

**CITY OF SNOHOMISH
Snohomish, Washington**

ORDINANCE 2075

AN ORDINANCE OF THE CITY OF SNOHOMISH, WASHINGTON AMENDING SMC 1.01.080 PENALTY FOR ROUTINE VIOLATIONS, AMENDING SMC 15.04.120 UTILITY CONNECTION FEE, AMENDING SMC 15.04.125 CAPITAL FACILITY CHARGE, AMENDING SMC 15.04.126 PROJECT DEVELOPMENT FEE, AMENDING SMC 15.04.140 CONNECTION TO SEWER SYSTEM REQUIRED – PENALTY FOR VIOLATION, ADDING A NEW SECTION SMC 15.04.142 OPTIONAL SURCHARGE TO UTILITY BILLING, AMENDING SMC 15.04.160 VIOLATIONS – PENALTY, ADDING A NEW SECTION SMC 15.04.165 VIOLATIONS OF 15.04.140 – PENALTY; ALL TO PROVIDE CLEAR PAYMENT DEADLINES AND A MORE EFFECTIVE INCENTIVE AND PENALTY TO INSURE THAT PREVIOUSLY DEVELOPED PROPERTIES, NOT WITHIN NEWLY ANNEXED AREAS, BUT WITHIN 200 FEET OF A PUBLIC SEWER CONNECT TO THE PUBLIC SEWER AND TO PUBLIC WATER.

WHEREAS, the Legislature found in the adoption of RCW 70.118.010 that large numbers of septic systems fail, leading to health hazards, loss of property values, and water quality degradation; and

WHEREAS, these health hazards derive from waste waters high in fecal coli form bacteria making their way into nearby water bodies, causing such diseases as typhoid, paratyphoid, bacillary dysentery, gastroenteritis, and cholera; and

WHEREAS, located in the City are a number of on site septic systems, not in newly annexed areas, on average fifteen or more years old; and

WHEREAS, the average life expectancy for a septic system to function adequately to not be a public health hazard is fifteen to twenty-five years; and

WHEREAS, located in the City are Blackman Lake, the Snohomish River, numerous streams and tributaries, and numerous wetlands; and

WHEREAS, unlike a new connection made by a property without an existing septic system, a connection of a property with an existing septic tank may result in the loss of some amount of the septic system's useful life which should be addressed by the allowance of a payment plan for connection fees; and

WHEREAS, the City wishes to provide both clear payment deadlines for all fees and incentives and measures to reduce and eliminate private septic systems in non-newly annexed areas of the City;

NOW, THEREFORE, it is ordained by the City Council of the City of Snohomish, Washington as follows:

Section 1. Snohomish Municipal Code Section 1.01.080 Penalty for Routine Violations is hereby amended to read as follows:

1.01.080 Penalty for routine violations. Any person, firm, corporation, their agents or servants, who shall violate any of the provisions of the following listed chapters or sections of the Snohomish Municipal Code, Chapters 3.22, 3.26, 5.02, 5.36, 5.44, 5.52, 7.12, 8.12, 8.20, 9.94, 12.12, 12.20, 12.40, 13.04, 20.04, and Section 15.04.165 has committed a civil infraction for which civil penalties may be assessed for each day or part of a day that the violation continues unless otherwise provided. Routine Infractions shall be cited and processed in accordance with Chapter 1.14.

A. Civil Penalties. Unless otherwise provided, the amount of civil penalty is assessed for each violation per day or portion of day as follows:

1. First violation: Twenty-five (\$25) dollars;
2. Second violation: Fifty (\$50) dollars;
3. Third violation: Seventy-five (\$75) dollars;
4. Subsequent violation and infraction of this chapter, or any other chapter or section designating an action or omission a civil infraction or violation, is a misdemeanor and shall be punished with a fine of \$500 and/or incarceration in jail for a period not to exceed thirty (30) days.

B. Appeal. A person to whom a notice of civil infraction has been directed may file an appeal pursuant to Snohomish Municipal Code Chapter 1.14.

C. Other Remedies Preserved.

1. The provisions of this chapter are not exclusive of other rights and remedies of the City under other provisions of the Snohomish Municipal Code.
2. In addition to the City's right to assess costs and penalties against owners as provided in its ordinances, the City shall retain all rights of lien and other rights against the property in question for costs that remain unpaid, in the manner and form provided by state law and City ordinances.

D. Criminal Penalties. Any violation that is required by state law to be prosecuted as a criminal offense shall not be prosecuted as a civil infraction under this code.

E. Emergencies. Nothing in this chapter or in other chapters of the Snohomish Municipal Code shall prevent the Enforcement Officer or any other officer of the City of Snohomish or other governmental unit from taking any other action, summary or otherwise, necessary to eliminate or minimize an imminent danger to the health or safety of any person or property. The City's costs of abating any such nuisance or endangerment summarily or otherwise abated shall be recoverable in the same manner

and to the same extent as costs of abating nuisances or endangerment under any other provisions of this chapter, in addition to or as an alternative to any other rights or remedies the City may possess.

- F. Safeguards. In any case where a nuisance is abated the Enforcement Officer or other officer, agent or employee shall proceed with due care and without unnecessary destruction of property. In all cases the Enforcement officer shall be authorized to employ such assistance and adopt such means as may be necessary to effect the entire abatement of the nuisance.

Section 2. Snohomish Municipal Code Section 15.04.120 Subsection A is hereby amended to read:

- A. Except where a credit for the Utility Connection Fee is given by SMC 15.04.142, a Utility Connection Fee shall be assessed for each new water or sewer connection and for each connection which has remained unused for twelve months and/or for which a minimum maintenance fee as set forth in Section 15.05.040 has not been paid during said period to provide means by which property owners who connect to the City's water and/or sewer utilities bear an equitable share of the cost of construction and replacement of major utility facilities and equipment, which include the following: water diversion dam, water filtration plant, water transmission line and sewer lagoon treatment plant. The Connection fee for both water and sewer connection shall be based upon the size of the water service. Connection Fees for utility connection made to property located outside of the corporate City limits shall be one hundred fifty percent (150%) of those charges established by resolution authorized in Snohomish Municipal Code 15.04.120 (B) below.

Section 3. Snohomish Municipal Code Section 15.04.120 Subsection C is hereby amended to read:

- C. Payment of all Connection Fees shall be made in full upon submission of an application for service under SMC 15.04.020 or by a credit against payment established by SMC 15.04.142. No water or sewer service shall be commenced until such charges have been paid in full with good funds or by the credit against payment established by SMC 15.04.142. All charges constitute a lien against the property superior to all other liens and encumbrances except those for general and special assessments. Such a lien may be foreclosed in the same manner provided by law for the foreclosure of delinquent local improvement district assessments.

Section 4. Snohomish Municipal Code Section 15.04.125 Subsection A is hereby amended to read as follows:

- A. Except where a credit for a Utility Capital Facility Charge is given by SMC 15.04.142, a Utility Capital Facility Charge shall be assessed for each new water or sewer connection which has remained unused for twelve months and/or for which a minimum maintenance fee as set forth in Section 15.05.040 has not been paid during

said period to provide a means by which property owners who connect to the City's water and/or sewer utilities bear an equitable share of the cost of construction of major utility facilities and equipment. The Capital Facility Charge for both the water and sewer connection shall be based upon the size of the water service. Capital Facility Charges for utility connection made to property located outside of the corporate City limits shall be one hundred fifty percent (150%) of those charges established by resolution as authorized in Snohomish Municipal Code 15.04.120 (B).

Section 5. Snohomish Municipal Code Section 15.04.125 Subsection C is hereby amended to read as follows:

- C. Payment of all Capital Facility Charges shall be made in full upon submission of an application for service under SMC 15.04.020 or by credit against payment as established by SMC 15.04.142. No water or sewer service shall be commenced until such charges are paid in full in good funds or by credit against payment as established by SMC 15.04.142. All charges constitute a lien against the property superior to all other liens and encumbrances except those for general taxes and special assessments. Such a lien may be foreclosed in the same manner provided by law for the foreclosure of delinquent local improvement district assessments.

Section 6. Snohomish Municipal Code Section 15.04.126 Subsection A is hereby amended to read as follows:

- A. Except where a credit for the Project Development Fee is given by SMC 15.04.142, a Project Development Fee shall be assessed for each new water or sewer connection, established in a defined special development area, to provide means by which property owners who connect to the City's water and/or sewer utilities through infrastructure constructed by the City's water and/or sewer utility bear an equitable share of the cost required to develop the infrastructure. The Project Development Fee for both the water and sewer connection shall be based upon the size of the water service. The amount of the Project Development Fee shall be established by resolution authorized in Snohomish Municipal Code 15.04.120 (B).

Section 7. Snohomish Municipal Code Section 15.04.126 Subsection C is hereby amended to read as follows:

- C. Payment of all Project Development Fees shall be made in full upon submission of an application for service under SMC 15.04.020 or by credit against payment as established by SMC 15.04.142. No water or sewer service shall be commenced until such charges are paid in full in good funds or by credit against payment as established by SMC 15.04.142. All charges constitute a lien against the property superior to all other liens and encumbrances except those for general taxes and special assessments. Such a lien may be foreclosed in the same manner provided by law for the foreclosure of delinquent local improvement district assessments.

Section 8. Snohomish Municipal Code Section 15.04.140 is hereby amended to read as

follows:

15.04.140 Connection to Sewer System Required. The owner or owners of each lot or parcel of real estate within the area served by the sanitary sewer sewage disposal system of the City, upon which lot or parcel or property there shall be situated any building or structure for human occupation or use for any purpose, and not now connected, shall immediately install toilet facilities therein and, except as provided in Section 15.04.145, shall immediately cause a connection to be made between said sewer system and each building or structures. The City Engineer may exempt the owner or owners from this requirement if the structure(s) have been permitted by the City Building Division as not intended for human occupation or business (for example: a garage used for storage).

All premises within two hundred feet of a sewer line or lateral upon which a building is situated as now or hereafter constructed, shall be subject to the provisions of Section 15.06.020.

It is further provided that any building or areas for public use, including but not limited to schools, hospitals, apartments, hotels, cabins, motels, and trailer courts, shall be deemed to be within the area served by such sewer system if such building or buildings or any of them are within five hundred feet of a sewer line or lateral as now or hereafter constructed.

All connections shall be made to such sewer system in a permanent and sanitary manner, subject to payment of, or credit for connection charges to be set by the City Council and subject to the approval of the City Engineer of the City and to such permit and construction requirements and regulations fixed by the City Council and in force at the time.

Connections to the City sewer system will require simultaneous connection to the City water system, unless City water is not available within five hundred (500) feet of the lot or parcel.

Section 9. Chapter 15.04 Snohomish Municipal Code is hereby amended to add a new section 15.04.142 reading as follows:

15.04.142 Surcharge to Utility Billing. An owner or owners of a lot or parcel with an existing completed building(s) or structure(s) as of the effective date of this section required to be connected under SMC 15.04.140 to the sanitary sewer system, and not in a newly annexed area, may apply to the City for connection and obtain a credit against the Utility Connection Fee, the Utility Capital Facility Charge, and the Project Development Fee by agreeing to pay a surcharge added to his/her combined utility billing calculated as follows:

The surcharge shall be the sum of the Utility Connection Fee, the Utility Capital Facility Charge and the Project Development Fee increased by an interest factor determined by the City to reflect the City's cost of borrowed money for a five year term, said number being divided by sixty (60) to arrive at the monthly surcharge.

Said agreement shall be memorialized in writing and shall authorize the City to record a lien against the lot or parcel for which the surcharge is do. Upon signature on the agreement and recording a lien against the lot or parcel, the owner or owners shall receive a credit equal to the

full amount of the Utility Connection Fee, the Utility Capital Facility Charge and the Project Development Fee.

Upon payment of all other charges due for utility connection, sewer and/or water service shall be commenced to the lot or parcel.

Section 10. Snohomish Municipal Code Section 15.04.160 is hereby amended to read as follows:

15.04.160 Violations---penalty. Whoever willfully injures or interferes with any stopcock, faucet, connecting or service pipes, main or lateral pipes, hydrant, well, powerhouse, pump, engine, dynamo or other machinery or appliances, filter, well or reservoir which is a part of the City water-sewer works, or whoever in any manner pollutes the water supply of the City, or whoever violates any of the provisions of this chapter, except Section `15.04.140, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not to exceed one thousand dollars, or by imprisonment in the county jail of not more than thirty days, or both by fine and imprisonment.

Section 11. Chapter 15.04 Snohomish Municipal Code is hereby amended to add a new Section 15.04.165 reading as follows:

15.04.165 Violations of 15.04.140-Penalty Any person failing to make a required connection to the City's sanitary sewer system within 60 days of the date of notice from the City that connection is required commits a first violation and a civil infraction and the civil penalty for the first violation is twenty five dollars per day for each day from the 60th day to the 119th day after the date of notice.. Any person failing to make a required connection to the City's sanitary sewer system within 120 days of the date of notice from the City that connection is required commits a second violation and a civil infraction and the civil penalty for the second violation is fifty dollars per day for each day from the 120th day to the 179th day after the date of notice. Any person failing to make a required connection to the City's sanitary sewer system within 180 days of the date of notice from the City that connection is required commits a third violation and a civil infraction and the civil penalty for the third violation is seventy five dollars per day for each day from the 180th day to the 239th day after the date of notice.. Any person failing to make a required connection to the City's sanitary sewer system within 240 days of the date of notice from the City that connection is required shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of five hundred dollars and/or by imprisonment in the county jail of not more than thirty (30) days.

Section 12. Severability. In the event any subsection or section of this ordinance shall be determined or declared unlawful, the remaining provisions of this ordinance shall remain in full force and effect.

Section 13. Effective date. This ordinance and each section it contains shall become effective five days following publication by summary.

PASSED by the City Council and **APPROVED** by the Mayor this 15th day of March, 2005.

CITY OF SNOHOMISH

By _____
Liz Loomis, Mayor

Attest:

By _____
Torchie Corey, City Clerk

Approved as to form:

By _____
Grant K. Weed, City Attorney