CITY OF QUINCY, WASHINGTON

ORDINANCE NO. 19-535

AN ORDINANCE THAT AMENDS CHAPTER 13.15 OF THE QUINCY MUNICIPAL CODE REGARDING REQUIRED SEWER CONNECTIONS

The City Council of the City of Quincy, Washington, do ordain as follows:

Section 1. Ordinance 12-302, Section 2, in part, and Ordinance 17-492, Section 1, in part, codified as Quincy Municipal Code 13.15.110(A), are hereby amended to read in its entirety:

A. For the protection of the health and welfare of the citizens of the City, and as authorized in RCW 35.67.190, this chapter implements the policy and goal of the City that all sewage and polluted waters generated within the City and the City’s urban growth area shall be ultimately discharged into, and treated by, the City’s domestic and/or industrial publicly owned treatment works. All new points of discharge of sewage and polluted waters in the City shall be connected to the City’s POTW, and all existing points of discharge of sewage and polluted waters not connected to the City’s POTW shall be terminated and connected to the City’s POTW at such times as are reasonably practicable or as required by any federal, state, or local law or regulation.

Section 2. A new section shall be added to Chapter 13.15 of the Quincy Municipal Code that states:

13.15.205 Required connection to public sewer system

1. The owner of any house, building, or property used for human occupancy, employment, recreation, or other purposes, situated within the City sewer service boundaries and abutting on any street, alley, or right-of-way in which there is located a public sewer system within 200 feet of the property line, is hereby required at the owner’s expense to connect to the public sewer system unless the property is served by an existing lawfully functioning on-site sewage system; provided that connection to the public sewer system shall be required to ensure protection of the environment and/or public health and safety when any of the following occurs:

   a. The on-site sewage system is found to be in failing condition as determined by the Grant County Health District; or

   b. The on-site sewage system is found to be inadequate for the proposed or existing use of the property as determined by the Grant County Health District.

2. The distance to the public sewer system shall be measured from the nearest part of public sewer system to the nearest edge of the property along the usual or most economically feasible route of access taking into consideration public rights-of-way and easements.

3. Pursuant to RCW 35A.21.390, upon the failure of an on-site sewage system for which the City requires a connection to a public sewer system, the owner of such system may appeal the City’s denial of the permit to repair or replace an existing, failing on-site sewage system that:

   a. Was made for a single-family residence by its owner or owners;

   b. Was denied solely because of a law, regulation, or ordinance requiring connection to a public sewer system; and

   c. Absent the applicable law, regulation, or ordinance requiring connection to a public sewer system upon which the denial was based, would be approved.
4. Any appeal of the City’s denial of the permit to repair or replace an existing, failing on-site sewage system shall be to the City’s hearing examiner utilizing the procedures set forth in QMC 13.50.320. The owner is required to pay the filing fee for the appeal at the time of filing the notice of appeal. The filing fee shall be the amount listed for appeals of other administrative decisions for quasi-judicial and administrative actions as set forth in the City’s Rate Resolution that is in effect at the time that the appeal is filed. The hearing examiner shall consider, at a minimum whether:

a. It is cost-prohibitive to require the property owner to connect to the public sewer system. In complying with this subsection 4(a) the City must consider the estimated cost to repair or replace the on-site septic system compared to the estimated cost to connect to the public sewer system;

b. There are public health or environmental considerations related to allowing the property owner to repair or replace the on-site septic system. In complying with this subsection (3)(b), the City must consider whether the repaired or replaced on-site septic system contributes to the pollution of surface waters or groundwater;

c. There are public sewer system performance or financing considerations related to allowing the property owner to repair or replace the on-site septic system; and

d. There are financial assistance programs or latecomer agreements offered by the city or state that may impact a decision of the property owner to repair or replace the on-site septic system.

The hearing examiner’s determination requiring the owner of a single-family residence with a failing on-site sewage system to connect the residence to the public sewer system is not subject to appeal. Any other appeal of the hearing examiner’s determination shall be done in accordance with QMC 13.50.330.

5. Within the area to be served by the public sewer system of the City as it now exists and as it may be improved and extended in the future, the owner of any property, upon which is a residence or building used for human occupancy, employment, recreation, or other purposes, shall within sixty days of receipt of the written notification by the City for sewer connections to be made, cause a connection to be made between the public sewer system and each residence and each required building within such property. The notice required herein shall be done by personal service or by certified mail, postage prepaid and return receipt requested. If notice is mailed, it shall be deemed received three business days after mailing.

6. If any sewer connection shall not be timely made after the notice required in subsection 5, then the City is hereby authorized and directed to cause such connection to be made and to file a statement of the cost thereof with the City Clerk, and thereupon a warrant in the amount of such cost payable to the City shall be issued by the City Finance Officer under the direction of the City Council. The amount of such warrant, plus interest at the rate of 12 percent per annum upon the total amount of such cost shall be assessed against the property, and shall become a lien thereon. Amounts collected shall be paid into the Domestic Sewer Fund for domestic sewer connections or paid into the Industrial Sewer Fund for industrial sewer connections.

7. For purposes of this Section, the following definitions shall apply:

a. Fail, failing or failure shall have the same meaning as “failure” as stated in WAC 246-272A-0010(2), as it now appears or is hereafter amended.

b. On-site sewage system shall have the same meaning as “on-site sewage system” as stated in WAC 246-272A-0010(2), as it now appears or is hereafter amended.

c. Public sewer system shall have the same meaning as “public sewer system” as stated in WAC 246-272A-0010(2), as it now appears or is hereafter amended.

ORDINANCE NO. 19-535
Section 3. Ordinance 12-302, Section 2, in part, and Ordinance 17-492, Section 1, in part, codified as Quincy Municipal Code 13.12.025, are hereby amended to read in its entirety:

A. All work in preparation for the connection to the connection to or disconnection from the City’s domestic sewer system shall be accomplished by the owner of the property. The actual connection to or disconnection from the City’s domestic sewer system shall be accomplished by the public works department and not by the owner of the property.

B. All work necessary to install a sewer flow meter shall be accomplished by the discharger after obtaining approval of the materials and installation details from the Public Works Director. The City shall inspect and approve the installation prior to the flow meter being placed into service. The sewer flow measuring equipment shall be maintained according to section 13.13.060(C) QMC 13.50.110.

C. The owner and/or agent performing the work covered in this chapter must indemnify the City from any loss, liability, or damage that may directly or indirectly be occasioned by the performance of such work, and be responsible to repair and restore any defects or problems in the vicinity of the construction for a period of two years from the date of acceptance by the Public Works Director. A warranty of good materials and workmanship, and a bond or other adequate security to ensure this obligation, in an amount equal to the connection fee and installation fee, and in a form approved by the City Attorney, shall be required by the Public Works Director prior to the installation and connection.

Section 4. Those portions of any ordinance in conflict with this ordinance are repealed as of the effective date of this ordinance.

Section 5. If any section, clause, or provision of this ordinance or its application to any person or circumstance is declared by a court to be invalid, the remainder of this ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 6. This Ordinance shall be published in the official newspaper of the City of Quincy and shall take effect and be in full force five days after passage and publication.

ADOPTED by the City Council of the City of Quincy, Washington, on this 18th day of June, 2019.

ATTEST: Paul Worley, Mayor

Nancy E. Schanze, Finance Officer/City Clerk

Approved as to form: OFFICE OF THE CITY ATTORNEY

Danielle R. Marchant

FILED WITH THE CITY CLERK: June 18, 2019
PASSED BY THE CITY COUNCIL: June 18, 2019
PUBLISHED: June 26, 2019
EFFECTIVE DATE: July 2, 2019
ORDINANCE NO.: 19-535