

ORDINANCE 1742

AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, RELATING TO ADOPTING NEW GRINDER PUMP SYSTEMS FOR PUBLIC OWNERSHIP AND MAINTENANCE, AMENDING NORTH BEND MUNICIPAL CODE (NBMC) SECTIONS 13.20.005, AND 13.24.010; AMENDING NORTH BEND PUBLIC WORKS STANDARDS SECTION 7.03(N); AMENDING THE TAXES RATES AND FEES SCHEDULE TO PROVIDE A GRINDER PUMP SERVICE FEE, PENALTIES FOR BLOCKED ACCESS AND DAMAGE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City of North Bend (“City”) has been informed by Washington State Department of Ecology (“Ecology”) that grinder pump systems on individual lots must be publicly owned and maintained; and

WHEREAS, in compliance with conditions set forth by Ecology, the City has modified the NBMC and North Bend Public Works Standards to create a grinder pump program; and

WHEREAS, the City has created a Grinder Pump Service Agreement to be completed by owners who wish to install a Grinder Pump System; and

WHEREAS, the City has modified the Taxes, Rates, and Fees Schedule to create a new monthly Grinder Pump Service Fee and penalties for blocked access, misuse, damage, and/or tampering as described in the Grinder Pump Service Agreement; and

WHEREAS, the Transportation and Public Works Committee reviewed the proposed amendments at its February 23, 2021 meeting;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. NBMC Section 13.20.005 (Definitions), Amended: North Bend Municipal Code Section 13.20.005 (Definitions) is hereby amended to read as follows:

13.20.005 Definitions.

A. Unless the context specifically indicates otherwise, the meaning of terms in this chapter shall be as set forth in this section:

1. "BOD" (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees centigrade expressed in parts per million by weight.
2. "Building drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (one and one-half meters) outside the inner face of the building wall.
3. "Building sewer" means the extension from the building drain to the public sewer or other place of disposal.
4. "City" means the city of North Bend, Washington.
5. "Combined sewer" means a sewer receiving both surface runoff and sewage.
6. "Commercial establishment" means an establishment involving an activity with goods, merchandise, or services for sale or involving a rental fee.
7. "Garbage" means solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and the handling, storage, and sale of produce.
8. "Grinder Pump" means the grinder pump system which includes the tank, grinder pump, control panel, discharge line, collection valve box, and any other related appurtenances.
- ~~9~~9. "Holding tank" means a storage container for raw sewage that has not been dewatered or had the solids settled and separated from the water. It is not associated with septic drainfield systems or other dewatering system for sewage.
- ~~9~~10. "Industrial establishment" means an establishment involving manufacturing, assembling, fabrication, processing, bulk handling of products, large amounts of storage, warehousing, and heavy trucking, in addition to lighter industrial activities consisting of uses involving the processing, handling and creating of products.
- ~~10~~11. "Industrial wastes" means the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
- ~~11~~12. "Natural outlet" means any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.
- ~~12~~13. "Person" means any individual, firm, company, association, society, corporation, or group.
- ~~13~~14. "pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- ~~14~~15. "Properly shredded garbage" means the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will

be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

~~15~~16. “Public sewer” means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

~~16~~17. “Public works director” means the public works director of the city of North Bend, or his authorized deputy, agent, or representative.

~~17~~18. “Sanitary sewer” means a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

~~18~~19. “Septic hauler” means a sewer utility customer with the required permit to dispose of materials from cesspools, septic tanks, holding tanks, and privies into the North Bend wastewater treatment plant.

~~19~~20. “Septic tank” means a storage container for partially dewatered or settled solids from sewage. This tank is generally the solids storage facility associated with septic drainfield systems.

~~20~~21. “Sewage” means a combination of the liquid-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

~~21~~22. “Sewage treatment plant” means any arrangement of devices and structures used for treating sewage.

~~22~~23. “Sewage works” means all facilities for collecting, pumping, treating, and disposing of sewage.

~~23~~24. “Sewer” means a pipe or conduit for carrying sewage.

~~24~~25. “Shall” is mandatory; “may” is permissive.

~~25~~26. “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 operation.

~~26~~27. “Storm drain” (sometimes termed “storm sewer”) means a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

~~27~~28. “Suspended solids” means solids that either float on the surface or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

~~28~~29. “Watercourse” means a channel in which a flow of water occurs, either continuously or intermittently.

B. Unless the context specifically indicates otherwise, the meaning of terms in this chapter which have not been defined in this section shall have the meaning defined in Chapter 18.06 NBMC.

Section 2. NBMC Section 13.24.010 (Sewer rates), Amended: North Bend Municipal Code Section 13.24.010 (Sewer rates) is hereby amended to read as follows:

13.24.010 Sewer rates.

Monthly charges, as set forth in the taxes, rates and fees schedule adopted by ordinance, shall apply to the following classifications of users of the city sewer system:

A. Each single-family residential unit inside the corporate limits of the city (including units in duplexes, triplexes, apartment houses, condominiums, trailer parks, and other multifamily dwellings), where each unit is supplied with a separate metered water service connection, shall pay the base sewer charge plus an additional charge per cubic meter of water consumed over an initial 10 cubic meters consumed that month as measured by the water meter.

B. Single-family residential units, duplexes, triplexes, apartment houses, condominiums, trailer courts, and other multifamily dwellings inside the corporate city limits that are serviced by only one metered water service connection shall pay the base charge for each residential unit plus an additional charge per cubic meter of water usage over the initial 10 cubic meters of water consumed that month as measured by the water meter.

C. Mixed-use buildings (those buildings consisting of any combination of residential and commercial uses) inside the city limits that are served by only one metered water service connection shall pay according to the following methodology:

1. One commercial base charge, regardless of the number of commercial businesses in the building;
2. A multifamily base charge for each residential unit in the building; and
3. An additional charge, at the commercial rate, for each cubic meter of water usage over the initial 20 cubic meters of water consumed that month for the entire building as measured by the water meter.

D. All other users inside the city limits shall pay the specified base charge plus an additional charge for each cubic meter of water consumed over the initial 10 cubic meters of water consumed that month as measured by the user's water meter.

E. All users outside the city limits shall pay the base charge plus an additional charge for each cubic meter of water consumed over the initial 10 cubic meters of water consumed that month as measured by the user's water meter.

F. In the event that any user of the sewage system, by reason of the user's activities, is in two or more of the classifications set out in this section, the rate for such users shall be the highest rate established for any such classification.

G. In the event that a user of the sewage system obtains water from a water purveyor having a metered system other than the city's water system, the charges for sewer system usage shall either be:

1. A base rate and a usage rate set forth in the taxes, rates and fees schedule based on the meter readings from the purveyor of the water supply if the purveyor has delivered such records to the city; or
2. A rate based upon the base rate plus the average water use for this class of customer over the prior two years plus a 10 percent administrative fee as determined by the city to cover its administration costs in calculating and billing this alternative base rate.

All water purveyors delivering service to customers within the city shall provide the city with water meter reading records for each separate water customer residing in the city in form and content acceptable to the city for each full or partial calendar month of water use. Such water meter reading records are deemed to be timely provided to the city if the water purveyor provides such records to the city by the fifteenth day of the calendar month for the preceding month's water meter reading. Failure of the water purveyor to timely provide such records shall constitute a civil violation pursuant to Chapter 1.20 NBMC and shall subject the water purveyor to a daily penalty pursuant to NBMC 1.20.100 of up to \$2,000 for each day that a violation exists; provided, however, that such penalty shall in no event be less than \$500.00 for each day that a violation exists.

H. In the event the user of the sewage system obtains water from a private source that is not metered, the user shall pay the prescribed base fee for the associated uses in the building as set forth in the taxes, rates and fees schedule.

I. Property owners that have a City maintained Grinder Pump and a recorded grinder pump service agreement shall be assessed a monthly grinder pump service fee. If access is not maintained by the owner as described in the grinder pump service agreement, they shall be assessed a special access charge. Owner shall be assessed a minimum service fee as determined by the City for misuse, unauthorized use, damage, or tampering.

IJ. A user of the sewage system may apply in writing to the city administrator for a sewage charge adjustment. The burden is on the user to demonstrate by clear and convincing evidence based on studies and other data that the water consumption used to calculate the sewage charge is greatly disproportionate to the user's impact on the sewage system as compared to other users of the sewage system. Requesting such an adjustment does not extend the period for payment of the sewage charge. An adjustment on a delinquent account shall not be made until the account is paid in full. The city administrator shall establish processes and procedures for reviewing requests for adjustments and may revoke an adjustment at any time. The decision of the city administrator shall be final.

JK. In addition to any applicable charges set forth in this section, all users responsible for payment of any such charges shall pay a monthly surcharge equal to six percent of the total monthly charges owed by such user to the city for sewer services.

Section 3. North Bend Public Works Standards Section 7.03(N) (Individual Pressure Systems), Amended: North Bend Public Works Standards Section 7.03(N) (Individual Pressure Systems) is hereby amended to read as follows:

N. Individual Pressure Systems

(1) Where allowed, individual pressure systems may be installed to pump sewage from a property up into a public gravity sewer main. The pump installation must meet all applicable building, plumbing, and electrical codes and shall be approved prior to installation. ~~The property owner shall be solely responsible for the installation, operation and maintenance of the pressure system, including the electrical service, pump, tank, controls, side sewer, and receiving device.~~

(2) If a Grinder Pump is approved for use by the City, the property owner shall enter into a Grinder Pump Service Agreement and the Owner shall record the Agreement with King County Records Division and provide a recorded copy to the City. The City will be responsible for maintenance of the Grinder Pump System which includes the tank, grinder pump, control panel, discharge line, and collection valve box. The Agreement shall also grant a perpetual, nonexclusive easement over, under, across and through the Property for the operation, maintenance, repair, replacement, or removal of the Grinder Pump and access thereto at all times. A Bill of Sale shall be provided by the owner prior to final acceptance by the City. The requirements set forth in both documents shall be binding on the owner, tenant, renter, and/or lessee of the property, all successors and heirs, and shall run with the land.

~~(2)~~(3) Connections to a gravity sewer main shall require a 6-inch PVC gravity side sewer. The transition between the HDPE pressure side sewer and the gravity side sewer shall require the installation of a Pressure Line Connection to Gravity Sewer connection as shown in the details, including installation of the 6-inch cleanout assembly at the property line.

~~(3)~~(4) A Grinder Pump Cleanout shall be installed within 16 inches of the grinder pump tank, in accordance with the details and installation notes.

Section 4. Taxes, Rates, and Fees Schedule Amended: The City Clerk is directed to amend the City’s Taxes, Rates, and Fees Schedule to add a new monthly grinder pump service fee, blocked access fee penalty, and a misuse, unauthorized use, damage, or tampering fee penalty.

<u>13.24.010(l)</u>	<u>Monthly Grinder Pump Service Fee</u>	<u>\$44.97</u>
	<u>Blocked Grinder Pump and equipment access fee</u>	<u>\$25.00</u>
	<u>Minimum service fee for misuse, unauthorized use, damage or tampering.</u>	<u>\$100.00</u>

Section 5. Severability: Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 6. Effective Date: This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 16TH DAY OF MARCH, 2021.

CITY OF NORTH BEND:

APPROVED AS TO FORM:

Rob McFarland, Mayor

Michael R. Kenyon, City Attorney

ATTEST/AUTHENTICATED:

Published: March 26, 2021

Effective: March 31, 2021

Susie Oppedal, City Clerk