

**RESOLUTION ADOPTING A CITY OF BELLINGHAM POLICY
RELATED TO SEWER LATERALS**

WHEREAS, in the past, multiple homes were allowed to extend a single private sewer lateral instead of being required to construct a public sewer main and connect to that main, and,

WHEREAS, when one of those shared laterals fails it is often difficult to get the private owners to agree on a share of the repair costs and to complete the needed repairs in a timely manner, and,

WHEREAS, failed private laterals have the potential of creating a public health emergency,

NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF BELLINGHAM ADOPTS THE FOLLOWING POLICY RELATED TO SEWER LATERALS:

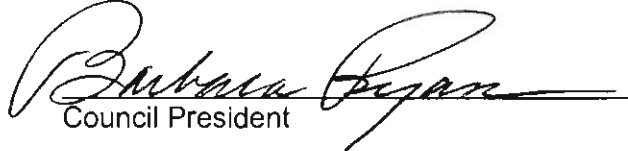
Over the next several years, the Public Works Department will replace certain private sewer laterals that are shared by three or more separate properties and run parallel and within a public right-of-way or dedicated public sewer easement. This will be accomplished through the annual sewer replacement program, and include one to three projects per year until the laterals have been replaced with public sewer mains. The order of replacement will be determined by Public Works staff based on the greatest need.

In the event a private lateral fails, the City will continue to work with the Whatcom County Health Department to make certain that the public health is protected, and to determine when a private lateral failure becomes a public health emergency. It is understood that City and Health Department staff will evaluate each situation on a case-by-case basis, and that they will use the following criteria when determining if a public health emergency exists:

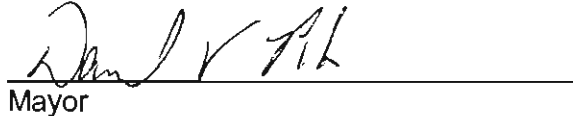
1. Whether the failure exposes a large segment of the public to unhealthy matter;
2. Whether the failure threatens a special needs population (like a hospital or day care);
3. Whether the failure impacts a public asset (such as leaving private property to a significant degree);
4. Whether the threat posed by the failure is imminent or immediate in nature.

In the event that a private lateral failure is declared a public health emergency, Public Works Department staff will consult with the Legal Department, and then abate the condition in accordance with applicable law.

PASSED by the Council this 20th day of October, 2008.


Council President

APPROVED by me this 30th day of October, 2008.


Mayor

ATTEST: 
Finance Director

APPROVED AS TO FORM:


Office of the City Attorney