter water average defined as the average water consumption of the preceding billing months of November through February.

C. The city’s finance director, or his or her designee, may use a calculated volume of the system-wide average for the residential customer class, or prior water consumption records if those records are more representative of expected usage, to calculate residential wastewater consumption charges under the following circumstances:

- 1. When the water meter has been determined to be malfunctioning;
- 2. When customers have insufficient water consumption history to calculate the initial monthly consumption charge or to establish a winter water average for the months of June through September;
- 3. When water use in the period used to calculate average water consumption is not representative of expected water use, such as rental property that is vacant between tenants or in the case of seasonal customers; and
- 4. When customers are not served by a publicly owned water supply system.

D. The city’s finance director shall establish administrative procedures for customers requesting a review of their metered water consumption average. A reasonable fee may be charged to the account to cover the administrative costs of processing the request if it is determined that the customer’s average is correct, or is higher than the average currently under use. (Ord. 3486 § 1, 2010).

13.32.022 Multiple-residential unit rates.

A. The monthly sewer service rates for each multiple-residential unit are set at the following amounts:

1. For the initial average monthly water consumption of 300 cubic feet per dwelling unit or less, the charge per dwelling unit:

- a. Effective January 1, 2009, shall be \$13.90.
- b. Effective January 1, 2010, shall be \$14.85.
- c. Effective January 1, 2011, shall be \$15.45.
- d. Effective January 1, 2012, shall be \$15.75.
- e. Effective January 1, 2013, shall be \$16.05.

2. For average monthly water consumption in excess of 300 cubic feet per dwelling unit, the charge for each 100 cubic feet per unit or portion thereof:

- a. Effective January 1, 2009, shall be \$3.75.
- b. Effective January 1, 2010, shall be \$4.03.
- c. Effective January 1, 2011, shall be \$4.21.
- d. Effective January 1, 2012, shall be \$4.29.
- e. Effective January 1, 2013, shall be \$4.38.

B. The monthly charge for each multiple-residential unit shall be billed to the owner of the unit, or the owner's agent. (Ord. 3415 § 3, 2008).

13.32.024 Rate adjustment for low-income elderly persons.

If the residential unit is owned and occupied by a low-income elderly person, the basic monthly sewer service charge shall be 75 percent of the applicable residential rate. (Ord. 2216 § 13, 1986).

13.32.030 Commercial rate schedule and other provisions.

A. The monthly sewer service rates for each commercial unit are set at the following amounts:

1. For the initial average monthly water consumption of 900 cubic feet or less, the charge:

- a. Effective January 1, 2009, shall be \$41.55.
- b. Effective January 1, 2010, shall be \$44.10.
- c. Effective January 1, 2011, shall be \$45.80.

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d. Effective January 1, 2012, shall be \$46.70.

e. Effective January 1, 2013, shall be \$47.50.

2. For average monthly water consumption in excess of 900 cubic feet, the charge for each 100 cubic feet:

a. Effective January 1, 2009, shall be \$3.75.

b. Effective January 1, 2010, shall be \$4.03.

c. Effective January 1, 2011, shall be \$4.21.

d. Effective January 1, 2012, shall be \$4.29.

e. Effective January 1, 2013, shall be \$4.38.

B. In the event a commercial unit has no water meter installation, the city may either require such installation or estimate the water consumption of each unit.

C. Average monthly water consumption shall be determined by averaging annual consumption of a unit from January 1st to December 31st each year. For commercial units in operation for less than one year, actual monthly water consumption will be used until an average can be established. The city reserves the right to use actual monthly water consumption to determine the sewer rate if actual consumption varies substantially from the established average.

D. Any owner of a commercial unit, or his designee, which has a substantially lower water or waste discharge into the public sewers than is reflected by its water consumption may apply to the public works director for an exemption from sewer charges for a portion of its water consumption. If the city grants such exemption, it may require the installation of measuring devices to measure the exempt water usage at the owner's expense.

E. The charge for each commercial unit shall be determined by the city finance director by each July 31st for the 12-month period beginning July 1st. (Ord. 3415 § 4, 2008).

13.32.040 Industrial rate schedule and other provisions.

A. An industrial unit is defined in MVMC 13.04.120.

B. A sewer user that discharges industrial waste, as defined in MVMC 13.04.130, but does not meet the requirement for an industrial unit may be charged under the commercial rate schedule.

C. Each industrial unit shall be charged an annual capacity charge for flow, BOD, and suspended solids. Capacity charges shall be based on the permitted flow, BOD, and suspended solids values indicated in the industrial unit's waste discharge permit. The annual capacity charges may be paid over the entire year in one-twelfth increments per month.

D. In addition to the annual capacity charges, each industrial unit shall be charged a monthly operating expense charge for flow, BOD, and suspended solids actually discharged into the city's sewerage system. The monthly expense charges shall be based on measured values for those parameters averaged over the industrial unit's monthly operating time in days.

E. Each industrial unit shall be charged a monthly administrative charge.

F. Rates applicable for capacity operating charges, expense charges, and administrative charges shall be as follows:

1. Flow capacity charge: For each 1,000,000 gallons per day (mgd) or a proportional sum for each fraction thereof of flow capacity stated in the industrial unit's waste discharge permit, there shall be a monthly charge as follows:

a. Effective January 1, 2009, the monthly charge shall be \$4,581.25.

b. Effective January 1, 2010, the monthly charge shall be \$4,581.25.

c. Effective January 1, 2011, the monthly charge shall be \$4,627.06.

d. Effective January 1, 2012, the monthly charge shall be \$4,950.96.

e. Effective January 1, 2013, the monthly charge shall be \$5,248.01.

2. BOD capacity charge: For each pound per day of BOD capacity stated in the industrial unit's waste discharge permit there shall be a monthly charge as follows:

a. Effective January 1, 2009, the monthly charge shall be \$3.97.

b. Effective January 1, 2010, the monthly charge shall be \$3.97.

c. Effective January 1, 2011, the monthly charge shall be \$4.01.

d. Effective January 1, 2012, the monthly charge shall be \$4.29.

e. Effective January 1, 2013, the monthly charge shall be \$4.55.

3. Suspended solids capacity charge: For each pound per day of suspended solids capacity stated in the industrial unit's waste discharge permit there shall be a monthly charge as follows:

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a. Effective January 1, 2009, the monthly charge shall be \$1.54.

b. Effective January 1, 2010, the monthly charge shall be \$1.54.

c. Effective January 1, 2011, the monthly charge shall be \$1.56.

d. Effective January 1, 2012, the monthly charge shall be \$1.67.

e. Effective January 1, 2013, the monthly charge shall be \$1.77.

4. Flow expense charge: For each 1,000 gallons of flow discharged into the city's sewage system in a one-month period the following charges shall apply:

a. Effective January 1, 2009, \$0.76 per 1,000 gallons per month.

b. Effective January 1, 2010, \$0.82 per 1,000 gallons per month.

c. Effective January 1, 2011, \$0.89 per 1,000 gallons per month.

d. Effective January 1, 2012, \$0.94 per 1,000 gallons per month.

e. Effective January 1, 2013, \$1.00 per 1,000 gallons per month.

5. BOD expense charge: For each pound of BOD discharged into the city's sewage system in a one-month period the following charges shall apply:

a. Effective January 1, 2009, \$0.66 per pound per month.

b. Effective January 1, 2010, \$0.72 per pound per month.

c. Effective January 1, 2011, \$0.78 per pound per month.

d. Effective January 1, 2012, \$0.82 per pound per month.

e. Effective January 1, 2013, \$0.87 per pound per month.

6. Suspended solids expense charge: For each pound of suspended solids discharged into the city's sewage system in a one-month period the following charges shall apply:

a. Effective January 1, 2009, \$0.45 per pound per month.

b. Effective January 1, 2010, \$0.49 per pound per month.

c. Effective January 1, 2011, \$0.53 per pound per month.

d. Effective January 1, 2012, \$0.56 per pound per month.

e. Effective January 1, 2013, \$0.59 per pound per month.

7. Administrative charge shall be as follows:

a. Effective January 1, 2009, \$1,400.00 per month.

b. Effective January 1, 2010, \$1,400.00 per month.

c. Effective January 1, 2011, \$1,414.00 per month.

d. Effective January 1, 2012, \$1,512.98 per month.

e. Effective January 1, 2013, \$1,603.76 per month.

G. It is unlawful for a waste discharge permit holder (permit holder) to discharge waste into the Mount Vernon sewage system which is not in compliance with parameter values established in the waste discharge permits issued by either the city or the Department of Ecology. The public works director shall notify a permit holder of a violative discharge within seven days of occurrence. The permit holder shall respond to the director in writing within five days of notification describing the circumstances which caused the violative discharge. If the director determines that a violative discharge was not of an accidental nature, a penalty charge shall be assessed, except as provided in subsection J of this section.

1. For industrial units, the penalty charge shall be as follows:

a. For purposes of calculating the penalty charge, the director shall use the average discharge values of the three highest consecutive operating days within a 30-day period (month) for determining the excess discharge. Non-operating days indicated by abnormally low loads will not be included in the average. The excess discharge shall be the average of the three highest consecutive operating days less the permit value. The penalty charge for the month shall be the excess discharge times the appropriate unit charge. The discharge value shall be based on a 24-hour composite sample. Unless modified by council action, the penalty charge shall be based on the following unit charges:

b. Unit charges shall be as follows:

i. Flow. For each 1,000 gallons of flow in excess of the permit value, the discharger shall pay \$15.28.

ii. BOD. For each pound of BOD in excess of the permit value, the discharger shall pay \$11.64.

iii. SS. For each pound of suspended solids in excess of the permit value, the discharger shall pay \$4.75.

H. Sample calculation of penalty charge:

Waste discharge permit value:

Flow =	0.270 mgd
BOD =	1,000 ppd
SS =	550 ppd

Highest three consecutive operating days in month:

Flow:	June 9	0.250 mgd
	June 10	0.270 mgd
	June 11	0.275 mgd

Average = $(0.250 + 0.270 + 0.275)/3 = 0.265$ mgd

0.265 is less than 0.270 so there is no flow penalty charge.

BOD:	June 11	1,100 pounds
	June 12	no operation
	June 13	no operation
	June 14	1,200 pounds
	June 15	1,500 pounds

Average = $(1,100+1,200 + 1,500)/3 = 1,266.67$ ppd

BOD penalty charge = $(1,266.67 - 1,000)$
 $(\$11.64) = \$3,104.04$

SS:	June 15	600 pounds
	June 16	650 pounds
	June 17	450 pounds

Average = $(600 + 650 + 450)/3 = 566.67$ pounds

SS penalty charge = $(566.67 - 550) (\$4.75) =$
 $\$79.18$

I. In the discretion of the director, and upon prior request therefor, the city may grant relief from a penalty charge for a specific period of time to allow an industry to determine the amount of capacity they wish to reserve; provided, that if the director determines that violations are the result of bad faith or due to a lack of diligence, the director may invoke a penalty as provided in subsection H of this section. Industrial users granted relief from

penalty charges shall pay all charges according to their actual waste loads. [Note: Nothing in this section should be read as affecting or modifying the requirements of any other regulatory body with jurisdiction, and notwithstanding any relief from penalty charges, the industry is not relieved of the duty to comply with the existing NPDES permit until it is modified or reissued.]

J. Any owner of an industrial unit, or his designee, which has substantially lower water or waste discharge into the public sewers than is reflected by its water consumption may apply to the city for an exemption from sewer charges for a portion of its water consumption. If the city grants such exemption, it may require the installation of measuring devices to measure the exempt water usage at the owner's expense. (Ord. 3415 § 5, 2008).

13.32.050 Service outside city – Rates.

The rates and charges for sewer service to property located outside the city limits, if sewer service is allowed, shall be one and one-half times the applicable rate specified herein. As a condition of providing sewer service to any property situated outside the corporate boundaries of the city, the city may require the execution and recordation of an agreement in which the owner of the property waives all right to protest annexation of any portion of the property served to the city. (Ord. 2988 § 7, 1999).

13.32.060 Service to other municipalities – Contract required.

Rates and charges for trunkage and treatment service to other municipalities shall be individually negotiated terms and conditions established in a separate service contract. Such contract shall provide for the sharing of costs including costs associated with long-term financing incurred by the city for construction and improvement of trunkage and treatment facilities. The costs for any election made necessary to implement such rates and charges shall not be borne by the city of Mount Vernon. (Ord. 2988 § 8, 1999).

13.32.070 Charges – Billing dates.

Billings shall be made monthly or bimonthly at the discretion of the finance director. As for buildings in existence at the time sewer service becomes available to them, the first billing shall be made on the first day of the month after the expiration of 60 days from the mailing of the written notice from the city that such building is required to be connected to the sewer system, or on the first day of the second month after such connection, whichever

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event occurs first. As for buildings constructed where sewer service is already available, the first billing shall be made on the first day of the second month following the month in which application for sewer connection permit is made, or after occupancy of the unit, whichever event occurs first, whether or not such building is actually connected to the sewer system of the city. (Ord. 2216 § 17, 1986; Ord. 2082 § 2, 1982; Ord. 2057 Ch. 8, 1981).

13.32.080 Sewer service charges – Payment due when – Penalty for late payment.

Sewer service charges are due by the fifteenth day of the month in which the billing is made. If such charges are not paid by the twenty-fifth day of the month in which the billing is made, interest will begin to accrue on the charges at the annual rate of eight percent, computed monthly, until the account is paid. (Ord. 2270 § 2, 1987; Ord. 2117 § 2, 1984; Ord. 2057 Ch. 8 § 8, 1981).

13.32.090 Delinquent charges – Enforcement of collection.

A. Charges for sewer service shall become delinquent if not paid within 25 days following the billing date. In the event any billing for sewer service or other service charge has not been paid within 60 days of billing, the city shall mail a first delinquency notice to the property owner and occupant if the record owner does not reside at the premises. The delinquency notice shall provide the following:

1. Notice that payment for service is overdue, an itemization of the total amount due, and that a statutory lien will be imposed;
2. A date certain by which the account must be settled, which date shall not exceed 10 days from the date of the notice; and
3. The address and telephone number of the finance department, stating that the owner or occupant may contact the department if a dispute exists as to liability for the billing or the validity of lien.

The customer shall be charged \$10.00 for this first notice.

B. The city, as provided by law, shall have a lien against the premises to which sewer service, including storm sewer service, was furnished and may enforce such lien in any matter provided by law. Such lien shall encompass all delinquent and unpaid rates and charges for sewer service, penalties, connection charges, and interest thereon, all in accordance with RCW 35.67.200. Pursuant to RCW 35.67.215, the sewerage lien shall be effective for a total not to exceed one year's delinquent service charges without the necessity of any writ-

ing or recording of the lien with the county auditor. (Ord. 2983 § 1, 1999).

13.32.100 Billing procedures.

Sewer service charges, together with charges for garbage collection under Chapter 8.12 MVMC, are the responsibility of the owner in fee of any property chargeable for such service. Sewer service charges and charges for garbage collection shall be billed in the same statement to the owner in fee of the subject property last made known to the city, and to the last known address. It shall be the duty of every property owner within the city to notify the office of the finance director of the fact of ownership and the address to which billing should be made. Any purchaser of property within the city shall notify the office of the finance director of the date of purchase and the proper billing address immediately upon acquisition of such interest; provided, however, that any owner in fee may designate another party to receive billing statements (such as a tenant) if such owner shall do so in writing together with a waiver of notice of such bills or any liens for delinquent accounts. (Ord. 2427 § 1, 1991).

13.32.110 Recordation and attorneys' fees.

A. The cost of recording any documents evidencing a lien with the county auditor shall constitute an additional penalty. Such additional penalty shall be secured by the sewerage lien imposed pursuant to MVMC 13.32.090.

B. The cost and expense of prosecuting any sewerage lien foreclosure action, and any disbursements made by the city pursuant thereto including reasonable attorneys' fees, shall be secured by the sewerage lien imposed pursuant to MVMC 13.32.090. (Ord. 2983 § 2, 1999).

13.32.120 Application of payments on delinquent accounts.

All charges for utility services furnished by the city shall be due and payable to the city as set forth herein. Payments made on delinquent accounts will first be applied to the oldest delinquent charges. Remaining funds will be credited first against current charges from the garbage utility, then against current charges related to the sewer system, and then applied to current charges from the storm water utility. (Ord. 2988 § 9, 1999).

13.32.130 Severability.

If any one of more sections, subsections or sentences of this chapter are held to be unconstitutional or invalid, such decision shall not affect the

validity of the remaining portion of this chapter and the same shall remain in full force and effect. (Ord. 2988 § 10, 1999).

Chapter 13.33

STORM WATER DRAINAGE UTILITY

Sections:

- 13.33.010 Purpose.
- 13.33.020 Definitions.
- 13.33.030 Regulated activities.
- 13.33.040 Exemptions.
- 13.33.050 General provisions.
- 13.33.060 General storm water requirements.
- 13.33.070 Low impact development.
- 13.33.080 Illicit discharges.
- 13.33.090 Administration.
- 13.33.100 Review and approval.
- 13.33.110 Inspection – Construction.
- 13.33.120 Modification of facilities during construction.
- 13.33.130 City acceptance of storm water facilities.
- 13.33.140 Consultant and consultant fees.
- 13.33.150 Prohibited acts.
- 13.33.160 Monitoring facilities.
- 13.33.170 Sampling and analysis requirements.
- 13.33.180 Variances.
- 13.33.190 Development in critical areas.
- 13.33.200 Establishment of regional facilities.
- 13.33.210 Applicability to governmental entities.
- 13.33.220 Other permits and requirements.
- 13.33.230 Protection of public and private rights.
- 13.33.240 Enforcement, violations and penalties.

13.33.010 Purpose.

The purpose of this chapter is to protect, maintain, and enhance the public health, safety, and general welfare by establishing minimum requirements and procedures to control the adverse impact associated with increased runoff and reduced water quality and to comply with state and federal storm water management requirements. (Ord. 3453 § 2, 2009).

13.33.020 Definitions.

Words and phrases used in this chapter have the meaning set forth in this section:

1. “Appendix 1” refers to Appendix 1 of the Western Washington Phase II Municipal Stormwater Permit which contains the minimum technical requirements for development and redevelopment.
2. “Biofiltration facility” means the simultaneous processes of filtration, infiltration, absorption and biological uptake of pollutants in storm water that take place when runoff flows over and through vegetated treatment facilities.

3. “Best management practices (BMPs)” are the schedules of activities, prohibitions of practices, maintenance procedures, and structural and/or managerial practices approved by the Washington State Department of Ecology that, when used singly or in combination, prevent or reduce the release of pollutants and other adverse impacts to waters of Washington State.

4. “Computations” means calculations, including coefficients and other pertinent data, made to determine the rates of flow for storm water plans, with units given in cubic feet per second.

5. “Critical area” shall mean, at a minimum, areas that include wetland areas with a critical recharging effect on aquifers used for potable water, fish, and wildlife habitat conservation areas, frequently flooded areas, geologically hazardous areas, including unstable slopes and associated areas and ecosystems. See Chapter 15.40 MVMC.

6. “Current conditions” means the state, status, or condition of the subject property at the time a legally sufficient and complete permit application is made for those regulated activities described in MVMC 13.33.030, which may include existing buildings, impervious areas, and topography as is.

7. “Design storm” refers to a prescribed hyetograph and total precipitation amount (for a specific duration and recurrence frequency) used to estimate runoff for a hypothetical storm of interest or concern for the purposes of analyzing existing drainage, designing new drainage facilities, or assessing other impacts of a proposed project on the flow of surface water. A hyetograph is a graph of percentages of total precipitation for a series of time steps representing the total time during which the precipitation occurs.

8. “Detention facilities” means an above or below ground facility, such as a pond or tank, that temporarily stores storm water runoff and subsequently releases it at a slower rate than it is collected by the drainage facility.

9. “Developed conditions” means the state, status, or condition of the subject property at the time the proposed project has been completed, which may include existing buildings, impervious areas, and topography as is.

10. “Developer” means the individual(s) or corporation(s) or governmental agency(ies) applying for the permits or approvals described in MVMC 13.33.030.

11. “Development” means new development, redevelopment, or both. See definitions for each.

12. “Developmental coverage” means all developed surface areas within the subject property including, but not limited to, rooftops, driveways,

carports, accessory buildings, parking areas, and any other impervious surfaces. During construction, “development coverage” includes the above in addition to the full extent of any alteration of previously occurring soils, slope, or vegetation due to grading, temporary storage, access areas, or any other short-term causes.

13. “Drainage area” means the watershed contributing water runoff to and including the subject property.

14. “Drainage facility” refers to structures or features, natural or artificial, that convey, treat, and/or abate surface water runoff including, but not limited to, detention facilities, retention facilities, and drainage retention/abatement facilities.

15. “Drainage site” means a geographical area that serves a common or combined use including, but not limited to, shopping malls and strips, condominiums, apartment complexes, office parks and housing tracts. A site may include one or more parcels and/or include one or more buildings. Also see “Development.”

16. “Drainage system” refers to the drainage system consisting of natural and artificial systems that convey surface water within the city of Mount Vernon. This system includes pipes, culverts, ditches, open channels, swales, streams, lakes, rivers, ponds, and detention and retention ponds, as well as other types of conveyance, storage and infiltration facilities. Depending on its context, a drainage system refers to either the public drainage system or a private drainage system, or both.

17. “Drainage treatment/abatement facilities” means any facilities installed or constructed in conjunction with a drainage plan for the purpose of treating urban runoff to improve water quality.

18. “2005 DOE Manual” refers to the 2005 Washington State Department of Ecology Stormwater Management Manual for the Puget Sound Basin.

19. “Environmentally critical areas” means critical areas defined by Chapter 15.40 MVMC to which this chapter shall apply.

20. “Illicit connection” means any manmade conveyance that is connected to a municipal separate storm sewer without a permit. Examples include sanitary sewer connections, floor drains, channels, pipelines, conduits, inlets, or outlets that are connected directly to the municipal separate storm sewer system.

21. “Illicit discharge” means all nonstorm water discharges to storm water drainage systems that cause or contribute to a violation of state water quality, sediment quality or groundwater quality standards, including but not limited to sanitary

sewer connections, industrial process water, interior floor drains, car washing and greater systems.

22. "Impervious surface" means (a) a hard surface area that either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development (b) a hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof-tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam, or other surfaces that similarly impede the natural infiltration of storm water. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces for the purposes of determining whether the thresholds for application of minimum requirements are exceeded. Open, uncovered retention/detention facilities shall be considered impervious surfaces for purposes of runoff modeling and calculation.

23. "Land-disturbing activities" means any activity that results in a movement of earth or a change in the existing soil and/or land cover (both vegetative and nonvegetative) and/or the existing soil topography. Land-disturbing activities include, but are not limited to, clearing, grading, filling, and excavation. Compaction that is associated with stabilization of structures and road construction shall also be considered a land-disturbing activity. Vegetation maintenance practices are not considered a land-disturbing activity.

24. "Low impact development (LID)" means a storm water management and land development strategy applied at the parcel and subdivision scale that emphasizes conservation and use of on-site natural features integrated with engineering and small-scale hydrologic controls to more closely mimic pre-development hydrologic functions.

25. "Municipal separate storm sewer system" (MS4) means a conveyance, or system of conveyances including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains:

a. Owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of wastes, storm water, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved

management agency under Section 208 of the Clean Water Act that discharges to waters of the United States;

b. Designed or used for collecting or conveying storm water;

c. Which is not a combined sewer; and

d. Which is not part of a publicly owned treatment works (POTW) as defined at 40 CFR 122.2.

26. "Natural location" of drainage systems refers to the location of those channels, swales, and other natural conveyance systems as defined by the first documented topographic contours existing for the subject property, either from maps or photographs or such other means as appropriate.

27. "New development" means land-disturbing activities, including Class IV – general forest practices that are conversions from timber land to other uses; structural development, including construction or installation of a building or other structure; creation of impervious surfaces; and subdivision, short subdivision, and binding site plans, as defined and applied in Chapter 58.17 RCW. Projects meeting the definition of redevelopment shall not be considered new development.

28. "Permit" means the most current version of the city's Western Washington Phase II Municipal Stormwater Permit, 2007. Appendix 1 of this permit contains the minimum technical requirements for new development and redevelopment.

29. "Planner" means city of Mount Vernon community and economic development director.

30. "Permanent storm water quality control plan (PSQCP)" means a plan that includes permanent BMPs for the control of pollution from storm water runoff after construction and/or land-disturbing activity has been completed.

31. "Pollutant" shall mean any substance which, when added to water, would cause contamination or other alteration of the physical, chemical, or biological properties of waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state, as will or is likely to create a nuisance or render such waters harmful, detrimental, or injurious to the public health, safety, or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish, or other aquatic life.

32. "Predeveloped" means the native vegetation and soils that existed at a site prior to the influence of Euro-American settlement. The predeveloped condition shall be assumed to be for-

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ested land cover unless reasonable, historic information is provided that indicates that the site was prairie prior to settlement.

33. "Private drainage system" means drainage systems located on private property and designed to discharge directly as through pipes, channels, etc., or indirectly as sheet flow, subsurface flow, etc. into the city's drainage system.

34. "Public drainage system" means that portion of the drainage system of the city located on public right-of-way, easement or dedicated tract, or other property owned by the city and those portions of private drainage systems assumed by the city.

35. "Receiving bodies of water" means bodies of water or surface water systems to which surface runoff is discharged via a point source of storm water or via sheet flow.

36. "Redevelopment" means that on a site that is already substantially developed (i.e., has 35 percent or more of existing impervious surface coverage), the creation or addition of impervious surfaces; the expansion of a building footprint or addition or replacement of a structure; structural development including construction, installation, or expansion of a building or other structure; replacement of impervious surface that is not part of a routine maintenance activity; and land disturbing activities.

37. "Retention/detention facilities" means a type of drainage facility designed either to hold water for a considerable length of time and then release it by evaporation, plant transpiration, and/or infiltration into the ground; or to hold surface water and storm water runoff for a short period of time and then release it to the surface and/or storm water management system.

38. "Storm water plan" means a plan approved by the city of Mount Vernon that includes a small parcel or large parcel storm water plan and/or a permanent storm water quality control plan.

39. "Stormwater Management Manual for Western Washington" means the five-volume technical manual Publications Nos. 05-10-029-33 for the 2005 version (the 2005 version replaces the 2001 version) prepared by the Washington State Department of Ecology.

40. "Subject property" means the tract of land which is the subject of the permit and/or approval action as defined by the full legal description of all parcels involved in the proposed development.

41. "Uncontaminated" means water that has not come into contact with illicit discharges or other pollutants. (Ord. 3453 § 3, 2009).

13.33.030 Regulated activities.

All new development, redevelopment and other activities listed below shall comply with the conditions of this chapter.

A. Creation or alteration of new or additional impervious surfaces;

B. New development;

C. Redevelopment;

D. Activities that require a fill and grade permit;

E. Activities that require a building permit;

F. Subdivision approval;

G. Short subdivision approval;

H. Activities that require a commercial, industrial, or multifamily site plan approval;

I. Planned unit development approval;

J. Development or redevelopment within or adjacent to critical areas per Chapter 15.40 MVMC;

K. Activities that require a conditional use permit;

L. Activities that require a substantial development permit pursuant to Chapter 90.58 RCW (Shoreline Management Act);

M. Activities that require a Type IV forest practice permit;

N. Any activity that may fall within and be subject to regulation by the most current version of the city's January 17, 2007, Western Washington Phase II Municipal Stormwater Permit and its mandatory incorporated provisions of the 2005 Edition of the Stormwater Management Manual for Western Washington. (Ord. 3453 § 4, 2009).

13.33.040 Exemptions.

The public works director may determine whether or not a proposed project is exempt from the provisions of this chapter. Exemptions shall be consistent with all city, state, and federal requirements and may include those set forth in the thresholds, definitions, minimum requirements and exceptions, adjustment and variance criteria found in Appendix I of the Permit. The following activities shall be exempt:

A. Development undertaken by the Washington State Department of Transportation in state highway rights-of-way that is regulated and meets the requirements of Chapter 173-270 WAC, the Puget Sound Highway Runoff Program, is exempt from the requirements of this chapter.

B. Commercial agriculture, including only those activities conducted on lands defined in RCW 84.34.020(2), and production of crops or livestock for wholesale trade.

C. Forest practices regulated under WAC Title 222, except for Class IV general forest practices, as defined in WAC 222-16-050, that are conversions from timber land to other uses.

D. Requests for exemption shall be filed in writing with the public works director, and shall adequately detail the basis for granting an exemption.

E. The decision of the public works director may be appealed to the city council by filing written notice of appeal with the city finance director within 10 days of service of the public works director's written decision. The cost of the appeal shall be \$100.00. (Ord. 3453 § 5, 2009).

13.33.050 General provisions.

Storm water management measures shall be designed, constructed, and maintained in accordance with the standards and specifications as set forth in the thresholds, definitions, minimum requirements and exceptions, adjustment, and variance criteria found in Appendix I of the Permit, including the mandatory incorporated provisions of the 2005 Ecology Stormwater Management Manual for Western Washington and the city of Mount Vernon engineering standards.

All storm water management measures shall be analyzed with the continuous modeling program Western Washington Hydrology Model, hereinafter referred to as WWHM, or as otherwise approved by the public works director. (Ord. 3453 § 6, 2009).

13.33.060 General storm water requirements.

A. Minimum requirements for storm water management include the following items as further described in the Permit, Appendix I:

1. Preparation of storm water site plans;
2. Construction storm water pollution prevention plan (SWPPP);
3. Source control of pollution;
4. Preservation of natural drainage systems and outfalls;
5. On-site storm water management;
6. Runoff treatment;
7. Flow control;
8. Wetland protection;
9. Operations and maintenance.

Requirement 2 applies to all new development and redevelopment projects. The applicability of minimum requirements of the Permit varies depending on the type and size of the project. Appendix 1 of the Permit identifies thresholds that determine the applicability of the minimum requirements to different projects.

B. New Development.

1. All new development shall be required to comply with subsection (A)(2) of this section. In addition, the following two conditions will comply with subsections (A)(1) through (5) of this section:

a. Project creates or adds 2,000 square feet, or greater, of new, replaced, or new plus replaced impervious surface area.

b. Project has land-disturbing activity of 7,000 square feet or greater.

2. The following three new development projects shall comply with subsections (A)(1) through (9) of this section:

a. Project creates or adds 5,000 square feet, or more, of new impervious surface area.

b. Project converts three-quarters acre, or more, of native vegetation to lawn or landscaped areas.

c. Project converts two and one-half acres, or more, of native vegetation to pasture.

C. Redevelopment.

1. The following redevelopment shall comply with subsections (A)(1) through (5) of this section for the new and replaced impervious surfaces and the land disturbed:

a. The new, replaced, or total of new plus replaced impervious surfaces is 2,000 square feet or more.

b. Seven thousand square feet or more of land-disturbing activities.

2. The following redevelopment shall comply with subsections (A)(1) through (9) of this section for the new impervious surfaces and converted pervious areas:

a. Adds 5,000 square feet or more of new impervious surfaces.

b. Converts three-quarters acre, or more, of native vegetation to lawn or landscaped areas.

c. Converts two and one-half acres, or more, of native vegetation to pasture.

D. Additional Storm Water Requirements for Development and Redevelopment.

1. Retention, detention, and infiltration facilities shall not be located within dedicated public road right-of-way.

2. All drainage easements granted to the city within a subject property shall be at least 20 feet in width for operation and maintenance of open channel or closed system installation.

3. As-built plans and pond performance reports shall be submitted to the city prior to final approval/acceptance of said project.

4. Private Ownership of Storm Water Facilities. Owners of private storm water systems and facilities that collect, convey, treat and/or infiltrate

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runoff are responsible for the operation and maintenance of those facilities.

5. City Ownership of Storm Water Facilities. Storm water systems and facilities that are public improvements and that are to be owned and maintained by the city shall, after satisfactory completion of the storm water facilities, post and maintain a maintenance bond as required for a final plat for subdivisions under MVMC 16.12.020 regardless if such public improvement is a condition to subdivision or other land use activity. (Ord. 3453 § 7, 2009).

13.33.070 Low impact development.

The city of Mount Vernon encourages the use of low impact development best management practices (BMPs) in the control of storm water.

LID system designs shall be prepared by a registered professional engineer licensed in the state of Washington and experienced in LID design and be certified by the preparing engineer as feasible and safe for the intended application and meeting all state and federal requirements for such LID facilities. LID system designs shall be consistent with guidance found in the Puget Sound Action Team Low Impact Development: Technical Guidance Manual for Puget Sound.

A registered professional engineer licensed in the state of Washington and experienced in LID design is also required to certify that the facility has been constructed as shown on the “as-built” plans and meets approved plans and specifications. (Ord. 3453 § 8, 2009).

13.33.080 Illicit discharges.

A. Storm Water Discharges to Sanitary and Combined Sewers. The public works director may approve discharges of storm water to a public combined sewer or sanitary sewer if other methods of controlling pollutants in the discharge are not adequate and the discharge will not harm the environment. The public works director may condition approval of such a discharge on compliance with requirements to control, reduce, or treat discharges prior to their entry into the public combined sewer or sanitary sewer.

B. Discharges Prohibited to Public Drainage Control Systems. All illicit discharges, as defined in MVMC 13.33.020 and subsection C of this section, made either directly or indirectly to a public drainage control system are prohibited and constitute a violation of this chapter. Enforcement actions and penalties are described in MVMC Title 19.

C. Illicit Discharges Defined. Except as provided in subsection D of this section, all discharges that are not composed of storm water are illicit discharges.

The following is a partial list, provided for informational purposes only, of common substances that are illicit discharges when allowed to enter a public drainage control system: solid waste; human and animal waste; antifreeze, oil, gasoline, grease and other automotive and petroleum products; flammable or explosive materials; metals in excess of naturally occurring amounts, whether in liquid or solid form; chemicals not normally found in uncontaminated water; solvents and degreasers; painting products; drain cleaners; commercial and household cleaning materials; pesticides; herbicides; fertilizers; acids; alkalis; ink; steam-cleaning waste; laundry waste; soap; detergent; ammonia; chlorine; chlorinated swimming pool or hot tub water (unless dechlorinated to a concentration of 0.1 ppm or less and pH-adjusted and reoxygenized as necessary); domestic or sanitary sewage; animal carcasses; food and food waste; yard waste; dirt; sand; and gravel (except for traction grit).

D. Permissible Discharges. Discharges from the sources listed below shall only be illicit discharges if the public works director determines that the type of discharge, whether singly or in combination with others, is causing or contributing to a water quality violation, or is causing or contributing to a water quality problem, such as those which contain more contamination than is acceptable in the city, or which contain a type of contamination that is more toxic or is otherwise a more serious problem than typical discharges in the city: potable water sources; natural uncontaminated surface water; natural uncontaminated groundwater; air conditioning condensation; natural springs; uncontaminated water from crawl space pumps; uncontaminated agricultural runoff that is commingled with urban storm water; flows from riparian habitats and wetlands; and discharges from footing drains and other subsurface drains approved by the public works director or where approval is not required.

E. Exemptions. Discharges resulting from emergency firefighting activities. Discharges from potable water sources, including water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water are only permissible if dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted, if necessary, and volumetrically and velocity-controlled to prevent resuspension of sediments in the

MS4. Street and sidewalk wash water, water used to control dust, and routine external building wash down that does not use detergents.

F. Testing for Illicit Discharges. When the public works director has reason to believe that any discharge is an illicit discharge, the public works director may require a responsible party to sample and analyze the discharge at the responsible party's expense, and to provide an analysis of the data to the public works director. The public works director may conduct such sampling and analysis and recover the costs from a responsible party in an enforcement proceeding. When the discharge is likely to contain illicit discharges on a recurring basis, the public works director may conduct, or may require the responsible party to conduct, ongoing monitoring at the responsible party's expense. (Ord. 3453 § 9, 2009).

13.33.090 Administration.

The public works director shall have the authority, with the approval of the city council, to develop and implement administrative procedures to administer and enforce this chapter including, but not limited to, fees which shall be uniform within any class of applicants and based on actual or approximated expense to the city for review, inspection, and administration; and surety and cash bonds for construction, maintenance, and performance. (Ord. 3453 § 10, 2009).

13.33.100 Review and approval.

A. The requirements of this chapter may be modified at the discretion of the public works director when more information is deemed necessary for proper review.

B. The public works director may approve, conditionally approve, or deny an application for activities regulated by this chapter.

C. All storm drainage documents prepared in connection with any of the permits and/or approvals listed in MVMC 13.33.030 shall be submitted for review by, and approval of, the public works director. (Ord. 3453 § 11, 2009).

13.33.110 Inspection – Construction.

A. All activities regulated by this chapter shall be inspected by the public works director and/or building department. Projects shall be inspected at various stages of the work to determine that adequate control is being exercised. Stages of work subject to inspection include, but are not limited to: preconstruction; installation of erosion control BMPs; land-disturbing activities; installation of utilities, landscaping, or retaining walls; and com-

pletion of project. When required by the public works director, a special inspection and/or testing shall be performed.

B. At the time of approval of the construction permit for the subject property, a schedule for inspection to ensure proper review of construction and facilities will be established by the public works director consistent with Section S.5.C.4.b. of the Permit. (Ord. 3453 § 12, 2009).

13.33.120 Modification of facilities during construction.

The public works director may require that the construction of drainage facilities and associated project designs be modified or redesigned if conditions occur or are discovered which were not considered or known at the time that the permit or approval was issued, such as uncovering unexpected soil and/or water conditions, weather generated problems, or undue materials shortages. Any such modifications made during the construction of drainage control facilities shall be in accordance with all city, state and federal requirements and shall be shown on the final approved drainage plan, a revised copy of which shall be provided to the public works director for filing. (Ord. 3453 § 13, 2009).

13.33.130 City acceptance of storm water facilities.

Maintenance of all drainage facilities constructed or modified by a proposed project is the responsibility of the property owner and shall be conducted in accordance with Section S.5.C.4.c. of the Permit. The city, at its discretion, may assume maintenance of drainage facilities constructed for formal plat subdivisions. (Ord. 3453 § 14, 2009).

13.33.140 Consultant and consultant fees.

The public works director may utilize outside consultants, the cost of which shall be borne by the developer, for plan review and inspection. In such cases, the developer shall make a deposit in advance and supplement it as necessary to pay for plan review and inspection costs. (Ord. 3453 § 15, 2009).

13.33.150 Prohibited acts.

It shall be prohibited, and in violation of this chapter, for any person or entity to:

A. Cause or permit litter, trash, rubbish, or debris to enter the public drainage system or any private drainage system which may directly or indirectly discharge to the city's drainage system.

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B. As provided in MVMC 13.33.080, for any person or entity to cause or permit pollutants to enter any private drainage system or the public drainage system, including, but not limited to, oils and petroleum products, paints, and paint thinners, pesticides, fertilizers, soaps, detergents, washing wastes and any pollutants found on the following lists, as now or hereafter amended, herein adopted as part of this chapter by reference:

1. Discarded Chemicals List of WAC 173-303-9903.
2. Toxic Dangerous Waste List of WAC 173-303-101.
3. Dangerous Waste Sources List of WAC 173-303-9904.
4. Dangerous Waste Constituents List of WAC 173-303-9905.
5. Dangerous Waste Mixtures List of WAC 173-303-084.
6. Persistent Dangerous Waste List of WAC 173-303-102.

C. Cause any damage to any drainage facilities of any private drainage system or the public drainage system.

D. Cause or permit horses, cattle, or other domestic animals to enter any watercourses or wetlands that are part of the drainage system of the city. Storm water for stables, pastures, and other animal enclosures shall be diverted or treated so as to prevent polluted drainage waters from entering the drainage system of the city.

E. Cause or permit grading, clearing, filling or other land surface changes to take place in such a way as to allow drainage from the property to carry any suspended or dissolved matter into the drainage system of the city.

F. Cause or permit any work that would result in the transmission of silt, pollution materials, or other foreign substances from one part of the drainage system to another.

G. Discharge any waters or in any way cause the temperature of the water discharged from the property to exceed by more than five degrees Fahrenheit the temperature of the nearest receiving waters.

H. Introduce into the drainage system any liquid or solid foreign substances of biodegradable or other nature which shall cause the water quality to degrade from the applicable water quality standards of the state of Washington (Chapter 173-201A WAC).

I. No obstructions shall be placed or allowed that would prohibit the free passage of fish under all flow conditions, unless approved by the Department of Fish and Wildlife. (Ord. 3453 § 16, 2009).

13.33.160 Monitoring facilities.

A. The public works director may require, during the design and/or construction phase, that an owner shall provide, maintain, and operate, at the owner's own expense, a monitoring facility to allow inspection, sampling, and flow measurement of all discharges into the city's drainage, as required by the public works director to assure compliance with this chapter. Each monitoring facility shall be situated as approved by the public works director so as to provide pertinent information, except that if such a location would be impractical or cause undue hardship on the owner, the city may allow such facility to be constructed in an accessible public street or sidewalk area, located so that it will not be obstructed by landscaping or parked vehicles. It shall be the responsibility of the owner to secure permission to situate any required and approved monitoring facility on any property other than that of the owner.

B. There shall be ample room in or near such monitoring facility to allow accurate sampling, data collection, and preparation of samples for analysis by the owner and the city. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the owner.

C. All monitoring facilities shall be constructed and maintained in accordance with all applicable construction standards and specifications. Construction of monitoring facilities for existing dischargers shall be completed within 180 days of receipt of notice to do so from the public works director. Construction of monitoring facilities shall be completed by the owner at the owner's own expense. (Ord. 3453 § 17, 2009).

13.33.170 Sampling and analysis requirements.

Sample types, measurements, analyses, and sample frequency required for each site shall be determined by the public works director. All measurements, tests, and analyses of characteristics of storm water shall be in accordance with procedures established by the Environmental Protection Agency contained in 40 CFR Part 136 of the federal Clean Water Act as now existing or hereafter amended. All sampling, measurements, and analysis done for the satisfaction of these requirements shall be the responsibility of the site owner and done at the owner's expense. All samples and analysis taken shall be reported to the city. (Ord. 3453 § 18, 2009).

13.33.180 Variances.

A. Variances from the requirements of this chapter may be granted for good cause by the public works director, considering the following criteria:

1. Sufficient capacity of downstream facilities under design conditions.
2. Maintenance of the integrity of the receiving waters.
3. Possibility of adverse effects of retention/detention.
4. Utility of regional retention/detention facilities.
5. Capability of maintenance of the system.
6. Structural integrity of abutting foundations and structures.
7. Requirements of the city's surface water management plan.
8. The health, safety and welfare of the city is not adversely affected.
9. The exception provides equivalent environmental protection and is in the overriding public interest; and that the objectives of safety, function, environmental protection, and facility maintenance, based upon sound engineering, are fully met.
10. Special physical circumstances or conditions affecting the property such that the strict application of these provisions would deprive the applicant of all reasonable use of the site in question, and every effort to find creative ways to meet the intent of the minimum standards has been made.
11. The granting of the exception will not be detrimental to the public health, welfare, and safety, nor injurious to other properties in the vicinity and/or downstream, and to the quality of receiving waters.
12. The exception is the least possible exception that could be granted to comply with the intent of the minimum requirements.
13. The exception is fully compliant with all state and federal requirements.

B. Requests for variances shall be filed in writing with the public works director and shall adequately detail the basis for granting a variance.

C. The decision of the public works director may be appealed to the city council by filing written notice of appeal with the city finance director within 10 days of service of the public works director's written decision. (Ord. 3453 § 19, 2009).

13.33.190 Development in critical areas.

Proposed development located wholly or partially within environmentally critical areas shall

comply and be reviewed with respect to policies adopted within Chapters 15.36 and 15.40 MVMC that relate to development in critical areas and flood hazard areas. (Ord. 3453 § 20, 2009).

13.33.200 Establishment of regional facilities.

A. In the event that public benefits would accrue due to modification of the storm water plan for the subject property to better implement the recommendations of the city's surface water plan, the public works director may recommend that the city should assume some responsibility for the further design, construction, operation, and maintenance of drainage facilities receiving runoff from the subject property. Such a decision shall be made concurrently with review and approval of the storm water plan as specified in this chapter.

B. In the event that the city decides to assume some responsibility for design, construction, operation, and maintenance of the facilities, the developer will be required to contribute, as a minimum, a pro rata share to the construction cost of the facilities. The developer may be required to supply additional information at the request of the public works director to aid in the determination by the city. Guidelines for implementing this section will be defined by the public works director. (Ord. 3453 § 21, 2009).

13.33.210 Applicability to governmental entities.

All municipal corporations and governmental entities, unless otherwise provided, shall comply with the terms of this chapter when developing and/or improving land, including, but not limited to, road building and widening, within areas of the city. (Ord. 3453 § 22, 2009).

13.33.220 Other permits and requirements.

A. It is recognized that compliance with other city, county, state and federal permits, conditions, and requirements may apply to the proposed action and that compliance with the provisions of this chapter does not constitute compliance with such other requirements.

B. When any provision of any other chapter of the MVMC conflicts with this chapter, that which provides adequate public safety and more environmental protection shall apply unless specifically provided in this chapter. (Ord. 3453 § 23, 2009).

13.33.230 Protection of public and private rights.

Implementation of any provision of this chapter shall not cause, nor be construed as, an infringe-

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ment of the rights of individuals, municipalities, or corporations other than the developer seeking a permit or approval as described in MVMC 13.33.030. (Ord. 3453 § 24, 2009).

13.33.240 Enforcement, violations and penalties.

The provisions set forth in MVMC Title 19 shall apply to all violations of this chapter. Penalty and enforcement provided therein are cumulative and shall not be deemed exclusive, and the city may pursue any appropriate remedy or relief. (Ord. 3453 § 25, 2009).

Chapter 13.34

SURFACE WATER UTILITY

Sections:

- 13.34.010 Purpose – Findings.
- 13.34.020 Potential hazard declared.
- 13.34.030 Storm water management utility created.
- 13.34.040 Property transferred to utility.
- 13.34.050 Utility administered by city engineer.
- 13.34.060 Surface water management plan.

13.34.010 Purpose – Findings.

The city finds and declares:

A. All real property in the city contributes runoff to the common surface water problem, and all real property in the city either uses or benefits from the surface water utility of the city.

B. The development of real property, as measured by the square footage of impervious surface area, is an appropriate basis for the determination of an individual parcel's contribution of storm water runoff to the city's storm water system. (Ord. 2548 § 1, 1993).

13.34.020 Potential hazard declared.

The city finds and declares that absent effective maintenance, operation, regulation and control, existing storm water drainage conditions in all drainage basins and subbasins within the city constitute a potential hazard to the health, safety and general welfare of the city. The city council further finds that natural and manmade storm water facilities and conveyances together constitute a storm water system and that effective regulation and control of surface water through formation, by the city, of a surface water utility requires the transfer to the utility of all storm water facilities and conveyances and related rights belonging to the city. (Ord. 2548 § 2, 1993).

13.34.030 Storm water management utility created.

There is created and established pursuant to Chapter 35.67 RCW, and Article 11, Section 11, of the Washington State Constitution, a surface water utility. All references to "the utility" in this chapter refer to the surface water utility. The utility will have regulatory authority and responsibility for planning, design, construction, maintenance, administration and operation of all city storm water conveyances and facilities. (Ord. 2548 § 3, 1993).

13.34.040 Property transferred to utility.

Title and all other incidents of ownership of the following assets are transferred to and vested in the utility: all properties, interests and physical and intangible rights of every nature owned or held by the city, however acquired, insofar as they relate to or concern surface water, except that portion of the sanitary utility system used to transport or treat combined wastewater and surface water flows, further including, without limitation, all properties, interests, and rights acquired by adverse possession or by prescription, directly or through another, in and to the drainage or storage, or both, of storm water, through, under, or over lands, watercourses, sloughs, streams, ponds, lakes, and swamps, all beginning in each instance at a point where storm water first enters the system of the city and ending in each instance at a point where the storm water exits from the system of the city, and in width to the full extent of inundation caused by storm or flood conditions. (Ord. 2548 § 4, 1993).

13.34.050 Utility administered by city engineer.

The utility shall be administered by the city engineer. (Ord. 2548 § 5, 1993).

13.34.060 Surface water management plan.

The city's engineering department shall cause to be completed a comprehensive surface water management plan for Mount Vernon which, if accepted, shall be adopted by the city council. This plan shall be presented to the council no later than one year after enactment of the surface water utility ordinance codified in this chapter. (Ord. 2548 § 6, 1993).

Chapter 13.35

SURFACE WATER UTILITY – SYSTEM AND STRUCTURE OF RATES

Sections:

- 13.35.010 Definitions.
- 13.35.020 Potential hazard declared.
- 13.35.030 System of rates and charges.
- 13.35.035 Newly annexed areas – Temporary rate reduction.
- 13.35.036 Newly annexed areas – South Mount Vernon annexation area.
- 13.35.040 Billing and collection.
- 13.35.050 Delinquent charges – Enforcement of collection.
- 13.35.060 Surface water utility account.
- 13.35.070 Appeal of charges.
- 13.35.080 Recordation and attorneys’ fees.

13.35.010 Definitions.

A. “City” means the city of Mount Vernon, a municipality, and its authorized employees.

B. “Council” means the city council of Mount Vernon.

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. “Equivalent service unit (ESU)” means a configuration of development, or impervious surfaces on a parcel, estimated to contribute an amount of runoff to the city’s surface water management system which is approximately equal to that created by the average developed single-family residential parcel within Mount Vernon. One ESU is equal to 2,657 square feet of impervious surface area.

E. “Impervious surface” means that hard surface area which either prevents or retards the entry of water in 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, trafficked gravel, and oiled, macadam or other surfaces which similarly impede the natural infiltration or runoff of surface water.

F. “Parcel” means the smallest separately segregated unit or plot of land having an identified owner, boundaries, and surface area which is doc-

umented for tax purposes and given a tax account (lot) number by the Skagit County assessor.

G. “Parcel, developed” means any parcel which has been altered by grading or filling of the ground surface, or by construction of any improvement or other impervious surface area, which affects the hydraulic properties of the parcel.

H. “Parcel, single-family residential” 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. “Parcel, undeveloped” 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. (Ord. 2570 § 2, 1993).

13.35.020 Potential hazard declared.

The city council finds and declares that absent effective maintenance, operation, regulation, enforcement and improvement, existing surface water drainage conditions in all drainage basins and sub-basins within the city constitute a potential hazard to the health, safety and property of city inhabitants. The city council finds further that natural and manmade surface water facilities and conveyances together constitute a surface water drainage system and that effective regulation and control of surface water may best be achieved through formation, by the city, of a surface water utility and the transfer to the utility of all surface water facilities and conveyances and related rights belonging to the city. (Ord. 2570 § 3, 1993).

13.35.030 System of rates and charges.

A. There is hereby imposed a system of rates and charges on each parcel of real property within the city served by or to which service is available by the utility established by this chapter. The charges are found to be reasonable and necessary as a means for regulation of surface water within the city. This regulatory program will fund the administration, planning, design, construction, water quality programming, operation, maintenance and repair of surface water system, facilities, conveyances and program. The charges per equivalent service unit (ESU) required to support the program identified in the Comprehensive Surface

Water Management Plan are \$3.95 per month in 1994 through 1996, \$5.35 per month in 1997 and 1998, and \$6.05 per month in 1999 through 2003; provided, however, that the city reserves the right to fix, alter, regulate, revise and control the rates and charges.

B. The following utility charges are hereby established for all parcels of real property in the city:

1. Single-Family Residential Parcel. The single-family residential charge shall be equal to the charge for one ESU per month as set forth in this section for each parcel having one residential dwelling. This uniform rate is based on each single-family parcel being equal to one ESU.

2. Duplex. The charge for duplex properties shall be equal to the charge for one ESU per month as set forth in this section.

3. Undeveloped Parcels. Undeveloped parcels shall not be charged under this system and structure of rates.

4. Other Parcels. The charge for all other parcels shall be based upon the total amount of measured impervious surface divided by one ESU, and rounded to the nearest whole number. The actual total monthly service charge shall be computed by multiplying the measured ESUs for a parcel by the monthly rate per ESU as set forth in this section.

5. Certain Properties Exempted. By virtue of their design for collection and conveyance of surface water runoff, city owned streets shall not be charged under this system and structure of rates.

6. Senior Citizen and Low Income Discount. The charge for any single-family residential unit owned and occupied by a low income elderly person shall be 75 percent of the rate otherwise applicable. For the purposes of this section, "low income elderly person" means a person who has applied for classification as a low income elderly person and has certified he or she qualifies for exemption from all excess property taxes pursuant to the terms of RCW 84.36.381. Proof of entitlement may consist of documents or copies of documents from the county assessor's office showing that the applicant meets the necessary qualifications as set forth in RCW 84.36.381.

7. Drainage Districts. All properties within the city and also located within and paying charges to a drainage district shall receive a discount in the utility charge to the property in an amount equal to the drainage district charge; provided, however, the amount of the discount shall not exceed the amount of the utility charge assessed pursuant to this chapter.

8. On-Site Treatment and Detention Facility Discount. The charge for any parcel, other than single-family residential or duplex properties, meeting the minimum requirements of the 1992 Department of Ecology Storm Water Management manual shall be reduced by 20 percent upon application to the office of development services. It shall be the duty of the property owner to submit an application, with evidence of compliance with the 1992 Department of Ecology Storm Water Management manual according to the requirements of the city engineer, to the office of development services.

9. On-Site Direct Discharge Discount. By virtue of their design for collection and conveyance of surface water runoff, the charge for any parcel containing an on-site surface water system not connected to the city's drainage system that discharges surface water runoff directly into a water body of statewide significance and the surface water runoff meets or exceeds the water quality requirements of the latest edition of the Department of Ecology's Storm Water Management Manual for the Puget Sound Basin shall be reduced by 60 percent upon application to the office of development services. (Ord. 3242 § 1, 2005).

13.35.035 Newly annexed areas – Temporary rate reduction.

The surface water utility charge for any parcel of real property, other than single-family residential or duplex properties, newly annexed within the city shall be reduced by 50 percent for a period of three years effective upon annexation. This shall include both developed and undeveloped parcels. (Ord. 3243 § 1, 2005).

13.35.036 Newly annexed areas – South Mount Vernon annexation area.

A. The city council finds and declares the following:

1. That property owners in the urban growth area directly south of Mount Vernon, known as the South Mount Vernon annexation area, have contributed fees to the South Mount Vernon sub-flood control zone. Unspent resources associated with these fees amount to approximately \$58,700.

2. That the South Mount Vernon annexation area is more rural than the existing service area, thus surface water costs are lower in this area per equivalent service unit ("ESU"). Within five or six years, this annexation area is expected to be significantly more built out and its surface water service costs then are expected to be comparable with those in the rest of the service area.

13.35.040

3. That the council has explored the viability of placing a surface water system into the South Mount Vernon annexation area. Examining this annexation area's conditions, maintenance needs, and capital needs and that the city lacks the level of resources to meet those needs immediately.

4. Upon the execution of an interlocal agreement with Skagit County, the city will receive the fees collected by Skagit County for the South Mount Vernon sub-flood control zone on condition that these resources be used solely for capital projects within the South Mount Vernon sub-flood control zone.

5. That because of the capital contributions made to the system, the different character of the service and facilities projected to be furnished in the South Mount Vernon annexation area, as well as the reduced surface water costs because of its rural location, it is in the best interest of the city to classify its surface water utility customers in the South Mount Vernon annexation area separately.

B. South Mount Vernon Annexation Temporary Rate Reduction. The surface water utility charge for any property located within the South Mount Vernon annexation area annexed within the city shall be reduced by 50 percent for a period of five years effective upon annexation.

C. The boundaries of the South Mount Vernon annexation area are set forth on attached exhibits A and B.* The area may be defined or redefined by future resolution of the council. The exhibit shall be, upon final adoption, a part of this title, and said exhibit, and all notations, references and other information shown thereon, thereafter shall be as much a part of this title as through all matters and information set forth on said map were fully described in this title. (Ord. 3243 § 2, 2005).

*Code reviser's note: Exhibits A and B are on file in the office of the city clerk.

13.35.040 Billing and collection.

Utility rates and charges for each parcel of developed real property within the city shall be computed on a monthly basis. The amount to be billed shall be included on the existing utilities bill as a separate line item. A "surface water only" billing will be sent to those property owners who are not current city utilities customers. Utility rates and charges specified in this chapter shall be the responsibility of the owner in fee of any property chargeable for such service. Such charges shall be billed to the owner in fee of the property served last made known to the city, and to the last known address. It shall be the duty of every property

owner within the city to notify the office of the finance director of the fact of ownership and the address to which billing should be made. Any purchaser of property within the city shall notify the office of the finance director of the date of purchase and the proper billing address immediately upon acquisition of such interest; provided, however, that any owner in fee may designate another party to receive billing statements (such as a tenant) if such owner shall do so in writing together with a waiver of notice of such bills or any liens for delinquent accounts. This shall not relieve the owner from final liability for utility rates and charges. (Ord. 2570 § 5, 1993).

13.35.050 Delinquent charges – Enforcement of collection.

A. Charges made pursuant to this chapter shall become delinquent if not paid within 25 days following the billing date. If such charges are not paid by the twenty-fifth day following the billing date, interest shall accrue at the annual rate of eight percent, computed monthly, until the account is paid. In the event any billing or other service charge has not been paid within 60 days of billing, the city shall mail a first delinquency notice to the property owner and occupant if the record owner does not reside at the premises. The delinquency notice shall provide the following:

1. Notice that payment for service is overdue, an itemization of the total amount due, and that a statutory lien will be imposed;

2. A date certain by which the account must be settled, which date shall not exceed 10 days from the date of the notice; and

3. The address and telephone number of the finance department, stating that the owner or occupant may contact the department if a dispute exists as to liability for the billing or the validity of lien.

The customer shall be charged \$10.00 for this first notice.

B. The city, as provided by law, shall have a lien against the premises to which storm sewer charges attach pursuant to this chapter, and may enforce such lien in any matter provided by law. Such lien shall encompass all delinquent and unpaid rates and charges for sewer service, penalties, and interest thereon, all in accordance with RCW 35.67.200. Pursuant to RCW 35.67.215, the sewerage lien shall be effective for a total not to exceed one year's delinquent service charges without the necessity of any writing or recording of the lien with the county auditor. (Ord. 2983 § 3, 1999).

13.35.060 Surface water utility account.

All money collected through utility rates and charges shall be deposited in the surface water utility account as established and maintained by the director of finance. (Ord. 2570 § 7, 1993).

13.35.070 Appeal of charges.

A. Any customer making a timely payment of the city's total utilities bill who considers the city's surface water charge applied to their parcel to be inaccurate or who otherwise disagrees with the utility rate determination, may apply to the city engineer, or his/her designee, for a service charge adjustment, stating in writing the grounds for such an adjustment. The city engineer will review the case file and determine whether an adjustment to the charge is necessary to provide for reasonable and accurate application of the utility rates and charges.

B. Appeals of decisions made by the city engineer may be brought before the city council who may direct the reevaluation of the appeal.

C. Any appeal under this chapter shall be filed with the city engineer no later than 20 days after initial billing. Any subsequent appeal shall be recorded with the city council within 20 days of the recorded decision of the city engineer.

D. Nothing in this chapter shall be construed to grant a right to judicial review which does not otherwise exist in law. In all cases, the decision of the city council shall be final and conclusive. (Ord. 2570 § 8, 1993).

13.35.080 Recordation and attorneys' fees.

A. The cost of recording any documents evidencing a lien with the county auditor shall constitute an additional penalty. Such additional penalty shall be secured by the lien imposed pursuant to MVMC 13.35.050.

B. The cost and expense of prosecuting any lien foreclosure action, and any disbursements made by the city pursuant thereto including reasonable attorneys' fees, shall be secured by the lien imposed pursuant to MVMC 13.35.050. (Ord. 2983 § 4, 1999).

Chapter 13.36

VIOLATIONS – PENALTIES

Sections:

13.36.010 Established.

13.36.010 Established.

Any person violating or failing to comply with any of the provisions contained in this title shall be subject to the enforcement provisions contained in MVMC Title 19, Code Enforcement. (Ord. 3440 § 13, 2008).

