AN ORDINANCE of the City Council of the City of Kent, Washington, amending various sections of Chapter 7.04 of the Kent City Code to clarify provisions relating to enforcement of this chapter.

RECITALS

A. The City has a few neighborhoods and residences that are still on septic systems. It has been the established policy of the City to allow these residences to remain on septic systems, provided they are in good working order and are not causing groundwater pollution issues or health issues. This is consistent with the practice of surrounding jurisdictions and the King County Health Department.

B. An internal audit conducted in 2017 recommended that KCC 7.04.030 and 7.04.130 be amended to clarify the director’s discretion to implement policies and procedures regarding to the enforcement of this chapter.

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

ORDINANCE

SECTION 1. - Amendment - KCC 7.04.030. Section 7.04.030 of the Kent City Code, entitled “Powers and authority of the director,
inspectors, and assistants – Discretion of the director,” is amended as follows:

Sec. 7.04.030. Powers and authority of the director, inspectors, and assistants – Discretion of the director.

A. Access to facilities. The director and other duly authorized employees of the city, bearing proper credentials and identification, shall be permitted to enter upon all premises for the purposes of inspection, observation, measurements, sampling, and testing in accordance with the provisions of this chapter. No consent, warrant, or court order is required to enter those areas open to the public generally or to which no reasonable expectation of privacy exists.

B. Director discretion. In applying, interpreting, and enforcing this chapter, the director has the authority to develop, implement and administer policies and procedures pertaining to this chapter, impose additional conditions, to waive or alter the application of any requirement in any particular situation under the facts then existing or pursuant to policies and procedures, or to alter any performance required under this chapter where the director determines such departure is necessary to mitigate identified or potentially negative impacts to the sanitary sewer system or public health, safety, or welfare.

SECTION 2. – Amendment – KCC 7.04.130. Section 7.04.130 of the Kent City Code, entitled “Use of public sanitary sewer required,” is amended as follows:

Sec. 7.04.130. Use of public sanitary sewer required.

A. Proper sanitation required. 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 or in any area under the
jurisdiction of the city, any human or animal excrement, or other objectionable waste.

B. *Sewage disposal system – Chapter compliance required.* Except as 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. *Connection to public sanitary sewer required.* The owners of all houses, buildings, properties or other premises used in any manner for human occupancy situated within or without the city that abut any street, alley, or easement in which there is located a public sanitary sewer of the city shall, at their expense, install suitable toilet facilities therein and connect those facilities directly to the proper public sanitary sewer within 90 days from the date of official notice to do so; provided, that the public sanitary sewer is within 200 feet of any building on the owner’s property.

D. *Failure to connect when required.* In addition to any other penalty authorized by this chapter, a property owner who fails to connect to the public sanitary sewer within 90 days of receiving official notice to do so 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 public sanitary sewer. The city’s finance department shall assess the penalty against the property through its utility billing system.

E. *Lien for costs and charges.* Pursuant to RCW 35.67.200, failure to pay the penalties levied pursuant to this section 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. **Interest assessed for delinquencies.** All delinquent charges imposed under the authority of this section shall bear interest at the rate of eight percent per annum computed on a monthly basis.

**SECTION 3.** - **Severability.** If any one or more section, subsection, or sentence of this ordinance is held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

**SECTION 4.** - **Corrections by City Clerk or Code Reviser.** Upon approval of the city attorney, the city clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; ordinance, section, or subsection numbering; or references to other local, state, or federal laws, codes, rules, or regulations.

**SECTION 5.** - **Effective Date.** This ordinance shall take effect and be in force thirty days from and after its passage, as provided by law.

---

DANA RALPH, MAYOR  
Date Approved  
9/4/18

KIMBERLEY A. KOMOTO, CITY CLERK  
Date Adopted  
9/4/18

Date Published  
9/7/18

APPROVED AS TO FORM:  
ARThUR “PAT” FITZPATRICK, CITY ATTORNEY