

**ORDINANCE No. 2020-10**

**AN ORDINANCE OF THE CITY OF VADER, WASHINGTON, RELATING TO SIDE SEWERS, AMENDING CHAPTER 17.16 OF THE VADER MUNICIPAL CODE TO MAKE THE SIDE SEWER CHAPTER 17.16 MORE COMPLETE, MOVING SECTIONS FROM CHAPTER 17.04 OF THE VADER MUNICIPAL CODE TO CHAPTER 17.16, AMENDING SECTIONS 17.16.020, 17.16.090, AND 17.16.140 OF THE VMC AND ADDING NEW SECTIONS 17.16.015, 17.16.018, 17.16.085, 17.16.086, 17.16.087, AND 17.16.088, AND ESTABLISHING AN EFFECTIVE DATE.**

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**WHEREAS**, the City is in the process of updating its sewer code, contained in Chapter 17.04, 17.08 and 17.16 of the Vader Municipal Code; and

**WHEREAS**, placing all of the side sewer regulations into the “Sanitary Side Sewer” chapter, rather than having these sections in the general “Sewer Utility Regulations” chapter will make the code more useable to the general public; and

**WHEREAS**, the City Council adopted this Ordinance at its Regular Meeting on August 14, 2020; **NOW, THEREFORE**

**THE CITY COUNCIL OF THE CITY OF VADER, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:**

**Section 1.** A new section 17.16.015 is hereby added to the Vader Municipal Code to read as follows:

**17.16.015 Application requirements.**

(a) Applicant. An application for a side sewer permit shall be signed and made by the owner of the property to be served or by a licensed side sewer contractor representing the owner of the property.

(b) Easements. Copies of all executed easements associated with the side sewer application must accompany the application. Where a side sewer is to be installed across a separate legally established lot from which the side sewer will serve and/or the side sewer will serve more than one

property, the applicant for the side sewer permit must first show proof that a duly executed easement has been obtained from the owner of the lot and recorded with the Lewis County recorder's office. The property owners shall have all easement(s) recorded with Lewis County before a permit will be issued for construction, such easements shall be in a format approved by the city engineer.

(c) Required Information. In making application for a side sewer permit, the applicant shall furnish a drawing, signed and stamped by a licensed engineer, showing the size and location of structures on the property, the owner's name, address and legal description of the property to be served, and the location of any easements. The full course of the proposed side sewer from the public sewer in the street to the structure shall be shown on the drawing. The city engineer may request other information as deemed necessary in his/her opinion to facilitate the proper evaluation of the application.

(d) Contractor Credentials. An applicant for a side sewer permit must present evidence, acceptable to the city engineer, of a valid Washington State contractor's license and city business license for the contractor who will be performing the work, and such other credentials as required by the city engineer to establish competence to perform the work proposed.

**Section 2.** A new section 17.16.018 is hereby added to the Vader Municipal Code to read as follows:

**17.18.018 Side sewer permit.**

(a) Applicant must obtain all necessary and required permit approvals prior to (1) commencing any construction of a side sewer, (2) performing any modification of any existing side sewer, or (3) connecting to an existing side sewer.

(b) No permit will be issued for side sewer construction or connection before the public or private sewer main is accepted by the city. Prior to the issuance of a side sewer permit, the city engineer shall establish that a sewer main of sufficient size and suitable type and condition is available for the connection. In addition, prior to approving any modification or connection to an existing side sewer, the City Engineer may require an in-pipe video inspection of the existing side sewer. The permit(s), which includes a permit for side sewer work as well as the permit necessary for any work performed in a right-of-way or public sewer easement, will only be issued to a licensed side sewer contractor. A permit that includes side sewer work only on private property may be issued to the owner or to a licensed side sewer contractor. Other than a licensed side sewer contractor, the owner is the only person authorized to install and repair side sewers on private property.

By accepting the side sewer permit, the property owner acknowledges that the City's inspector or authorized representatives shall be permitted to enter upon all and any premises at all reasonable times for the purpose of inspection, observation, measuring, sampling, testing of sewers and sewage waste, and performing all other acts or duties as they relate to the side sewer permit.

By accepting the side sewer permit, the property owner acknowledges and accepts all liability for the correct function and alignment of any side sewer that is built, modified, or for which a new connection is added under this chapter.

(c) The contractor's/owner's side sewer permit shall be available on the project site and must be readily accessible to the city engineer during any working day.

(d) Permits issued under this chapter shall expire two years from the date of issuance. The property owner may petition the city for an extension of the permit for up to one year for good cause shown, provided the city receives payment of any applicable fees. Open applications for permits shall be canceled by the city within one year from the date of submittal if, after a request of the City, the applicant fails to submit any requisite or additional information so requested.

(e) If an application for a permit is denied, the property owner may appeal the city engineer's decision by submitting a written application for appeal, together with the applicable fees, within 14 days of the date of denial. The appeal will be heard before the city's hearing examiner.

**Section 3.** Section 17.16.020 of the Vader Municipal Code is hereby amended to read as follows:

**17.16.020. Sanitary side sewer—Permit fees.**

(a) Connection of a sanitary side sewer to a city main shall be performed by a licensed contractor or homeowner. A sanitary side sewer permit shall be procured in accordance with this chapter prior to any work being accomplished. In addition to any other fees and charges payable, including, but not limited to, the connection fee established under ~~section VMC 17.08.001(a) 17.04.070(a)~~, a permit fee in the amount set by council resolution shall be required to obtain a side sewer permit. The permit fee shall include the cost of inspection, except for the following which shall be additional charges:

- (1) Inspections during hours other than city business hours;
- (2) Inspections requested by a contractor during side sewer installation requiring deep cuts, extremely wet soil conditions or when backfill is placed on pipe prior to test; or
- (3) Call back resulting from poor workmanship or failure to comply with the city ordinance.

(b) Any additional costs identified above shall be billed to the property owner and paid within 30 days of such billing. Any unpaid costs plus a penalty of ten percent and interest at the rate of eight percent per year upon such costs shall become a lien on the property served by the side sewer. The city attorney is authorized, empowered, and directed to collect this amount, either by the foreclosure of the lien or by a suit against the owner or occupant of the premises.

**Section 4.** A new section 17.16.085 is hereby added to the Vader Municipal Code to read as follows:

**17.16.085 Engineering and design standards.**

(a) General. The property owner is responsible for providing an adequate and qualified design prepared by a licensed engineer for the installation of all sewer facilities required by this code. The City’s applicable design standards are set forth in VMC 17.04.020 “Engineering standards.”

(b) Sewer Facility Requirements. Whenever property is developed or redeveloped, sewer mains shall be extended through and to the extremes of the property being developed, as required by the city, when needed for the orderly extension of the public sewer system. Whenever property is developed or redeveloped in any way such that sewage discharge is changed in content or volume, new sewer facilities shall be required whenever necessary to:

1. Meet hydraulic capacity requirements; or
2. Replace or relocate existing facilities as required or authorized by the city; or
3. Meet industrial waste pretreatment requirements.

(c) Side Sewer Design.

1. A maximum of six residential properties may be connected to a single side sewer. When a side sewer serves more than one property, all of the following shall be required:
  - a. A cleanout immediately upstream of the connection between the shared side sewer and individual side sewer;
  - b. Installation of a backwater valve on each side sewer;
  - c. Connection to the public sewer system shall be made with manhole with minimum inside diameter of 48 inches.
2. Where physical conditions render compliance with city side sewer requirements impracticable, the city may require compliance insofar as is reasonably possible; provided, that the property owner(s) execute and deliver to the city an instrument, in a form furnished by the city, agreeing to hold harmless and indemnify the city for any damage or injury resulting from such installation. The city may require that such instrument be recorded against the property with the Lewis County recorder’s office.

**Section 5.** A new section 17.16.086 is hereby added to the Vader Municipal Code to read as follows:

## **17.16.086 Construction requirements.**

(a) Standards. The City's engineering standards are defined in VMC 17.04.020. These standards shall apply to construction of side sewers. In addition, the city engineer may designate the manner and place where the side sewer shall connect to the public sewer system, specify the material, size and grade of the side sewer, and determine whether or not a permit is needed.

### **(b) Side Sewer Construction.**

1. Side sewers shall be constructed as described in this chapter. All side sewers shall be laid on a minimum slope of one-quarter inch of fall per linear foot for four-inch diameter pipe and a minimum of one-eighth inch of fall per linear foot for six- inch diameter pipe or greater. The city engineer may waive this requirement only if the following circumstances have been met:

a. A backwater valve is installed on all side sewers; and

b. The property owner of the side sewer shall assume all responsibility for the effective operation of any backwater valve; and

c. The property owner submits a recordable release in a form approved by the City engineer in which the property owner agrees to hold the city harmless from any and all damage resulting therefrom. The City may require that such instrument be recorded against the property with the Lewis County recorder's office, at the owner's expense.

2. The property owner shall be responsible for determining the available grade between building drain and sewer tee or stub.

3. In any case where the building is too low to permit gravity flow to the public sewer, the same shall be lifted by artificial means and discharged into the public sewer.

4. All connections shall be made to the wye or stub out assigned at the time the permit is issued, and no side sewer belonging to another owner shall be used unless written permission for such use is obtained and presented with the side sewer application.

5. If a building sewer is to serve more than one property, all property owners shall execute and record a valid easement and maintenance agreement which include assurances that all the properties involved have perpetual use of the side sewer, and provisions for maintenance and access for repair purposes.

6. If a side sewer is to serve two or more residential units, the use of a six-inch diameter pipe shall be specified. A six-inch cleanout extending to within 12 inches of the ground surface will be required at the wye where the upper-grade connections are made.

7. All side sewers servicing a single residential unit shall be of a four-inch diameter pipe or larger. All side sewers servicing multiple dwellings, commercial establishments, schools, or any building other than single-family residences shall be of a six-inch diameter pipe or larger and the city engineer may require a manhole connection at the sewer main.

8. Any existing connections to a septic tank, cesspool or privy vault will be removed and direct connection made to the building. In all cases, such cesspool or septic tank shall be properly disinfected and filled with suitable material or removed.

9. The city engineer may allow the use of any existing side sewer, if it conforms to all existing codes and standard drawings in cases where a new or converted building replaces an existing building. Use of an existing side sewer may require an in-video pipe inspection and the acceptance of liability by the owner for the correct function and alignment of the side sewer.

10. All waterfront side sewers, or any other side sewers within the hydraulic gradient area shall include a cleanout at a point two feet above the waterfront sewer maximum hydraulic gradient. The cleanout shall consist of a wye and a riser, both of the same size as the side sewer located in the hydraulic gradient area. The riser shall be extended to within 12 inches of finished grade and capped with an approved mechanical plug.

11. Whenever a side sewer is to be abandoned, use discontinued or service terminated, said sewer shall be capped at the connection to the public sewer system with a mechanical plug or other means acceptable to the city engineer.

(c) Pipe Materials.

1. The following types are acceptable for standard side sewer installations:

- a. Plain concrete.
- b. Reinforced concrete.
- c. Solid wall polyvinyl chloride (PVC).
- d. Ductile iron, cement mortar lined, push-on joint, or mechanical joint, class 50 (minimum).
- e. Solid wall high density polyethylene (HDPE).

2. Side sewers on waterfront lines, or areas within the hydraulic gradient area, shall be six-inch ductile iron pipe for that area located between the waterfront connection and a point two feet above the maximum hydraulic gradient as determined under emergency overflow conditions. Joints shall be rubber gasket, either mechanical or restrained. Between the point two feet above the hydraulic gradient and house connection, the installation will be standard.

**Section 6.** A new section 17.16.087 is hereby added to the Vader Municipal Code to read as follows:

**17.16.087 Inspections and tests.**

(a) Service Sewer Test. Side sewers shall be tested for leakage in the presence of the city engineer in accordance with the standard drawings and current version of the Washington State Department of Transportation Standard Specifications for Road, Bridge and Municipal Construction. The property owner shall be responsible for the full costs of such tests.

(b) Tentative Test. The property owner may conduct a tentative test prior to backfilling the trench at the time of inspection of the pipe-laying. However, the final acceptance test for leakage shall be made following backfill of all but the inspection tee, so that the complete backfill load will be on the pipe. The property owner shall be responsible for the full costs of such tests.

**Section 7.** A new section 17.16.088 is hereby added to the Vader Municipal Code to read as follows:

**17.16.088 Private and side sewer system maintenance.**

Owners of private sewer systems, side sewers, and backwater valves are solely responsible for maintenance and operation of such. However, owners of private sewer systems shall operate and use such systems, including maintaining any nearby vegetation, in such a way so as to avoid blockages or damages to the public sewer system.

**Section 8.** Section 17.16.090 of the Vader Municipal Code is hereby amended to read as follows:

**17.16.090. Connection; notice to owner, failure to comply.**

(a) *Notice for mandatory connection.* Whenever the provisions of city law require that any building or premises be connected with the public sewer, the city's clerk-treasurer ~~shall~~may serve upon the owner, agent, or occupant of the premises a notice in writing in accordance with ~~section VMC 17.04.070~~17.04.030 specifying the time within which such connection must be made. The connection shall be made not be more than 90 days from the date of service of such notice.

(b) *Failure to comply.* If such owner, agent or occupant fails, neglects, or refuses to connect the building or premises with the public sewer within the time specified in such notice, the city may make such connection and the cost of the connection shall be assessed as a lien against the property so connected and the amount thereof, plus a penalty of ten percent and interest at the rate of eight percent per year upon such costs, shall become a lien upon the premises so connected. The city attorney is authorized, empowered, and directed to collect this amount, either by the foreclosure of the lien or by a suit against the owner or occupant of the premises.

**Section 9.** Section 17.16.140 of the Vader Municipal Code is hereby amended to read as

follows:

**17.16.140. Compliance with provisions required; defective side sewers, responsibility for costs, violation and enforcement.**

(a) When any sanitary sewer connection or side sewer is constructed, laid, connected, or repaired and does not comply with the provisions of this chapter, or whenever it is determined by the superintendent that a sanitary sewer connection or side sewer is obstructed, broken, defective or inadequate and is a menace to health or is liable to cause damage to public or private property, the superintendent shall enforce this chapter by use of the procedures outlined in title 19, Civil Code Enforcement, of this Code.

(b) All costs and expenses incident to the installation, connection, operation, maintenance, and repair of the entire side sewer shall be borne by the owner of the premises served by the side sewer. The owner of the premises shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation or repair of the side sewer. When the city has occasion to maintain or repair a side sewer in order to protect the public sewer, preserve general public health and safety or because of damage directly or indirectly caused by the owner of the premises served by a side sewer or caused by an act or omission of said owner, the cost for such maintenance shall be charged to said owner. Any costs so charged and not paid within 30 days of the date of billing thereof shall constitute a lien against the property served by the side sewer and shall bear interest at the rate of 8 percent per year.

(c) Whenever, upon inspection, a side sewer is found to be defective, notice shall be given to the property owner of the premises served by such side sewer. Such notice shall be personally served upon the individual or alternatively served by mail at the premises or the place where property tax assessments are mailed. Notice shall also be served upon any tenant of the building if occupied by a person other than the owner. Upon such notice, it shall be the property owner's obligation to replace or repair the defective side sewer within 90 days of such notice. For the purposes of this chapter, the term "defective side sewer" means a side sewer that fails to pass the testing procedures for sanitary sewers as set forth in ~~section~~ VMC 17.08.001(c), 17.04.070(e) and/or section 17.16.030 and/or 17.16.087. There shall be a presumption that any side sewer in service for more than 20 years is defective and should be replaced. In the event the city directs the property owner to repair or replace the side sewer based on this presumption, the owner may elect to require the city to perform further tests to verify the defective condition. Where such further tests establish the defective condition, the city ~~shall~~ may bill the property owner for the cost of such tests as an additional sewer utility assessment. Should the testing show the side sewer not to be defective, the city ~~shall~~ will bear the cost of the testing. Any such defective side sewer not repaired or replaced within 90 days from notice thereof shall be disconnected from the city's public sewer; provided, however, five days' advance notice shall be given of any such disconnection.

(d) In the event a side sewer poses a public health and safety concern, the time allowed for repair or replacement shall be no greater than five working days.

(e) Public nuisance.

(1) *Dysfunctional facility or practice; abatement required.* Any private side sewer not installed or maintained as required by this chapter or other applicable law, or otherwise found to be in a state of dysfunction creating a threat to the public health, safety or welfare, the environment, or public or private property is a public nuisance and is a violation of this

chapter. A responsible party shall immediately abate a public nuisance upon becoming aware of its existence.

(2) *Abatement by the city.* The superintendent is authorized, but not required, to investigate a condition that the superintendent suspects of being a public nuisance under this chapter, and to abate any public nuisance as described in subsections (a) and (b) of this section. However, if a public nuisance is an immediate threat to the public health, safety or welfare or to the environment, the superintendent may summarily and without prior notice abate the condition. The superintendent shall give notice of the abatement to the responsible party as soon as reasonably possible after the abatement.

(3) *Collection of abatement costs.* The costs of abatement may be collected from the responsible party, including, a reasonable charge for attorney time, plus a penalty of 20 percent and interest at the rate of eight percent per year upon such costs, plus penalty, shall become a lien upon the property. The city attorney is authorized, empowered and directed to collect such amount either by the foreclosure of the lien or by a suit against the owner or occupant of such property, or other person responsible for such condition.

(f) Additional relief. In addition to the remedies contained in this section, the city may seek legal or equitable relief to enjoin any acts or practices and abate any condition which constitutes or will constitute a violation of this chapter.

**Section 10. Severability.** If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

**Section 11. Publication.** This Ordinance shall be published by an approved summary consisting of the title.

**Section 12. Effective Date.** This Ordinance shall be effective five days after publication as provided by law.

ADOPTED by the City Council of the City of Vader and attested by the City Clerk in authentication of such passage on this 14<sup>th</sup> day of August, 2020.

APPROVED by the Mayor this 14<sup>th</sup> day of August, 2020.

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Joe Schey, Mayor

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
Dianne Floyd  
City Clerk/Treasurer

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Jennifer S. Robertson  
Office of the City Attorney

FILED WITH THE CITY CLERK: \_\_\_\_\_  
PASSED BY THE CITY COUNCIL: \_\_\_\_\_  
PUBLISHED: \_\_\_\_\_  
EFFECTIVE DATE: \_\_\_\_\_  
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