ORDINANCE NO. 3076

AN ORDINANCE of the City of Kent, Washington, amending Ordinance Nos. 2374 and 2811 of the City of Kent, relating to sewer connections and establishing a penalty for failure to connect to the City's public sewer system.

WHEREAS, under the authority of RCW 35.67.190, the City must either compel all property owners within any area served by a City sewer system to connect to that system or be penalized therefor; and

WHEREAS, RCW 35.67.190 allows the City to make the penalty for failing to connect to the City's sewer system a monetary charge equal to the charge that would be made for sewer service if the property was connected to the system; and

WHEREAS, RCW 35.67.200 allows the City to impose a lien for delinquent and unpaid rates and charges for penalties levied pursuant to RCW 35.67.190; and

WHEREAS, the City's Public Works Director and Finance Director have determined that the penalty to be imposed on property owners within any area served by a City sewer system for failure to connect to that system shall be an amount equal to the basic monthly rate charged for the provision of sewer service; NOW, THEREFORE

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:
Section 1. The City of Kent's Ordinance No. 2374, Section one, KCC Section 7.05.190 (listed as KCC 7.05.160 in Ordinance No. 2374), as amended by Section 1 of the City of Kent's Ordinance No. 2811, is hereby amended as follows:

A. It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the City of Kent, or in any area under the jurisdiction of said City, any human or animal excrement, garbage, or other objectionable waste.

B. Except as hereinafter provided in this Chapter, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

C. The owners of all houses, buildings or properties used in any manner for human occupancy, employment, recreation, or other purpose, situated within or without the City of Kent and abutting on that abut any street, alley, or easement in which there is now located or may in the future be located a public sanitary sewer of the City of Kent, are hereby required shall, at their expense, to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provision of this ordinance, within ninety (90) days after from the date of official notice to do so, provided that said the public sewer is within two hundred (200) feet of the any building or buildings and specific provisions have been made to connect such to the public sewer and that no public health or safety hazards exist as determined by the Director on the property. If the King County Department of Health, the City's Public Works Department, or any other public health agency with jurisdiction determines that a public health or safety hazard
exists, the City's Public Works Director may require connection without regard to the notice or distance provisions provided in this subsection so long as the public sewer is reasonably available to the affected property.

D. In all cases where a public health or safety hazard exists as determined by the Director and the property is available to the public sewer the City Council shall compel the owners of such buildings or properties to connect to the public sewer at their expense within twenty days of such notice. Any property owner who fails to connect to the sewer system within ninety days of receiving official notice to do so, as provided for in this Section, shall be subject to a penalty that shall be a monetary charge in an amount equal to the base monthly sewer rate that would be charged against that property if it were connected to the City sewer system. The City's Finance Department shall assess the penalty against the property through its utility billing system.

E. Pursuant to RCW 35.67.200, failure to pay the penalties levied pursuant to subsection C herein shall constitute a lien for those delinquent and unpaid charges against the premises to which the service is available. This lien shall be superior to all other liens and encumbrances except general taxes and local and special assessments.

F. All delinquent charges imposed under the authority of this Section shall bear interest at the rate of eight percent (8%) per annum.

Section 2. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstances shall not affect the
validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 3. Effective Date. This ordinance shall take effect and be in force thirty (30) days from the time of its final approval and passage as provided by law.

DAN KELLEHER, MAYOR

ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

ROGER A. LUBOVICH, CITY ATTORNEY

PASSED the 17 day of November, 1992.
APPROVED the 18 day of November, 1992.
PUBLISHED the 20 day of November, 1992.

I hereby certify that this is a true and correct copy of Ordinance No. 3C76, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent hereon indicated.

BRENDA JACOBER, CITY CLERK