

ORDINANCE NO. 4210

AN ORDINANCE of the City Council of the city of Kent, Washington, repealing and readopting Chapter 7.04 of the Kent City Code, entitled "Sanitary Sewers" to establish and enhance regulatory procedures, including the installation of removal devices and the implementation of best management practices to remove fats, oils, and grease from wastewater, and to create additional enforcement provisions allowing for more flexibility.

RECITALS

A. The city of Kent ("City") has codified its regulations concerning its sanitary sewer system in Chapter 7.04 of the Kent City Code ("KCC"). It has been at least 20 years since many of these regulations have been updated. Many of the regulations are outdated and do not adequately address current needs.

B. This ordinance seeks to establish and enhance regulatory procedures that will allow the City's Sanitary Sewer System to operate efficiently and aid in the City's compliance with state and federal law, including the National Pollutant Discharge Elimination System. Some of these procedures include requiring that all existing and new facilities within the City that generate and discharge fats, oils, and grease ("FOG") into wastewater install, operate, and maintain devices whose functions are to remove this FOG before it is discharged into the City's Sanitary Sewer

System. These removal devices are necessary to protect the health, safety, and welfare of the public from sewer overflows due to obstructions caused by FOG and other prohibited materials from being discharged into the Sanitary Sewer System.

C. In addition, this ordinance creates additional enforcement provisions that allow for more flexibility to tailor the penalty to the particular circumstances of the violation. These new enforcement provisions allow the City to recover its costs incurred in responding to violations, make it a violation not to reimburse the City for these costs, and create criminal penalties for negligent or knowing violations of the City's sewer code.

D. The State Environmental Policy Act (SEPA) responsible official has determined that the proposed Kent City Code amendments are procedural in nature, and further SEPA analysis is not required for these local code amendments. A draft version of this ordinance was submitted to the Washington State Department of Commerce for expedited review on June 16, 2016, which was granted on July 2, 2016. The ordinance was considered by the City Land Use and Planning Board after a duly noticed public hearing on July 25, 2016. This ordinance was also considered by the Public Works Committee on August 1, 2016, which recommended Council adopt this ordinance, and it was additionally discussed as an informational item before the Economic and Community Development Committee on August 8, 2016. Council has considered this ordinance, together with all public comment, and has determined that adoption is appropriate.

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

ORDINANCE

SECTION 1. - *Repealer - Chapter 7.04 KCC.* Chapter 7.04 of the Kent City Code, entitled "Sanitary Sewer," is repealed in its entirety.

SECTION 2. - *Adoption - Chapter 7.04 KCC.* Title 7 of the Kent City Code, entitled "Utilities," is amended to adopt a new Chapter 7.04, entitled "Sanitary Sewers," as follows:

Chapter 7.04

SANITARY SEWERS

Sec. 7.04.010. Purpose. This chapter shall be deemed an exercise of the police power of the city; is deemed expedient to maintain the peace, good government, and welfare of the city and its trade, commerce, and manufactures, and to ensure greater protection to life and health; and all of its provisions shall be liberally construed for the accomplishment of such purposes.

Sec. 7.04.020. Definitions. The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

A. *Best Management Practices* or *BMP* means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to the stormwater system or Waters of the State. BMPs also include treatment practices, structural methods, and operating procedures and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage. BMPs are determined by reference to standard industry practice or applicable state, county, and local government design and pollution prevention manuals.

B. *Building Department* means the Building Services Division of the City's Department of Economic and Community Development.

C. *Building Sewer* means that part of the lowest horizontal piping of a sewer drainage system that receives the discharge of soils, wastes, and other drainage pipes inside the walls of a building and carries that waste from the building's outside wall to the Public Sanitary Sewer or to an On-site Sewage System.

D. *Clarifier* means an *Oil/Water Separator* as that term is defined in this section.

E. *Day or days* means calendar days unless expressly stated otherwise in a given section or subsection. In addition, any portion of a 24-hour day shall constitute one full calendar day.

F. *Director* means the city of Kent public works director, or his or her designee.

G. *Fats, Oils, and Grease* or *FOG* means organic compounds derived from animal and/or plant sources that are used in, or are a byproduct of, the cooking or food preparation process, and that turns or may turn viscous or solidify with a change in temperature or other conditions.

H. *Fats, Oils, and Grease (FOG) Generating Facility* means any Food Processing Establishment, Food Service Establishment, Oil Generating Facility, and any other facility that discharges either Polar FOG or Non-Polar FOG into the Public Sanitary Sewer.

I. *Fats, Oils, and Grease (FOG) Removal Device* means any Gravity Grease Interceptor, Hydromechanical Grease Interceptor, or Oil/Water Separator that is designed to separate and retain either Polar FOG or Non-Polar FOG from liquid waste prior to the Wastewater entering the Public Sanitary Sewer.

J. *Food Processing Establishment* means a commercial establishment in which food or drink is manufactured, processed, or packaged.

K. *Food Service Establishment* means an establishment primarily engaged in the activity of preparing, serving, or otherwise making available food or drink for consumption by the public, including without limitation: a restaurant; bakery; butcher; tavern; coffee shop; food truck or vending vehicle; ice cream, smoothie, or yogurt shop; commercial kitchen; caterer; hotel; school; hospital; prison or correctional facility; and care institution.

L. *Gravity Grease Interceptor* means a structure or device designed to separate and retain Polar FOG from Wastewater prior to the Wastewater exiting the Grease Interceptor and entering the Public Sanitary Sewer. These devices are often below-ground units in outside areas and are built as two or three chamber baffled tanks.

M. *Grease Interceptor* means a *Gravity Grease Interceptor* as that term is defined in this section.

N. *Grease Trap* means a *Hydromechanical Grease Interceptor* as that term is defined in this section.

O. *Hydromechanical Grease Interceptor* means a device designed to separate and retain Polar FOG from Wastewater prior to the Wastewater exiting the device and entering the Public Sanitary Sewer and is identified by flow rate, separation, and retention efficiency. For purposes of this chapter, this term also includes a "FOG Disposal System" or an "Alternative Engineered Design" as may be provided for by the *Uniform Plumbing Code*, adopted by reference through KCC 14.01.010.

P. *Industrial Process* means procedures involving chemical, physical, electrical, or mechanical steps to aid in the manufacturing, processing, or packaging of products.

Q. *Industrial Wastes* means the liquid wastes generated from manufacturing operations, food processing, or other industrial processes.

R. *Interceptor* means a *Gravity Grease Interceptor* or a *Grease Interceptor* as those terms are defined in this section.

S. *Non-Polar FOG* means mineral- or petroleum-based oils and grease.

T. *Oil Generating Facility* means any facility that generates Wastewater containing Non-Polar FOG from the use of mineral or petroleum oil and grease products and discharges oily or sediment-laden Wastewater to the Public Sanitary Sewer, including without limitation: quick-lube stations, transportation fueling facilities, vehicle/heavy equipment repair, businesses using steam or pressure washers, and commercial car wash facilities.

U. *Oil/Water Separator* means a large-capacity vault, either a baffle-type or coalescing plate-type separator, that is designed to separate and retain sediments; oils; deleterious, hazardous, or undesirable matter; and floating Non-Polar FOG from Wastewater before it is discharged into a Public Sanitary Sewer.

V. *On-site Sewage System* is as defined by King County in King County Code § 13.08.280, as currently enacted or hereafter amended or recodified. The definition of *On-site Sewage System* effective at the time this ordinance was adopted is:

An integrated system of components, located on or nearby the property it serves, that conveys, stores, treats or provides subsurface soil treatment and dispersal of sewage. It consists of a collection system, a treatment component or treatment sequence, and a soil dispersal component. An on-site sewage system also refers to a holding tank sewage system or other system that does not have a soil dispersal component.

W. *Person* means any individual, firm, business, association, partnership, corporation, or other legal entity, public or private, however

organized. Because "person" shall include both human and nonhuman entities, any of the following pronouns may be used to describe a person: he, she, or it.

X. *Person Responsible for the Violation* means any of the following: a person who has titled ownership or legal control of the Premises that is subject to the regulation; an occupant or other person in control of the Premises that is subject to the regulation; a developer, builder, business operator, or owner who is developing, building, or operating a business on the Premises that is subject to the regulation; or any person who created, caused, or has allowed the violation to occur on the Premises.

Y. *pH* means a measure of the acidity or alkalinity of a solution, expressed in standard units.

Z. *Polar FOG* means animal or vegetable-based fats, oils, and grease.

AA. *Premises* means any real property, together with any house, building, or other structure located upon such real property.

BB. *Public Sanitary Sewer* means a Sewer owned and operated by a governmental body or public utility in which all owners of abutting properties have equal rights of access in accordance with the provisions of this chapter, and which conveys Wastewater through the Sanitary Sewer System.

CC. *Sanitary Sewage* means domestic and commercial Wastewater including flushed toilet water, water from dishwashers, clothes washing machines, and any other used water that generally is disposed of down interior household drains.

DD. *Sanitary Sewer System* means a conveyance, or system of conveyances, that is designed to convey domestic and commercial

Wastewater away from Premises through a Public Sanitary Sewer to a collection location for treatment by a governmental body or public utility.

EE. *Septic Tank* means a watertight pretreatment receptacle receiving the discharge of sewage from a Building Sewer or Sewers, designed and constructed to permit separation of settleable and floating solids from the liquid, and detention and anaerobic digestion of the organic matter prior to discharge of the liquid.

FF. *Sewage Disposal System* means a system for disposing of Sanitary Sewage either by connection to a Public Sanitary Sewer, or connection to an Onsite Sewage System that is authorized by the department of Public Health—Seattle and King County, in accordance with this chapter.

GG. *Sewage Treatment Plant* means any arrangement of devices and structures used for treating Sanitary Sewage.

HH. *Sewage Works* means all facilities for collecting, pumping, treating, and disposing of Sanitary Sewage.

II. *Sewer* means a pipe or conduit for carrying Sanitary Sewage.

JJ. *Sewer Outfall* means a sewer that receives Sanitary Sewage and carries it, after treatment, to a discharge point into a body of water.

KK. *Side Sewer* means a gravity flow pipe connecting the Building Sewer to the Public Sanitary.

LL. *Side Stub* means the extension from the Public Sanitary Sewer to the Premises' property line to which the Building Sewer connects to the Public Sanitary Sewer.

MM. *Stormwater System* means facilities through which stormwater is collected, conveyed, or treated, including without limitation: inlets,

conveyance pipes, pumping facilities, retention and detention basins, bioinfiltration facilities, drainage channels, and other drainage structures.

NN. *Suspended solids* means solids that either float on the surface of, or are in suspension in, water, Sanitary Sewage, or other liquids and that are removable by laboratory filtering.

OO. *Uniform Plumbing Code* means the code that governs the requirements for the installation, alteration, removal, replacement, repair, or construction of all plumbing within the state of Washington, and that edition which has been adopted by KCC 14.01.010(E), as currently enacted or hereafter amended, for application and enforcement in the city of Kent.

PP. *Waste hauler* means any person licensed to collect, pump, transport and/or dispose of Wastewater, Polar FOG, or Non-Polar FOG, and who (i) holds any valid state license as may be required by Chapter 18.27 RCW, and (ii) holds a valid business license issued by the city of Kent.

QQ. *Wastewater* means liquid and water-carried Industrial Wastes and Sanitary Sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, institutions or any other Premises, whether treated or untreated, which are contributed or conveyed through the Public Sanitary Sewer.

RR. *Watercourse* means a channel in which a flow of water occurs either continuously or intermittently.

SS. *Waters of the State* means those waters as defined as "waters of the United States" in 40 CFR 122.2, within the geographic boundaries of the state of Washington, and those "waters of the state" as defined in Chapter 90.48 RCW, which includes lakes, rivers, ponds, streams, inland waters, groundwater, salt waters, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

Unless the context clearly demonstrates the contrary, "shall" is mandatory and "may" is permissive, when used in this chapter.

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 impose additional conditions, to waive or alter the application of any requirement in any particular situation under the facts then-existing, 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.

Sec. 7.04.040. Connection with Public Sanitary Sewer. It shall be unlawful for any person to make any opening in any Public Sanitary Sewer; to connect any private Sewer or drain therewith; or to lay, repair, alter, or connect any private drain or Sewer in any public street, alley, right-of-way, or easement, except as provided within this section.

A. Connection—Licensed contractor. A contractor may conduct the work provided for within this section if the contractor is qualified and: (i) holds a valid state contractor's license as defined in Chapter 18.27 RCW, (ii) holds a valid business license issued by the city, and (iii) has first obtained any required city approval or permit.

A licensed contractor shall be responsible for all work done within any public street, alley, easement area, or other city right of way, or under any permits issued to the contractor under any other provision of this chapter. It shall be the duty of every licensed contractor to leave with the City public works department the name and telephone number of the person responsible for the work to be conducted in any public street, alley, easement area, or other city right-of-way area.

B. Connection—Owner. The owner or occupant of the Premises, or such person's agent, may connect a Side Sewer to a Side Stub with the approval of and under the supervision of the director, after having first obtained all required permits. All other work must be performed by a qualified and licensed contractor.

Upon granting any approval for connection of a Side Sewer to the Public Sanitary Sewer Side Stub, such person, including any future or subsequent owner, shall be responsible for all costs of maintenance, repair, removal of obstructions, cleaning, and operation of the Side Sewer, including that portion of the Side Sewer extending into the city's right-of-way and connecting to the Public Sanitary Sewer, including without limitation the tee and Side Stub thereto. Acceptance of a Side Sewer connection under the provisions of this chapter within or outside of the city's right-of-way shall not be deemed to create a duty upon the city to repair, maintain, replace, or clean the same.

Sec. 7.04.050. Permit required to construct, extend, or repair Sewer. A permit is required for all work to construct, extend, relay, or repair a Building Sewer or a Side Sewer, or to make any connection to a Side Stub or the Public Sanitary Sewer, whether that work is performed on private property or within the city right-of-way. In addition to any conditions expressed on the permit, all Sewer permits are subject to the provisions of this chapter. The director shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit

shall notify the director when the work is ready for final inspection, and before any underground portions are covered. Work shall be done by the owner or a licensed contractor as provided for in this chapter.

Sec. 7.04.060. Permits for additional work required. When a permit has been issued, no additional work outside of the particular work for which the permit was issued shall be completed without the advance approval of the director, and a new permit must be obtained for such additional work.

Sec. 7.04.070. Permit and inspection fees.

A. Fees—Generally. The city council shall, by resolution, establish the fees to be assessed to implement and operate the regulations adopted in this chapter. An additional charge will be made if review and inspection time exceeds three and one-half hours. The hourly rate for this additional staff time shall be paid at the rate as established by council resolution. The fee shall be paid to the city before the permit is issued. In the event of any conflict or ambiguity regarding any fees authorized under this chapter and established by council resolution, the director is authorized to interpret the fee schedule(s) to resolve that conflict or ambiguity.

B. On-site Sewage System fees—Public health. Permits to construct, install, or repair On-Site Sewage Systems are issued by the department of Public Health—Seattle and King County in accordance with the King County Code. Application for all necessary permits and payment of associated fees shall be made directly to the department of Public Health—Seattle and King County.

C. Unauthorized work—Penalty. When work is commenced or performed without first obtaining the required permit, the basic permit fee will be doubled, however, the payment of that doubled fee will not relieve the person responsible for the violation from full compliance with all of the requirements of this chapter in the execution, inspection, or approval of

the work, or from any other penalties that may be provided for by local, state, or federal law, including criminal penalties.

Sec. 7.04.080. Issuance of temporary permit. At the discretion of the director, a temporary permit may be issued permitting temporary connection to a Public Sanitary Sewer, Sewer Outfall, or Side Sewer. This temporary permit may be issued when, in the opinion of the director, failure to do so would endanger human health or the environment. A temporary permit is revocable by the director upon providing 60 days' advance written notice to the owner, occupant, and the permit applicant. This notice shall be given by posting the notice on the Premises for which the permit was issued, or by mailing notice to any other address known by the City for the owner, occupant, and applicant. If the private Sewer or drain is not disconnected at the expiration of such notice, the director may disconnect the Sewer or drain and collect the cost of such disconnection from the owner, occupant, or permit applicant through the issuance of an invoice in accordance with KCC 7.04.270(A). Any permittee granted a temporary permit under this section will hold the city harmless from any damage by reason of the issuance or revocation of a temporary permit, or the disconnection of a temporary connection, as provided for under this section.

Sec. 7.04.090. Display of permits. Any permit required by this chapter must, at all times during the performance of the work and until completion and final approval thereof, be posted in a conspicuous place at or near the permitted work Premises.

Sec. 7.04.100. Permit time limit—Extension. Any permit issued under the provisions of this chapter shall be valid for a period of six months. In the event work is not completed within the time specified on the permit, an extension must be requested through the city permit center. Permit extension approvals will be granted on a case-by-case

basis. No more than two extensions may be issued, at which time a new permit must be obtained.

Sec. 7.04.110. Permits to install or repair On-Site Sewage Systems.

A. Permit required. It shall be unlawful for any person to construct, install, or repair any On-Site Sewage System within the city without first obtaining a permit from the department of Public Health—Seattle and King County, or any other approval that department may require. That department shall issue permits pursuant to the applicable King County standards, and the permit shall, until all work is completed and final approval obtained, be posted in a conspicuous place at or near the permitted work Premises.

B. Disposal of contents. All liquids and solids removed from an On-Site Sewage System shall be disposed of to the satisfaction of the director and in accordance with all federal, state, and local laws.

Sec. 7.04.120. Construction standards. All Sewers and Side Sewers shall be installed in strict accordance with the specifications contained in any existing city ordinance or code, any construction standards, any international or uniform codes that the city has adopted or adopts in the future, and any conditions imposed upon an issued permit. All construction shall be subject to the inspection of the director.

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.

Sec. 7.04.140. Privy wells or vaults, cesspools—prohibited.

No privy well, vault, or cesspool may be used or maintained if such use or maintenance is detrimental or dangerous to life or health. If such condition exists, the director may prohibit use of the privy well, vault, or cesspool and may order the same to be disinfected and filled with fresh earth. The director will notify in writing the owner and occupant of such Premises that the privy well, vault, or cesspool must be disinfected and filled with fresh earth, and a suitable sewage disposal system, either public or private, constructed within a period of 20 days from and after the time when such notice shall be served, or such later date as the director may determine and identify within the notice.

Sec. 7.04.150. On-Site Sewage Systems—Responsibilities of Owner and Occupant. Maintenance and repair of an On-Site Sewage System is the sole responsibility of the owner and occupant of the Premises, who shall maintain the system in accordance with all applicable laws and regulations, including the following:

- A. Prohibited discharge to Public Sanitary Sewer. No On-Site Sewage System may discharge to any Public Sanitary Sewer.
- B. Abandoned facility—Requirement to fill. Any septic tanks, cesspools, and similar On-Site Sewage Systems whose use has been abandoned shall be filled with suitable material and in a manner that will insure the public safety, health, and well-being. Such abandonment must be permitted through the department of Public Health—Seattle and King County under KCC 7.04.110.
- C. Maintain sanitation. All On-Site Sewage Systems shall be operated and maintained in a sanitary manner at the entire and sole expense of the owner and occupant.

D. Repairs required. Whenever, in the judgment of the director or any public health officer, any On-Site Sewage System shall fail to function properly, or the continued use of such private On-Site Sewage System will be detrimental to life or health, the director may order such work to be done upon the Premises where the On-Site Sewage System is situated as necessary to restore and insure sanitary conditions upon such Premises. In such event, the director will notify in writing the owner and occupant of such Premises of the work required under this subsection. Unless otherwise ordered by the department of Public Health—Seattle and King County, work shall be completed within a period of 180 days from and after the time when such notice shall be served, or such other time period determined appropriate by the director and warranted by the then-existing circumstances. The work shall be done in accordance with all federal, state, and local laws.

Sec. 7.04.160. City may connect and assess costs.

A. Failure to act—Connection made by city at cost of owner. If any owner or occupant shall fail, neglect, or refuse to connect its Premises to the Public Sanitary Sewer within the time specified in any notice provided under this chapter, or shall fail, neglect, or refuse to do the other work specified and ordered to be done as this chapter provides, the director may make such connection or do such work and collect the cost thereof from the owner, occupant, or other person responsible for the violation through the issuance of an invoice in accordance with KCC 7.04.270(A).

B. Cost to become a lien. If unpaid, this cost shall additionally be assessed and become a lien against the Premises as authorized by law.

Sec. 7.04.170. Side Sewer and private Sewer pipes—Maintenance and repair—Violation.

A. Side Sewer.

1. Condition likely to cause obstruction—Violation. It is a violation of this chapter for there to exist in any Side Sewer a visually evident accumulation of FOG of animal, vegetable, mineral, or petroleum origin which, either alone or in combination with other wastes, is reasonably likely to obstruct flow or interfere with the operation or performance of any part of the Sanitary Sewer System. If the director shall give notice to the person responsible for the violation of such condition and of the corrective action necessary, it is a further violation of this chapter for such person to fail to take such corrective action.

2. Damaged or Noncompliant Sewer—Notice and repair—Violation. When any Side Sewer, whether upon private property or upon the city's right-of-way, is constructed, laid, connected, or repaired and does not comply with the provisions of this chapter or any construction standards or codes that may hereafter be adopted, or where it is determined by the director that a Side Sewer is obstructed, broken, inadequate, is a menace to health, or is liable to cause damage to public or private property, the director shall give notice to the person responsible for the violation of such condition and the required corrective action. It is a violation of this chapter for such person to fail to take the required corrective action by the date specified in that notice.

B. Private Sewer. Whenever any private Sewer connected to any Public Sanitary Sewer becomes obstructed, broken, or out of order and the person responsible for the violation fails to repair the same within five days after notification by the director, the director is hereby authorized to remove, reconstruct, replace, alter, or clear the same as required at the expense of the person responsible for the violation, which expense shall be collected through the issuance of an invoice in accordance with KCC 7.04.270(A). When two or more houses or buildings are connected to the same private Sewer, the owners, agents, or occupants of such Premises shall be jointly and severally liable for any work done at the direction of

the director under this section. No permit shall be required for the removal of obstructions from private Sewers, provided the Sewer pipe is not damaged.

Sec. 7.04.180. Use of Public Sanitary Sewer.

A. Discharge of storm or surface water to Sanitary Sewer System—Prohibited. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, or roof run-off, to the Sanitary Sewer System, unless expressly authorized by the Director.

B. Prohibited discharges to Sanitary Sewer System. Except as otherwise provided in this chapter, no person shall discharge or cause to be discharged any of the following described substances to the Sanitary Sewer System:

1. Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit;
2. Any water or waste that may contain more than 100 parts per million by weight of FOG;
3. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas;
4. Any emulsifying agent, enzyme, bio-additive, or similar chemical;
5. Any animal guts or tissue, paunch manure, bones, hair, hides or fleshings, entrails, fish guts or skin, seafood shells, cloth, carpet fibers, plastic, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, grass clippings, brewing or distilling slops, spent grain or hops, lard, tallow, baking dough, coffee grounds, tea leaves 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 waters or wastes having a pH lower than 5.5 or higher than 9.0 or having any corrosive property capable of causing damage or hazard to structures, equipment, and 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, to constitute a hazard to humans or animals, or to create any hazard in the receiving waters of the Sewage Treatment Plant;

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;

9. Any noxious or malodorous gas or substance capable of creating a public nuisance;

10. Any liquid containing more than 350 parts per million by weight of suspended solids; or

11. Any discharge with an average daily flow greater than two percent of the average daily sewage flow of the city without the prior review and approval of the director.

C. Protection of Sanitary Sewer System. The following provisions are enacted in an effort to protect the Sanitary Sewer System from obstruction and to ensure its proper operation.

1. FOG Removal Device required. All FOG Generating Facilities shall install, operate, and maintain FOG Removal Devices of an approved type and adequate size to effectively remove Polar and Non-Polar FOG, sludge, and settled solids from Wastewater prior to the Wastewater entering the Public Sanitary Sewer. The city understands that there is a cost attributable to installing a FOG Removal Device. Therefore, all FOG Generating Facilities operating at a location within the city as of the original adoption date of this section (1.04, 8-16, 2016)¹ shall install a FOG Removal Device within 180 days of receiving notification by the city that such a FOG Removal Device is required, or such greater time period

¹ Code reviser to insert into the Kent City Code this ordinance's adoption date.

as determined appropriate by the director and warranted by the then-existing circumstances. All FOG Generating Facilities that open or relocate within the city after the above-referenced adoption date must install, operate, and maintain a FOG Removal Device in compliance with this chapter prior to commencing operation.

a. Installation of a FOG Removal Device. All FOG Removal Devices shall be installed as required by this chapter and shall conform in all respects to the *Uniform Plumbing Code* or other applicable building codes adopted for application in the city through Chapters 13.01 and 14.01 of the Kent City Code, including size, type, and installation method, unless otherwise approved by the director. Plans, specifications, and other pertinent information relating to proposed FOG Removal Devices shall be submitted for the approval of the director. No construction of such facilities shall be commenced until such approvals are obtained in writing. FOG Generating Facilities are responsible for obtaining a plumbing permit and final inspection approval before the FOG Removal Device may be put into operation. A FOG Removal Device shall be installed at locations where they are readily and easily accessible for cleaning, maintenance, and inspection.

b. Maintenance of FOG Removal Device. All FOG Removal Devices shall be maintained and operated by the FOG Generating Facility at its own expense. These FOG Removal Devices shall be kept in continuous operation at all times, and shall be maintained in accordance with the *Uniform Plumbing Code*, established BMPs, and other federal, state, and local law.

(1) Minimum frequency of maintenance. At a minimum, all FOG Removal Devices shall be maintained as required by this subsection. However, an increase in the cleaning frequency and additional BMPs may be required to reflect the actual operating conditions of each FOG Generating Facility.

(a) Grease Interceptor. Maintenance of Grease Interceptors must be scheduled often enough so that Polar FOG and settled solids and sludge do not leave the device through its outlet. At a

minimum, the Grease Interceptor must be cleaned when: (i) the volume of FOG and settled sludge and solids constitute 25 percent of the effective liquid volume; or (ii) if the inlet or outlet displays visible buildup or is obstructed with FOG or other debris. In no event shall the maintenance frequency be less than once every six months.

(b) Grease Trap. Maintenance of Grease Traps must be scheduled often enough so that FOG and settled solids and sludge do not leave the device through its outlet. At a minimum, Grease Traps shall be cleaned when: (i) the volume of FOG and settled sludge and solids constitute 25 percent of the effective liquid volume; or (ii) if the inlet, outlet, flow control, or vent displays visible buildup or is obstructed with FOG or other debris. In no event shall the maintenance frequency be less than once every month. Unless specifically required or permitted by the City, no food waste disposal unit or dishwasher shall be connected to or discharge into any Grease Trap.

(c) Oil/Water Separator. Oil/Water Separators shall be cleaned when the buildup is eight inches deep in the inlet chamber or when there are two inches or more of oil in any chamber of the Oil/Water Separator. Coalescing plates must be cleaned before they become coated with silt or solids.

(2) Performance of maintenance. Cleaning, inspection, and maintenance must be performed by a licensed contractor and/or Wastehauler qualified to perform such activities on a FOG Removal Device.

(a) Required maintenance for Grease Interceptors and Oil/Water Separators. Maintenance for Grease Interceptors and Oil/Water Separators shall include without limitation the removal of the full contents of the Grease Interceptor and Oil/Water Separator including Polar and Non-Polar FOG, liquids, and settled sludge and solids from the device's walls, baffles, inlet, outlet tee, piping, and floors. During maintenance, Grease Interceptors and Oil/Water Separators shall be inspected for internal and external damage, obstructions, leaks,

and missing or damaged components. It is a violation of this chapter to merely skim the surface layer of waste material, to only partially clean the Grease Interceptor or Oil/Water Separator, or to use any method that does not remove the entire contents of the Grease Interceptor or Oil/Water Separator. The Grease Interceptor and Oil/Water Separator shall be filled with clean cold water before returning to service. If cleaning and repairs are required, they shall be performed within seven days of discovery.

(b) Required maintenance for Grease Traps.

Maintenance for Grease Traps shall include without limitation the removal of the full contents of the device including FOG, liquids, and settled sludge and solids. Removable baffles, plugs, and outlets shall be removed and cleaned, and the walls, cleanout, and all other components of the device shall be scraped free of accumulated FOG and food waste. During maintenance, the device shall be inspected for leaking seams and pipes; damaged or missing gaskets, lids, bolts, and latches; corrosion; and for effective operation of the baffles, venting, and flow-regulating device. The Grease Trap shall be filled with cold clean water before it is returned to service. If cleaning and repairs are required, they shall be performed within seven days of discovery.

(3) Disposal of material removed during maintenance. All FOG removed from a FOG Generating Facility shall be disposed of or recycled in accordance with federal, state, and local laws.

(4) Maintenance records. Records of all maintenance activities shall be retained after each maintenance event and shall be made readily available to the city for review via email or in person.

2. Industrial Wastes—Control manhole—When required. Any business, establishment, or person who uses the Sanitary Sewer System to carry Industrial Wastes shall install and properly maintain a suitable control manhole in the Premises' Sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole shall be installed at a location where it is readily accessible, safe, and constructed in accordance with plans approved by the director. The control manhole shall be installed

by the owner at the owner's expense, and maintained by the owner so as to be safe and accessible at all times.

3. Waste cooking oil—Collection and proper disposal. Waste cooking oil shall be collected and stored in appropriate receptacles such as drums or bins at all FOG Generating Facilities and then disposed of or recycled in accordance with all federal, state, and local laws. Such storage receptacles shall be maintained by implementing proper BMPs to ensure they are watertight and do not leak.

4. Vegetable and fruit canneries—Collection and proper waste disposal. Vegetable and fruit canneries shall provide an efficient screen for the removal of skins, seeds, pomace, culls, discarded produce, and other suspended material and waste from the washing, sorting, or other canning processes. This screen must be 20-mesh, U.S. standard gauge, and may be of the vibrating, rotary, or any other effective type. It shall be located on the main outlet Sewer line or lines from the cannery in such a way that all Wastewaters, except cooling or other clean waters, will pass through the screen. Cooling or other clean waters may be bypassed around the screen or discharged through a separate outlet. Screened and other solid material removed from the product during cannery operations shall be disposed of in a manner consistent with state solid waste handling regulations, and, in any event, in such a manner that it will not enter a Water of the State or the Sanitary Sewer System.

5. Standard applicable and measurement location. All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with Standard Methods for the Examination of Water and Sewage, available online at www.standardmethods.org, and shall be determined at the location of the control manhole required under KCC 7.04.180(C)(2) and based upon suitable samples taken from that location. If no control manhole has been required under KCC 7.04.180(C)(2), the control manhole shall be considered to be the nearest downstream

manhole in the Sanitary Sewer System at the point at which the Building Sewer is connected to the Public Sanitary Sewer.

Sec. 7.04.190. Damage to Sewage Works. No person shall cause to break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the Sewage Works.

Sec. 7.04.200. Planting of certain trees and shrubbery prohibited. It shall be unlawful to plant poplar, cottonwood, soft maples, willow, or any other tree or shrub in any location where the roots of such tree or shrub are likely to obstruct or damage public or private Sewers. The director is hereby authorized to remove any trees or shrubs from any public street, or the roots of any trees or shrubs which extend into any public street or right-of-way, when such trees or the roots thereof are obstructing, or when the director has determined that they are liable to obstruct, public or private Sewers. The director shall give ten days' advance written notice to the owner, agent, or occupant of the abutting property to remove such trees or roots, and it is a violation of this chapter for such owner, agent, or occupant to fail to timely and properly comply with the director's notice.

If the owner, agent, or occupant fails or refuses to comply with the director's notice, the director may remove the trees or roots when the city's access to the property is legally authorized, and the reasonable cost of such removal, whether that removal is from private property, rights-of-way, alleys, or streets, shall be a charge against and a lien upon the abutting property from which such trees or shrubs are removed, which may additionally be collected against the abutting property owner in accordance with KCC 7.04.270.

Sec. 7.04.210. Property not assessed for Sanitary Sewer construction under a local improvement district to pay sum in lieu of assessment.

A. No permits shall issue for connection to any Public Sanitary Sewer for any property that has not been assessed for the construction of such Sewer by a local improvement district, except as follows:

1. Property that was not assessed for a local improvement district, but which has a Public Sanitary Sewer in the street, alley, or sewer easement abutting such property shall be charged an assessment on the same basis as property that was in the local improvement district.

2. Satisfactory arrangement shall be made with the finance director for payment prior to the issuing of any permits provided for in subsection (A)(1) above.

B. Side Sewers constructed without the payment of the above charges shall be disconnected if, within 15 days after the owner and occupant have been notified by the director that the above charge are due, the owner or occupant fail to pay such charges.

Sec. 7.04.220. Schedule of charges for service. The following charges for city Sanitary Sewer service inside the city limits are in effect on the dates and in the amounts listed below. Sewer service charges for customers residing outside the city shall be the charges as on file in the city clerk's office.

King County imposes a Sanitary Sewer service charge for regional sewage treatment. These charges are passed through, without increase, directly to the city Sanitary Sewer utility customers. The King County pass-through charge for 2013 is known and established. It is expected, however, that King County will increase its pass-through charge over time. Accordingly, except for the 2013 charge, all other King County charges are estimates only. In order to simplify the rate-making structure, the finance director is authorized to amend King County's pass-through charges at the time King County imposes new charges.

<i>Type of Service</i>	<i>Charges per Month Effective on 1/1/2013</i>	<i>Charges per Month Effective on 1/1/2014</i>	<i>Charges per Month Effective on 1/1/2015</i>	<i>Charges per Month Effective on 1/1/2016</i>	<i>Charges per Month Effective on 1/1/2017</i>	<i>Charges per Month Effective on 1/1/2018</i>
1. Single-family residential dwelling, as defined in Chapter 15.02 KCC.						
• City sewer rate	\$17.27	\$17.96	\$18.68	\$19.43	\$20.21	\$21.02
• King County sewer rate	\$39.79	\$39.79*	\$39.79*	\$39.79*	\$39.79*	\$39.79*
• Total sewer rate	\$57.06	\$57.75*	\$58.47*	\$59.22*	\$60.00*	\$60.81*
2. Two-family or multiple-family residential dwelling, as defined in Chapter 15.02 KCC, each unit separately metered and charged.						
• City sewer rate	\$17.27	\$17.96	\$18.68	\$19.43	\$20.21	\$21.02
• King County sewer rate	\$39.79	\$39.79*	\$39.79*	\$39.79*	\$39.79*	\$39.79*
• Total sewer rate	\$57.06	\$57.75*	\$58.47*	\$59.22*	\$60.00*	\$60.81*
3. Single-family residential/lifeline: eligibility criteria for the lifeline utility rate set forth in KCC 7.01.080						
• City sewer rate	\$12.70	\$12.85	\$13.01	\$13.18	\$13.35	\$13.53
• King County sewer rate	\$39.79	\$39.79*	\$39.79*	\$39.79*	\$39.79*	\$39.79*
• Total sewer rate	\$52.49	\$52.64*	\$52.80*	\$52.97*	\$53.14*	\$53.32*
4. All other than service types 1, 2 and 3 shall be billed in accordance with the consumption of water and at the following rate, except that no monthly bill shall be less than the single-family residential rate set forth in service type No. 1.	\$7.61 per 100 cubic feet per month	\$7.70* ¹ per 100 cubic feet per month	\$7.80* ¹ per 100 cubic feet per month	\$7.90* ¹ per 100 cubic feet per month	\$8.00* ¹ per 100 cubic feet per month	\$8.11* ¹ per 100 cubic feet per month

* Estimated

Sec. 7.04.230. Water meters for METRO billing. All sewer accounts for other than single-family residential uses must have water meters or sewer meters for billing purposes.

Sec. 7.04.240. Exemption meters. The amount of flow for the purpose of sewer service billing may be measured by a sewer meter installed and maintained at the customer's expense or by reading a water

meter with allowance made for water measured by any exemption meter which has been approved by both METRO and the city.

Sec. 7.04.250. Certification of sewer meters. All sewer meters shall be certified for accuracy at least once each year by an independent testing agency. If the city demands an inspection other than a regular annual inspection and the inspection reveals that the meter is operating properly, the city shall bear the cost of the inspection; otherwise, the cost shall be borne by the customer.

Sec. 7.04.260. Sewer service to customers obtaining water from sources other than the city water utility. For Sanitary Sewer service to customers obtaining water from sources other than the city water utility, the following regulations shall apply:

1. Single-family residential customers shall pay the flat rate which is on file in the city clerk's office.

2. All customers other than single-family residential shall install a meter on their source of water within 30 days of date of application or service will be discontinued. Upon request of the customer, the city will install a meter in accordance with its standard practice for such installations.

3. City personnel will read the privately owned meters on normal water meter reading dates.

4. If the meter is the property of a water district or other municipal corporation, the customer must submit written permission from the water district or municipal corporation for the city meter reader to read such meter on the normal reading date.

Sec. 7.04.270. Violations and enforcement—Penalties. Any violation of any provision of this chapter may be enforced as provided for in this section. Each separate date, or portion thereof, during which any violation occurs shall constitute a separate violation.

A. Recovery of costs incurred by the City. In addition to any penalty provided for in KCC 7.04.270(B) through KCC 7.04.270(D), a person who violates any of the provisions of this chapter shall be liable for all costs incurred by the City as a result of the violation. The City will issue an invoice to the person responsible for the violation advising him or her of the amount of costs incurred by the City as a result of the violation. The person to whom the invoice was directed must respond within 14 days of the date the invoice is served upon that person by: (i) paying the invoice, (ii) requesting a hearing before the City's hearing examiner to mitigate the amount of the invoice, or (iii) requesting a hearing before the City's hearing examiner to contest the amount of the invoice. Failure to timely respond shall result in the invoice being deemed valid and the City may seek collection of the invoice through the process provided for in Chapter 3.10 of the Kent City Code, including the use of a collection agency. Payment of any invoice issued shall not alleviate the person responsible for the violation from complying with this chapter.

1. Service of notice. Service of an invoice issued under KCC 7.04.270(A) shall occur and is deemed complete in the same manner and under the same provisions as provided for in KCC 1.04.060.

2. Process to mitigate or contest invoice. The process through which a person may request a hearing to contest or mitigate an invoice issued to him or her as a person responsible for the violation is the same as that provided for Notices of Violation under KCC 1.04.120 through KCC 1.04.190. The hearing examiner's decision as to any invoice issued under KCC 7.04.240(A) is final and may not be further appealed.

3. Failure to pay—Civil infraction. The failure to timely pay an invoice issued under KCC 7.04.270(A), or any mitigated invoice amount set by the hearing examiner, is a separate violation that may be enforced through the issuance of a civil infraction pursuant to KCC 7.04.270(B).

B. Civil infraction. A person who violates any provision of this chapter may be issued a class 1 civil infraction² as set forth in RCW 7.80.120, as currently enacted or hereafter amended. An infraction issued pursuant to this section shall be filed in the Kent Municipal Court and processed in the same manner as other infractions filed in the Kent Municipal Court. In addition, a civil code enforcement action may be instituted in accordance with KCC 7.04.270(C) to effectuate any abatement or corrective action required by the person as a result of the violation.

C. Civil code enforcement. In addition to, or as an alternative to any other penalty provided for in this chapter or by law, a civil code enforcement action may be instituted under the provisions provided for in Chapter 1.04 KCC to effectuate any abatement or corrective action required as a result of a violation of this chapter, including the issuance of a stop use or stop work order under KCC 1.04.090 – KCC 1.04.110. The process through which the person responsible for the violation may contest a stop use or stop work order is the same as that provided for Notices of Violation under KCC 1.04.120 through KCC 1.04.190. Failure to timely abate the violation or take the required corrective action will result in the issuance of a fine in accordance with KCC 1.04.080 and KCC 1.04.200, which fine will be separate and apart from any fine that may have been issued under KCC 7.04.240(B).

D. Criminal offense. Except as may otherwise be provided, a person who:

1. Negligently violates a provision of this chapter is guilty of a misdemeanor, punishable by up to the maximum penalty established in RCW 9A.20.021(3) as now enacted or hereafter amended; or who

2. Knowingly violates a provision of this chapter, or commits a repeated violation of this chapter, is guilty of a gross misdemeanor,

² Reference note for staff and Council, not to be codified: Class 1 - Base fine \$250, total fine \$513 (\$277.44 local, rest to state); Class 2 - Base fine \$125, total fine \$257 (\$133.28 local, rest to state); Class 3 - Base fine \$50, total fine \$103 (\$46.24 local, rest to state); Class 4 - Base fine \$25, total fine \$52 (\$34 local, rest to state).

punishable by up to the maximum penalty established in RCW 9A.20.021(2), as now enacted or hereafter amended.

a. For purposes of this section "repeated violation" means, as evidenced by either a prior committed finding by the Kent Municipal Court of an infraction issued under this chapter, or a committed finding by the Hearing Examiner of a Notice of Violation issued under Chapter 1.04 KCC, or a committed finding by operation of law under KCC 1.04.130, that a violation of this chapter has occurred on the same property or that a person responsible for the violation has committed a violation of this chapter elsewhere within the city of Kent. To constitute a "repeat violation," the violation need not be the same violation as the prior violation.

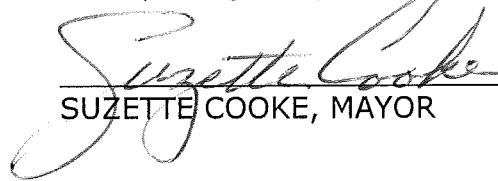
3. If a person is found guilty of a criminal offense as provided for in this KCC 7.04.270(D), or pleads guilty to another offense on recommendation of the prosecutor, the court shall order the defendant pay restitution to the City of Kent, or any other victim of the offense, for the total suffered loss or damage by reason of the commission of the crime.

SECTION 3. – *Savings.* The existing Chapter 7.04 of the Kent City Code, which is repealed and replaced by this ordinance, shall remain in full force and effect until the effective date of this ordinance.

SECTION 4. – *Severability.* If any one or more section, subsection, or sentence of this ordinance is held to be unconstitutional or invalid, that decision shall not affect the validity of the remaining portion of this ordinance and the same shall maintain its full force and effect.

SECTION 5. – *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 6. - Effective Date. This ordinance shall take effect and be in force 30 days from and after its passage as provided by law.


SUZETTE COOKE, MAYOR

ATTEST:


SUE HANSON, INTERIM CITY CLERK

APPROVED AS TO FORM:


TOM BRUBAKER, CITY ATTORNEY

PASSED: 16th day of August, 2016.

APPROVED: 16th day of August, 2016.

PUBLISHED: 19th day of August, 2016.

I hereby certify that this is a true copy of Ordinance No. 4210 passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.


SUE HANSON, INTERIM CITY CLERK (SEAL)

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