

ORDINANCE 3086

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO SEWERS.

Be it ordained by the City Council of the City of Kirkland as follows:

Section 1. Section 15.04.010 of the Kirkland Municipal Code is hereby amended as follows:

15.04.010 Generally. [Words and phrases used in this title, unless the same, shall be contrary to or inconsistent with the context shall remain as set out in this chapter.] The definitions contained in this chapter apply throughout this title, unless from the context, another meaning is clearly intended.

Section 2. KMC 15.04.050 is hereby amended as follows:

15.04.050 City engineer. "City engineer" [includes an authorized representative.] means the engineer duly appointed by the City of Kirkland to supervise and direct the design and construction of local sewerage facilities, acting personally or through agents or assistants duly authorized by him/her, such agents or assistants acting within the scope of the particular duties assigned to them.

Section 3. KMC 15.04.060 is hereby amended as follows:

15.04.060 City Manager. "City Manager" means the City Manager, the Director of Public [services] Works, the Superintendant of [water and sewer department] Public Works, the Director of Administration and Finance or any authorized agent, deputy or other person acting under the authority of the City Manager.

Section 4. KMC Chapter 15.04 is hereby amended by the addition of a new section to read as follows:

15.04.163 METRO. "METRO" means the Municipality of Metropolitan Seattle, a metropolitan municipal corporation of the State of Washington, acting through the Metropolitan Council or any board, committee, body, official or person to whom the council shall have lawfully delegated

the power to act for or on behalf of METRO.

Section 5. KMC 15.04 is hereby amended by the addition of new section to read as follows:

15.04.164 METRO Sewer System. "METRO sewer system" means all or any part of the sewerage facilities acquired, constructed or used by the Municipality of Metropolitan Seattle.

Section 6. KMC 15.04.250 is hereby amended as follows:

15.04.250 Sewage. "Sewage" means a combination of the water-carried wastes from residences, business buildings, institutions, industrial establishments, etc. [~~together with such ground, surface, and storm waters as may be present.~~]

Section 7. KMC 15.04.280 is hereby amended as follows:

15.04.280 Sewer. "Sewer" means a [pipe or] conduit [~~for carrying sewage~~] designed or used to transport Waste Water.

Section 8. KMC chapter 15.04 is hereby amended by the addition of a new section to read as follow:

15.04.325 Side Sewer. "Side sewer" means a conduit extending from the plumbing system of a building to and connecting with a public or a private sewer.

Section 9. KMC 15.28.060 is hereby amended as follows:

15.28.060 Connection--Ascertainment of permit possession. [~~It shall be the duty of any police officer and of the health officer~~] Any employee of the City shall have the authority when finding any person breaking ground for the purpose of making connection with a public or private sewer or drain, to ascertain if such person has a permit therefor and, if not, to immediately report the fact to the City engineer.

Section 10. KMC 15.28.090, entitled Temporary connection permit--Revocation--Disconnection, is hereby repealed.

Section 11. KMC 15.28.100 is hereby amended as follows:

15.28.100 Permits--Term--Renewal. No permit issued under this chapter shall be valid for a longer period than ~~[90 days]~~ one year unless extended or renewed by the City engineer upon application therefor prior to expiration. Failure to renew the permit prior to expiration thereof shall require the payment of a new permit fee.

Section 12. KMC 15.28.200 is hereby amended as follows:

15.28.200 Lifting house drain--Backups--Backwater sewage valve. (a) In any building, structure or premises in which a house drain or other drainage is too low to permit gravity flow to the public sewer the same shall be lifted by artificial means and discharged in the public sewer.

(b) Whenever a situation exists involving an unusual danger of backups the city engineer may prescribe a minimum elevation at which the house drain may be discharged into the public sewer. Drains or sewers below such minimum elevation shall be lifted by artificial means ~~[or if approved]~~ and if directed by the city engineer a backwater sewage valve [may] will be installed. The effective operation of the backwater sewage valve shall be the responsibility of the owner of the sewer or drain. Approval of a backwater sewage valve shall be made only upon the applicant's ~~[recording with the county auditor an acceptable instrument]~~ agreeing to save the city harmless from all damage resulting therefrom [and exhibiting to the city engineer his or their recording number thereof] in a form acceptable to the city attorney and a copy of the recorded document shall be provided to the city.

Section 13. KMC 15.28.210 is hereby amended as follows:

15.28.210 Grades--Cover--Diameter--Vaults and privies. (a) All side sewers shall be laid on a not less than two percent grade; shall be not less than thirty inches from any foundation wall of any building, and if there be no foundation wall not less than thirty inches from the outer line of any

footings, pilings, or building supports; shall have not less than sixty inches of cover at the curb line or any public alley, thirty inches of cover at the property line and eighteen inches of cover on the private property. No side sewer which is laid generally parallel to the curb or curb line shall have less than forty-eight inches of cover ~~[between the grade or on existing improvements or shall be]~~ unless approved by the city engineer. No side sewer shall be less than six inches in diameter in public areas except as otherwise specified in the "Standard Plans and Specifications of the City of Kirkland". Not more than one building shall be connected to a side sewer except by permission of the city engineer and the written agreement of all owners using the same side sewer. Any one single-family residence shall be connected with not less than four inch diameter pipe and any multiple dwelling, industrial or commercial building or group of two single-family residences shall be connected with not less than six inch diameter pipe. All cover measurements shall be based on the established curb or curb line elevation or and the sidewalk or sidewalk line elevation ~~[or less than thirty inches of cover between the sidewalk or sidewalk line and the property line].~~

(b) All vaults or privies shall be disinfected and filled with fresh earth; and all septic tanks, cesspools and similar installations shall be disinfected and filled with fresh earth at the time of the discontinuance of the use thereof.

Section 14. KMC 15.28.220 is hereby amended as follows:

15.28.220 Downspouts. ~~[Wherever a storm sewer is available, downspouts shall be connected therewith in a manner approved by the city engineer.]~~ The connection of any downspout with a sanitary sewer is hereby prohibited and declared to be unlawful.

Section 15. KMC 15.28.240 is hereby amended as follows:

15.28.240 Materials and and Workmanship--
Excavations. (a) All material and workmanship in connection with the installation of any side sewer and connection with a public sewer shall be as required by the "Standard Plans and Specifications" of the the city except as to modifications or

changes approved by the city engineer.

(b) Whenever it becomes necessary to disturb pavement in connection with any work authorized under this chapter and Chapter 15.36, the opening shall ~~[be not less than two feet by seven feet nor]~~ not be more than two and one-half feet by eight feet; provided the city engineer may specify a different size of said opening and additional cuts to be made when needed to insure a proper backfill.

(c) No excavation shall be made in any public area except at the times and in the manner prescribed by the city engineer.

(d) All backfill of excavation and tunnels under concrete or asphalt surfacing and the restoration of these surfaces in public areas shall be done by the contractor under the supervision of the city engineer.

(e) A leakage test shall be made of every section of City of Kirkland sewer after completion of backfill by an internal hydrostatic pressure or air test method; provided that if the ground water table is so high as to preclude a proper exfiltration test by adding the external pressure to the test pressure, an infiltration test may be used.

(f) Side sewers shall be tested for their maximum length possible from the public sewer in the street to the connection with the building plumbing. The method of testing side sewers shall be determined by the City of Kirkland, but in no case shall it be less thorough than filling the pipe with water before backfill and visually inspecting for leakage.

(g) Ground water or other water related to sewer construction, other than water used for leakage test, shall not be admitted into a public sewer.

Section 16. 15.28.242 is hereby amended as follows:

15.28.242 Materials[-- plastic pipe--circumstances under which authorized] [in addition to the pipe and pipe materials permitted for side sewer installations under section 66.201 of the Standard Plans and Specifications adopted for the city in chapter 18.04 Acrylonitrile-Butadiene-Styrene (ABS) and Polyvinyl-Chloride (PVC) plastic pipe may be used in side sewer installations under the conditions and specifications set forth in Exhibit A attached to the original of the amendatory ordinance codified

herein and on file with the City Clerk, which conditions and specifications are approved.] All pipe and pipe materials will be approved by the city engineer. The [director of public services] city engineer is directed to maintain an adequate supply of copies of [Exhibit A] standards or lists of approved materials and to furnish same to all interested parties, free of charge when obtaining a sewer permit, or at cost.

Section 17. KMC 15.28.250 is hereby amended as follows:

15.28.250 Disturbing sewer systems unlawful. It is unlawful to break, damage, destroy, deface, alter or tamper with any structure, appurtenance or equipment which is part of the sewer system of the city, or without authority from the city engineer to break, damage, destroy or deface any public walk, curb or pavement, or to make openings or excavations in a public area for the purpose of connection to any public or private sewer. No person, other than an authorized employee or agent of the City of Kirkland shall operate or change the operation of any sewer, pumping station, outfall structure, or appurtenant facility. Any person who shall damage, destroy or deface any structure, appurtenance, equipment or property of the City of Kirkland System shall be liable for triple the actual cost of restoration or repair or triple the actual amount of any irreparable damage in addition to other penalties provided by law.

Section 18. KMC 15.28.260 is hereby amended as follows:

15.28.260 Excavations--Protection. Any excavation [made by any licensed sewer contractor in any public place, or immediately adjacent thereto,] shall be protected and guarded by fencing or covering and by proper lights. The protection of the public from the danger of such excavation shall be the responsibility of the side sewer contractor; and the contractor shall be liable on his bond for any damage caused by his failure to properly protect and guard such excavation as herein required. If the contractor fails to properly protect and guard such excavation as herein required, the city engineer may properly protect and guard such excavation and charge the cost thereof to the side sewer contractor, who

shall upon receiving written notice of the amount of such charge or ~~[by the posting of a notice of the amount of such charge]~~ upon posting of such notice at the location of the excavation, immediately pay the same to the city treasurer.

Section 19. KMC 15.28.270 is hereby amended as follows:

15.28.270 Restoration of streets and sidewalks. All streets, sidewalks, parking strips and other public areas ~~[except as mentioned in Section 15.28.240,]~~ disturbed or altered in the course of any side sewer or drainage work, shall be restored by ~~[the licensed sewer contractor]~~ a licensed contractor to the original surface condition as approved by the city engineer; and in the event of the failure of the contractor to so restore the area the city engineer may make such restoration and charge the cost thereof to the side sewer contractor, who shall, upon receiving written notice of the amount thereof or upon posting of such notice on the area, make immediate payment thereof to the city treasurer.

Section 20. KMC 15.28.290 is hereby amended to read KMC 15.28.290(a) as follows:

15.28.290(a) Rules and regulations--~~[objections]~~. (a) The city engineer may make rules and regulations and amend the same from time to time, not inconsistent with the provisions of this chapter and chapter 15.36, as he shall deem necessary and convenient to carry out the provisions of this chapter and chapter 15.36. ~~[Such rules and regulations shall be known as and are herein referred to as "the standard plans and specifications of the City of Kirkland," Such rules, regulations and amendments thereto shall be in writing signed by the city engineer and become effective 10 days after filing with the City Clerk. Copies of all current rules and regulations shall be at all times available in the office of the city engineer.]~~

Section 21. KMC 15.28.290(b) is hereby repealed.

Section 22. KMC 15.36.020 is hereby amended as follows:

15.36.020 Storm Water and Industrial Cooling Water Discharge. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated storm sewers or to a natural outlet approved by the City Engineer. Industrial cooling water or unpolluted process water may be discharged upon approval of the City Engineer to a storm sewer or natural outlet, provided any such discharge meets applicable Department of Ecology (DOE) standards and METRO regulations.

Section 23. KMC Chapter 15.36 is hereby amended by the addition of a new section to read as follows:

15.36.025 Discharge Permit Required. (a) It is unlawful for any person to discharge or cause to be discharged any waters or wastes into any public sewer, drain, ditch, or natural outlet without a permit where required by METRO, state law or federal regulations or in violation of conditions of such permit.

(b) In addition to other lawful remedies, a violator hereunder shall be liable for the costs of any damages caused by the violation. Failure to pay such costs upon demand shall be cause for revocation of service.

Section 24. KMC 15.36.030 is hereby amended as follows:

15.36.030 Discharges Prohibited. It is unlawful to discharge or cause to be discharged any of the following described waters or wastes in any public sewer, drain, ditch or natural outlet:

- (1) Any liquid or vapor having the temperature higher than one hundred fifty degrees Fahrenheit;
- (2) Any water or waste which contains more than one hundred parts per million by weight of fat, oil or grease;
- (3) Any gasoline, benzine, naphtha, oil, volatile organic or inorganic substance, or other flammable or explosive liquid, solid, or gas;
- (4) Any garbage that has not been properly shredded so that 100% will pass a 3/8 inch sieve

and 75% will pass a 1/4 inch sieve;

(5) Any solid or viscous substances in quantities, either by itself or in combination with other wastes, which are capable of obstructing the flow of sewer works or treatment facilities, including, but not limited to, the following: ashes, cinders, sand, mud, straw, hair, shavings, metal, glass, rags, feathers, tar, grass clippings, asphalt, seafood shells, cloth, plastic, wood, [paunch manure] chemical residues, brewing or distilling slops, spent grain or hops, whole blood, meat trimmings and wastes, animal paunch contents, hide, hair, offal, fish or fowl heads or parts, entrails, lard, tallow, baking dough, cannery waste bulk solids, or paper or metal utensils, plastic or paper containers either whole or ground [or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works];

(6) Any water[s], gas, substance or wastes having a pH lower than five and five-tenths or higher than eight and five-tenths or having any other corrosive property either by itself or by interaction with other wastes capable of causing damage or hazard to structures, equipment, or personnel of the sewage works;

(7) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans, animals, fish or fowl, or create any hazard in the receiving waters of the sewage treatment plant either by itself or by producing a toxic vapor after interaction with other wastes. These substances include, but are not limited to, chlorinated hydrocarbons, hydrogen sulfide, sulfur dioxide, phenols, and cyanide compounds;

(8) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant or wastes at a flow rate and/or pollutant discharge rate which is excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency;

(9) Any noxious or malodorous gas or substance which either by itself or by interaction with other wastes, is capable of creating a [public nuisance] hazard to life or preventing authorized personnel from entering sewage facilities;

(10) Materials from cesspools, septic tanks, and privies. Chemical toilet waste may be discharged into the City of Kirkland sewer or private sewer system through a side sewer connection at the place of business. Such means of disposal shall be approved by METRO, the City of Kirkland, and the Seattle-King County Health Department.

Section 25. KMC 15.36.040 is hereby amended as follows:

15.36.040 Grease, oil and sand interceptors required. (a) No grease, oil, sand, liquid, waste containing grease or inflammable material or other harmful ingredients in excessive amounts shall be discharged into any public sewer without the installation of interceptors, grease traps, or other equipment, which shall be of a type and capacity approved by the City Engineer and shall be so located as to be readily accessible for cleaning and inspection.

(b) When any interceptors, grease traps or other equipment are installed for private use, they shall be maintained by the owner at his expense and in continuously efficient operation at all times.

Section 26. KMC 15.36.050 is hereby repealed.

Section 27. KMC Chapter 15.36 is hereby amended by the addition of a new section to read as follows:

15.36.050 Compliance with Departmental Notice. It is unlawful for any person to discharge or cause to be discharged any waters or wastes into any public sewer after the Department of Public Works has issued notice that such discharge is dangerous or interferes with the sewer system. The issuance of such notice is not required for enforcement under other provisions of this chapter. Restrictions established pursuant to this section are in addition to prohibitions

otherwise established in this chapter. As examples, under this section discharge of radioactive wastes or isotopes exceeding certain concentrations might be prohibited; or any wastes containing higher than ordinary concentrations or quantities of pollutants, including but not limited to, biochemical oxygen demanding pollutants, suspended solids, or abnormal pH and fecal material, may be required to be discharged at a specific release rate or at a specified strength so as to avoid adverse effect on proper handling and treatment.

Section 28. KMC 15.36.080 is hereby repealed.

Section 29. KMC Chapter 15.36 is hereby amended by the addition of a new section to read as follows:

15.36.080 Industrial Waste Surcharge. The City of Kirkland shall charge each of its customers who are industrial recipients of waste treatment services as required by METRO, in addition to the user charge, a surcharge in an amount to be determined by METRO based on the average annual strength and volume of discharge by the industry. The industrial waste surcharge attributable to a customer plus 10% will be included in the City sewer billing for that customer as set forth in this title in addition to any service rate amounts under section 15.24.010.

Section 30. KMC Chapter 15.36 is hereby amended by the addition of a new section to read as follows:

15.36.085 Excess Flow Surcharge. The City of Kirkland shall charge each of its customers who are recipients of waste treatment services as required by METRO, in addition to the user charge, a surcharge in an amount to be determined by METRO for excess flow from the customer, including inflow/infiltration. The excess flow surcharge attributable to a customer plus 10% will be included in the City sewer billing for that customer as set forth in this title in addition to any service rate amounts under Section 15.24.010.

Section 31. KMC 15.36.090 is hereby amended as follows:

15.36.090 Drainage of Hard Surface or Graded Areas. All hard surface or graded areas such as

parking lots ~~[and]~~, service station yards, and roofs shall be drained in such manner as will protect adjacent public and private property from damage and such drainage shall enter the storm sewer or other outlet by way of an interceptor of such design as is approved by the City Engineer.

Section 32. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 33. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, pursuant to Section 1.08.017 Kirkland Municipal Code in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

Passed by majority vote of the Kirkland City Council in regular, open meeting this 5th day of April, 1988.

Signed in authentication thereof this 5th day of April, 1988.

Loris Cooper

MAYOR

ATTEST:

Janice Perry
City Clerk

APPROVED AS TO FORM:

Gail Bond
Asst. City Attorney

SUMMARY OF ORDINANCE 3086

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO SEWERS.

Sections 1-8. Revise definitions in Chapter 15.04 of the Kirkland Municipal Code and add new definitions such as "METRO Sewer System."

Sections 9-21. Revise KMC Chapter 15.28. Changes include: making sewer permits valid for one year; incorporating requirements for leakage test of side sewers; requiring triple the cost of repair be paid for damaging the public sewer; and repealing KMC 15.28.090 and 15.28.290(b).

Sections 22-31. Revise KMC Chapter 15.36. Changes include: prohibiting discharge of specific wastes; adding new sections regulating discharge of wastes and incorporating requirements for sewer surcharges; and repealing KMC 15.36.050 and 15.36.080.

Section 32. Provides for the validity of other provisions of this ordinance should any one part be invalid.

Section 33. Authorizes publication of the Ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its regular meeting on the 5th day of April 1988.

I certify that the foregoing is a summary of Ordinance 3086 approved by the Kirkland City Council for summary publication.


City Clerk