

## Chapter 8.03 - SANITARY SEWER CODE

Sections:

8.03.0000 - Chapter.

This chapter may also be referred to as the "sanitary sewer code."

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 96-0752, Attachment A (part), 1996)

### ARTICLES 1000 AND 2000— - DEFINITIONS

8.03.1000 - Definitions.

These definitions apply to the entire chapter unless otherwise stated or clearly indicated from the context.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 96-0752, Attachment A (part), 1996)

8.03.1010 - Abbreviations.

The following abbreviations have the designated meanings:

ADU	Accessory Dwelling Unit
BOD	Biochemical Oxygen Demand
CFR	Capital Facilities Rate
CWMP	Comprehensive Wastewater Management Plan
ERU	Equivalent Residential Unit
GFC	General Facilities Charge
gpd	gallons per day
L	liter
MCRR	Monthly Capacity Rental Rate
NPDES	National Pollutant Discharge Elimination System

O&M	Operations and Maintenance
POTW	Publicly Owned Treatment Works
RCW	Revised Code of Washington
SCC	Spokane County Code
SCRWRF	Spokane County Regional Water Reclamation Facility
TKN	Total Kjeldahl Nitrogen
TP	Total Phosphorus
TSS	Total Suspended Solids
ULID	Utility Local Improvement District
USC	United States Code
WAC	Washington Administrative Code
WTPC	Wastewater Treatment Plant Charge

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. No. 11-0720, 8-16-2011; Res. No. 9-0804, § 2, 9-8-2009; Res. 03-0447, Attachment A (part), 2003; Res. 97-0232, Attachment A (part), 1997; Res. 96-0752, Attachment A (part), 1996)

#### 8.03.1020 - Acceptable septage.

"Acceptable Septage" means septage that:

- (1) Was removed from residential (domestic) on-site wastewater facilities (i.e., septic tanks, cesspools, and sewage holding tanks) within Spokane County;
- (2) Does not contain grease trap material;
- (3) Has a pH not lower than 5 and not higher than 8.5;
- (4) Does not contain any toxic substances or hazardous materials, including but not limited to the pollutant and wastewater prohibitions detailed in SCC 8.03A.0201; and
- (5) Is transported to the SCRWRF by a septage hauler permitted by the County. See Section 8.03.1800.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016, Res. No. 11-0720, 8-16-11)

8.03.1030 – Accessory Dwelling Unit.

An “Accessory Dwelling Unit” or “ADU” is a secondary dwelling unit as defined by the building or planning department of the jurisdiction having authority. An ADU must be in compliance with the permit regulations established by the jurisdiction having authority.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0288, 4-19-2016; Res. No. 16-0044, 1-12-2016)

8.03.1040 - Annual Sewer Construction Program.

Annual Sewer Construction Program shall mean, with respect to any given year from 1997 through 2011, those Sewer Projects constructed as a part of the County’s Septic Tank Elimination Program.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 05-0132, Exh. A (part), 2005; Res. 97-0232, Attachment A (part), 1997; Res. 96-0752, Attachment A (part), 1996)

8.03.1050 – Appurtenant Buildings.

“Appurtenant Buildings” include garages and shops with bathroom facilities, guest houses without kitchen facilities. Appurtenant buildings do not include separate residences with kitchen facilities or accessory dwelling units.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016)

8.03.1094 - Board.

"Board" means the Board of County Commissioners of Spokane County, Washington.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 96-0752, Attachment A (part), 1996)

8.03.1130 - Building Drain.

"Building Drain" is that part of the lowest piping of a drainage system which receives the discharge from piping inside the walls of a structure or building to a point approximately two feet outside the outer face of a structure, wall or foundation and conveys it to the sewer or an on-site disposal system. Generally, the side sewer shall connect to the building drain not the building sewer.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 05-1166, Exh. A § 2, 2005; Res. 96-0752, Attachment A (part), 1996)

8.03.1131 - Building Sewer.

"Building Sewer" is that part of drainage piping from the building drain to a sewage receptacle.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 05-1166, Exh. A § 3, 2005)

#### 8.03.1135 - Capital Facilities Rate.

The "Capital Facilities Rate" or "CFR" is that portion of the monthly sewer charges for a property within certain county constructed sewer projects that is attributable to the costs of acquiring, constructing and installing the system of sewerage. The CFR components will be computed on a per ERU basis.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 05-0132, Exh. A (part), 2005; Res. 03-0447, Attachment A (part), 2003; Res. 97-0232, Attachment A (part), 1997; Res. 96-0752, Attachment A (part), 1996)

#### 8.03.1170 - Combined Sewer.

"Combined Sewer" is a sewer which conveys any category of wastewater, as permitted by the Director, and performs the functions of both a sanitary and a storm sewer.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 96-0752, Attachment A (part), 1996)

#### 8.03.1171 - Commercial Unit.

"Commercial Unit" means a building or portion thereof not included within the definitions of single-family dwelling unit, duplex or multifamily dwelling unit as defined in this chapter.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 07-0715, Exh. A § 3, 2007; Res. 97-0232, Attachment A (part), 1997; Res. 96-0752, Attachment A (part), 1996)

#### 8.03.1172 - Commercial User.

"Commercial User" means any person, not classified as an industrial user or domestic user, doing business solely in the construction, wholesale, retail, finance, insurance, real estate, service or public administration industries and others, as described by the Standard Industrial Classification (SIC).

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 03-0447, Attachment A (part), 2003; Res. 96-0752, Attachment A (part), 1996)

#### 8.03.1174 - Commercial User Charge.

"Commercial User Charge" means the charge applied to a commercial user service account for the cost of treating the volume of wastewater from that service account of a standard strength of BOD, SS and P, plus a surcharge or credit for the treatment of wastewater of more or less than standard wastewater strength as determined by wastewater monitoring, from a specific commercial user.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 96-0752, Attachment A (part), 1996)

#### 8.03.1177 – Comprehensive Wastewater Management Plan (CWMP).

The "Comprehensive Wastewater Management Plan (CWMP)" is intended to satisfy the regulations established by Ecology regarding preparation of a General Sewer Plan (GSP) per Washington

Administrative Code (WAC) 173-240-050. The CWMP outlines sewer program implementation steps necessary to fulfill the County's requirements per the Growth Management Act (GMA).

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016)

#### 8.03.1180 - Comprehensive Wastewater Management Plan Implementation Procedures.

The "Comprehensive Wastewater Management Plan Implementation Procedures" (CWMP Implementation Procedures) refers to those procedures adopted by the Environmental Services Department to implement and manage those wastewater management policies of a procedural nature in the CWMP.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0288, 4-19-2016; Res. No. 16-0044, 1-12-2016; Res. 03-0447, Attachment A (part), 2003)

#### 8.03.1192 - Day(s).

"Day(s)" means working day(s) unless otherwise noted.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 96-0752, Attachment A (part), 1996)

#### 8.03.1210 - Director or POTW Director.

"Director" or "POTW Director" means Spokane County Public Works Director, or his or her designee.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0288, 4-19-2016; Res. No. 16-0044, 1-12-2016; Res. 03-0447, Attachment A (part), 2003; Res. 96-0752, Attachment A (part), 1996)

#### 8.03.1220 – Domestic User.

"Domestic User: is defined in Section 8.03A.0103.S.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016)

#### 8.03.1242 - Dry Side Sewer.

"Dry Side Sewer" (also referred to as "double plumbing") is a sewer service line installed on properties with on-site sewage disposal systems, which will allow for future connection to a public sewer, when the public sewer becomes available. Unless otherwise indicated or approved by the Director, all side sewer requirements shall apply to dry side sewers.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 05-1166, Exh. A § 4, 2005; Res. 05-0132, Exh. A (part), 2005; Res. 96-0752, Attachment A (part), 1996)

#### 8.03.1244 - Dryline Sewer.

"Dryline Sewer" is a public or private sewer lateral that is intended for future use when authorized by the Director.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 96-0752, Attachment A (part), 1996)

#### 8.03.1246 - Duplex.

"Duplex" means a building designed, occupied or intended for occupancy as two separate living quarters, each having individual entrances, cooking, sleeping and sanitary facilities. It shall be designed exclusively for residential purposes on a permanent basis as distinguished from a transient basis. It shall exclude single-family dwelling units, multifamily dwelling units, hotels, motels, dormitories, or convalescent homes, appurtenant buildings, and accessory dwelling units. For the purpose of this chapter, a duplex shall be considered as two single-family dwelling units.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 07-0715, Exh. A § 4, 2007; Res. 03-0447, Attachment A (part), 2003; Res. 97-0232, Attachment A (part), 1997; Res. 96-0752, Attachment A (part), 1996)

#### 8.03.1247 - Equivalent Residential Unit.

"Equivalent Residential Unit" or "ERU" is a unit of equivalency based on the estimated peak residential sewer usage, whereby each ERU is equal to each eight hundred cubic feet of metered water usage per month. Each single-family dwelling unit, mobile home (where two or less occupy the same parcel) and duplex dwelling unit is deemed to represent one ERU. Each multifamily dwelling unit is deemed to represent seven-tenths of an ERU. Each accessory dwelling unit is deemed to represent six-tenths of an ERU. Each commercial unit, each mixed-use single parcel development, and each manufactured home park is assigned one ERU for the first eight hundred cubic feet of metered water usage per month, plus increments of ERUs (rounded to the nearest tenth) for additional water usage, except as provided for in Section 8.03.8420(b) of this chapter. If historical water usage data is not available for a manufactured home park, six-tenths of an ERU will initially be assigned to each unit space within the park. Once actual representative water usage data is available for a manufactured home park, the data will be used to determine the need to assign additional ERUs to the park (Cross Reference: Sections 8.03.8200, 8.03.8220 and 8.03.8420). Each vacant parcel is assigned zero ERUs. Upon development of a vacant parcel, the applicable number of ERU(s) will be calculated in accordance with the developed usage.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 07-0715, Exh. A § 5, 2007; Res. 05-1166, Exh. A § 5, 2005; Res. 03-0447, Attachment A (part), 2003; Res. 97-0831, Exh. A § 2, 1997; Res. 97-0232, Attachment A (part), 1997; Res. 96-0752, Attachment A (part), 1996)

#### 8.03.1248 - General Facilities.

"General Facilities" shall include the Spokane County Regional Water Reclamation Facility, capacity purchased by the County in City of Spokane's Regional Wastewater Treatment Plant, interceptor sewers, certain trunk sewers, pump stations, and other primary facilities of the County's general sewerage system needed to achieve the objectives of the County's Comprehensive Wastewater Management Plan and identified by the County as general facilities.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 97-0232, Attachment A (part), 1997; Res. 96-0752, Attachment A (part), 1996)

#### 8.03.1249 - General Facilities Charge.

The "General Facilities Charge" or "GFC" shall mean the charge established pursuant to Sections 8.03.8300 through 8.03.8460 of this chapter.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 03-0447, Attachment A (part), 2003; Res. 97-0232, Attachment A (part), 1997; Res. 96-0752, Attachment A (part), 1996)

#### 8.03.1250 – Grease Interceptor(s).

"Grease Interceptor(s)" means an appurtenance or appliance that is installed in a sanitary drainage system to intercept non-petroleum fats, oil, and grease (FOG) from wastewater. There are two types of grease interceptors: gravity grease interceptors and hydromechanical grease interceptors.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016)

#### 8.03.1260 - Health Officer.

"Health Officer" means the Spokane Regional Health District Health Officer or his or her designee.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 03-0447, Attachment A (part), 2003; Res. 96-0752, Attachment A (part), 1996)

#### 8.03.1310 - Lateral or Lateral Sewer.

"Lateral" or "Lateral Sewer" is a sewer to which side or private sewers may be connected from adjacent or vicinal properties. The service area for a lateral is determined by the Director, based upon generally accepted engineering practices and subject to the practice of the Environmental Services Department.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0288, 4-19-2016; Res. No. 16-0044, 1-12-2016; Res. 96-0752, Attachment A (part), 1996)

#### 8.03.1352 - Manufactured Home Park.

"Manufactured Home Park" shall be defined as per RCW 59.20.030(10).

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 97-0831, Exh. A § 3, 1997)

#### 8.03.1355 - Multifamily Dwelling Unit.

"Multifamily Dwelling Unit" means a portion of a building designed exclusively for residential purposes on a permanent basis as distinguished from a transient basis. It does not include the individual units within hotels, motels, dormitories, or convalescent homes. It does not include appurtenant buildings or accessory dwelling units. It shall consist of one or more rooms designed, occupied or intended for

occupancy as separate living quarters, each having individual entrances, cooking, sleeping and sanitary facilities. It shall exclude single-family dwelling units and duplex dwelling units.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 05-1166, Exh. A § 6, 2005; Res. 03-0447, Attachment A (part), 2003; Res. 97-0831, Exh. A § 4, 1997; Res. 97-0232, Attachment A (part), 1997; Res. 96-0752, Attachment A (part), 1996)

#### 8.03.1390 - Natural Outlet.

"Natural Outlet" is any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater. It does not include connections to the County of Spokane POTW, authorized on-site sewage or stormwater disposal systems, or other authorized sewage disposal mechanisms or systems.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 96-0752, Attachment A (part), 1996)

#### 8.03.1450 – Non-standard Strength Sewage.

"Non-standard Strength Sewage" is wastewater accepted for discharge into the POTW but which does not meet the criteria for acceptance as Standard Strength Sewage, whether because of special characteristics, special treatment requirements, special monitoring, or additional handling as a condition of acceptance. Specific criteria defining this class of wastewater are determined by the Director, in the exercise of sound discretion, considering the purposes set forth in this chapter, the public health, safety and welfare, and cost and expense to the POTW. The Director may further consider average concentrations of BOD, TSS, TP and TKN or other factors, and may include any wastewater determined by the Director to have any of the following characteristics.

1. BOD, TSS, TP and/or TKN exceeding their highest listed concentration value per Section 8.03.1970; or
2. Any other non-standard strength sewage, as defined by statute, ordinance, regulation, or by Director's order.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016)

[Cross Reference: Sections 8.03.3140 and 8.03.3240]

#### 8.03.1490 - On-site Sewage Disposal System.

"On-site Sewage Disposal System" is any system or combination of piping, treatment, or other facilities that stores, treats, and/or disposes of sewage and effluent on the property where it originates, or on adjacent or nearby property under the ownership of the user of the system or in which the user has a recorded interest for the purpose of maintaining the system on such other property. In general, these include, but are not limited to septic tank disposal systems.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 96-0752, Attachment A (part), 1996)

#### 8.03.1495 – Operation and Maintenance (O&M) Fee.

The "Operation and Maintenance Fee" or "O&M Fee" is a fee charged for purposes of defraying the costs of operating, maintaining and repairing the system of sewerage.



(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016)

#### 8.03.1520 - Person.

"Person" is an all-inclusive reference to any individual or group, firm, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 03-0447, Attachment A (part), 2003; Res. 96-0752, Attachment A (part), 1996)

#### 8.03.1670 - Private Pump Station.

"Private Pump Station" is an appurtenance of a side sewer, private sewer, or on-site sewage disposal system which, alone or in conjunction with the side sewer or private sewer, conveys standard strength sewage or effluent by lifting or pumping to another sewer.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 03-0447, Attachment A (part), 2003; Res. 96-0752, Attachment A (part), 1996)

#### 8.03.1690 - Private Sewer.

"Private Sewer" is a sewer not owned or maintained by a public authority.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 05-0132, Exh. A (part), 2005; Res. 96-0752, Attachment A (part), 1996)

#### 8.03.1710 - Private Storm Sewer.

"Private Storm Sewer" is a storm sewer not owned or maintained by a public authority and connected to a public sewer or discharged into a natural outlet.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 96-0752, Attachment A (part), 1996)

#### 8.03.1750 - Public Sewer.

"Public Sewer" is a sewer owned or controlled and maintained by a public authority. The term includes any publicly controlled and maintained sanitary or other storm or combined sewers. It does not include side sewers, side sewer stubs after connection to the sewer, or private sewers. (Cross Reference: Section 8.03.1790)

(Res. No. 21-0894, 12-14-21; Res. No. 16-0044, 1-12-2016; Res. 96-0752, Attachment A (part), 1996)

#### 8.03.1755 – Publicly Owned Treatment Works (POTW).

"Publicly Owned Treatment Works (POTW)" is defined in Section 8.03A.0103.AO.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016)

8.03.1760 - Reduced Rate Residence.

"Reduced Rate Residence" is a single-family dwelling unit or a duplex dwelling unit that is the primary residence of a qualifying senior or disabled property owner (see Section 8.03.8525) and, as such, is billed Sewer Service Fees at the reduced rate reflected in Section 8.03.8520.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 07-0715, Exh. A § 6, 2007)

8.03.1770 - Sanitary Sewage.

See definition for "Sewage". Section 8.03.1810.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 11-1095, 11-29-2011; Res. 96-0752, Attachment A (part), 1996)

8.03.1790 - Sanitary Sewer.

"Sanitary Sewer" is a sewer that conveys sanitary sewage. Additionally, the term is also applied to any public sewer except a storm sewer.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 03-0447, Attachment A (part), 2003; Res. 96-0752, Attachment A (part), 1996)

8.03.1800 - Septage Hauler.

"Septage Hauler" is a firm permitted by the Spokane Regional Health District to perform septic pumping services within Spokane County and has been permitted by the County, pursuant to the County's Septage Receiving Plan, to discharge "acceptable septage" at the SCRWRF at the adopted charges. See Sections 8.03.1020 and 8.03.8570 and 8.03.8575.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. No. 11-0720, 8-16-11)

8.03.1810 - Sewage.

"Sewage" is a combination of the water carried wastes from domestic, business, commercial, industrial or manufacturing sources, including residences, business buildings, institutions and industrial establishments.

Sewage also includes surface water and stormwater when discharged into a sewer.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 03-0447, Attachment A (part), 2003; Res. 96-0752, Attachment A (part), 1996)

8.03.1830 - Sewer.

"Sewer" is a pipe, conduit, structure, or appurtenance for conveying sewage. These definitions further identify this term according to who owns or maintains the sewer: private sewer, private storm sewer, side sewer, or special side sewer, as opposed to public sewers. In general, public sewers are also subdivided according to what they convey: sanitary sewer, storm sewer, and combined sewer. The term sewer also includes any dryline sewer.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 96-0752, Attachment A (part), 1996)

#### 8.03.1831 - Sewer Project.

The phrase "Sewer Project" refers to a designated geographical area in which public sewer improvements are constructed to serve the included properties. Such public sewer improvements may be constructed via the Utility Local Improvement District process, Capital Facilities Rate financing process, a developer sewer extension, a sewer extension financed from the County's sewer construction fund, or through other financing mechanism. Areas or subdivisions with "dry" public sewers that are subsequently put into service in conjunction with an adjacent sewer extension may also be designated as a "sewer project".

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 03-0447, Attachment A (part), 2003; Res. 97-0232, Attachment A (part), 1997)

#### 8.03.1832 – Sewer Service Area.

"Sewer Service Area" is the area lying both within and outside of the Urban Growth Area (UGA) of Spokane County in which the County owns or controls and maintains a public sewer or the County is identified as the sewer purveyor within the Comprehensive Wastewater Management Plan.

(Reference also 9.03.2112)

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016)

#### 8.03.1833 - Sewer Service Boundary.

"Sewer Service Boundary" is that area within the Urban Growth Area (UGA) within Spokane County that the County owns or controls and maintains a public sewer or the County is identified as the sewer purveyor within the Comprehensive Wastewater Management Plan.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 03-0447, Attachment A (part), 2003; Res. 96-0752, Attachment A (part), 1996)

#### 8.03.1834 - Sewer Service Fee.

The "Sewer Service Fee" is a monthly fee charged to all properties connected to the sewer system, and to those properties for which the established connection deadline has passed. The "Sewer Service Fee" is comprised of the Operation and Maintenance Fee and the Wastewater Treatment Plant Charge.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 97-0232, Attachment A (part), 1997)

#### 8.03.1835 – Sanitary Sewer Standards Manual.

"Sanitary Sewer Standards Manual" refers to that portion the "Spokane County Standards for Road and Sewer Construction" which details proper controls for design, inspection and construction of sewer systems in conformance with this chapter. The standards may contain specifications relative to materials, design, construction, procedure, policy, inspection, backfilling and responsibilities in sewer installations. The Sanitary Sewer Standards Manual includes the Side Sewer Installation Handbook. (Cross Reference: Section 8.03.6220)

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 03-0447, Attachment A (part), 2003; Res. 96-0752, Attachment A (part), 1996)

#### 8.03.1870 - Side Sewer.

"Side Sewer" is a sewer, not directly controlled or maintained by a public authority, which begins approximately two feet outside the outer face of a structure wall or foundation, conveying wastewater from the building(s) drain(s) to a public sewer or private sewer. The term side sewer also includes any double plumbing dry side sewer and temporary sewer connections. The property owner is responsible for the maintenance and repair of the entire side sewer, including the portions located within the public right-of-way.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 05-1166, Exh. A § 8, 2005; Res. 96-0752, Attachment A (part), 1996)

#### 8.03.1890 - Side Sewer Stub.

"Side Sewer Stub" is that portion of a side sewer, located between the public sewer line and a point near the property line of the premises to be served. After connection has been made to the premises, the side sewer stub shall become part of a side sewer and shall be maintained by the property owner to the point of entry into the public sewer.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 96-0752, Attachment A (part), 1996)

#### 8.03.1915 - Single-family Dwelling Unit.

"Single-family Dwelling Unit" means a building designed exclusively for residential purposes on a permanent basis, as distinguished from a transient basis. It does not include hotels, motels, dormitories, convalescent facilities, nursing facilities, appurtenant buildings or accessory dwelling units. It shall consist of one or more rooms designed, occupied or intended for occupancy as separate living quarters for one family maintaining a household, with an individual entrance, cooking, sleeping and sanitary facilities provided within a dwelling unit.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 03-0447, Attachment A (part), 2003; Res. 97-0232, Attachment A (part), 1997)

#### 8.03.1945 - Special Connection Charge.

The "Special Connection Charge" is a connection charge to be collected by the County under Section 8.03.8280. The Special Connection Charge is a charge equal to the product of  $A \times B$ , where:

"A" represents the Special Connection Charge rate as given in Section 8.03.8280(b); and

"B" represents the total number of ERUs allocated by the County to the parcel connecting to such improvements.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 11-1095, 11-29-2011; Res. 03-0447, Attachment A (part), 2003; Res. 97-0232, Attachment A (part), 1997)

8.03.1950 - Special Side Sewer.

"Special Side Sewer" is a side sewer connected to a lateral or other public or private sewer that is outside the normal service area of such sewer, as determined by the Director. Unless otherwise indicated or required by the context, all side sewer requirements shall apply to special side sewers.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 03-0447, Attachment A (part), 2003; Res. 96-0752, Attachment A (part), 1996)

8.03.1960 – Standard Capital Recovery Formula.

The "Standard Capital Recovery Formula" is a formula that is used to compute a constant monthly payment that is required based upon an initial principal amount, a specific interest rate, and a specific number of monthly payments to be made.

$$A = P [(i) (1 + i)^n ] / [(1 + i)^n - 1]$$

where;

A = Monthly payment

P = Principal amount

i = Annual interest rate ÷ 12

n = number of monthly payments in billing period

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016)

8.03.1970 – Standard Strength Sewage.

"Standard Strength Sewerage" is wastewater containing constituents typical of wastewater discharged from residential dwelling units in Spokane County. Wastewater which is determined by the Director to be within the following ranges, through sample testing, shall be considered as standard strength sewage:

1. Biochemical Oxygen Demand (BOD) between two hundred twenty (220) and three hundred (300) milligrams per liter;
2. Total Suspended Solids (TSS) between two hundred twenty (220) and three hundred (300) milligrams per liter;
3. Total Phosphorus (TP) between four (4) and six (6) milligrams per liter; and
4. Total Kjeldahl Nitrogen (TKN) between thirty-eight (38) and fifty-four (54) milligrams per liter.

However, notwithstanding the above, wastewater containing other elements, materials or substances at concentrations or amount known to be detrimental to the structure or operation of the POTW, or hazardous to the health of municipal employees, or which may cause the County violate its National Pollutant Discharge Elimination System (NPDES) permit, will not be considered as standard strength sewage.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016)

### 8.03.1990 - Stormwater.

"Stormwater" is that category of wastewater consisting of flows occurring during or following any form of natural precipitation, and resulting from such precipitation, including snow melt. This includes but is not limited to flows discharged from roof, yard, footing, springs, pools and storm drains of any type. The term is distinguished from other categories of wastewater identified in Section 8.03A.0103.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 11-1095, 11-29-2011; Res. 03-0447, Attachment A (part), 2003; Res. 96-0752, Attachment A (part), 1996)

### 8.03.2010 - Storm Sewer or Storm Drain.

"Storm Sewer" or "Storm Drain" is a sewer that conveys stormwater.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 03-0447, Attachment A (part), 2003; Res. 96-0752, Attachment A (part), 1996)

### 8.03.2050 - System of Sewerage.

"System of Sewerage" is the system of sewers, outfalls, works, plants and facilities for wastewater collection, treatment and disposal, or any and all such facilities of the County used or dedicated to provide public sewer service.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 96-0752, Attachment A (part), 1996)

### 8.03.2055 - Temporary Sewer Connections.

"Temporary Sewer Connections" are sewer connections for structures such as temporary offices at a construction site. (Cross Reference: Section 8.03.7020)

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 03-0447, Attachment A (part), 2003; Res. 96-0752, Attachment A (part), 1996)

### 8.03.2112 - Urban Growth Area.

The "Urban Growth Area" (UGA) is that area designated as urban in Spokane County's Comprehensive Plan in accordance with the Growth Management Act. The UGA will be provided urban levels of service, such as centralized wastewater collection and treatment.

The County will not provide wastewater services to areas outside the UGA, except as follows:

1. In response to an immediate threat to public health or safety;
2. When necessary for the protection of aquifers designated pursuant to RCW 36.70A.170;
3. Vested development that is required to be served with sanitary sewer as a condition of development approval;
4. To maintain existing levels of service in existing urban or suburban developments; or
5. To structures on parcels that are immediately adjacent to the UGA boundary where public sewer is available.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 03-0447, Attachment A (part), 2003)

#### 8.03.2153 - Wastewater Treatment Plant Charge (WTPC).

The "Wastewater Treatment Plant Charge" or "WTPC" is a component of the Sewer Service Fee used to pay for debt service and capital upgrades on regional wastewater treatment facilities.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 97-0232, Attachment A (part), 1997; Res. 96-1225 (part), 1996)

#### 8.03.2154 - Wastewater Treatment System.

"Wastewater Treatment System" means and includes the system of sanitary or combined sewers, outfalls, treatment works, equipment, facilities and land owned and utilized by Spokane County for sewage treatment and disposal, or any and all such facilities.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 96-0752, Attachment A (part), 1996)

#### 8.03.2156 - Water Purveyor.

"Water Purveyor" is the utility that provides water service within a defined service area as described in the Coordinated Water System Plan (CWSP) in accordance with RCW 70.116.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 96-0752, Attachment A (part), 1996)

### **ARTICLE 3000— - GENERAL REQUIREMENTS**

#### 8.03.3020 - Mandatory Sewer Service—No Rights Created.

No wastewater shall be directly discharged into a natural outlet within Spokane County. All wastewater generated in Spokane County must be discharged into the POTW of Spokane County and/or into on-site sewage disposal systems as authorized by the Spokane Regional Health District, Washington State Department of Ecology or Washington State Department of Health, as applicable. This obligation applies to the owner of the premises and to persons in possession, charge, or control of the premises where prohibited discharges either originate or occur. (Cross Reference: Section 8.03.3160)

This chapter shall not create rights for any individual or group to require construction of public sewers, connection thereto, or otherwise to receive sewer service from Spokane County. The County reserves all rights to deny, limit, or curtail service.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 03-0447, Attachment A (part), 2003; Res. 96-0752, Attachment A (part), 1996)

#### 8.03.3040 - On-site Sewage Disposal Systems—Policy to Limit.

- a. It is the policy and intent of Spokane County, the City of Spokane, the Spokane Regional Health District and various other agencies of the state and federal governments that on-site sewage disposal be limited

and discouraged, and, except where specifically authorized by permit regulations, prohibited in all areas and that all sewage be discharged into the POTW.

- b. No on-site sewage disposal system requiring a permit from the Spokane Regional Health District, Washington State Department of Ecology or Washington State Department of Health may be constructed, altered, used or maintained without a written permit from the cognizant Health Officer certifying that it meets the requirements of the cognizant agency. On-site sewage disposal systems to be operated and maintained by Spokane County must also meet the requirements of this chapter.
- c. An on-site sewage disposal system is not permitted when:
  - 1. Public sewer service is available, as defined in subsection (d) below;
  - 2. For any premises occupied by a significant industrial user; or
  - 3. The public health or safety would be adversely affected.
- d. For purposes of this section, public sewer service is deemed "available" when determined by the Director and:
  - 1. A street, highway, alley or easement in which a public sewer is located runs within any point two hundred feet or less from the boundaries of the premises concerned and the Director determines that such connection is feasible; or
  - 2. A street, highway, alley or easement in which a public sewer is located runs within a distance greater than two hundred feet from the boundaries of the premises, the anticipated sewage flow from the premises is greater than one thousand gallons per day and the Director determines that such connection is feasible;
- e. Every owner, agent or occupant of any property constructing, using or maintaining an on-site sewage disposal system after public sewer service becomes available, shall discontinue use of the on-site facility and connect to the POTW, through the County's general sewerage system and in the manner specified in Section 8.03.3060, upon the earlier of:
  - 1. The time the on-site system fails, or requires repair or replacement, as determined by the Health Officer; or
  - 2. Within one year after public sewer service became available. The Director may extend the one-year time frame for good cause.
- f. Upon the connection to the County's general sewerage system or the end of the connection period established by the Director (in accordance with subsection e.2. of this section), whichever is earlier, the owner, agent, or occupant shall make acceptable arrangements for the payment of the applicable sewer connection charges and commence payment of the monthly Sewer Service Fee. Delinquent connection charges and/or the monthly Sewer Service Fee shall be subject to lien. (Cross Reference: Section 8.03.9040)
- g. Public sewer as used in this section means a sewer comprising part of the Spokane County general sewerage system and not an interim public sewer.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 11-1095, 11-29-2011; Res. 05-0132, Exh. A (part), 2005; Res. 03-0447, Attachment A (part), 2003; Res. 96-0752, Attachment A (part), 1996)

#### 8.03.3060 - Proper Connection of All Premises.

- a. Every owner, agent, or occupant of any structure or premises used for human occupancy, employment, recreation, or other purposes requiring sanitary facilities, or when the Director or Health Officer so orders, shall construct or cause to be constructed all necessary sanitary facilities and a proper and sufficient sewer for connection to the public sewer, in accord with Spokane County requirements, unless specifically exempted therefrom in writing by the Director or Health Officer.



- b. A separate and independent side sewer shall be provided for each parcel of land, except as authorized by the Director.
- c. The side sewer provided shall connect the buildings, structures, and all toilets, commercial grease interceptors, oil/water separators, sand traps, pipes and fixtures therein used as a receptacle of or conductor of wastewater, to the public sewer. All drywells, cesspools, septic tanks or other on-site sewage disposal facilities shall be bypassed, and such facilities shall be removed or abandoned according to Spokane Regional Health District and Spokane County Environmental Services Department regulations and/or standards. (Cross References: Sections 8.03.1835, 8.03.6220)
- d. If the on-site sewage disposal system serving the buildings on a property have been properly abandoned, the Director may allow the connection of the property to be delayed until the time that wastewater is once again generated on the property. However, all applicable sewer charges shall remain in effect.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0288, 4-19-2016; Res. No. 16-0044, 1-12-2016; Res. 07-0715, Exh. A § 7, 2007; Res. 96-0752, Attachment A (part), 1996)

#### 8.03.3080 - Private Sewers - Easements.

As an additional condition of allowing connection of a private sewer, the property owner may be required to execute and record with the Spokane County Auditor's Office at his or her expense an easement appurtenant to and for the benefit of premises served by a private sewer. The easement shall be in a form approved by the Prosecuting Attorney's Office. It shall run with the land and allow perpetual access to the private sewer through all premises crossed. The easement shall not be subject to revocation without the written approval of the Director. The County shall have no maintenance or repair obligations for the private sewer, and shall be held harmless from any liabilities or damages involving the private sewer. The County shall not be responsible for ensuring that the private sewer is contained within the limits of the easement.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 05-1166, Exh. A § 9, 2005; Res. 96-0752, Attachment A (part), 1996)

#### 8.03.3085 – Private Sewers – Serving More Than One Property,

- a. A private sewer service line may be allowed to be jointly used by no more than three (3) private properties or an equivalent of three (3) dwelling units with approval of the Director. Approval is contingent upon the execution of approved documentation specifying the lots or parcels jointly using the private sewer. The approved executed document shall be recorded with the Spokane County Auditor's Office.
- b. The County shall have no maintenance or repair obligations for the jointly-used private sewer, and shall be held harmless from any liabilities or damages involving the private sewer.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016)

#### 8.03.3100 - Multiple Dwelling Units—Owner-occupant Duties.

- a. Every owner, agent, and/or person in possession, charge, or control of any hotel, motel, manufactured home park, condominium, apartment house, or other multiple dwelling unit arrangement shall furnish an acceptable system for disposal of wastewater originating from the premises, as determined by the Director. This section is supplemental to authority that may be exercised by other County officials.
- b. In cases of hotels, motels, manufactured home parks, condominiums, apartment houses, other multiple dwelling unit arrangements, or any other areas the Director deems to require public sewer

service, the Director may require multiple tenants or the property owners to appoint an agent or agents responsible and accountable to the County for making payment for public sewer service whenever multiple billings are deemed unreliable or inconvenient. Failure of an agent to discharge any duty imposed by this section shall not relieve any property owner, tenant, occupant, customer or any other person of any legal obligation imposed in this chapter and the County reserves all rights and remedies at contract and law.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 03-0447, Attachment A (part), 2003; Res. 96-0752, Attachment A (part), 1996)

#### 8.03.3120 - Disorders on Private Premises—Prompt Repair.

- 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 Health Officer or the Director shall, if the owner of such private facilities or his or her agent fails to correct the problem after two days' notice to do so, and upon a determination by the Health Officer that the public health and safety is or could be endangered thereby, cause such sewer to be removed, reconstructed, repaired, pumped, altered, or cleansed, as he may deem expedient, at the expense of the owner of such private facilities as aforesaid. No notice is necessary in cases of imminent danger to the public health and safety.
- b. The broken, obstructed, out-of-order, or otherwise inoperative sewers, pipes, or on-site sewage disposal systems are declared public nuisances which may be summarily abated at the sole expense of the premises owner and/or responsible persons, notwithstanding any other provision of this chapter.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 96-0752, Attachment A (part), 1996)

#### 8.03.3140 - Nonstandard Strength Sewage—Special Arrangements.

- a. Nonstandard strength sewage shall be made to conform to standard strength sewage, consistent with the requirements of this chapter prior to discharge into the POTW, at the generator or source's sole expense and liability.
- b. The Director may; however, by special agreement or arrangement, accept nonstandard strength sewage, subject to additional charges and terms as the Director deems appropriate.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 96-0752, Attachment A (part), 1996)

#### 8.03.3160 - Duty Imposed—Who is Responsible.

- a. Whenever this chapter imposes a duty on any identified person, party, or permit holder, such duty or obligation is imposed on such person, party or permit holder's successors in interest, in addition, but not by way of limitation.
- b. When this chapter imposes a duty or prohibition upon a customer, user, or other responsible party, such duty or prohibition applies in addition, and not by way of limitation, upon the owner of the realty upon which the wastewater source is located and upon all executive officers, managing agents and other persons in charge of the industrial or other facility generating the discharge.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 96-0752, Attachment A (part), 1996)

8.03.3180 - Unlawful Disposal of Sewage.

- a. Except as authorized by this chapter, no person may dispose of sewage, water-carried wastes or polluted waters.
- b. Sanitary sewage shall be disposed of only into a sanitary or combined sewer, with proper payment of all fees or charges therefor, or to an authorized on-site sewage disposal system.
- c. Industrial process wastewater and non-contact cooling water shall be disposed of only into a sanitary or combined sewer, or other sewer or place approved by the Director, with proper payment of all fees or charges therefore. (Cross Reference: Section 8.03.9160)

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 96-0752, Attachment A (part), 1996)

8.03.3200 - Prohibited Uses of Sanitary Sewer.

- a. No person may discharge or cause to be discharged any storm sewage or stormwater into a sanitary sewer. (Cross Reference: Section 8.03.9160)
- b. It is unlawful to pump out sewage containers into a sanitary sewer.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 03-0447, Attachment A (part), 2003; Res. 96-0752, Attachment A (part), 1996)

8.03.3220 - Use of Storm Sewers—Combined Sewers—Natural Outlets.

Except as hereafter provided, no person may discharge or cause to be discharged any wastewater, except stormwater, into a storm sewer. Additionally, notwithstanding the foregoing, noncontact cooling water or other wastewater (some unpolluted industrial process wastewaters) may be discharged upon approval of the Director and the Washington State Department of Ecology to a storm sewer, combined sewer, or natural outlet. Any such discharges shall not cross over a public walk or way. (Cross Reference: Section 8.03.9160)

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 03-0447, Attachment A (part), 2003; Res. 96-0752, Attachment A (part), 1996)

8.03.3240 - Prohibited Uses—Public Sewers.

Absolute prohibited uses of a public sewer are set forth in Section 8.03A.0201. In addition to these requirements, no person shall, directly or indirectly discharge or suffer or permit a discharge into any public sewer any of the following without previous written authorization from the Director and payment of all required fees and charges therefore:

1. The contents of any tank or container owned or used by any person in the business of pumping, collecting, transporting or receiving sewage, effluent, septage, or other waste substances unless said person has obtained prior testing and written consent, as required by the Director, and paid all fees assessed for such discharge; or
2. Any non-standard strength sewage. [Cross References: Sections 8.03.1450, 8.03.9160]

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 11-1095, 11-29-2011; Res. 96-0752, Attachment A (part), 1996)

#### 8.03.3260 - Obstructing Sewer Prohibited.

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, lamphole, flush tank or sewer opening. (Cross Reference: Section 8.03.9160)

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 96-0752, Attachment A (part), 1996)

#### 8.03.3280 - Breaking Structures, Appurtenances Prohibited.

No person may break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the POTW, including, but not limited to, any portal, manhole, lamphole, catch basin, pump station, power source, supporting structures or substrate, or any part whatsoever of a public sewer. (Cross Reference: Section 8.03.9160)

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 96-0752, Attachment A (part), 1996)

#### 8.03.3300 - Unauthorized Connection to Public Sewers.

No unauthorized person may uncover, make any connection with, open into, use, alter, damage, or disturb any public sewer or appurtenance therefore without first obtaining written permission from the Director, obtaining permits as required by this chapter, and paying fees therefor. (Cross Reference: Section 8.03.9160)

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 03-0447, Attachment A (part), 2003; Res. 96-0752, Attachment A (part), 1996)

### **ARTICLE 4000— - SEPTAGE DISCHARGING**

#### 8.03.4010 - Septage Discharging Regulations

- a. The Board of County Commissioners shall adopt and approve amendments to a septage receiving plan detailing the rules and regulations regarding discharging septage at the SCRWF. The septage receiving plan shall be printed in manual form and shall be part of this chapter by reference. The Director shall administer the septage receiving plan (see note at end of section).
- b. The permissibility of specific situations not fully covered in this chapter, or the septage receiving plan, will be determined by the Director, at the time of occurrence, in accordance with the spirit and purpose of the Code.
- c. The Director may revoke a septage hauler's permit(s) for any violation(s) of the rules and regulations contained in the septage receiving plan, this Chapter or Chapter 8.03A of the Spokane County Code. Any such violation or instance of non-compliance may result in the septage hauler having to appear at an administrative hearing before the Director to determine the facts for possible revocation of the septage hauler's permit(s) and its duration.
- d. During the administrative hearing, the Director may: 1) consider the severity of the current violation (i.e., potential effect on the SCRWF, falsification of data, etc.); 2) consider past violations by the hauler; 3) request additional information from the hauler; and/or, 4) consider any other information pertinent to the decision making process.
- e. Any appeal from the Director's decision following an administrative hearing shall be filed in accordance with SCC Section 8.03.9185.

- f. Any decision relative to revoking, or not revoking a hauler's permit, based on any violation(s) of the septage receiving plan, this Chapter or Chapter 8.03A shall not preclude the County from pursuing any legal action authorized by Article 9000 of this chapter or any other remedy available to the County under the laws of this state.
- g. The result of any administrative hearing shall not preclude the County from pursuing additional legal action authorized in the previous subsection.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. No. 11-0720, 8-16-11)

8.03.4030 - Septage Discharging—General.

- a. The SCRWRF will receive acceptable septage from permitted septage haulers in accordance with this chapter and the County's septage receiving plan.
- b. Any violations of the duties or prohibitions detailed in this chapter or the County's septage receiving plan shall subject the firm to legal action in accordance with Article 9000 in this chapter, or any other remedy available to the County under the laws of this state.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. No. 11-0720, 8-16-11)

**ARTICLE 5000— - GREASE INTERCEPTORS, OIL/WATER SEPARATORS, SAND TRAPS**

8.03.5020 - Grease Interceptors.

Any commercial food facility which generates grease waste including but not limited to hotels, boardinghouses, restaurants, or food processing facilities, shall include an approved type of grease interceptor as part of their waste disposal system, as required by the Director, the Building and Planning Department or the Health Officer. Design and construction of grease interceptors shall be in accordance with the Sanitary Sewer Standards Manual. Design and operation shall meet the requirements contained in Section 8.03A.0201.B.19. (Cross Reference: Section 8.03.6220)

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0288, 4-19-2016; Res. No. 16-0044, 1-12-2016; Res. 11-1095, 11-29-2011; Res. 96-0752, Attachment A (part), 1996)

8.03.5040 - Oil/Water Separators, Sand Traps.

Any commercial facility which discharges petroleum and/or settleable granular particles wastes shall include an oil/water separator and sand trap as part of their sewer system, or where required by the Director, the Building and Planning Department, or the Health Officer. Such commercial facilities include, but are not limited to, car washes, automotive repair/maintenance facilities, and petroleum stations. Design and construction shall be in accordance with the Sanitary Sewer Standards Manual. Design and operation shall satisfy the limits contained in Section 8.03A.0201.B.19. (Cross Reference: Section 8.03.6220)

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0288, 4-19-2016; Res. No. 16-0044, 1-12-2016; Res. 11-1095, 11-29-2011; Res. 96-0752, Attachment A (part), 1996)

8.03.5080 - Grease Interceptors, Oil/Water Separators, Sand Traps—Maintenance.

- a. Where installed, all grease interceptors, oil/water separators, and sand traps shall be maintained by the owner, at his or her expense and liability, in good order and condition at all times. Existing outside

grease interceptors connecting to public sewer shall be pumped and inspected by a licensed septic tank pumper prior to connection to the public sewer. If the grease interceptor fails the inspection as not being up to County standards, such grease interceptor will have to be repaired or replaced. All grease interceptors shall be inspected every six months and pumped out as needed by a licensed septic tank pumper. There shall be a minimum of two pump outs per year. The owner shall retain records of all inspections and pumping activity for three years. Grease interceptors shall be kept free of inorganic solid materials, such as grit, rocks, gravel, sand, eating utensils, cigarettes, shells, towels, rags, etc. The use of chemical or biological additives, enzymes or surfactants acting as grease emulsifiers is not permitted as a method for cleaning the grease interceptor.

- b. The Director may require the inspection of grease interceptors, sand traps and oil/water separators. Upon receipt of written notification of the need for inspection, the owner shall make all facilities accessible for inspection, and shall provide inspection and pumping records. The cost of the inspections and any cleaning of the public sewer, necessitated by a lack of proper maintenance of the owner's facilities, shall be billed as an additional utility service to the owner. Charges shall include, but are not limited to, pumping out the facility, inspection, correcting the problem and cleaning the public sewer.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 05-1166, Exh. A § 11, 2005; Res. 03-0447, Attachment A (part), 2003; Res. 96-0752, Attachment A (part), 1996)

#### **ARTICLE 6000— - SEWER CONSTRUCTION**

(Cross Reference: Section 8.03.3300)

##### **8.03.6005 - Sewer Installers.**

Construction of sewers shall only be performed by State of Washington licensed and bonded contractors or by the owner of the property that is to be served by the sewer. Owner installation may be subject to the Director's approval. Installers with no previous experience with the installation of sewer services in the County's service area shall be required to attend an orientation/consultation prior to the sewer construction. The installer shall be responsible for compliance with this chapter and to ensure all building drains are connected to the public sewer system. The installer may be required to perform tests to verify the connection of all building drains. The installer is required to give notice of excavation to owners of underground facilities through a one-number locator service per RCW Section 19.122.030. (Cross Reference: Section 8.03.6220)

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 05-1166, Exh. A § 12, 2005; Res. 96-0752, Attachment A (part), 1996)

##### **8.03.6020 - Inspections.**

- a. All public and private sewer construction, repairs, alterations, extensions and abandonment shall be inspected by the Director.
  - 1. One working day notice is required for scheduling inspections of sewer installations. Same day sewer inspection requests shall be dependent upon time allotments and inspector availability. The Director reserves the right to set the sewer inspection times.
  - 2. Requests to have inspections occur before or after normal work hours are subject to inspector availability and Director's approval. The installer shall be required to pay overtime inspection charges in accordance with Section 8.03.8500 of this chapter. Overtime inspection charges shall be based on half-hour increments, with a one hour minimum. An extra fee shall be assessed by the Director to cover weekend or holiday inspections and shall be received by the County no later

than the preceding workday to the weekend/holiday inspection. The weekend/holiday inspection rate, as specified in Section 8.03.8500 of this chapter, is per each site visit of up to two hours. Any weekend/holiday inspections, which require multiple visits to the site or exceed the two-hour limit, shall be assessed an additional weekend/holiday inspection rate/charge for each such occurrence.

3. All costs incurred to remedy noncompliance shall be borne entirely by the owner and/or the owner's contractor. A copy of sewer connection permit shall be available at the job site and readily accessible to the inspector.
  4. All sewers subject to inspection must be inspected and found satisfactory before any trench may be backfilled or any sewer covered unless specifically authorized by the Director. The installer shall have a ladder of adequate length and in good condition on the job or a sloping trench so that the inspector can enter the trench. If the inspector deems a trench unsafe, he or she need not enter it or complete the inspection. All requirements of the Washington State Department of Labor and Industries shall be observed at all times by the installer.
  5. Call back inspection fees may be assessed to the installer for:
    - A. Reinspections due to violations of this chapter or incorrect installations;
    - B. Partial inspections;
    - C. Not being ready at scheduled time (if installer did not call to cancel or reschedule at least one-half hour in advance);
    - D. Multiple inspections;
    - E. Follow-up inspections;
    - F. Sewer connection permit and/or installer not at job site at the scheduled inspection time;
    - G. Work site safety issues that preclude inspection;
    - H. Retesting for failed tests.
  6. It shall be the responsibility of the installer to schedule call back and final inspections.
- b. The Health Officer will permit and inspect on-site sewage disposal systems as defined in Spokane Regional Health District rules and regulations for sewage disposal systems.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 11-1095, 11-29-2011; Res. 05-1166, Exh. A § 13, 2005; Res. 03-0447, Attachment A (part), 2003; Res. 96-0752, Attachment A (part), 1996)

#### 8.03.6040 - Sewer Connection Permit Required.

- a. A sewer connection permit as authorized by the Director and issued by the Building and Planning Department is required prior to the connection, construction, repair, alteration, extension or sewer service line abandonment of any side sewer or dry side sewer. A sewer connection permit is also required for an interior plumbing reversal that will result in the activation of a connection to the public sewer. A sewer connection permit is also required for each tap made into the public sewer system. The standard sewer connection permit fee allows for a thirty-minute inspection. Inspections that require more than thirty minutes may be subject to additional inspection fees.
- b. Each tax parcel upon which work is being performed must have a separate permit.
- c. A permit fee must be paid for each building being connected to the sewer. Connection fees for multiple buildings on a single parcel of land may be combined onto one permit.
- d. Appurtenant buildings that are connected to the sewer at the same time as the primary structure will not require an additional permit or permit fee. Appurtenant buildings include garages and shops with

bathroom facilities, and guest houses without kitchen facilities. Appurtenant buildings do not include separate residences with kitchen facilities or accessory dwelling units. A separate sewer connection permit will be required for the connection of an appurtenant building that occurs after the sewer connection permit issued for the primary structure has expired.

- e. In the event that a public sewer tap is to be made in conjunction with the connection of a building to the sewer system, the tap and the connection of the building may be consolidated under a single permit. The amount of permit fees due shall be based upon one connection permit fee for the building, one connection permit fee for the tap, and one connection permit application fee, in accordance with the rates established under Section 8.03.8500.
- f. Sewer connection permit requirements not specifically addressed above, shall be as determined by the Director.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0288, 4-19-2016; Res. No. 16-0044, 1-12-2016; Ord. No. 09-0673, § 1, 7-21-2009; Res. 05-1166, Exh. A § 14, 2005; Res. 03-0447, Att. A, 2003; Res. 96-0752, Att. A, 1996)

#### 8.03.6100 - Costs of Installation and Connection—Indemnity.

- a. All costs incident to the installation and connection of a side sewer, special side sewer or private sewer shall be paid by the owner.
- b. The owner and/or State of Washington licensed and bonded contractor performing sewer installation and connection shall indemnify the County from any loss, liability, or damage that may directly or indirectly be occasioned by the installation of the owner's side sewer, dry side sewer, special side sewer or private sewer, and shall be responsible to repair and restore any defects or problems in the vicinity of such construction. Responsibility includes, but is not limited to, damage done in or to the public right-of-way.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 96-0752, Attachment A (part), 1996)

#### 8.03.6140 - Extensions—Risk.

In cases of extension, construction or reconstruction of all or any portion of a side sewer, the owner and/or his or her State of Washington licensed and bonded contractor is responsible for the proper functioning of the entire side sewer, including the sewer stub, and shall indemnify and hold harmless Spokane County for any cost, expense, loss, liability or damage caused by any malfunction of the side sewer. This section also applies to special side sewers and private sewers.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 96-0752, Attachment A (part), 1996)

#### 8.03.6160 - Eligibility for Sewer Connection Permit.

- a. A sewer connection permit will be issued only to current Washington State licensed and bonded contractors, the owner of property to be served by the sewer, or the owner's authorized agent (who shall not be the licensed contractor) in the owner's name. Such owner may be required to furnish reasonable proof of ownership. The Director has the authority to determine any other eligibility.
- b. The applicant must apply for a sewer connection permit on a form provided by the Building and Planning Department, pay the prescribed fee(s) and be issued a permit as authorized by the Director prior to any construction on the project, whether on private property or within public rights-of-way or easements.



- c. Property owners and first time contractors who intend to perform work requiring a sewer connection permit shall meet with an Environmental Services Department representative for instruction and consultation prior to performing said work. Instruction and consultation shall address construction regulations and standards. Connection permit shall not be considered valid until this consultation has occurred.
- d. If the work to be done under the sewer connection permit requires the excavation or obstruction of the public right-of-way, the applicant shall be responsible to obtain a permit to perform work in the public right-of-way from the appropriate jurisdiction.
- e. Except as specifically authorized by the Director, sewer connection permits will not be issued until the public sewer system serving the premises has been accepted for operation by the Director. In some cases, connection agreements, fees or engineered plans approved by the Environmental Services Department may be required before the Director will authorize issuance of the sewer connection permit.
- f. All sewer connection permits shall expire twelve months from date of issuance.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0288, 4-19-2016; Res. No. 16-0044, 1-12-2016; Res. 05-1166, Exh. A § 15, 2005; Res. 03-0447, Attachment A (part), 2003; Res. 96-0752, Attachment A (part), 1996)

#### 8.03.6180 - Permit Required for Each Private Sewer Connection.

Each extension of a private sewer to a residence, structure or property shall require a separate sewer connection permit in accordance with Section 8.03.6040. (Cross References: Sections 8.03.1690, 8.03.6160)

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 03-0447, Attachment A (part), 2003; Res. 96-0752, Attachment A (part), 1996)

#### 8.03.6220 - Sewer Construction Regulations.

- a. The Director is authorized to prepare, revise and administer standards, as established by resolution by the Board of County Commissioners, describing proper controls for design, inspection and construction of sewer systems in conformance with this chapter and to ensure that the health, safety and welfare of the public are protected. The standards shall be entitled "Sanitary Sewer Standards Manual" (see Section 8.03.1835) and shall be considered part of this chapter.
- b. The Sanitary Sewer Standards Manual contains specifications relative to materials, design, construction, procedure, policy, inspection, backfilling and responsibilities in sewer installations. The Sanitary Sewer Standards Manual includes the Side Sewer Installation Handbook, providing specific information and requirements relative to the installation of private sewer service lines.
- c. The permissibility of specific situations not fully covered in this chapter or the Sanitary Sewer Standards Manual, will be determined by the Director at the time of occurrence in accordance with the spirit and purpose of the code.
- d. The Director may issue a cease and desist order against sewer construction in County's sewer service area by any person who fails to comply with any provision of this chapter related to sewer construction. Any such violation or instance of noncompliance may result in the violator(s) appearance at an administrative hearing before the Director to determine the facts for possible issuance of a cease and desist order and its duration. The result of any administrative hearing shall not preclude the County from pursuing additional legal action in accordance with Article 9000 in this chapter.
- e. Abandoned sewers shall be capped per the Director's requirements.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 05-1166, Exh. A § 16, 2005; Res. 03-0447, Attachment A (part), 2003; Res. 96-0752, Attachment A (part), 1996)

#### 8.03.6280 - Enforcement Inspections.

- a. Authorized personnel of the Health Officer or the Environmental Services Department, Engineering or Building and Planning, shall have the right to enter upon any premises, public or private, as reasonably necessary to enforce the provisions of this chapter, any other ordinance relative to wastewater control, or any regulation or order adopted or issued pursuant thereto.
- b. The owner or occupant of any house, building, or property shall specifically allow the Health Officer or Director to inspect on-site the nature of wastes intended to be discharged into a public sewer and/or on-site sewage disposal system.
- c. In the event it appears there is any violation, the County may, in addition to any other power or authority reserved in this chapter, issue a notice of violation, requiring the party to whom the notice is directed to correct the violation within thirty days of the date of the notice. Failure to take such corrective action is an additional violation of this chapter, but no notice is necessary in case of emergency or as a prior requirement to taking any other enforcement action authorized in this chapter.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0288, 4-19-2016; Res. No. 16-0044, 1-12-2016; Res. 96-0752, Attachment A (part), 1996)

#### 8.03.6300 - Excavation and Cleaning.

- a. Any expenses incurred by the County for excavation, cleaning or inspecting a sewer, as a result of a discharge prohibited by this chapter or improper maintenance or repair of a sewer, shall be the responsibility of the property owner, agent, occupant or other requesting party, jointly and severally, unless the Director determines the problem was caused by a public sewer.
- b. All expenses and liabilities for loss or damage for cleaning, repairing and maintenance of a side sewer or a private sewer from the building drain to the public sewer shall be the responsibility of the property owner, agent, occupant or other requesting party, jointly and severally.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 96-0752, Attachment A (part), 1996)

#### 8.03.6320 - Construction Plans.

- a. The Director may require sewer construction plans designed by a professional engineer to be submitted for review and approval, including, but not limited to, larger new and existing commercial sewer connections, public sewers, plats, developments, pressure sewers, including pump specifications, private sewers, or any other sewer construction the Director deems necessary. In any case where a plan is required, a reproducible as-built shall also be required to be submitted to the Environmental Services Department within thirty days after the completion of sewer construction for review and approval. Extensions may be granted by the Director.
- b. Changes to approved plans must have the prior written approval of Director and/or resubmitted for review and approval before starting any work. The Director may stop any work upon determining that the work is not being performed according to the approved plans, and may direct corrections of such work to comply with the approved plans and specifications, and this chapter.
- c. In any case where a plan is required, no work shall begin without an approved plan and a set of the approved plans shall be on the job site and readily accessible to the inspector.

- d. The Director may require construction security in an amount equal to an engineer's estimate of the cost of the public sewer facilities prepared by the Director or his designee, including, but not limited to, contingencies and sales tax. Such security shall be in a form approved by the County Prosecuting Attorney's Office. The construction security will be authorized for reduction to fifty percent of engineer's estimate when the collection line(s) have successfully passed air and mandrel tests. The construction security will be authorized for reduction to twenty-five percent of said engineer's estimate (twenty percent for projects with an estimated cost greater than one hundred thousand dollars), when the facilities are deemed substantially complete by the Director and are accepted by the County for operation and maintenance, subject to a one-year warranty period. Such security will be eligible for release upon: 1) satisfactory completion of the one-year warranty period, 2) developer's execution of an acceptable Bill of Sale transferring ownership of the facilities to the Environmental Services Department, and 3) submittal of all required construction documentation and record drawings by the developer's engineer.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0288, 4-19-2016; Res. No. 16-0044, 1-12-2016; Res. 03-0447, Attachment A (part), 2003; Res. 96-1162 (part), 1996; Res. 96-0752, Attachment A (part), 1996)

#### **ARTICLE 7000— - SPECIAL CONDITIONS**

##### **8.03.7020 - Temporary Sewer Connections.**

- a. A sewer connection permit may be issued for temporary sewer connections only for the connection of temporary structures, as approved by the Director. Temporary sewer connections shall be for a period of not more than two years, or as otherwise approved by the Director based on specific project conditions.
- b. All temporary connections shall comply with the requirements contained in Articles 6000 and 7000 of this chapter, except as noted below:
  - 1. A sewer connection permit, designating the connection as temporary, is required for all temporary connections.
  - 2. The County shall only bill the owner for the monthly Sewer Service Fee.
- c. After two years, the connection shall be deemed permanent unless an extension is requested and approved by the Director. Once deemed permanent, the sewer connection permit will be amended to designate the connection as permanent and the current connection charges shall be due.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 03-0447, Attachment A (part), 2003)

##### **8.03.7040 - Interim Sewer Connections.**

- a. In the event the property owner or developer desires to connect to public sewer by constructing a sewer line beyond the limits of their property boundary; and, the Director determines that such sewer line is not consistent with the County's Comprehensive Wastewater Management Plan, the line will be determined a private line, even if constructed in public rights-of-way.
- b. The private line will be considered an interim connection. If the Director determines that property is planned to be served by a public sewer at a future date, the property owner or developer will be required to abandon the use of the interim line and make connection to permanent sewer, at such time as the public system is made available.
- c. The property owner or developer will comply with Section 8.03.7045 of this chapter.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 03-0447, Attachment A (part), 2003)

#### 8.03.7045 - Connection of Properties Outside County Sewer Project Boundaries.

The Director will evaluate requests for connection of properties located outside the County's Sewer Project boundaries to the County's general sewerage system on a case-by-case basis. Any such requests will be evaluated based upon capacity in the existing POTW to accommodate the sewage generated by the added development, consistency with the CWMP, and under the following circumstances.

- a. Property owners or developers may connect to the County's public sewer by means of direct connection to sewer adjacent to their property or by private line through an easement, provided:
  1. The property owner or developer obtains a sewer connection permit, pays all applicable fees, and makes acceptable arrangements for the payment of all applicable sewer connection charges;
  2. The property owner or developer agrees to pay the monthly Sewer Service Fee, as required in Section 8.03.8520 of this chapter; and
  3. The property owner or developer complies with all applicable sections of this chapter.
- b. Property owners or developers may obtain sewer service by constructing or financing a public sewer extension from the existing sewer system to their property, provided:
  1. The property owner or developer shall execute a Sewer Extension Agreement obligating the owner to pay applicable fees and charges, and obtain a sewer connection permit and pay the fees therefore. The agreement shall be prepared by the Director and may contain other provisions deemed appropriate by the Director to ensure proper connection to the County's general sewerage system;
  2. The proposed facility is constructed in substantial conformance with the County's Comprehensive Wastewater Management Plan, sewerage plans for the area adopted by the Environmental Services Department, and all applicable laws and regulations;
  3. The public sewer extension is built to County design criteria and construction standards, is located within County rights-of-way or easements, and is conveyed to the County free and clear of all liens and encumbrances;
  4. The property owner or developer agrees to the requirements for public sewer extensions referenced in this chapter and the Sanitary Sewer Standards Manual (Cross Reference: Section 8.03.6220);
  5. In the event the property owner or developer constructs a public sewer fifteen inches in diameter or larger, the County may, at its option, design that portion of the line. The County may require reimbursement of all or a portion of the cost of design. If GFC credits are allowed pursuant to Section 8.03.7140 of this chapter, the design cost may be deducted from the GFC credit;
  6. The property owner or developer provides security and warranty in accordance with Section 8.03.6320(d) of this chapter, or as otherwise required in any Sewer Extension Agreements executed pursuant to Section 8.03.7150 of this chapter; and
  7. The property owner or developer submits plans and specifications for construction of public sewer for acceptance by the Director. Acceptance will be withheld until the developer and County enter into a Sewer Extension Agreement, as provided for in this section.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0288, 4-19-2016; Res. No. 16-0044, 1-12-2016; Res. 03-0447, Attachment A (part), 2003; Res. 97-0232, Attachment A (part), 1997; Res. 96-1162 (part), 1996; Res. 96-0752, Attachment A (part), 1996)

8.03.7140 - Reimbursement or Credit for Construction of Public Sewer.

- a. The County may execute a Sewer Extension Agreement with the property owner or developer of a proposed development, at the discretion of the Director which may include reimbursement, credits or latecomer fees, if any of the following conditions or requirements apply to the development.
  1. The owner or developer is required to oversize any of the sanitary sewer pipe within, or off-site of the proposed development by more than 2-inches in diameter to provide for capacity in excess of what would be required to serve the development.
  2. The owner or developer constructs or finances an off-site sanitary sewer extension to connect the proposed development to the public sewer that either services additional properties or future developments or may ultimately become part of a future County Sewer Project.
  3. The owner or developer constructs or finances a designated general facility as part of a proposed development.
- b. Reimbursement for excess capacity or extension of public sewer may be accomplished, at the discretion of the Director, utilizing one or any combination of the reimbursement alternatives detailed below:
  1. An agreement wherein the County makes a one-time payment to the owner or developer to cover the cost of constructing sewer with a capacity in excess (as described above) of that required to serve the proposed development. The developer's engineer shall prepare cost estimates in order to establish the representative additional costs of installing the upsized facilities. This additional cost shall be the basis for reimbursements for upsized facilities. The engineer's estimates shall be subject to review and acceptance by the County;
  2. An agreement wherein the County remits any latecomer fees collected from those properties or future developments, within the specified reimbursement area, as they connect to the constructed sewer or general facilities within the specified ten-year reimbursement period;
  3. Subsequent to the acceptance of the developer's construction project, the County may establish a Sewer Project for the elimination of septic tanks that includes the properties in the reimbursement area within its boundaries. When the County enters into a contract for the construction of such a Sewer Project, the County may make final payment to the owner or developer for any non-reimbursed portion of the limit on reimbursements, pursuant to the specific terms of the agreement. This reimbursement shall be conditioned upon the execution of said construction contract within the ten-year term of the Sewer Extension Agreement.
  4. A reimbursement limit will be established by the Director based on the construction cost of the excess capacity or extension of public line less the Special Connection Charge and/or General Facilities Charge, as applicable owed by the developer. The developer will be reimbursed up to that amount, including interest, as discussed in subsection (5) below. In the event a combination of the above reimbursements are allowed, the total reimbursement shall not exceed the predetermined reimbursement limit, plus any applicable interest.
  5. Effective February 1<sup>st</sup> of each year, the County shall calculate and apply an appropriate interest adjustment to the unpaid reimbursement limit. The adjustment shall reflect any increase in the Seattle Construction Cost Index as published by Engineering News Record for the previous calendar year as evidenced by the beginning and ending January index values. No adjustment

shall be made for a year in which the ending January index is less than the beginning January index. Additionally, no adjustment shall be made in any year for any portion of the index value range that has been included in a previous adjustment.

6. The term of reimbursement, including interest, shall be no longer than ten years.
  7. An administrative fee provision shall be included in all Sewer Extension Agreements in accordance with Section 8.03.8560. The purpose of the administrative fees is to reimburse the County for the costs of development the Sewer Extension Agreement as well as tracking and administering the reimbursement provisions. The initial administrative fee shall be payable upon execution of the agreement. Subsequent administrative fees, for the cost of administering the reimbursement provisions shall be deducted from each reimbursement payment.
- c. If the lots within a proposed development are subject to Special Connection Charges or CFR charges, the developer's cost of the internal public sewer system improvements may be credited against those Special Connection Charges or the "construction cost component" of the CFR for each lot respectively.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 03-0447, Attachment A (part), 2003; Res. 97-0232, Attachment A (part), 1997; Res. 96-0752, Attachment A (part), 1996)

#### 8.03.7150 - Sewer Extension Agreements—Execution.

Whenever connection to the County's public sewer requires a written agreement (see Sections 8.03.7045 and 8.03.7140), the Director is authorized to submit the same for approval to the Board of County Commissioners under the authority of this chapter.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 03-0447, Attachment A (part), 2003)

### **ARTICLE 8000— - RATES, FEES AND CHARGES**

#### 8.03.8040 - Sewer Facility Plan Check.

- a. Gravity collection lines: fifty cents per linear foot of public or private gravity sewer main pipe with a two hundred-dollar minimum charge.
- b. Force mains and low pressure collection systems: fifty cents per linear foot of force main pipe or low-pressure collection main pipe. Minimum charge of two hundred dollars.
- c. Pump stations: five hundred-dollar flat fee.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Ord. No. 09-0673, § 2, 7-21-2009; Res. 03-0447, Att. A, 2003; Res. 97-0232, Att. A, 1997)

#### 8.03.8060 - Planning Actions within Spokane County's Sewer Service Area—Review Procedures.

- a. Planning actions resulting in the production of wastewater:
  1. Sites within the Urban Growth Area: one hundred dollars per action,
  2. Sites outside the Urban Growth Area: twenty-five dollars per action;
- b. Planning actions resulting in no production of wastewater: no charge;

c. If the planning action is withdrawn, the sponsor may request a refund. The actual refund will be determined by the Director based on County action/review completed prior to withdrawal.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 03-0447, Attachment A (part), 2003; Res. 97-0232, Attachment A (part), 1997)

#### 8.03.8080 – Sewer Connection Charge Agreements

Chapter 8.03 provides specific rules regarding various sewer connection charges that are required to be paid when a property is connected to the County's sewer system or included within the boundary of a Sewer Project.

Generally, the property owner will be required to execute a Sewer Connection Charge Agreement on a form provided by the County before a sewer connection permit will be issued for the property.

The requirement to execute a Sewer Connection Charge Agreement may be waived by the Director when the property is included within the boundary of a Sewer Project and when all applicable sewer connection charges are assigned to the parcel in advance of the actual connection of the property to the sewer.

The monthly billings for sewer connection charges shall commence on the next billing cycle following execution of the agreement. However, the owner may elect to be billed for the full amount of the sewer connection charges on the next billing cycle, and in so doing shall decline the option of a monthly payment plan for the charges.

In the case of new building construction, the monthly billing of sewer connection charges may be deferred for a period of nine months. The owner may indicate on the sewer connection charge agreement form that he/she has elected the option to commence billing of connection charges nine months after completion of the sewer connection. For the purposes of this section, "completion of the sewer connection" shall mean the point in time at which any wastewater generated within the building would be discharged to the sewer system.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019)

#### 8.03.8100 - Capital Facilities Rates (CFR).

The "Capital Facilities Rate" or "CFR" is assigned to a property to recover an equitable share of the cost of acquiring, designing, constructing and installing the system of sewerage. The CFR has four components: (1) the "construction cost component", representing an equitable share of cost of the County's local sewage collection system, not including general facilities; (2) the "bond issuance component", representing an equitable share of bond issuance costs and debt service reserve account deposits that were financed; (3) the "GFC component"; and, (4) the "interest component", representing the total interest costs associated with the financing of components (1), (2), and (3) above. The CFR components described above will be computed on a "per-ERU" basis.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 03-0447, Attachment A (part), 2003; Res. 97-0232, Attachment A (part), 1997)

#### 8.03.8110 – CFRs Assigned to Properties Prior to February 1, 2016.

- a. CFRs assigned to properties prior to February 1, 2016 include 1) CFRs that were assigned prior to the commencement of the CFR billing periods for Sewer Projects within Annual Sewer Construction Programs from 1997 to 2011, and 2) CFRs that were subsequently assigned to properties within those Sewer Projects due to increases in ERUs. For CFRs assigned prior to February 1, 2016, the monthly construction cost component, the monthly bond issuance component, the monthly GFC component, and the monthly interest component are as previously established by the Board of County Commissioners based on the costs of the respective Annual Sewer Construction Program.

The monthly CFR per ERU for each Annual Sewer Construction Program (constructed in years 1997 through 2011) has been calculated pursuant to the following formula:

$$(A + B + C + D) \div E$$

where,

“A” represents the “construction costs component” as defined above;

“B” represents the “bond issuance component” as defined above;

“C” represents the “interest component” as defined above;

“D” represents the “GFC component” based upon the subsidized GFC rate that was in effect for the program year;

“E” represents the total number of months used for the CFR financing period (two hundred forty months).

- b. In determining the number of ERUs within an Annual Sewer Construction Program, the County has made adjustments to account for potential parcel combinations (aggregations), pre-existing sewer connection/extension agreements, future development of vacant parcels, and any other factors that impact the equitable distribution of the costs of such Annual Sewer Construction Program.
- c. For additional CFRs assigned to properties subsequent to the commencement of the CFR billing periods and prior to February 1, 2016 (due to increases in ERUs), initial minimum lump sum payments have been required in order to 1) reconcile those additional CFRs to the originally established monthly payment period, and 2) pay any increase in the GFC rate per ERU occurring between the original assignment of CFRs and the assignment of additional CFRs.

All CFRs properly calculated and assigned prior to February 1, 2016 shall remain in full force and effect. Once paid, these CFRs shall be considered full compensation for their associated wastewater volumes.

- d. The County shall assign CFRs for uses that existed on the property at the time of the initial CFR assignment, but, were inadvertently excluded from the initial CFR assignment for that property. The CFR for those pre-existing ERUs shall be based on the CFR originally established for the associated Annual Sewer Construction Program. However, in these situations the owner may select a payment plan as provided in Section 8.03.8125 (Ref. Section 8.03.8120)

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 05-0132, Exh. A (part), 2005; Res. 03-0447, Attachment A (part), 2003; Res. 97-0232, Attachment A (part), 1997; Res. 96-0752, Attachment A (part), 1996)

8.03.8120 - CFR Assigned to Each Annual Sewer Construction Program.

- a. A constant monthly CFR has been established by the Board for Sewer Projects comprising each Annual Sewer Construction Program undertaken in the years 1997 through 2011. Those monthly CFRs shall be the basis for assessing CFRs for properties within those Sewer Projects through January 31, 2016.



- b. The CFRs for each Annual Sewer Construction Program have been established by the Board as follows:

1997 Program	CFR = \$4,295.00/PER ERU	
CFR if paid monthly (up to 240 months)		
CFR Components	CFR Costs	Monthly CFR
Construction cost	\$3,220.00	\$13.42
GFC	1,075.00	4.48
Bond issuance	155.00	0.64
Interest (7.0%)	3,950.00	16.46
Total	\$8,400.00	\$35.00

1998 Program	CFR = \$4,295.00/PER ERU	
CFR if paid monthly (up to 240 months)		
CFR Components	CFR Costs	Monthly CFR
Construction cost	\$3,020.00	\$12.59
GFC	1,275.00	5.31
Bond issuance	155.00	0.64
Interest (7.0%)	3,950.00	16.46
Total	\$8,400.00	\$35.00

1999 Program	CFR = \$4,420.00/PER ERU	
CFR if paid monthly (up to 240 months)		
CFR Components	CFR Costs	Monthly CFR
Construction cost	\$3,020.00	\$12.59
GFC	1,400.00	5.83
Bond issuance	115.00	0.48
Interest (6.5%)	3,865.00	16.10
Total	\$8,400.00	\$35.00

2000 Program	CFR = \$4,685.00/PER ERU	
CFR if paid monthly (up to 240 months)		
CFR Components	CFR Costs	Monthly CFR
Construction cost	\$3,020.00	\$12.59
GFC	1,665.00	6.94
Bond issuance	71.00	0.30
Interest (6.0%)	3,644.00	15.17
Total	\$8,400.00	\$35.00

2001 Program	CFR = \$4,685.00/PER ERU	
CFR if paid monthly (up to 240 months)		

CFR Components	CFR Costs	Monthly CFR
Construction cost	\$3,020.00	\$12.59
GFC	1,665.00	6.94
Bond issuance	71.00	0.30
Interest (6.0%)	3,644.00	15.17
Total	\$8,400.00	\$35.00

2002 Program	CFR = \$4,950.00/PER ERU	
CFR if paid monthly (up to 240 months)		
CFR Components	CFR Costs	Monthly CFR
Construction cost	\$3,065.00	\$12.77
GFC	1,885.00	7.85
Bond issuance	0.00	0.00
Interest (6.0%)	3,690.00	15.38
Total	\$8,640.00	\$36.00

2003 Program	CFR = \$4,950.00/PER ERU	
CFR if paid monthly (up to 240 months)		
CFR Components	CFR Costs	Monthly CFR
Construction cost	\$3,065.00	\$12.77
GFC	1,885.00	7.85

Bond issuance	0.00	0.00
Interest (6.0%)	3,690.00	15.38
Total	\$8,640.00	\$36.00

2004 Program	CFR = \$5,050.00/PER ERU	
CFR if paid monthly (up to 240 months)		
CFR Components	CFR Costs	Monthly CFR
Construction cost	\$3,165.00	\$13.19
GFC	1,885.00	7.85
Bond issuance	66.00	0.27
Interest (6.0%)	3,682.00	15.34
Total	\$8,798.00	\$36.65

2005 Program	CFR = \$5,160.00/PER ERU	
CFR if paid monthly (up to 240 months)		
CFR Components	CFR Costs	Monthly CFR
Construction cost	\$3,275.00	\$13.65
GFC	1,885.00	7.85
Bond issuance	66.00	0.27
Interest (6.0%)	3,762.00	15.68
Total	\$8,988.00	\$37.45

2006 Program	CFR = \$5,275.00/PER ERU	
CFR if paid monthly (up to 240 months)		
CFR Components	CFR Costs	Monthly CFR
Construction cost	\$3,390.00	\$14.13
GFC	1,885.00	7.85
Bond issuance	64.00	0.27
Interest (6.0%)	3,841.00	16.00
Total	\$9,180.00	\$38.25

2007 Program	CFR = \$5,395.00/PER ERU	
CFR if paid monthly (up to 240 months)		
CFR Components	CFR Costs	Monthly CFR
Construction cost	\$3,510.00	\$14.63
GFC	1,885.00	7.85
Bond issuance	62.00	0.26
Interest (6.0%)	3,927.00	16.36
Total	\$9,384.00	\$39.10

2008 Program	CFR = \$5,520.00/PER ERU	
CFR if paid monthly (up to 240 months)		

CFR Components	CFR Costs	Monthly CFR
Construction cost	\$3,635.00	\$15.15
GFC	1,885.00	7.85
Bond issuance	48.00	0.20
Interest (6.0%)	4,008.00	16.70
Total	\$9,576.00	\$39.90

2009 Program	CFR = \$5,650.00/PER ERU	
CFR if paid monthly (up to 240 months)		
CFR Components	CFR Costs	Monthly CFR
Construction cost	\$3,765.00	\$15.69
GFC	1,885.00	7.85
Bond issuance	48.00	0.20
Interest (6.0%)	4,106.00	17.11
Total	\$9,804.00	\$40.85

2010 Program	CFR = \$5,780.00/PER ERU	
CFR if paid monthly (up to 240 months)		
CFR Components	CFR Costs	Monthly CFR
Construction cost	\$3,895.00	\$16.23
GFC	\$1,885.00	\$7.85

Bond issuance	\$54.00	\$0.23
Interest (6.0%)	\$4,198.00	\$17.49
Total	\$10,032.00	\$41.80

2011 Program	CFR = \$5,915.00/PER ERU	
CFR if paid monthly (up to 240 months)		
CFR Components	CFR Costs	Monthly CFR
Construction Cost	\$4,030.00	\$16.79
GFC	\$1,885.00	\$7.85
Bond Issuance	\$52.00	\$0.22
Interest (6.0%)	\$4,293.00	\$17.89
Total	\$10,260.00	\$42.75

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. No. 10-0955, 11-16-2010; Res. No. 09-0998, § 1, 10-27-2009; Res. 08-0956, 2008; Res. 07-0905, Exh. A § 2, 2007; Res. 06-0883, 2006; Res. 05-0947, 2005; Res. 05-0132, Exh. A, 2005; Res. 03-1031, 2003; Res. 03-0447, Att. A, 2003; Res. 01-1225, 2001; Res. 99-1039, 1999; Res. 99-0062, 1999; Res. 97-1134, 1997; Res. 97-0232, Att. A, 1997)

8.03.8121 – CFR Assigned to the 2020 Sewer Construction Program.

- (a) The monthly CFR for the 2020 Sewer Program Area shall be the basis for assessing properties within the Barker Road Homes Sewer Project for the uses established on those properties through December 31, 2020.
- (b) The CFR for the 2020 Sewer Construction Program has been established by the Board as follows:
  - CFR (if prepaid in full) + \$6,340.00 per ERU
  - CFR (if paid monthly over 240 months)

CFR Components	CFR Costs	Monthly CFR (per ERU)
Construction cost	\$3,560.00	\$14.83
GFC	2780.00	11.58
Bond Issuance	0.00	0.00
Interest (6.0%)	4,561.21	19.01
Total	10,901.21	45.42

(Res. No. 21-0894, 12-14-21; Res. No. 2020-0058, 1-14-2020)

8.03.8125 – CFRs Assigned to Properties for New Uses On or After February 1, 2016.

Note: these provisions do not apply to those CFRs that are initially assigned to the existing uses on properties within the boundary of a County sewer project and billed in accordance with a schedule determined by the Director.

The property owner shall be required to execute a Sewer Connection Charge Agreement pursuant to Section 8.03.8080 for CFRs assigned to new uses on or after February 1, 2016.

For CFRs assigned on or after February 1, 2016, the monthly construction cost component per ERU will be equal to the Special Connection Charge rate per ERU in effect at the time the CFR is assigned to the property, (Section 8.03.8280(b)), divided by the 240 months in the billing period.

For CFRs assigned on or after February 1, 2016, the monthly bond issuance component will be set to zero.

For CFRs assigned on or after February 1, 2016, the monthly GFC component per ERU will be the GFC rate in effect at the time the CFR is assigned to the property divided by the 240 months in the billing period.

For CFRs assigned on or after February 1, 2016, the monthly interest cost will be determined by 1) applying the Standard Capital Recovery Formula over the 240-month billing period at a six percent annual interest rate to determine the total interest amount, and 2) dividing the total interest amount by the 240 months in the billing period.

Notwithstanding the above provisions, the Board of County Commissioners may establish different amounts for the CFR components and payment provisions for a future Sewer Project or group of Sewer Projects, based on the consideration of the costs and other factors relevant to the project(s).

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016)

8.03.8130 - Manufactured Home Parks with Functioning Septic Systems within an Annual Sewer Construction Program.

- a. Pursuant to RCW 35.67.370(1), the County may not require an existing manufactured (mobile) home park with an existing functional septic system to connect to County sewer unless the local Board of Health determines that the septic system is failing.



- b. For a manufactured home park not connected to County sewer as provided in subsection (a), and which is located within an Annual Sewer Construction Program, a CFR shall not be assessed to the manufactured home park.
- c. Upon connection of the manufactured home park to County sewer, a CFR will be assessed according to the applicable provisions of this chapter. The GFC component and the construction cost component shall be calculated using the rates in effect at the time the permit is issued for connection of the property to the County sewer.
- d. If a parcel of property with a manufactured home park which has been exempted from connection to the sewer is converted to a new land use, it shall be connected to the County sewer, and a CFR shall be assessed based on the new use, and based on the rates in effect at the time the permit is issued for connection of the property to the County sewer.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 06-0329 § 2, 2006)

#### 8.03.8140 - Billing of CFRs.

- a. When the County utilizes the CFR financing method to construct a Sewer Project, the County shall commence monthly billing of the CFR for that Sewer Project after the system of sewerage becomes "available" to developed parcels within such Sewer Project within the meaning of Section 8.03.3040. The CFR will be billed on a monthly basis through the CFR billing period for the associated sewer project, unless the property owner elects to prepay the remaining CFR balance pursuant to Sections 8.03.8160 or 8.03.8180 of this chapter.
- b. When CFRs are assigned to a parcel for new uses, the County shall initiate monthly billings of the CFR in accordance with the terms established on the executed Sewer Connection Charge Agreement. In the absence of a fully executed Sewer Connection Charge Agreement, the County shall commence billing the applicable CFR, with interest component, based on a 240-month billing period and in accordance with a schedule determined by the Director.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 03-0447, Attachment A (part), 2003; Res. 97-0232, Attachment A (part), 1997)

#### 8.03.8160 - Prepayment of the CFR during the Thirty-Day Prepayment Period.

- a. For those Sewer Projects undertaken by the County and employing the CFR financing method, the County will provide a "Thirty-Day Prepayment Period" during which property owners may elect to be billed for the prepayment of the construction cost component and the GFC component of the CFR (as such phrases are defined in Section 8.03.1135 of this chapter) applicable to such Sewer Project. There is no requirement that an owner prepay the CFR.
- b. The County will mail a notice of the Thirty-Day Prepayment Period to the owner of record and taxpayer of record for each parcel within the Sewer Project advising that the owner may request to be billed for all of the construction cost component and the GFC component of the CFR applicable to his/her parcel(s) in the first billing cycle following the specified Thirty-Day Prepayment Period.
- c. If a property owner so elects to be billed and then prepays the total construction cost component and GFC component of the CFR by the due date shown on the bill, then the County will exclude the CFR when calculating the monthly sewer bills pertaining to such parcel.
- d. Prepayments are not transferable to individuals or to other parcels, and the County will not refund any portion of a prepayment to the property owner.
- e. Notwithstanding the foregoing, Section 8.03.8200 shall apply in the event additional ERUs are assigned to the parcel after any such prepayment(s).

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 03-0447, Attachment A (part), 2003; Res. 97-0232, Attachment A (part), 1997)

8.03.8170 - CFR Credit when a Pump is required for Main Floor Sewer Service.

- a. A one thousand dollar CFR credit will be provided to property owners within a CFR-financed Sewer Project who must install a pumping system in order to convey the wastewater flow from the main floor level of their property to the public sewer system. The Director may determine that such a credit is appropriate in those cases where extensive and cost-prohibitive interior plumbing modifications would be necessary to convey flows from the main floor level without a pumping system.
- b. If the property owner requests to be billed for the total CFR during the Thirty-Day Prepayment Period, the total CFR billing will be reduced by one thousand dollars. If the property owner elects to pay the CFR on a monthly basis, the CFR will be reduced by one thousand dollars in accordance with the policy for partial prepayments (see Section 8.03.8180 of this chapter).

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 05-0132, Exh. A (part), 2005; Res. 03-0447, Attachment A (part), 2003)

8.03.8180 - Prepayment of the CFR after Expiration of the Thirty-Day Prepayment Period.

- a. Property owners may prepay all or a portion of the remaining CFR charges applicable to his/her parcel(s) at any time. Partial prepayments shall be in the amount of five hundred dollars or more. There is no requirement that an owner prepay any portion of the CFR.
- b. If a property owner desires to prepay the total remaining CFR charges, the owner shall request a billing from the County for the remaining charges. Following timely payment of the charges billed in response to the request, the County will exclude such CFR charges from the monthly sewer bills pertaining to such parcel. The amount of any such total prepayment shall be calculated pursuant to the following formula:

$$[(A - B) \times C \times D] + E$$

where,

"A" represents the monthly CFR on a per-ERU basis, established for the Annual Sewer Construction Program;

"B" represents the "interest component" of the monthly CFR (as specified in Section 8.03.8120) on a per-ERU basis;

"C" represents the total number of ERUs allocated by the County to the parcel for which the prepayment is being made;

"D" represents the total number of remaining months the CFR would be billed to the parcel if the prepayment was not made; and

"E" represents any unpaid sewer bills pertaining to such parcel, together with any interest, penalties and fees due on account of such delinquency.

- c. A property owner may elect to make a partial prepayment of five hundred dollars or more of the CFR charges. The owner shall request that the County add the desired prepayment amount to their next monthly sewer billing. Once paid, the County will deduct any such partial payment and recalculate the amount of the CFR billing for the remaining months for the affected parcel. The monthly CFR billing will be recalculated based upon a remaining principal amount that includes the balances of the "construction cost component," the "GFC component" and the bond issuance component, using the Standard Capital Recovery Formula (See Section 8.03.1960).

- d. Prepayments are not transferable to individuals or to other parcels; and, the County will not refund any portion of a prepayment to the property owner.
- e. Notwithstanding the foregoing, Section 8.03.8200 of this chapter shall apply in the event additional ERUs are allocated to the parcel after any such prepayment(s).

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 07-0715, Exh. A §§ 11, 12, 2007; Res. 05-0132, Exh. A (part), 2005; Res. 03-0447, Attachment A (part), 2003; Res. 97-0232, Attachment A (part), 1997)

#### 8.03.8190 - Deferral of Sewer Connection Charges for Qualifying Property Owners.

- a. A property owner may request a deferral of the payment of his/her Sewer Connection Charges (including CFRs, GFCs, and Special Connection Charges) for their principal residence at any time during the scheduled billing period if the property owner has:
  - 1. An active property tax exemption (submitted and approved in accordance with RCW 84.36) on file at the County Assessor's Office for that residence; or
  - 2. A combined household disposable income equal to or less than sixty-five percent of the current median household income for Spokane County, as determined and periodically adjusted by the State Department of Revenue.
- b. Qualifying property owners electing to defer their Sewer Connection Charges under this section shall file a written declaration and application for the deferral with the County, using the form prescribed and supplied by the County. If a property owner is unable to make his/her own declaration and application for deferral, it may be made by a duly authorized agent, guardian or other person charged with the care of the person or property of such person.
- c. The effective date for the deferral of the charges shall be the month following the submission of an accurate, complete and signed declaration and application. Unpaid charges back to the effective date of the tax exemption or period of qualifying income level may be included in the deferral. The County will not refund any charges paid prior to the effective date of deferral.
- d. When a property owner defers their charges under the provisions of this section, the total amount initially deferred shall become a lien in favor of the County upon the owner's property. The total amount initially deferred shall be calculated using the formula presented in Section 8.03.8180.
- e. Monthly billings shall be deferred until the charges become payable as detailed herein. When the charges become payable, the amount due shall include the total costs initially deferred, plus the total of the interest and bond issuance components of the deferred monthly billings.
- f. Deferred charges, including accrued interest, shall become payable:
  - 1. Upon the sale of the property.
  - 2. Upon the owner's written request to cancel the deferral. At such time, monthly payments will be recalculated or full payment will be required.
  - 3. Upon the death of the property owner. This subsection shall not apply if there is a surviving spouse who was a signatory on the declaration of deferral or who files a valid new Declaration of Deferral within ninety days.
  - 4. Upon condemnation of the property by a public or private body exercising eminent domain power.
  - 5. At such time as the property owner ceases to permanently reside in the residence. This subsection shall not apply if the owner is confined to a hospital or nursing home and any of the exceptions listed in RCW 84.36.381(1) (a) through (1) (c) apply.
- g. Upon collection of the charges, including monthly interest and bond issuance components, deferred under this section, the County will release the lien upon the property.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0288, 4-19-2016; Res. No. 16-0044, 1-12-2016; Res. 07-0715, Exh. A § 13, 2007)

8.03.8200 - Increase in ERUs Allocated to a Parcel after CFR Billing Commences.

- a. In the event the County determines that the total number of ERUs allocable to a parcel within a Sewer Project is/has increased after the CFR billings have commenced for the Sewer Project, the owner of such parcel shall be required to 1) pay the CFR in full for the additional ERUs, or 2) pay the CFR charges for the additional ERUs, together with any remaining CFR charges previously assigned, over a payment period of 240-months. For commercial properties, the property owner may enter into a sewer capacity rental agreement, as permitted under Chapter 8.03.8285.
- b. When the number of ERUs have increased and an additional CFR is payable, the County will notify the property owner of the increased charges and payment options available. The property owner may prepay the construction cost component and the GFC component (as such phrases are defined in Section 8.03.1135) of the new CFR charges. The owner will be required to execute a Sewer Connection Charge Agreement pursuant to Section 8.03.8080.
- c. When the owner requests consolidation of the additional charges related to an increase in ERUs with their current payment plan, the County will combine the new charges with the remaining balance on the current payment plan, deducting therefrom the balance of any "bond issuance component", and shall establish a new 240-month payment plan. The balance of any "bond issuance component" will be billed as a lump sum on the next sewer billing. The owner will be required to execute a Sewer Connection Charge Agreement pursuant to Section 8.03.8080.
- d. If the owner selects a payment plan for the CFR charges, these charges may be prepaid at any time, in accordance with Section 8.03.8180.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 05-0132, Exh. A (part), 2005; Res. 03-0447, Attachment A (part), 2003; Res. 97-0232, Attachment A (part), 1997)

8.03.8220 - Decrease in ERUs Allocated to a Parcel after CFR Billing Commences.

Once the County has calculated the ERUs allocated to a parcel and has commenced CFR billings, the County will not recalculate and reduce the CFR billings associated with that parcel, should a subsequent reduction in usage occur.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 97-0232, Attachment A (part), 1997)

8.03.8240 - Activation of Public Dryline Sewers.

When a public dryline sewer is connected to the County's active sewer system, owners of properties served by the newly activated public sewer line shall be required to complete the sewer connections for those properties and shall abandon the on-site wastewater treatment systems serving those properties, in accordance with this chapter.

In these cases, the Director may determine that those sewer connection charges related to the construction of local collector sewers (e.g. the CFR Construction Cost Component and the Special Connection Charge) do not apply to the properties so served, provided the dryline sewer was not constructed at the County's expense. In determining whether to exclude connection charges pursuant to this Section, the Director shall consider relevant subdivision plat conditions and the terms of relevant sewer connection/extension agreements.

Applicable GFCs will be assigned to the properties so served, unless the GFCs have been paid previously.

Property owners will be afforded the opportunity to select a payment option for their sewer connection charges as provided in this chapter.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019)

#### 8.03.8250 - Parcels Inside a Future Sewer Project Connecting to Existing Public Sewer.

- a. A property owner may connect their property to an available public sewer prior to the date targeted for construction of a Sewer Project that includes their property.
- b. The property owner shall be afforded the same payment options that are established in Section 8.03.8280. The property owner will be required to execute a Sewer Connection Charge Agreement in accordance with Section 8.03.8080, establishing the payment provisions for the applicable sewer connection charges prior to the issuance of a sewer permit.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 03-0447, Attachment A (part), 2003)

#### 8.03.8260 - Unbuildable Parcels.

The Director may designate parcels as "unbuildable" (due to grade, slope or other factors) and exempt such parcels from sewer connection charges and Sewer Service Fees. Parcels designated as unbuildable may not be provided a side sewer stub. If a parcel's condition changes in such a manner that it is no longer deemed "unbuildable" by the Director, then the property owner will be required to pay the applicable Connection Charges in accordance with this chapter. Owner shall also be responsible for the installation of an acceptable sewer service stub, if none is available.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 03-0447, Attachment A (part), 2003; Res. 97-0232, Attachment A (part), 1997)

#### 8.03.8280 - Special Connection Charges.

- a. The owner of any property that 1) is not subject to a Capital Facilities Rate or a Trunk Charge, and 2) has not been assessed as part of a Utility Local Improvement District (ULID) will be required to make arrangements for payment of the Special Connection Charge prior to making a connection to the County's system of sewerage. In addition, the property owner must make arrangements to pay the applicable GFCs in accordance with Section 8.03.8300.
- b. The property owner shall indicate the payment option selected on the Sewer Connection Charge Agreement forms provided by the County prior to the issuance of a sewer connection permit for the property pursuant to Section 8.03.8080.
- c. In the absence of a fully executed Sewer Connection Charge Agreement, the County shall commence billing the applicable Special Connection Charge, GFC, and interest charges based on a 240-month billing period as stipulated in paragraph (e) of this section.
- d. The Special Connection Charge represents a proportionate and equitable share of the capital cost of those portions of the County's sewerage system that do not comprise General Facilities. The Special Connection Charge due for parcels connecting to public sewer, in accordance with Article 7000 of this chapter, will be determined in accordance with the rates shown below. However, the Director may use an alternate method to compute the Special Connection Charge which he/she deems to more fairly reflect a parcel's proportionate share of the capital costs described herein.

Effective Date	Special Connection Charge
February 1, 2016	\$3,560.00 per ERU
February 1, 2022	\$3,740.00 per ERU

- e. When a Special Connection Charge is assigned to a parcel, the Director may allow payment of the total Special Connection Charge and GFC for that parcel, less any prepayments, monthly over a billing period of 240-months subject to an annual interest rate of six percent (6.0%). Under this payment option, monthly billings shall include a Special Connection Charge component, a GFC component, and an interest component. The total monthly billing components amount shall be calculated using the Standard Capital Recovery Formula (See Section 8.03.1960). The property owner may request a bill for the balance of the Special Connection Charge and GFC at any time in order to pay the remaining balance in full.
- f. The Special Connection Charge shall be subject to the lien, interest, penalty and collection provisions set forth in Section 8.03.9040.
- g. The County shall bill the Special Connection Charge in accordance with the terms established on the Sewer Connection Charge Agreement executed pursuant to Section 8.03.8080.
- h. A property owner may request a deferral of the payment of his/her monthly Special Connection Charges, together with the associated monthly GFC and interest components, for their principal residence at any time during the scheduled billing period, provided the conditions in Section 8.03.8190 are met.
- i. In the event the County determines that the total number of ERUs allocable to a parcel has increased after the initial Special Connection Charges and GFCs have been paid, or after the monthly billing of sewer connection charges under a payment plan has commenced, the owner of such parcel shall be required to pay additional Special Connection Charges, together with the associated additional GFCs. The options for payment of the additional charges shall be the same as those provided under Section 8.03.8200 for the payment of additional CFRs.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 11-1095, 11-29-2011; Res. 03-0447, Attachment A (part), 2003; Res. 97-0232, Attachment A (part), 1997)

#### 8.03.8285 – Sewer Capacity Rental Agreements.

The Board of County Commissioners finds that there are commercial properties within the County's Sewer Service Area that may have substantial variation in usage of sewer capacity as a result of factors such as changes in tenants and/or changes in business practices. The requirement to purchase sewer capacity at a substantial cost in order to provide the sewer capacity needed for a specific tenant can present a great hardship for the owner of a commercial property, as the tenant may not remain on the property for the long term.

The Director may enter into "Sewer Capacity Rental Agreements" with owners of commercial properties, wherein sewer capacity shall be rented at a monthly rate determined according to relevant factors, rather than being purchased through the payment of capital charges. Capacity so rented shall be available to the property owner only during the term of the agreement. The term of the agreement may be extended by the parties if mutually acceptable.

#### a. Determination of Sewer Capacity Rental Rates

- 1. Property owner shall rent sewer capacity from the County for that portion of the non-irrigation water usage that exceeds the base volume that is secured previously through the payment of capital sewer charges for the property.

2. The Monthly Capacity Rental Rate (MCRR) shall be computed using the applicable capital charges for the excess capacity. Sewer connection charges may include Capital Facilities Rates (CFRs), Special Connection Charges, and/or General Facilities Charges (GFCs).
3. The MCRR shall be set at 0.5% of the sum of the applicable sewer connection charges for the rented volume. The MCRR shall therefore be calculated as follows:

$$\text{MCRR} = (0.005) \times (\text{Applicable sewer connection charges per ERU}) \times (\text{Number of ERUs Rented})$$

b. Term.

Sewer Capacity Rental Agreements shall commence at the beginning the month following completed execution and shall remain in full force and effect until terminated. In the event that a property owner desires to terminate the agreement, the property owner shall submit a written request to the County sixty (60) days prior to the desired termination date. In the event that the termination of the capacity rental agreement would result in the need for additional sewer connection charges to be assessed on the property, the owner will be required to make suitable arrangements for the payment of the appropriate sewer connection charges before the agreement will be terminated.

c. Adjustment of Monthly Capacity Rental Rates. The County reserves the right to adjust the MCRR for a commercial property at any time for the following reasons:

1. Based on actual water usage as determined through the County's periodic review of the metered non-irrigation water usage volume associated with the property; or
2. The MCRR shall be adjusted to reflect any changes to the rates for the applicable sewer connection charges used to determine the MCRR. These adjustments shall be made at the time that changes in those rates become effective.

No more than twice in any given 12-month period, the property owner may request a review of the water usage and an associated adjustment in the MCRR by the County in the event that the water usage changes due to changes in the tenants or activities on the property.

d. No Residual Rights to Sewer Capacity.

Upon termination of the agreement, the property owner shall retain no right to use sewer capacity in excess of the total capacity resulting from the assessment of sewer connection charges on the property.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016)

8.03.8290 - Trunk Charge.

- a. In the interest of recovering the cost of constructing certain sewer trunk extensions, the Board of County Commissioners may establish a trunk charge to be charged to connecting properties within the identified service area of a specific sewer trunk extension provided the extension lies outside the boundary of a Sewer Project.
- b. The trunk charge will be applied on a "per acre" basis and will be charged to properties within the established area served by the trunk sewers at the time of connection. The options and provisions for the payment of Trunk Charges shall be the same as those provided for Special Connection Charges in Section 8.03.8280.
- c. In establishing the trunk charge for a particular sewer trunk extension, the Board of County Commissioners shall establish the extent of the trunk line service area, one or more trunk charge zones within that service area, and the amount of the trunk charge for each zone. Zones within the service area shall be based on distance from the trunk line. A percentage of the capital construction costs for the trunk line shall be allocated to each zone. Zones located closest to the trunk line shall be allocated a higher percentage of the capital construction costs than zones lying further away from the trunk line. Within each zone, the "per acre" basis shall be determined by the following formula:

$$(A \times B) \div C$$

where:

"A" represents the percentage of capital construction costs allocated to the zone;

"B" represents the total estimated capital construction costs of the trunk line, including construction contracts, design engineering, construction contract administration, inspection, easements and right-of-way costs, permits, and any other related project costs; and

"C" represents the number of acres in the zone, excluding roadways.

- d. On January 1<sup>st</sup> of each year the rates for all trunk charges shall be adjusted based upon the net rate of return in the Spokane County investment pool during the preceding calendar year. The first such adjustment for a specific trunk charge following its initial date of establishment shall be based on the net rate of return from date of establishment to the end of that calendar year.
- e. In addition, the property owner shall pay any applicable GFCs due in accordance with Section 8.03.8320.
- f. The property owner shall execute a Sewer Connection Charge Agreement pursuant to Section 8.03.8080 indicating the payment option selected for the applicable charges.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. No. 10-0737, 8-24-2010; Res. 03-0447, Att. A, 2003)

#### 8.03.8300 - General Facility Charge (GFC).

The following Sections 8.03.8300 through 8.03.8460, inclusive, contain provisions pertaining to the calculation, collection and payment of GFCs.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 03-0447, Attachment A (part), 2003; Res. 97-0232, Attachment A (part), 1997)

#### 8.03.8320 - Intent and Purpose.

- a. The Board finds that it would be inequitable for property owners to connect to an existing public sewer system without first paying their fair share of the costs incurred in constructing such system. Portions of these costs, and the benefit derived there from, were incurred by the County to provide treatment facilities and the interceptor system facilities necessary to convey wastewater flows from the collection system to the point of treatment. The Board additionally finds it is reasonable to establish a GFC to prevent such inequities from occurring.
- b. The Board further finds that those property owners expanding improvements upon their property, and thereby increasing demand on the public sewer system to which they are already connected, should also be liable for payment of the GFC, expressed in ERUs, for the net expansion over and above the monthly usage volume for which they have been previously charged.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 97-0232, Attachment A (part), 1997)



8.03.8340 - GFC Established.

The "General Facilities Charge" or "GFC" shall be imposed upon all properties that are connected to the County's system of sewerage subsequent to the effective date of the ordinance codified in this chapter. The GFC shall be calculated and imposed in accordance with this chapter.

(Res. No. 21-0894, 12-14-21; Res. No. 16-0044, 1-12-2016; Res. 03-0447, Attachment A (part), 2003; Res. 97-0232, Attachment A (part), 1997)

8.03.8360 - Privilege to Connect Conditional.

The right to connect to the County's system of sewerage is strictly conditioned upon the payment of the GFC and other applicable sewer connection charges, as provided for in this chapter.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 97-0232, Attachment A (part), 1997)

8.03.8380 - Disposition of GFC Revenues.

All funds received in payment of GFCs imposed pursuant to this chapter shall be deposited in a separate fund for construction and acquisition of the general sewerage facilities of the County and for payment of the debt service on bonds issued for that purpose. Further, such funds shall be available for the purposes set forth in RCW Section 36.94.020.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0288, 4-19-2016; Res. No. 16-0044, 1-12-2016; Res. 03-0447, Attachment A (part), 2003; Res. 97-0232, Attachment A (part), 1997)

8.03.8400 - GFC Based on Project Costs.

- a. Calculation of the GFC is based upon the total projected cost of the general facilities serving properties connecting or connected to the County's system of sewerage.
- b. When GFCs are financed as part of CFRs in a Sewer Project or special assessments in a ULID, the share of the general facilities allocable to such ULID or Sewer Project may be considered as providing a special benefit to the properties.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0288, 4-19-2016; Res. No. 16-0044, 1-12-2016; Res. 03-0447, Attachment A (part), 2003; Res. 97-0232, Attachment A (part), 1997)

8.03.8420 - GFC Rates.

- a. The Director is responsible for assigning GFCs to all properties served by the County's system of sewerage. For commercial units, representative water usage may be used to determine wastewater volumes. However, the Director may elect to base the calculation of GFC's on the metered wastewater flow or other suitable methods. For new commercial units, estimated water usage may be used as the basis for the initial assignment of GFC's but additional GFCs shall become due if actual water use exceeds the initial estimate.
- b. Additional GFCs shall be charged to properties when improvements are expanded or converted on the subject property and demand on the County's system is thereby increased, for the net increase over the monthly usage volume for which the property owner was previously charged.

c. Rate:

The GFC rates and their effective dates are presented in the following table:

General Facilities Charge (GFC) Per ERU	<u>Effective</u> Feb 1, 2016	<u>Effective</u> Feb 1, 2022
Elimination of subsurface effluent discharge at time of connection to sewer	\$2,780	\$2,900
New or increased Development  (Connection w/o elimination of subsurface effluent discharge)	\$4,630	\$4,830

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Ord. No. 09-0673, § 3, 7-21-2009; Ord. No. 2008-12, § 1, 11-3-08; Res. 07-0715, Exh. A §§ 14, 15, 2007; Res. 05-1166, Exh. A §§ 19, 20, 2005; Res. 05-0132, Exh. A, 2005; Res. 03-1031, 2003; Res. 03-0447, Att. A, 2003; Res. 01-1225, 2002; Res. 97-1084, Att. A § 1, 1997; Res. 97-0831, Exh. A § 5, 1997; Res. 97-0232, Att. A, 1997)

8.03.8440 - Adjustment of GFC Rates.

The Board, after appropriate public hearing, may adjust the rates for GFCs based on factors affecting GFC rates.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 03-0447, Attachment A (part), 2003; Res. 97-0232, Attachment A (part), 1997)

8.03.8460 - GFC Payment Procedures.

The GFC will be imposed and payment provisions established for a parcel of property or use according to the rules for specific circumstances, as detailed below:

- a. Original Parcels within Finalized ULIDs. For uses on parcels included in the finalized assessment roll for a ULID, payment of the GFCs will be in accordance with the provisions of the ULID financing program.
- b. Original Parcels within finalized County Sewer Projects. For original parcels included within a finalized County Sewer Project, payment of the GFCs will be in accordance with the provisions of the Sewer Project financing program.
- c. Abandonment of an interim, County-operated Community Wastewater Treatment Plant. Upon notice of intent by the County to abandon a community wastewater treatment plant, the property owner served by the existing system will be required to make acceptable arrangement for payment of applicable GFCs.
- d. Connection of new uses or increases in wastewater volumes on parcels within a Sewer Project after the initial billing of the charges for the Sewer Project will require the payment of GFCs at the rates in effect at the time of connection permit issuance or increase in wastewater volume.

- e. Connection of new uses or increases in wastewater volumes on parcels outside of Sewer Projects will require the payment of GFCs at the rates in effect at the time of connection permit issuance or increase in wastewater volume.
- f. Payment Options.
  - 1. The balance of GFCs owing may be prepaid or paid in full at any time. In order to prepay or pay the GFCs in full, the property owner shall request a billing for the GFC balance from the County.
  - 2. In those cases where the sewer connection charges owed are limited to GFCs, the GFCs may be paid over a period of 120 months subject to an annual interest rate of six percent. The monthly payment amount shall be determined based on the Standard Capital Recovery Formula (See Section 8.03.1960)
  - 3. In the event that a payment plan is selected by the property owner, the GFC portion of the monthly billing shall be subject to interest and penalties, as provided in Section 8.03.9050 of this chapter should it become delinquent.
  - 4. The County shall bill the applicable GFCs in accordance with the terms established on the executed Sewer Connection Charge Agreement. In the absence of a fully executed Sewer Connection Charge Agreement, the County shall commence billing the applicable GFC and interest charges based on a 120-month billing period.
  - 5. Partial payments of GFCs shall be allowed in the amount of five hundred dollars or more, in accordance with the procedure outlined for the partial payment of CFRs under Chapter 8.03.8180, paragraph "c".
- g. New Manufactured Home Parks. Applicable GFCs, CFRs and SCCs for new manufactured home parks shall be paid in full for each pad prior to the issuance of the first building permit for that pad.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 03-0447, Attachment A (part), 2003; Res. 97-1084 Attachment A § 2, 1997; Res. 97-0232, Attachment A (part), 1997)

#### 8.03.8480 - Additional and/or Oversized Sewer Stubs.

- a. Typically, the County will provide one side sewer stub for each parcel of land. Considering local zoning and sound engineering practices, the County may install additional stubs to a parcel, which will be initially financed by the County.
- b. Prior to the construction of a Sewer Project, the County will consider timely requests from property owners for the installation of additional and/or oversized stubs. Payment for the additional stub(s) and manholes must be made prior to the start of construction of the Sewer Project.
- c. The charge to be made by the County for each additional stub is:
  - 1. Four-inch stub: one thousand five hundred dollars per stub (includes tee and riser);
  - 2. Six-inch stub: one thousand seven hundred dollars per stub;
  - 3. Eight or ten-inch stub: three thousand eight hundred dollars per stub (includes manhole).
- d. The charge to oversize the stub from four-inch to six-inch is \$200.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 05-1166, Exh. A § 21, 2005; Res. 03-0447, Attachment A (part), 2003; Res. 97-0232, Attachment A (part), 1997)

8.03.8500 - Sewer Connection Permit, Inspection and Administrative Fees.

- a. Sewer Connection Permit Fees (Cross reference: Section 8.03.6040):
  1. Connection Permit Application: Fee as established in the Department of Building and Planning's yearly fee schedule (Publication BP-4).
  2. Tap manhole or sewer mainline (includes one 60-minute inspection per tap): \$165
  3. Connections, extensions, dry side sewers, repairs, alterations and abandonments (includes one 30-minute inspection): \$130
- b. Inspection Fees:
  1. "Call back" inspection (includes one 30-minute inspection): \$55 per inspection.
  2. Hourly inspection rate for additional inspection time: \$40 per hour.
  3. Overtime hourly inspection rate for additional inspection time: \$50 per hour. [11](#)
  4. Weekend/holiday inspections: \$150 per inspection. [Cross Reference: Section 8.03.6020(a)(2)]
- c. Administrative Fee. An administrative fee of three hundred fifty dollars may be assessed under the following conditions:
  1. Working without a valid permit;
  2. Working without an approved plan.
- d. The Director may require prepayment of tapping, inspection and administrative fees.
- e. The Director may suspend the issuance of sewer connection permits to any contractors/individuals that do not pay their applicable tapping, inspection and administrative fees, as invoiced by the County.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0288, 4-19-2016; Res. No. 16-0044, 1-12-2016; Res. No. 11-0720, 8-16-11; Res. No. 09-0673, § 4, 7-21-2009; Res. 07-0715, Exh. A § 16, 2007; Res. 05-1166, Exh. A § 22, 2005; Res. 03-0447, Att. A, 2003; Res. 97-0232, Att. A, 1997)

Footnotes:

--- (1) ---

This fee was advertised under Resolution No. 09-0527 to go from \$48 per hour to \$55 per hour. At the Public Hearing on June 23, 2009, the Division of Utilities recommended a reduction of the fee from what was advertised. That is to say, a decrease from \$48 per hour to \$46 per hour. The Board of County Commissioners adopted the recommendation of the Division of Utilities.

8.03.8520 - Sewer Service Fees.

- a. Billing of sewer service fees will commence upon connection of the parcel or use to the system of sewerage (including parcels connected to interim sewage facilities) or at the end of the connection period established by the Director for the parcel (in accordance with Section 8.03.3040(e)(2)), whichever occurs earlier.
- b. For multifamily structures billed on a single account, billing of sewer service fees for all units within the structure or phase of development will commence when the structure or phase first reaches fifty percent occupancy.
- c. Accessory dwelling units shall be billed at sixty percent of the rates for a single-family residence. Billings shall commence following determination by the building official that construction is complete.
- d. Billing of additional Sewer Service fees resulting from the conversion of a single-family home to a duplex shall commence following a determination by the building official that construction is complete.

- e. For all other newly constructed buildings, billing of sewer service fees will commence nine months after the building has been connected to the sewer system. For purposes of this section, "connection" shall be defined as "the point in time at which any wastewater generated within the building would be discharged to the sewer system.
- f. The following schedule states the monthly Sewer Service Fees:

<u>Effective</u> <u>March 1, 2023</u>	
<b><u>Reduced Rate Residence*</u></b>	
<u>O&amp;M Fee</u>	<u>\$24.63</u>
<u>WTPC</u>	<u>\$14.10</u>
<u>Total Monthly Bill</u>	<u>\$38.73</u>
<b><u>Single Family Residence</u></b>	
<u>O&amp;M</u>	<u>\$30.79</u>
<u>WTPC</u>	<u>\$17.62</u>
<u>Total Monthly Bill</u>	<u>\$48.41</u>
<b><u>Duplex</u></b>	
<u>O&amp;M</u>	<u>\$61.58</u>
<u>WTPC</u>	<u>\$35.24</u>
<u>Total Monthly Bill</u>	<u>\$96.82</u>
<b><u>Multi-Family Dwellings**</u></b>	
<u>Sewer Service Fee Per Unit</u>	<u>\$19.06</u>
<u>WTPC Per Unit</u>	<u>\$12.33</u>
<u>Account Charge</u>	<u>\$3.50</u>
<u>TOTAL DEPENDS ON TOTAL NUMBER OF DWELLING UNITS</u>	

**Business/Commercial and  
Manufactured Home Parks\*\*\***

<u>O&amp;M - Base</u>	<u>\$30.79</u>
<u>O&amp;M- Volume</u>	<u>\$3.40</u>
<u>WTPC - Base</u>	<u>\$17.62</u>
<u>WTPC - Volume</u>	<u>\$2.20</u>

TOTAL DEPENDS ON VOLUME OF WATER USAGE\*\*\*

Notes:

- \* Reduced rate for a qualifying low-income senior or disabled homeowner's primary residence (see Sections 8.03.1760 and 8.03.8525).
- \*\* For multi-family dwellings, the O&M Fee is calculated by reducing the single-family residence O&M Fee by the "account charge" (for account maintenance) and applying a factor of 0.7 (see Section 8.03.1247) to the balance. The account charge is then added to each sewer billing account.
- \*\*\* For business/commercial and manufactured home parks, the O&M and WTPC fees are based upon the Customer's volume of non-irrigation water consumption, and is calculated as follows:
  - (1) Base Fees (O&M & WTPC) - Charge for the first ERU (see Section 8.03.1247).
  - (2) Volume Fees (O&M & WTPC) - Charge per each 100 CF of water consumed over the first ERU.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. No. 13-1196, 12-17-2013; Res. 11-1095, 11-29-2011; Ord. No. 09-0673, § 5, 7-21-2009; Res. 07-0715, Exh. A § 17, 2007; Res. 05-1166, Exh. A § 23, 2005; Res. 05-0132, Exh. A, 2005; Res. 03-0447, Att. A, 2003; Res. 97-0831, Exh. A § 6, 1997; Res. 97-0232, Att. A, 1997)

**8.03.8525 - Sewer Service Fees for Reduced Rate Residence—Low-income Senior and Disabled Property Owners.**

- a. A property owner may request that the Sewer Service Fees for his/her primary residence be billed as a reduced rate residence if:
  - 1. The property owner's primary residence is a single-family dwelling unit or a duplex dwelling unit; and
  - 2. The property owner has an active property tax exemption (submitted and approved in accordance with RCW 84.36) on file at the Spokane County Assessor's Office for that residence.
- b. Qualifying property owners may request that their primary residence be billed as a reduced rate residence by submitting a written request with the Environmental Services Department, using the form prescribed and supplied by the Department. If a property owner is unable to make his/her own request, it may be made by a duly authorized agent, guardian or other person charged with the care of the person or property of such person.
- c. The effective date for the reduced residence rate billing shall be the month following the submission of an accurate, complete and signed request. Any sewer service charges, along with any associated

late penalties and interest that may have accrued for the residence prior to the effective date for the reduced residence rate billing will still be due, as previously billed, and subject to collection in accordance with this chapter.

- d. The property owner is responsible for requesting the transfer of his/her reduced rate residence billing to a replacement primary residence (upon the transfer of an active property tax exemption to a replacement primary residence), as applicable, within thirty days, else the replacement residence will be billed the Sewer Service Fees applicable to that type of residence. The reduced rate residence billing may be re-established by submitting a request in accordance with subsection (b.) of this section.
- e. In the event of death of the qualifying property owner, a surviving spouse may continue to receive the reduced rate residence billings for their primary residence if:
  - 1. The surviving spouse submits a request for property tax exemption to the Spokane County Assessor's Office and is approved for an active property tax exemption; and
  - 2. The surviving spouse submits a request in accordance with subsection (b.) of this section within ninety days of the death of their spouse.

If a request is not received from the surviving spouse within ninety days, the residence will be billed the Sewer Service Fees applicable to that type of residence.
- f. Property owners must maintain an active property tax exemption on file at the Spokane County Assessor's Office for their primary residence to continue to qualify for the reduced residence rate for that residence.
- g. The property owner is responsible for reporting any change (e.g., change of residence, change from "active" tax exemption status, death of qualifying spouse, etc.) that may affect his/her qualifying for the reduced residence rate. If the property owner fails to report any such change, the Environmental Services Department shall have the right to pursue the billing and collection of any additional fees (the difference between the applicable sewer service fee and the reduced residence rate for the applicable number of months) that may be due to the County.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0288, 4-19-2016; Res. No. 16-0044, 1-12-2016; Res. 07-0715, Exh. A § 18, 2007)

#### 8.03.8530 - Sewer Service Fee Credit for Residences with Documented Vacancies.

- a. During a period of vacancy, a residential customer whose water service has been temporarily discontinued, reflects no water use from which to calculate a charge, may request, upon re-establishment of the water service, a credit for the Operation and Maintenance portion of their Sewer Service Fees. The Wastewater Treatment Plant Charge is not eligible for credit.
- b. The property owner may request the credit upon re-establishment of water service to the residence. The property owner shall provide documentation from their water purveyor for the period of time of the vacancy.
- c. To request a credit for a duplex unit, the unit must have a separate water meter or separate electric meter.
  - 1. If there is a separate water meter for each duplex unit, the water meter must reflect no use to be eligible for a credit;
  - 2. If there is an electric meter for each duplex unit, but only one water meter, the electric meter must be removed or locked out of service to be eligible.
- d. Upon receipt of the required documentation, a credit will be applied to the Operation and Maintenance portion of the Sewer Service Fee for that property for the period of vacancy.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 03-0447, Attachment A (part), 2003)

#### 8.03.8533 – Suspension of Sewer Service Fees Under Special Circumstances.

A customer's Sewer Service Fee may be suspended under the following conditions:

- a. If all buildings on a parcel connected to public sewer have been demolished or removed, and the side sewer(s) has been properly abandoned, the Sewer Service Fee may be suspended the month following the County's inspection of the abandonment of the side sewer(s). (Cross References: Sections 8.03.6040 and 8.03.8500).
- b. If the buildings on a parcel have not been connected to public sewer, during the mandatory connection period, and have been demolished or removed, the Sewer Service Fee may be suspended the month following the County's receipt of documentation from the Spokane Regional Health District that the on-site sewage disposal system has been properly abandoned or removed.
- c. If the building is not occupied and the owner provides acceptable documentation to the Director substantiating that the building is uninhabitable, the Sewer Service Fee may be suspended. Suspension of the billing for services shall not exceed two years.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 05-1166, Exh. A § 24, 2005)

#### 8.03.8534 – Sewer Service Fees and Connection Charges for Temporary Dependent Relative Housing Units

Properly permitted temporary dependent relative housing units shall be assigned six-tenths of an ERU for the purpose of determining monthly sewer service fees. The sewer service fees shall be included in the monthly sewer billing for the associated parcel. Owner shall be required to purchase a sewer connection permit and schedule inspection of the sewer service line prior to occupancy. No sewer connection charges shall be assessed for the temporary unit during the period of time that it is permitted as a temporary unit. However, in the event that the unit remains on the property following the expiration of its permitted status as a temporary dependent relative housing unit, it shall be considered a single-family residential unit, and sewer connection charges and sewer service fees shall be assessed accordingly.

(Res. No. 21-0894, 12-14-21)

#### 8.03.8535 – Calculation of Sewer Service Fees and Sewer connection charges for Schools.

Sewer Service Fees and Connection Charges for schools providing Kindergarten through Grade 12 education will be based on the average monthly water usage, excluding irrigation over the course of a one-year period. In the event that the irrigation water usage for the school is not metered separately, and sewer usage during the summer is minimal due to closure, service fees and connection charges shall be determined using 75% of the average monthly water usage metered during a representative period when there is no irrigation.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016)



8.03.8537 – Calculation of Sewer Service Fees and Sewer connection charges for Car Washes.

Sewer Service Fees and Connection Charges for automated care and/or truck wash installations shall be calculated based on 75% of the average monthly non-irrigation water usage, to account for the high levels of water “carry off” and evaporation associated with these facilities.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016)

8.03.8538 – Calculation of Sewer Service Fees and Sewer Connection Charges for Senior Living Complexes

Residential units with separate exterior entrances that are a part of a senior living complex shall be charged in accordance with their residential designation.

Apartment buildings that consist of “independent living” and/or “assisted living” units for seniors will be considered commercial uses for the purposes of computing sewer service fees and sewer connection charges, provided:

- a. Primary access to the apartment units is from interior common spaces/hallways.
- b. Facility staff are on-site at all times to provide assistance to residents and to respond in the event of an emergency.
- c. Centralized dining facilities are located within the complex for the residents.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019)

8.03.8539 - Calculation of Sewer Service Fees and Sewer Connection Charges for Seasonal Use Facilities

Calculation of sewer service fees and sewer connection charges for facilities that generate the majority of their wastewater on a seasonal basis will be based on the year-round monthly average of their annual use. Monthly billings shall then be on a year-round basis.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019)

8.03.8540 - Advance Payments of Sewer Bills.

Advance payments will be credited (unless the property owner has prior monthly sewer bills that are unpaid) to the property owner's future sewer bills. Such advanced payments will not be considered a "prepayment" of the CFR within the meaning of Spokane County Code Section 8.03.8180, and will not be credited to any specific component of the property owner's future sewer bills. The County will not credit the property owner with any interest that may be earned on such money prior to the due date(s) on the future bill(s) to which the advance payment is to be applied. The property owner will not be excused from paying a monthly sewer bill in full to the extent the advance payment is not sufficient to pay the entire amount of such bill.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 03-0447, Attachment A (part), 2003; Res. 97-0232, Attachment A (part), 1997)

8.03.8560 - Administrative Fees for Sewer Extension Agreements with reimbursement provisions.

- a. For Sewer Extension Agreements executed pursuant to Section 8.03.7140(a)(1)(A) of this chapter:
1. An administrative fee of \$2,300.00 shall be payable by the owner or developer of the project upon execution of the sewer extension agreement to recover the County's costs for development of the agreement.
  2. If the agreement contains reimbursement or latecomer fee provisions, an additional administrative fee of \$190.00 shall be deducted from each reimbursement payment of latecomer fees or County reimbursement to the owner or developer of the project to recover the County's cost for administering the provisions of the agreement. In cases where the reimbursement is assigned as a credit to the Special Connection Charges or GFCs for the development served, these administrative fees shall not apply.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 03-0447, Attachment A (part), 2003; Res. 97-0232, Attachment A (part), 1997)

8.03.8570 - Septage Hauler Payment Bond.

Firms seeking to be permitted by the County as a septage hauler must provide the County with a surety bond, postal money order, cash, cashier's check, or certified check in the amount of two thousand dollars (in the form specified in the County's septage receiving plan) as security for the payment of septage discharging charges. The security must be continuously maintained for the firm to continue to be permitted as a septage hauler by the County.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. No. 11-0720, 8-16-11)

8.03.8575 - Septage Discharging Charges.

Per gallon charge (determined by vehicle tank capacity, not the actual septage volume in the tank) for acceptable septage discharged at the SCRWRF by permitted septage haulers:

- (1) Effective Sep 1, 2011: \$0.13/gallon.
- (2) Effective Jan 1, 2012: \$0.15/gallon.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. No. 11-0720, 8-16-11)

8.03.8580 - Authority to Fix Schedule of Charges.

The Board of County Commissioners has the authority to fix a schedule of charges for items and services not otherwise provided for.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 97-0232, Attachment A (part), 1997)

## ARTICLE 9000— - ADMINISTRATIVE PROVISIONS

### 8.03.9040 - Sewer Charges and Service Fees—Payment—Delinquency—Lien—Foreclosure.

- a. Charges for sewer service shall be billed on a monthly basis, during the first five business days of the month. Payment of all charges on the sewer bill shall be due and payable on or before the 25th of the month billed, or the next business day following the 25th, if that date falls on a weekend or holiday.

When the charges on a monthly sewer bill are not received by the due date, such charges shall become delinquent.

- b. All sewer charges, fees, penalties, and interest shall be paid by the property owner, or by a tenant or agent whom the property owner has authorized in writing, on forms provided by the Environmental Services Department, for the Environmental Services Department to bill. Each property owner shall remain fully responsible for all sewer charges, fees, penalties, and interest with respect to his/her property, whether such charges were incurred by or on account of him/herself, or by or on account of some other person or business. Failure to receive sewer bills will not relieve the property owner from the obligation to pay under this section.

- c. If the charges on a monthly sewer bill are not paid timely, a one-time late payment penalty shall be added to the account, equal to ten percent of those charges.

Interest shall also be added, and shall accrue on unpaid charges at the rate of eight percent per annum, compounded monthly. Interest shall start to accrue on the day following the due date for the charges, and shall continue to accrue and be added monthly until the charges are paid.

Penalties and interest shall be applied to the billing account if the charges are not paid within a one-month grace period, and said grace period shall commence on the day following the due date for the charges.

- d. Payment on any delinquent charges shall first be applied to the oldest unpaid bills.
- e. A twenty-five dollar return check fee shall be imposed for each payment returned unpaid to the County.
- f. As provided in this section, Spokane County shall have a sewerage lien for all delinquent rates, fees and/or charges due in accordance with this chapter. The lien shall be for all charges, penalties, and interest from the date due until paid, and shall attach to the premises to which the services were furnished. The lien shall be superior to all other liens and encumbrances, except general taxes and local special assessments of the County.

Upon the expiration of sixty days after attachment of the lien as provided in this section, the Department may bring suit in foreclosure by civil action in the superior court where the property is located. Costs associated with the foreclosure of the lien, including but not limited to advertising, title report, and personnel costs, shall be added to the lien upon filing of the foreclosure action. In addition, the court may allow a reasonable attorney's fee.

The lien shall be foreclosed in the same manner as the foreclosure of real property tax liens.

The County sewerage lien shall attach for up to one year's delinquent charges without the necessity of any writing or recording of the lien with the County Auditor pursuant to RCW 36.94.150 and RCW 35.67.215. A lien for more than one year's delinquent sewer charges shall attach upon certification of the delinquent charges by the Environmental Services Department to the Spokane County Auditor. The Environmental Services Department may periodically amend these lien certifications.

- g. All costs associated with filing and releasing of a lien, such as filing fees and administrative costs, together with the lien certification amounts, shall be paid to the Environmental Services Department prior to the release of the lien.

- h. This section shall not apply to GFCs assigned to properties as part of a ULID assessment, which GFCs shall be paid, become delinquent and accrue interest and penalties in accordance with statutory requirements applicable to the payment of ULID assessments.
- i. All additional lien and enforcement rights by statute and at common law are reserved by the County.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0288, 4-19-2016; Res. No. 16-0044, 1-12-2016; Res. No. 11-0720, 8-16-11; Res. 07-0715, Exh. A § 19, 2007; Res. 06-0329, § 3, 2006; Res. 05-1166, Exh. A § 25, 2005; Res. 03-0447, Attachment A (part), 2003; Res. 97-0232, Attachment A (part), 1997; Res. 96-0752, Attachment A (part), 1996)

#### 8.03.9050 - Sewer Charges and Service Fees—Adjustments and Appeals.

- a. Any person receiving a billing statement for sewer Capital Facilities Rate, General Facilities Charges, and/or Sewer Service Fee as set forth in Section 8.03.8000 of this chapter et al., may file an application for a rate/charge adjustment if there is an alleged excess payment or an alleged error in billing. This request shall be filed with the Spokane County Environmental Services Department on forms provided by the Director.
- b. The burden of proof shall be on the applicant to show that the rate/charge adjustment sought should be granted. The applicant may submit with the application any information that he or she considers relevant to support their position.
- c. Decisions on rate/charge adjustments shall be made by the Director or designee within thirty days of the adjustment request, except when additional information is needed to render a decision. The applicant shall be notified in writing of the Director's decision.
- d. A rate/charge adjustment, if granted, shall be effective retroactively for a period not to exceed thirty-six months. The period of retroactive adjustment may exceed thirty-six months at the discretion of the Director in those cases where the property has been improperly classified per Section 8.03.8000 or 8.03.3040(d).
- e. Rate/charge adjustments or refunds may be granted only when:
  1. The property has been improperly classified under the fee schedule set forth in Section 8.03.8000 of this chapter et al;
  2. A computational error was made in calculating the amount charged; or
  3. An overpayment or advance payment has been made.
  4. In the case of extenuating circumstances, the Director may waive interest and penalty charges that have accrued on a given account, provided that the owner demonstrates that such a waiver is just and reasonable. Generally, the Director shall only consider such waivers once per calendar year.
- f. The minimum amount considered for refund shall be twenty-five dollars. If the amount of the refund is less than twenty-five dollars, the balance shall remain on the account as a credit.
- g. The Director's decision regarding a rate adjustment application shall be final and conclusive, unless appealed pursuant to Section 8.03.9185 of this chapter.
- h. In the event that the Environmental Services Department identifies an overpayment or an error in billing, as defined in subsection (e) of this section, the Director shall have the authority to make an appropriate refund or to apply an appropriate credit to an account.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0288, 4-19-2016; Res. No. 16-0044, 1-12-2016; Res. 05-1166, Exh. A § 26, 2005; Res. 03-0447, Attachment A (part), 2003; Res. 98-0553, § 1, 1998)

8.03.9060 - Persons and Property Subject to Charges.

Every person and property to whom service is furnished by the POTW, and every person and property to whom such service is available by such POTW, shall be charged for such service.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 96-0752, Attachment A (part), 1996)

8.03.9070 - Septage Discharging—Payment—Delinquency.

- a. Septage discharging charges shall be billed on a monthly basis, during the first five business days of the month. Payment of all charges on the septage discharging bill shall be due and payable on or before the twenty-fifth of the month billed, or the next business day following the twenty-fifth, if that date falls on a weekend or holiday. When the charges on a monthly septage discharging bill are not received by the due date, such charges shall become delinquent.
- b. If the charges on a monthly septage discharging bill are not paid when due, there then shall be added to the charges a one-time late payment penalty of ten percent of the latest billed amount, and interest shall then be attached and accrue on unpaid charges computed at a rate of eight percent per annum starting on the next day after the billing due date until paid. Interest shall be computed on the entire unpaid balance.
- c. A partial payment on any delinquent charges shall first be applied to the oldest unpaid septage discharging bills.
- d. A \$25.00 return check fee shall be imposed for each payment returned to Spokane County for non-sufficient funds.
- e. When charges have been delinquent for forty-five days or more, the amount of the security provided by the septage hauler pursuant to Section 8.03.8570 shall be forfeited to the County to satisfy the amount of the delinquency. If the bond is insufficient to satisfy the total septage discharging bill (including late payment penalty and interest), the County may revoke the septage haulers permit, and also pursue all additional enforcement rights by statute and at common law to recover such charges.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. No. 11-0720, 8-16-11)

8.03.9080 - Abatement of Public Nuisance.

- a. Notwithstanding any other provision of this chapter and in addition thereto, the maintenance of any condition contrary to the public health and safety, or creating or tending to create a risk to the public health or safety, specifically including accumulations of raw or treated sewage or sludge of any nature, or danger or possibility thereof, or contamination of any public or domestic water supply system or well, or a danger or possibility thereof, shall constitute a public nuisance and, in the discretion of the Director or Health Officer, shall be subject to immediate abatement by the County at the premises owner's and/or other responsible person's expense and liability.
- b. Abatement of any nuisance as defined above may be billable as a utility service furnished to the premises wherein the condition arose or exists. (Cross Reference: RCW Section 35.67.200 et seq.)
- c. This section shall not limit the premises owner's or other party's rights to seek recovery against other responsible persons.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. No. 9-0804, § 2, 9-8-2009; Res. 96-0752, Attachment A (part), 1996)

8.03.9100 - Suspension of Service.

- a. In the case of emergency, equipment failure, inaccessibility or for other reasons, as directed by the Director in the interests of the public health and safety, sewer services, may be temporarily or permanently suspended to one or more premises or locations within the County, with or without notice.
- b. Service to any premises may be suspended for nonpayment of accounts. Such suspension shall not relieve the person owing such account from the duty of complying with the provisions of this title. Such suspension shall render the premises where such service is suspended subject to condemnation for sanitary reasons and/or exercise of the police power to abate a public nuisance at the risk and expense of the owner of the premises and/or other responsible persons.

((Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 96-0752, Attachment A (part), 1996)

8.03.9120 - Equipment—Projects—Minor Expenditures.

- a. To the maximum extent permitted by state law, the Director may acquire such equipment, engage in projects, enter into contracts, and perform such functions as may enable the Environmental Services Department to carry out its wastewater collection and treatment responsibilities and such other purposes as the Board of County Commissioners may direct and authorize. These powers shall be broadly construed to accomplish their intended purpose.
- b. The Board of County Commissioners has authority to approve departmental expenditures of funds for equipment and projects, which may be funded by the respective department fund, by grant, or by appropriation from federal, state, or local resources as the Board of County Commissioners deems appropriate.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0288, 4-19-2016; Res. No. 16-0044, 1-12-2016; Res. 96-0752, Attachment A (part), 1996)

8.03.9140 - Responsibility for Sewers—No Duty.

- a. The County assumes no responsibility whatsoever for any side sewers, special side sewers, private sewers, other nonpublic sewers or other such pipes, fixtures, appurtenances or location of utilities. The County's absence of responsibility includes costs of construction, repair and/or maintenance and liability for losses, claims, damages or injuries arising directly or indirectly from the use or existence of all such nonpublic pipes and fixtures.
- b. Except as required by the general laws of this state, the County assumes no responsibilities for sewer service or wastewater disposal or treatment or for the construction, repair or maintenance of public sewers. This chapter shall not be construed to expand the County's responsibilities. This chapter shall not be construed to add to or expand any public duty to any particular person, class or entity. Any duty nonetheless deemed created shall be strictly construed as a duty to the general public.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 96-0752, Attachment A (part), 1996)

8.03.9160 - Penalty.

- a. Any person who violates or fails to comply with any of the provisions of this chapter, or who counsels, aids or abets any such violation or failure to comply, shall be subject to a civil penalty of one thousand dollars.

- b. Noncompliance after the expiration of the time specified in any notice authorized in this chapter shall be a separate violation for each notice. Each day of a continuing violation shall constitute a separate and additional violation.
- c. Willful violations of Sections 8.03.3020, 8.03.3040, 8.03.3060, 8.03.3180, 8.03.3200, 8.03.3220, 8.03.3240, 8.03.3260, 8.03.3280, 8.03.3300, and 8.03.4030 of this chapter shall constitute a misdemeanor, punishable by such fine and/or imprisonment as is provided for misdemeanors in Chapter 9A of the Revised Code of Washington.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. No. 11-0720, 8-16-2011; Res. No. 9-0804, § 2, 9-8-2009; Res. 07-0715, Exh. A § 20, 2007; Res. 03-0447, Attachment A (part), 2003; Res. 97-0232, Attachment A (part), 1997; Res. 96-0752, Attachment A (part), 1996)

#### 8.03.9170 - Septage Discharging—Civil Suit.

- a. In the event of a septage hauler's violation of any of the provisions of Article 4, the Director, upon authorization by the Board of County Commissioners, may elect to: (1) initiate a civil suit to enforce this chapter and seek civil penalties of up to one thousand dollars per violation per day; and/or (2) pursue any other remedies available under state or federal laws to compensate the County for its actual damages arising from the septage hauler's violation.
- b. The Director may recover all costs and expenses associated with enforcement activities, including sampling expenses, and the cost of any actual damages incurred by the County.
- c. The court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the septage hauler's violation, corrective actions by the septage hauler, the compliance history of the septage hauler, and any other factor as justice requires.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. No. 11-0720, 8-16-11)

#### 8.03.9180 - Search Warrants—Administrative, Criminal.

- a. Supplemental to and not by way of limitation of any other provisions in this chapter, the Director, on his or her initiative or application of any County official or inspector may obtain an administrative search warrant or order, requesting the presence of law enforcement officials to assist County employees in the performance of any inspection or administrative duties, but no such warrant or order shall be a necessary precondition or any request for law enforcement officer assistance to any other public employee in the performance of his or her duties under this chapter.
- b. Where deemed appropriate, to enforce provisions of this chapter subject to criminal penalties, the Director may work with local law enforcement officers in obtaining criminal search warrants, subject to generally applicable requirements (probable cause) for such warrants.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 96-0752, Attachment A (part), 1996)

#### 8.03.9185 - Appeals.

- a. This chapter grants certain authority to the Director to make decisions and determinations relative to implementing this chapter. Except as specifically provided elsewhere in this chapter, such decisions shall be subject to the following appeals process:

1. An appeal from the Director's decision shall be filed, in writing, with the Board of County Commissioners, with a copy to the Director. Any such appeal shall be filed within ten days of the Director's decision.
  2. An appeal shall specify/include:
    - i. The identity and interest of the party appealing;
    - ii. The decision or parts of the decision to which the appeal is directed, the reasons for the appeal, including a summary of facts and legal authorities, and any alternatives to the decision desired to be considered;
    - iii. Contain copies of any relevant documentation or clearly reference all documents or other information to support the appeal; and
    - iv. Contain the signature of the appellant.
  3. Untimely, incomplete or unsigned appeals shall be returned by the Board.
- b. Failure to file and serve a timely appeal in proper form waives the right to seek further administrative review, and the applicant shall be deemed to have accepted the Director's decision.
  - c. The Director's decision shall not be stayed or superseded pending further appeals or review of his or her decision, unless so ordered by the Director or the Board, conditioned upon the posting of such security or other actions as the Director or Board may require.
  - d. Appeals to the Board of the Director's decisions and determinations shall be de novo.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. No. 9-0804, § 2, 9-8-09; Res. 03-0447, Attachment A (part), 2003; Res. 96-0752, Attachment A (part), 1996)

#### 8.03.9187 - Statute of Limitations.

Any suit challenging the validity of this chapter must be commenced by a person having lawful standing in a court having lawful jurisdiction within thirty days after the date of the adoption of the ordinance codified in this chapter.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 03-0447, Attachment A (part), 2003; Res. 97-0232, Attachment A (part), 1997; Res. 96-0752, Attachment A (part), 1996)

#### 8.03.9190 - Repeal and Savings.

Any amendment, repeal, modification or revision of this chapter shall not be construed to affect any existing right acquired under provisions amended, repealed, modified, revised, or acquired under any rules, regulations or orders issued or adopted pursuant to the authority of this chapter, or as affecting any proceedings instituted thereunder.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 96-0752, Attachment A (part), 1996)

#### 8.03.9200 - Severability.

If any section, subdivision, part or word of this chapter or any regulation, rule or order adopted pursuant to the authority thereof be determined invalid, it shall not affect the remainder, but be confined to the section, subdivision, part or word directly involved in the controversy.

(Res. No. 21-0894, 12-14-21; Res. No. 19-0917, 3-26-2019; Res. No. 16-0044, 1-12-2016; Res. 96-0752, Attachment A (part), 1996)