



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Ordinance 19156

Proposed No. 2020-0101.3

Sponsors Kohl-Welles

1 AN ORDINANCE relating to the capacity charge rate
2 structure; and amending Ordinance 11034, Section 5, as
3 amended, and K.C.C. 28.84.050.

4 **PREAMBLE:**

5 King County imposes a wastewater connection charge, known as the
6 capacity charge, on users of the county's wastewater facilities when the
7 user connects, reconnects, or establishes a new service to sewer facilities
8 of a city or special purpose district that discharges into the county's
9 wastewater facilities.

10 RCW 35.58.570 specifies the capacity charge is a monthly charge
11 reviewed and approved annually by the council, and the charge shall be
12 based upon the cost of the wastewater facilities' excess capacity necessary
13 to provide wastewater treatment for new users to the system, such that the
14 new users bear their equitable share of the cost of the system.

15 Further, RCW 36.94.140 requires that the capacity charge rate be uniform
16 within the same classification of customers.

17 Since the early 1990s, the county has established separate classifications
18 of customers including single detached dwelling units, multifamily
19 structures with two to four units, multifamily structures with five or more

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20 dwelling units and accessory dwelling units.

21 The capacity charge rate structure for assigning charges to customer
22 classes should be periodically evaluated to ensure such charges continue to
23 reflect the relative impact on wastewater system capacity.

24 In 2017, King County's wastewater treatment division of the department of
25 natural resources and parks initiated a study of the capacity charge rate
26 structure given the changes that are occurring in terms of types of
27 development and housing stock.

28 A key finding of the study was that wastewater generation, on average,
29 increases with the square footage of the dwelling.

30 Also in 2017, the metropolitan water pollution abatement advisory
31 committee created a capacity charge rate structure work group to provide
32 technical expertise to the county on the rate study and make any
33 recommendations to the county's wastewater treatment division director.

34 A key recommendation of the work group is that capacity charge customer
35 classifications should bear a close relationship with the average persons
36 per household for each customer class.

37 In a residential setting, the number of occupants or persons per household,
38 is a logical factor driving the wastewater discharge volume of a structure.

39 Average persons per household by structure type can be evaluated using
40 readily available data from housing surveys conducted regularly by the
41 U.S. Census Bureau.

42 Based on the U.S. Census Bureau data for persons per household, larger

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43 square footage single detached dwelling units on average have more
44 persons per household, and thus place more demand on the wastewater
45 system, than smaller units.

46 With respect to accessory dwelling units, the council established an
47 interim classification in June 2019 for these units based on the similarities
48 between attached and detached accessory dwelling units, pending
49 completion of a comprehensive evaluation, and recommended changes to
50 the overall capacity charge rate structure.

51 For commercial structures, the current practice of establishing the number
52 of residential customer equivalents based on a fixture count is well-
53 established and meets the needs of the county and customers. Therefore,
54 no change is proposed for commercial structures at this time.

55 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

56 SECTION 1. Ordinance 11034, Section 5, as amended, and K.C.C. 28.84.050 is
57 hereby amended as follows:

58 A. The director shall administer and implement the following rules and
59 regulations for the disposal of sewage into the metropolitan sewerage system. The rules
60 and regulations in this section shall be applicable to water pollution abatement activities,
61 including the disposal of sewage into the metropolitan sewer system, whether delivered
62 from within or from without the county.

63 B. The director is hereby authorized to develop and implement such procedures
64 and to take any other actions as may be necessary to insure that local public sewers and
65 private sewers discharging or proposing to discharge into the metropolitan sewer system

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66 are constructed and developed in accordance with applicable laws, regulations and plans
67 and with ~~((the provisions of))~~ federal grant agreements that may be applicable thereto.

68 C. The procedures for certification for extensions and connections shall be as
69 follows:

70 1. A request by a local public agency, person or state or federal agency for an
71 extension to an existing department interceptor or trunk shall not be considered by the
72 department for funding of planning, design or construction, and agreements therefor shall
73 not be considered for approval by the council unless the director has received written
74 certification from the legislative bodies of all cities and counties that have zoning
75 jurisdiction over any portion of the area proposed by the requesting party to be served, or
76 determined by the director as being capable of being served by such extension; and any
77 other area in or through which the facility is proposed to be constructed. The certification
78 shall state that such service and construction are consistent with the adopted land use
79 plans and policies of such local governments. If a city or county cannot so certify, it shall
80 issue a written statement to the director that the service or construction is not consistent
81 with its adopted plans and policies, or that action on the application for certification must
82 be deferred pending receipt by the city or county of such additional, specified information
83 and data as may be reasonably required for the consideration of the application;

84 2. Requests by a local public agency, person or state or federal agency for
85 approval of a local public sewer facility connection to an existing interceptor or trunk
86 shall be considered by the department only if the director has received a written
87 certification as described in this section, but a connection involving service by a local
88 public sewer facility that is located wholly within the boundaries of a city and has a

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89 potential service area contained wholly within those boundaries shall require only the
90 written certification of that city;

91 3. The certification may be made by either the legislative body of the city or
92 county or by such department or division thereof as the legislative body may designate.
93 The issuance of the certification may be preceded by a reasonable analysis and
94 consideration, by a city or county having zoning authority, of alternatives to the proposed
95 connection or extension.

96 a. If the director has not received a certification or other statement from a city
97 or county as described herein within ninety days of receipt by a city or county of a
98 written application for certification, the city or county shall be deemed, for purposes of
99 this section only, to have certified the proposal as consistent with adopted land use plans
100 and policies. If the certification has not been received by the director within sixty days of
101 receipt by a city or county of a written application for certification, the director shall
102 notify the chief executive and chair of the legislative body of the city or county of the
103 certification deadline.

104 b. The director is authorized to develop such additional rules, procedures and
105 forms as may be required to implement this section, to notify local public agencies, cities,
106 counties and interested persons of the certification process and to assist the local public
107 agencies, cities, counties and persons in compliance with this section.

108 c. Any questions concerning the applicability or scope of certification
109 requirements shall be referred to the director for final resolution. Nothing contained in
110 K.C.C. 28.84.050.C. precludes the department from providing staff assistance to a local
111 public agency, city, county or state or federal agency concerning waterborne pollutant

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112 removal, water quality improvements or sewage disposal alternatives; and

113 4. The certification provisions of this section shall not apply where an extension
114 of or connection to an interceptor or trunk is required by formal order or directive of a
115 state or federal agency with regulatory powers over the extension, connection or the
116 metropolitan sewer system, or to the following interceptor extensions: that portion of the
117 Phase 1 May Creek Interceptor System, as defined in the Environmental Protection
118 Agency Project No. C-530749 Negative Declaration dated November 29, 1977, which
119 includes the Honeydew Interceptor and a section of the May Creek Interceptor between
120 existing Metro Maintenance Hole B and the confluence of May and Honey creeks; SLW
121 14 in the Comprehensive Plan, also known as the Madsen Creek Trunk; and GR 25 and
122 GR 26 of the Comprehensive Plan, extending from 11th Avenue in Algona to Main Street
123 in the city of Auburn. Copies of any formal orders or directives as referred to in this
124 subsection C.4. shall be immediately forwarded to every city, county and other local
125 public agencies within the county.

126 D. The following local public agency regulations and standards shall apply:

127 1. Local public agency design and construction standards and standard
128 specifications and local public agency ordinances and resolutions directly relating to the
129 planning or construction of local public sewers or regulating the use of local public
130 sewers or side sewers shall be consistent with this section;

131 2. Two copies of any such documents that are in effect on the date of adoption
132 of this section and that have not previously been submitted to the department shall be
133 submitted to the director within six months following such date. Two copies of any of
134 such documents adopted or placed in use after the date of this section, including any

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135 changes in or amendments of documents previously in effect, shall be submitted to the
136 director within sixty days of their adoption; and

137 3. The following provisions shall apply to review and approval of such
138 submittal documents:

139 a. The director shall review design and construction standards and standard
140 specifications submitted by a local public agency and, within thirty days following
141 receipt thereof, shall either approve them in writing or return one set of each disapproved
142 document with written reasons for disapproval;

143 b. The director shall review ordinances and resolutions submitted by a local
144 public agency and, within thirty days following receipt thereof, shall notify the local
145 public agency in writing of any inconsistencies with the department's rules and
146 regulations; and

147 c. Within sixty days following receipt from the director of a disapproval or a
148 statement of inconsistencies with the department's rules and regulations, the local public
149 agency shall take the action as may be necessary to correct such inconsistencies and shall
150 resubmit the corrected or amended documents as provided for their original submittal.

151 E. Local system plans shall be prepared and approved subject to the requirements
152 defined in K.C.C. chapter 13.24 and the departmental policies and procedures that
153 implement the code.

154 F. Detailed construction plans and specifications for proposed local public sewers
155 shall be subject to review and approval by the director only when the director deems such
156 review to be necessary. Each local public agency shall notify the director in writing of its
157 intention to prepare the construction plans and specifications delineating the boundaries

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158 of the areas to be sewerred by map or sketch, and the estimated date for bid advertisement.
159 Within ten days following receipt of the notice, if determined necessary, the director shall
160 make written request for the submission of construction plans and specifications. If
161 required to do so, the local public agency shall submit two sets of plans and specifications
162 and shall obtain approval of the plans and specifications before advertising for bids.
163 Within fifteen days following receipt of such plans and specifications, the director shall
164 review the plans and specifications and return one set thereof to the local public agency
165 with approval, or with required changes indicated. If the plans and specifications are
166 disapproved, the required changes shall be made by the local public agency, and all
167 required revisions of plans and specifications resubmitted in the same manner as provided
168 for the initial submittal. If no communication is received from the director by the local
169 public agency within fifteen days of the date of receipt by the director of the plans and
170 specifications, it shall be deemed that the director has approved the plans and
171 specifications.

172 G. The following provisions shall govern sewerage standards:

173 1. New local public sewers or private sewers and extensions of existing sewers
174 shall be designed as separate sewers and storm drains, except where the local public
175 agency can demonstrate the necessity for a combined sewer extension; and

176 2. The design of sewers by local agencies and persons and the method of
177 construction and materials used and the operation and maintenance of sewers and side
178 sewers owned by local public agencies and persons shall be such that flow other than
179 sewage and industrial waste (wastewater) will not exceed three and six one-hundredths
180 cubic feet per acre in any thirty-minute period. Flow volumes of other than wastewater

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181 for any thirty minute period that exceeds this amount will be called excess flow.

182 H. The following provisions shall apply regarding inspection of new
183 construction:

184 1. Local public agencies shall be responsible for inspection of construction of
185 local public sewers as required to insure compliance with this section and with local
186 standards. The director, however, shall have the right to spot inspect local public sewer
187 and side sewer construction and to notify the local public agencies when, in the opinion
188 of the director, the construction work does not comply with this section. Each local
189 public agency shall notify the director by letter or send a copy of the "Contractor's Notice
190 to Proceed" letter to the director in advance of the start of any public sewer construction.

191 a. The letter shall include the name of the organization responsible for contract
192 administration and the name of the individual the director should contact during
193 construction.

194 b. Upon receipt of notification from the director that any local public sewer
195 construction work is not being performed in compliance with the plans and specifications
196 therefor, the local public agency shall immediately take such action as may be necessary
197 to insure compliance.

198 c. The construction of private sewers shall be subject to inspection by the
199 director;

200 2. A leakage test shall be made of every section of local public sewer after
201 completion of backfill by an internal hydrostatic pressure or air test method; provided,
202 that if the ground water table is so high as to preclude a proper exfiltration test, an
203 infiltration test may be used. Other methods of testing must be specifically authorized by

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204 the director.

205 a. Allowable exfiltration leakage shall be no greater than five-tenths gallon per
206 hour per inch of diameter per one hundred feet of sewer pipe with a minimum test
207 pressure of six feet of water column above the crown at the upper end of the pipe. For
208 each increase in pressure of two feet above a basic six feet of water column measured
209 above the crown at the lower end of the test section, the allowable leakage shall be
210 increased ten percent. Allowable infiltration leakage shall be no greater than four-tenths
211 gallon per hour per inch of diameter per one hundred feet of sewer pipe, with no
212 allowance for external hydrostatic head.

213 b. Air testing shall be in conformance with the latest edition of "Standard
214 Specifications for Municipal Public Works Construction" prepared by the Washington
215 State Chapter, American Public Works Association.

216 c. A record of leakage tests containing the location of the local public sewer
217 tested, the date of test and the results thereof shall be submitted to the director prior to
218 acceptance of each contract by the local public agency.

219 d. Side sewers shall also be tested for their entire length from the public sewer
220 in the street to the connection with the building plumbing. The method of testing side
221 sewers shall be determined by the local public agency, but in no case shall it be less
222 thorough than filling the pipe with water before backfill and visually inspecting the
223 exterior for leakage; and

224 3. Ground water or other water related to local public agency sewer
225 construction, other than water used for leakage test, shall not be admitted into a public
226 sewer without the written permission of the director.

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227 I. The following provisions shall govern connections to the metropolitan sewer
228 system:

229 1. No connection shall be made to the metropolitan sewer system without the
230 prior approval of the director;

231 2. Local public sewers shall be planned so as to require the minimum practical
232 number of points of connection to the metropolitan sewerage system. At each point of
233 connection to the metropolitan sewerage system, the department shall timely construct, at
234 its expense, such special maintenance holes or chambers as are required, including the
235 intervening connection from the maintenance hole or chamber to the department trunk.

236 With the written approval of the director, the special maintenance hole or
237 chamber and intervening connection from the maintenance hole or chamber to the
238 department trunk may be designed and constructed by the local public agency at the
239 expense of the department but subject to inspection and approval by the director. It shall
240 be the responsibility of the local public agency to connect local public sewers to the
241 maintenance hole or chamber at its expense and in a manner approved by the director;

242 3. Each local public sewer connection to a department special maintenance hole
243 or chamber shall be hydraulically designed so as not to interfere with the measuring and
244 sampling of flow;

245 Upon its completion, each such a structure and connection shall be owned,
246 operated and maintained by the department, except that the local public agency may use
247 the chamber for measuring and sampling flows at reasonable times with the concurrence
248 of the director; and

249 4. The director may require a metering maintenance hole or chamber on

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250 extensions constructed after January 1, 1961, to local public sewers in existence on that
251 date. The maintenance hole or chamber shall be located on the extension near its
252 connection with the local public sewer. The department shall construct and pay for any
253 maintenance hole or chamber required for extensions constructed prior to April 17, 1969.
254 The local public agency shall construct any required maintenance hole or chamber for
255 any local public sewer extension constructed after the adoption of this section. The
256 construction shall be performed in accordance with plans and specifications prepared or
257 approved by the director and the department shall pay the additional cost of the
258 maintenance hole or chamber as follows:

259 a. For pipe sizes eight inches in diameter through twenty-one inches in
260 diameter, and with the measuring device placed in a department standard, four-foot
261 diameter, maintenance hole, the department shall pay one hundred fifty dollars per each
262 such measuring maintenance hole.

263 b. For special chambers and pipe sizes larger than twenty-one inches in
264 diameter, the department shall pay as per agreement for each specific case. Upon its
265 completion, each such maintenance hole or chamber shall be owned, operated and
266 maintained by the local public agency, except that the department may use the chamber
267 for measuring and sampling flows at reasonable times with the concurrence of the local
268 public agency.

269 J. The following provisions shall govern relating to private sewers:

270 1. The department shall not directly accept wastewater from the facilities of any
271 person that are located within the boundaries of, or discharge wastewater into the local
272 sewerage facilities of, any local public agency without the prior written consent of the

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273 local public agency;

274 2. Connection of private sewers may be made at the discretion of the director,

275 either by the director or by others subject to inspection and approval by the director.

276 Whenever a local public sewer becomes available, the private sewer shall be

277 disconnected from the metropolitan sewerage system under the inspection of and in a

278 manner approved by the director, and shall be connected to the available local public

279 sewer in accordance with the requirements of the local public agency. All work of

280 making connections, disconnections and reconnections of private sewers to the

281 metropolitan sewerage system shall be at the expense of the owner or developer of the

282 private sewers;

283 3. Two sets of plans and specifications for proposed private sewers shall be

284 submitted to the department for review and approval. Written approval must be obtained

285 prior to advertising for bids or proceeding with the work if bids are not called; and

286 4. The provisions of this section applying to local public sewers of local public

287 agencies shall also apply to private sewers and to owners of private sewers.

288 K. The following regulations shall apply to the use of local public sewers:

289 1. The discharge into any sewer by direct or indirect means of any of the

290 following is hereby prohibited: subsoil foundation, footing, window-well, yard or

291 unroofed basement floor drains; overflows from clean water storage facilities; clear water

292 from refrigeration, reverse-cycle heat pumps and cooling or air-conditioning equipment

293 installed hereafter, except for the periodic draining and cleaning of the systems; roof

294 drains or downspouts from areas exposed to rainfall or other precipitation; and surface or

295 underground waters from any source;

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296 2. Where maintenance holes in sewers have open, perforated or grating covers
297 resulting in surface waters entering the maintenance hole, the director may require the
298 local public agency to adjust or modify the maintenance holes, at the expense of the local
299 public agency so that the entry of surface water is reduced to a minimum. Openings in
300 maintenance holes for new construction shall be limited to not more than three one-inch
301 diameter holes; and

302 3. An additional charge will be made for quantities of water other than sewage
303 and industrial waste hereafter entering those sewers constructed after January 1, 1961, in
304 excess of the volume established for design purposes in this section. Any charge made in
305 addition to the regular charge shall be based on metered records of flow taken and
306 compiled by the department. If the director, elects to meter and record flow from such
307 sewers, the local public agency will be given at least five days' notice in advance of such
308 metering. Metering periods shall continue until excessive flow conditions are corrected.

309 a. The allowable volume of flow for any thirty-minute period shall be
310 determined by taking the sum of the following items, subsection K.3.a. (1) to (3) of this
311 section, inclusive:

312 (1) maximum dry-weather wastewater flow as measured in the preceding
313 August-September period. The flow shall be determined as follows:

314 (a) meter and record all flow for the period;

315 (b) discard all flow records for each day containing measurable rainfall and
316 discard the flow records of the succeeding days;

317 (c) determine the maximum flow volume occurring in a thirty minute period
318 for each day's metering; and

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319 (d) average all of the maximum flow volumes to arrive at a maximum dry-
320 weather wastewater flow;

321 (2) additional dry-weather flow resulting from new customers or equivalents
322 added after the measured August-September period. The flow shall be determined as
323 follows:

324 (a) determine the number of added residential customers and equivalents;

325 (b) multiply each such customer and equivalent by the departmental
326 allowance of seven hundred fifty cubic feet per month; and

327 (c) reduce (b) from a monthly to a thirty-minute allowance by the formula:
328 cubic feet per month divided by [30 days x 24 hrs. x 2] = additional dry
329 weather flow; and

330 (3) flow allowance for ground water infiltration and storm water inflow on
331 which the metropolitan sewerage system was designed. The flow shall be determined as
332 follows:

333 (a) determine the sewered area being metered in acres; and

334 (b) flow allowance = 3.06 cubic feet per acre x sewered area in acres.

335 b. Flow volumes for any thirty-minute period that exceed the allowable
336 volume of flow, as determined in subsection K.3.a of this section, will be considered to
337 be excess flow.

338 c. Because excess flow is based upon a thirty-minute period, the volume so
339 measured will be small. In order that the surcharge for excess flow will more nearly
340 approach the cost of providing additional capacity in the metropolitan sewerage system,
341 excess flow will be adjusted as though it were occurring for a twenty-four hour period.

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342 The flow will be called adjusted excess flow. Adjusted excess flow = Excess flow x 24 x
343 2.

344 d. Daily surcharges for adjusted excess flow will be the department current rate
345 for each seven hundred fifty cubic feet of the adjusted excess flow. The daily surcharges
346 shall remain in effect for ten days. If excess flow occurs again during the ten day period,
347 and the new excess flow exceeds the former, the more recent excess flow will be used in
348 lieu of the former and continue for ten days from date of its measurement.

349 e. If the new excess flow does not exceed the former excess flow, the former
350 will be used for ten days from time of its measurement, at which time the new excess
351 flow will be used for as many days as will complete ten days from the time of
352 measurement of the new excess flow.

353 f. Amounts due the department as monthly surcharges for excess flows shall be
354 shown as a separate item on the department's normal monthly billing to the local public
355 agency, accompanied by appropriate records and calculations, and shall include only the
356 surcharges for the previous month.

357 g. The surcharges for excess flows shall be paid to the department by local
358 public agencies in the same manner and at the same times as regular sewer service
359 charges; provided that a local public agency may offset against the surcharges amounts
360 actually expended on local sewerage facility improvements or modifications that have
361 been constructed by the local public agency for the purpose of reducing the excess flows
362 and the plans for which shall have been approved by the director. If the local public
363 agency elects to construct the improvements, it shall so signify in writing to the director
364 within thirty days of receipt of the department's first billing of each specific excess flow

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365 surcharge. Upon receipt of the notice, the department will allow the local public agency
366 one year to prepare approved plans and specifications and let a contract for the corrective
367 work. Failure to meet the one-year deadline shall result in the original surcharge, as well
368 as any intervening surcharges, becoming immediately due and payable.

369 h. Metering and metered records may be checked at reasonable time intervals
370 by local public agency personnel accompanied by department personnel upon at least one
371 day's notice to the department.

372 i. In the event of excessive infiltration/inflow under applicable regulations of
373 the Environmental Protection Agency, such that the department will be denied federal
374 grants in the absence of correction, the director may elect to do the corrective work
375 utilizing therefor solely surcharges collected from the local public agency.

376 L. The following provisions shall apply to disposal of materials from septic tanks
377 and chemical toilets:

378 1. The discharge of materials from cesspools, septic tanks and privies into local
379 sewer systems is prohibited;

380 2. Chemical toilet waste may be discharged into the local public sewer or
381 private sewer system through a side sewer connection at the place of business.

382 a. The means of disposal shall be approved by the director, the local public
383 agency and the Seattle-King County health department.

384 b. If the conditions in subsection L.2.a. of this section cannot be met, chemical
385 toilet wastes may be discharged directly into the metropolitan sewer system in
386 accordance with ~~((the provisions of))~~ this section;

387 3. No person engaged in the collection and disposal of materials from cesspools,

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388 septic tanks, chemical toilets, portable toilets and privies, as a business or commercial
389 enterprise, may discharge into the metropolitan sewer system any of the materials so
390 collected without having first obtained from the director a written permit to do so. This
391 permit shall be in addition to all other permits and licenses required by law and shall be
392 issued only to the holder of a proper registration and inspection certificate issued by the
393 Seattle-King County health department to carry on or engage in the business of cleaning
394 septic tanks and cesspools;

395 4. Any person required to obtain such a permit shall submit to the director an
396 application for the permit on forms approved by the director.

397 a. A separate permit shall be obtained for each vehicle so used, which permit
398 shall thereafter be carried in the vehicle at all times. No permit may be transferred from
399 one vehicle to another except in the event of loss, destruction or replacement of the
400 original vehicle, and then only with the approval of the director.

401 b. The name of the person and the permit number shall be prominently
402 displayed in numbers and letters at least three inches high, in contrasting color on both
403 sides of the vehicle;

404 5. The annual fee for a permit to discharge materials from cesspools, septic
405 tanks, chemical toilets and privies into the metropolitan sewerage system, unless
406 exempted in this section, is hereby fixed and determined to be the sum of two hundred
407 dollars for each vehicle employed or used by the permit holder for the hauling and
408 discharge of such materials. At the time of issuance of each discharge permit, there will
409 also be issued an entrance control identification card for each truck under permit. No
410 person may discharge into the metropolitan sewer system any materials collected from

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411 cesspools, septic tanks, chemical toilets and privies without first paying the permit fee,
412 and registering with the proper entrance control identification card at the point of
413 discharge into the metropolitan sewer system for each load dumped.

414 Annual fees shall be payable in advance and permit holders shall renew their
415 permits on or before the annual expiration date of the permits. Fees for permits issued for
416 less than a full year shall be prorated to the nearest full month. No refund of any permit
417 fee shall be granted for cessation of operations prior to the expiration of the permit;

418 6. In addition to the permit fee, each permit holder shall pay to the department a
419 gallonage fee. The gallonage fee shall be determined by the director and shall be
420 adjusted at such times as the director may deem to be in the best interest of the
421 department.

422 a. The director may waive the gallonage fee to permit holders dumping septic
423 tank sludge from residences and businesses paying the department sewerage charges to
424 local agencies. Claims for exemption of gallonage fees shall be made on forms provided
425 by the department and shall be accomplished in the manner described thereon. The
426 department shall bill each permit holder for the accumulated gallonage fee monthly. This
427 billing shall provide for the subtraction of all volumes declared on valid gallonage fee
428 exemption claims. Payment of gallonage fees shall be made within thirty days from the
429 date of invoice by the department.

430 b. A late charge of twelve percent per year shall be assessed upon and added to
431 any charge or portion thereof that remains unpaid after thirty days from the date of
432 invoice. Failure to pay all charges due within sixty days from the date of invoice shall be
433 considered a breach of the terms of the permit and shall result in revocation of the permit;

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434 7. Wastes discharged into the metropolitan sewer system in accordance with this
435 section shall be discharged only at such points as are designated by the director and in a
436 clean, inoffensive manner satisfactory to the director. Equipment and methods used by
437 the permittee to discharge shall be subject to inspection by and approval of the director as
438 a condition of granting the permit;

439 8. The discharge of industrial waste, or any waste other than domestic septage
440 and chemical toilet waste, into a designated septage disposal site is prohibited unless
441 specifically approved by the director;

442 9. A permittee hereunder shall be liable for the costs of any damages to property
443 or personal injury caused by reason of the permittee's operations. In addition, failure to
444 pay the costs upon demand shall be cause for revocation of the permit;

445 10. A permit may be revoked or suspended by the department for failure to
446 discharge at designated points, for any discharge that is in violation of ~~((the provisions~~
447 ~~of))~~ this section, or for the reasons set forth in this section;

448 11. Each permittee shall be required to obtain liability insurance in such amount
449 and in such form as shall be determined by the director. The insurance shall afford
450 bodily injury limits of liability of five hundred thousand dollars for each person and one
451 million dollars for each occurrence. Evidence of the insurance coverage shall be
452 provided to the director. Nothing in this subsection L.11. shall in any manner preclude
453 any applicant from obtaining such additional insurance coverage as the applicant may
454 deem necessary for the applicant's own protection; and

455 12. The director is hereby authorized to designate the points of disposal of
456 materials collected by the permittees, the places where permits may be obtained and the

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457 persons authorized to sign the permits on behalf of the department.

458 The director is further authorized to revoke or suspend permits for failure to
459 comply with ~~((the provisions of))~~ this chapter, subject to the right of persons affected to
460 appeal from the revocation or suspension as provided in this chapter.

461 M. The following practices shall be prohibited:

462 1. No person shall discharge, directly or indirectly, into a sewer any material or
463 substance that is prohibited by any county ordinance, rule established by the director,
464 local agency rule or regulation or other applicable requirement.

465 2. No unauthorized person shall enter any department sewer, maintenance hole,
466 pumping station, treatment plant or appurtenant facility. No person shall maliciously,
467 willfully or negligently break, damage, destroy, deface or tamper with any structure,
468 appurtenance or equipment that is part of the metropolitan sewerage system.

469 3. No person, other than an authorized employee or agent of the department,
470 shall operate or change the operation of any department sewer, pumping station,
471 treatment plant, outfall structure or appurtenant facility.

472 N. The following provisions shall apply to user charges:

473 1. As required by federal regulations, each local public agency shall adopt and
474 maintain a system of user charges to assure that each recipient of waste treatment services
475 within the department's service area will pay its proportionate share of the costs of
476 operation and maintenance, including replacement, of all waste treatment provided by the
477 department.

478 Notwithstanding the obligation of the local public agency to collect the charges,
479 the director shall have authority directly to assess, when in the opinion of the director it is

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480 necessary in order to comply with federal regulations, a user surcharge directly against
481 industrial users within a local public agency in an amount determined by the director to
482 be necessary to assure that the industrial users pay their proportionate share of the costs
483 of operation and maintenance, including replacement, of waste treatment provided by the
484 department. Any such surcharge is distinct from and in addition to sums to be paid by
485 industries as industrial cost recovery, pursuant to provisions contained in this section or
486 under such provisions as may be adopted by the council, regarding the control and
487 disposal of industrial waste into the metropolitan sewage system;

488 2. Each local public agency shall charge each recipient of waste treatment
489 services within its jurisdiction, in addition to any surcharge to be assessed by the local
490 public agency against an industrial user in an amount to be determined by the director to
491 be necessary under federal regulations and separate from and in addition to any sums paid
492 by industry pursuant to this section, a sum to be paid to the department for its waste
493 treatment services to be determined as follows:

494 a. The local public agency shall determine, on a quarterly basis: the number of
495 residential customers billed by the local public agency for local sewage charges; the total
496 number of all customers so billed; and the total water consumption billed other than
497 residential customers. The quarterly water consumption report shall be taken from water
498 meter records and may be adjusted to exclude water not entering the sanitary facilities of
499 a customer.

500 (1) Where actual sewage flow from an individual customer is metered,
501 metered sewage flows shall be reported in lieu of adjusted water consumption. Total
502 quarterly water consumption in cubic feet shall be divided by two thousand two hundred

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503 fifty to determine the number of residential customer equivalents for which each
504 nonresidential customer shall be billed.

505 (2) The director shall develop such additional instructions and rules for
506 preparation of the quarterly water consumption report as may be necessary to implement
507 the requirements of this section; and

508 b. The director will establish a monthly user charge for each component
509 agency based upon a rate for each residential customer or residential customer equivalent
510 that the local public agency shall collect from its residential customers and equivalents;

511 3. Each local public agency shall charge each industrial recipient of waste
512 treatment services within its jurisdiction as required by the department, in addition to the
513 user charge, a surcharge in an amount to be determined by the director based on the
514 average annual strength and volume of discharge by the industry. For the purpose of
515 computing average annual strength, all wastes shall be assumed to have a minimum
516 strength equivalent to that of domestic sewage.

517 Each local public agency shall provide the director each quarter with a listing of
518 the water consumption of each surcharged industry; and

519 4. Each local public agency shall maintain such records as are necessary to
520 document compliance with the user charge system established under this subsection N.

521 O. The following provisions shall apply regarding capacity charges:

522 1. All customers of a public or private sewage facility who connect, reconnect
523 or establish a new service that uses metropolitan sewage facilities after February 1, 1990
524 shall pay a capacity charge in an amount established annually by the council in
525 accordance with state law. Users of metropolitan sewage facilities shall be subject to the

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526 capacity charge upon either the connection or reconnection to public or private sewage
527 facilities or the establishment of a new sewer service, or both;

528 2. For the purposes of this subsection O., the following definitions apply:

529 a. "Accessory dwelling unit((;))" (~~for the purposes of this subsection, shall~~)
530 means ~~((one or more rooms designed for occupancy for a person or persons as an~~
531 ~~independent dwelling unit for living or sleeping purposes on a parcel with a single))~~ an
532 attached or detached accessory dwelling unit.

533 b. "Attached accessory dwelling unit((;))" (~~for the purposes of this subsection,~~
534 ~~shall~~) means an accessory dwelling unit that is within or attached to ((a)) the primary
535 single detached dwelling unit. To qualify as an attached accessory dwelling unit, for the
536 purposes of this subsection, the dwelling unit must meet the size restrictions and all other
537 criteria necessary for the unit to be properly permitted or approved by the applicable local
538 jurisdiction in which the attached accessory dwelling unit is located.

539 c. "Capacity charge((;))" for purposes of this subsection, (~~shall~~) means a
540 charge levied on a property to recover capital costs needed to serve new customers.

541 d. "Connection((;))" for purposes of this subsection, (~~shall~~) means physical
542 connection, including easements, of the side sewer serving either any structure, or an
543 addition to a structure, to a sanitary sewer.

544 e. "Detached accessory dwelling unit((;))" (~~for the purposes of this subsection,~~
545 ~~shall~~) means an accessory dwelling unit located in a separate structure on the same
546 parcel as a single detached dwelling unit. To qualify as a detached accessory dwelling
547 unit, for the purposes of this subsection, the detached accessory dwelling must meet the
548 size restrictions and all other criteria necessary for the detached accessory dwelling to be

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549 properly permitted or approved by the local jurisdiction in which the detached accessory
550 dwelling is located.

551 f. "Discharge event((;))" (~~for the purposes of this subsection, shall~~) means
552 discharge of sewage from a zero discharge structure's system that flows into the
553 metropolitan sewerage facilities.

554 g. "Dwelling unit((;))" (~~for the purposes of this subsection, shall~~) means one
555 or more rooms designed for occupancy by a person or persons for living or sleeping
556 purposes.

557 h. "Establishment of a new service((;))" (~~for the purposes of this subsection,~~
558 ~~shall~~) means:

559 (1) change of structure use from a single detached dwelling unit to other than
560 single detached dwelling unit;

561 (2) change of structure use following connection or reconnection to a sanitary
562 sewer;

563 (3) addition of a new structure to an existing sewer connection;

564 (4) reuse of an existing sewer connection by a new structure following
565 demolition of an existing structure or abandonment of sewer service; or

566 (5) expanded or increased industrial or commercial use of a sanitary sewer
567 connection.

568 i. "Low-income senior resident" and "low-income disabled person((;))" (~~for~~
569 ~~the purposes of this subsection, shall~~) means a person determined by the assessor for the
570 county in which the structure is located to be qualified for a senior resident and disabled
571 person exemption from real property taxes under RCW 84.36.381.

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572 j. "Microhousing structures " means multiunit structures with dwelling units
573 that: have a net square footage of four hundred square feet or less; do not have in-unit
574 food preparation areas, kitchen sinks, ranges, cooktops or full-size refrigerators; and have
575 eight or fewer plumbing fixture units for a unit that is not compliant with the Americans
576 with Disabilities Act. Dwelling units within the microhousing structure built specifically
577 to comply with the Americans with Disabilities Act may have more than eight total
578 fixture units per such dwelling unit, as required to comply with the Americans with
579 Disabilities Act. The number of plumbing fixture units shall be determined by a fixture
580 units table maintained by the wastewater treatment division and posted online on the
581 'division's website.

582 k. "Multiunit structures" means structures containing more than one dwelling
583 unit.

584 l. "Net square footage" means the total number of square feet within the inside
585 finished wall surface of the outer walls of a structure, excluding parking areas.

586 m. "Principal residence" ((for the purposes of this subsection, shall)) means a
587 single detached dwelling unit or other dwelling unit that is the place of residence at which
588 at least one person predominantly resides for more than one hundred and eighty-three
589 days of each year, starting January 1 and running through December 31, and for which
590 there is no sublease or rent allowed, either temporary or permanent. Determination of
591 principal residence may include, but shall not be limited to, the household's declared
592 address or other verifiable resources for electoral, utility, taxation, government assistance
593 programs or any other form of evidence deemed acceptable to the director.

594 ~~((k-))~~ n. "Shelter housing" ((for the purposes of this subsection, shall)) means a

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595 structure that is owned by a government or a nonprofit corporation and operated as a
 596 shelter for residents receiving support services from a county-recognized government
 597 assistance program for homelessness.

598 ~~((f.))~~ o. "Single detached dwelling unit" ~~((for the purposes of this subsection,~~
 599 ~~shall))~~ means a detached structure containing one dwelling unit.

600 ~~((m.))~~ p. "Zero discharge structure" ~~((for the purposes of this subsection,~~
 601 ~~shall))~~ means a non-residential structure or building designed not to discharge to, and
 602 functions independently of, the metropolitan sewage system;

603 ~~((2.))~~ 3. The capacity charge shall be a fixed rate per residential customer or
 604 residential customer equivalent determined annually by the council. For customers who
 605 connect, reconnect or establish new service on or after ~~((June 29, 2019))~~ the effective
 606 date of this ordinance, the number of residential customer equivalents (RCEs) for
 607 residential structures shall be determined using the following scale:

- 608 ~~((Single detached dwelling units ————— 1.0 RCEs~~
- 609 ~~Multifamily structures with two to four dwelling units per structure 0.8 RCEs per~~
- 610 ~~unit~~
- 611 ~~Multifamily structures with five or more dwelling units per structure 0.64 RCEs~~
- 612 ~~per unit~~
- 613 ~~Senior resident, low income and special purpose housing 0.32 RCEs per~~
- 614 ~~qualifying dwelling unit))~~

<u>Structure/Dwelling Unit</u>	<u>RCEs For</u>	<u>RCEs For</u>
	<u>connections or</u>	<u>connections or</u>

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	<u>establishment of new service on or before December 31, 2020</u>	<u>establishment of new service on or after January 1, 2021</u>
<u>Single detached dwelling unit, net square footage less than 1,500 square feet</u>	<u>1.00</u>	<u>0.81</u>
<u>Single detached dwelling unit, net square footage 1,500 to 2,999 square feet</u>	<u>1.00</u>	<u>1.00</u>
<u>Single detached dwelling unit, net square footage 3,000 square feet or greater</u>	<u>1.00</u>	<u>1.16</u>
<u>Attached accessory dwelling unit</u>	<u>0.60</u>	<u>0.59</u>
<u>Detached accessory dwelling unit</u>	<u>On or before June 28, 2019 1.00</u>	<u>On or after June 29, 2019 0.60</u>
<u>Multiunit structures containing two to four units, per unit</u>	<u>0.80</u>	<u>0.81</u>
<u>Multiunit structures containing five or more units, per unit</u>	<u>0.64</u>	<u>0.63</u>
<u>Microhousing structures, per unit</u>	<u>0.35</u>	<u>0.35</u>
<u>Senior resident, low-income and</u>	<u>0.32</u>	<u>0.32</u>

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<u>special purpose housing, per unit</u>		
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615 a. Senior resident housing shall be ((~~multifamily~~)) multiunit structures of two
 616 or more dwelling units within which each dwelling unit shall consist of a room or a suite
 617 of two or more rooms, of which not more than one is a bedroom, for which occupancy
 618 has been limited to two persons, at least one of whom is age fifty-five or older.

619 b. Low-income housing can be ((~~multifamily~~)) accessory dwelling units,
 620 microhousing structures, multiunit structures, single detached dwelling units or owner-
 621 occupied residential dwelling units.

622 (1) For a ((~~multifamily~~)) multiunit or microhousing structure to qualify as
 623 low-income housing, the occupancy of the structure must be restricted, in at least fifty-
 624 one percent of the units, to persons with gross incomes of not more than eighty percent of
 625 the area median income of the county within which the housing is located, and for which
 626 rent is restricted. The low-income housing rate shall apply only to those units in the
 627 structure which meet these restrictions; all other units in the structure will pay the rate
 628 otherwise applicable to the ((~~multifamily~~)) multiunit structure.

629 (2) For single detached dwelling units or accessory dwelling units to qualify
 630 as low-income housing, occupancy of the structure must be restricted to a household with
 631 incomes of not more than eighty percent of the area median income of the county within
 632 which the housing is located, and for which rent is restricted.

633 (3) For an owner-occupied residential dwelling unit in any structure type to
 634 qualify as low-income housing, the dwelling unit must be owned and occupied by a
 635 household, who at the time of initial ownership and occupancy, has a gross annual
 636 household income at or below eighty percent of the median income of the county within

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637 which the dwelling unit is located. In addition, to qualify as low-income housing, the
638 unit must meet the definition of principal residence (~~(as defined in subsection O.1.j. of~~
639 ~~this section))~~) and the owner of the unit must agree that any transfer of ownership of the
640 unit be restricted to: persons with a gross annual household income at or below eighty
641 percent of the median income of the county within which the dwelling unit is located;
642 meet the definition of principal residence; and be transferred at an affordable price as
643 described in this subsection O.~~((2-))~~3.b.(3). Any sale of the unit shall be made at an
644 affordable price, thus ensuring the unit remains affordable to households with incomes at
645 or below eighty percent of the median income of the county within which the unit is
646 constructed. The affordable price shall not exceed thirty-five percent of the gross
647 monthly income for the household purchasing the unit, taking into account the cost for
648 mortgage principal, interest, taxes and insurance.

649 (4) In the case of any structure or units in a structure that qualify as low income
650 housing under subsection O.3.b. of this section and the sewer connection occurred on or
651 after January 1, 2019, customers shall be entitled to the residential customer equivalents
652 applicable to low income housing, as set forth in subsection O.3. of this section, to be
653 applied to the remaining balance of the customer's capacity charge, but only if the customer
654 applies to the director for them within one year of the effective date of this ordinance and
655 all of the other applicable requirements of subsection O.3 of this section are met. In those
656 cases, the remaining balance of the customer's capacity charge shall be recalculated using
657 the residential customer equivalents applicable to low-income housing from the date the
658 customer makes a written request to the department and the department shall adjust the
659 monthly charge from that date forward until the capacity charge is paid off.

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660 c. Special purpose housing shall consist of dwelling units, that may be part of a
661 larger care facility, consisting of a room or a suite of rooms, in which occupancy is for at
662 least one person who is physically or mentally disabled or consists of shelter housing that
663 is receiving support services from a county-recognized government assistance program
664 for homelessness.

665 d. In the case of privately owned senior resident, low-income or special
666 purpose housing, the requirements of subsection O.~~((2-))~~3. a., b. and c. of this section
667 shall be contained in a covenant or deed restriction in a form approved by the director
668 with a duration of at least forty years in which the county, a local government, an agency
669 of state government or the United States government is granted enforcement authority.

670 e. In the case of senior resident, low-income~~((;))~~ or special purpose housing
671 owned by a government or nonprofit corporation and shelter housing owned by a
672 government or nonprofit corporation, the requirements shall be integral to the
673 establishment of the corporation as a legal entity or a legally enforceable condition of
674 construction and operation of the housing.

675 f. If use of a structure that initially qualifies as senior resident, low-income or
676 special purpose housing changes so that it no longer meets the criteria in subsection
677 O.~~((2-))~~3.a., b., c., d. and e. of this section or the use of shelter housing owned by a
678 government or nonprofit corporation changes no longer meets the criteria in subsection
679 O.~~((2-))~~3.a., b., c. and e. of this section, the residential customer equivalents shall then be
680 recalculated in the same manner as all other structures and the department will collect the
681 incremental difference due for all payments from the time of disqualification until paid
682 off.

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683 g. The number of residential customer equivalents for nonresidential structures
684 and for certain alternative housing structures such as adult family homes, student
685 dormitories, extended stay hotels and shelter housing shall be determined by the
686 department based on values of plumbing fixtures or estimates of wastewater flow from
687 sources other than plumbing fixtures and acceptable to the department. An appropriate
688 schedule of hydraulic capacity or loading values equating to residential customers shall
689 be determined by the director.

690 h. Residential customer equivalents for structures that are owned by
691 government or nonprofit corporations and operated as shelter housing for residents
692 receiving support services from a county-recognized government assistance program for
693 homelessness shall be reduced by fifty percent from the schedule developed under
694 subsection O.((2-))3.g. of this section((:

695 ~~i. For attached accessory dwelling units and detached accessory dwelling units,~~
696 ~~an interim capacity charge classification is established for such units. This interim~~
697 ~~classification requires that an accessory dwelling unit be assigned a value of 0.6 for~~
698 ~~purposes of calculating the number of residential customer equivalents and applying any~~
699 ~~credits in accordance with subsection O.2. and 5. of this section, respectively.~~

700 ~~3-))~~ 4. Nonresidential structures with fixtures that are designed to have zero
701 discharge to the metropolitan sewage facilities may be eligible to have a reduced capacity
702 charge provided that the zero discharge structure's systems or fixtures do not present a
703 human or environmental health risk. The following shall guide evaluation and award of a
704 modified capacity charge for zero discharge structures:

705 a. For zero discharge structures, the number of residential customer

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706 equivalents shall be projected in accordance with subsection O.2. of this section;
707 however, fixtures and sources that are engineered to function without discharging (~~into~~)
708 to the metropolitan sewage facilities shall be given the value of zero for purposes of
709 calculating the residential customer equivalents. These calculations will be determined
710 by review of applicant-submitted engineering plans and specifications, site inspections
711 and other materials deemed necessary by the department and such calculations shall be
712 subject to approval by the department;

713 b. Zero discharge structures and systems may be required by the department to
714 install monitor and alarm systems to confirm that the structure does not discharge to the
715 metropolitan sewage facilities. Reporting requirements shall be specified by the
716 department; and

717 c. If a zero discharge structure's system discharges to the metropolitan sewage
718 facilities, this shall be considered a discharge event and the structure shall be subject to a
719 capacity charge in an amount equal to a single invoice, for one quarter or three months,
720 calculated using the monthly capacity charge for conventional systems in accordance
721 with subsection O.~~(2.)~~3.g. of this section at the rate applicable in the year of discharge.
722 Any discharge from a zero discharge structure or system lasting ninety calendar days or
723 less shall be considered a single discharge event. If a zero discharge structure has three
724 discharge events during any fifteen-year period, the structure shall then be immediately
725 converted to a conventional capacity charge calculation calculated using subsection
726 O.~~(2.)~~3.g. of this section. The zero discharge structure shall then be assessed the full
727 fifteen-year capacity charge rate applicable during the year of the third discharge event
728 into the metropolitan sewage system;

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729 ~~((4.))~~ 5. The capacity charge is the responsibility of the current owner. The
730 department shall collect the capacity charge directly from the current legal property
731 owner. The charge shall be a monthly charge for fifteen years.

732 Each customer subject to the charge shall be billed by the department semi-
733 annually or at such frequency as may be determined by the director. The total amount of
734 the charge, hereinafter the "total amount due," may be paid at any time. The total amount
735 due shall be the sum of all remaining payments discounted by an index reflecting fifteen-
736 year mortgage and ten- and twenty-year investment rates that will be updated in
737 December of each year;

738 ~~((5.))~~ 6. When determining capacity charges applicable to a new connection, the
739 charges may be reduced or eliminated to reflect a prior sewer connection and prior sewer
740 service to the preexisting structure.

741 a. This credit against charges otherwise due shall be applied as residential
742 customers or equivalents, which are also known as RCEs, under the following
743 circumstances:

744 (1) the structure to be served by the new connection replaces a structure on
745 the same lot that was either connected to sewers prior to February 1, 1990, and was
746 paying full sewer charges, or, if not connected to sewers, was nevertheless paying such
747 full sewer charges before February 1, 1990; and

748 (2) the preexisting structure was subsequently demolished and sewer service
749 abandoned and the time between abandonment of service and connection of the new
750 structure to sewers was less than five years.

751 b. In the event the new connection replaces a connection made after February

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752 1, 1990, the charges may be reduced to reflect past capacity charge payments. This credit
753 against charges otherwise due shall be applied under the following circumstances:

754 (1) the preexisting structure that was connected to sewers after February 1,
755 1990, and paying full sewer charges, was reported to King County by the local sewer
756 agency; and

757 (2) capacity charges were paid to King County on the property with no break
758 in payments of five years or more; and

759 (3) the preexisting structure was subsequently demolished and sewer service
760 abandoned and the time between abandonment of service and connection of the property
761 to sewers is less than five years.

762 c. Credits permitted in accordance with subsection O.~~((5-))~~6.b. (1), (2) and (3)
763 of this section will be determined using the county's accounts receivable record of
764 capacity charge invoices paid on the structure. Credit may be applied only from the
765 demolished structure to the replacement structure. The amount of the credit will be
766 expressed as whole or fractional residential customer equivalents and shall reflect the
767 percentage of the total amount due actually paid;

768 ~~((6-))~~ 7. Credits authorized under subsection O.~~((5-))~~6. of this section shall be
769 applied only when appropriate documentation for the demolished structure is provided to
770 the department. Appropriate documentation shall consist of one of the following:

771 a. a demolition permit for a preexisting structure at the same address as the
772 new structure that contains a description of the structure demolished;

773 b. in the case of a subdivision of a lot or parcel, a demolition permit for a
774 preexisting structure at the same lot as the new structures which contains a description of

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775 the structure demolished;

776 c. sewer service invoices for full sewer charges, for the level of service for
777 which credit is sought, dated before demolition of the previously existing structure or
778 structures that includes the service address and number of units if the structure was a
779 ~~((multifamily))~~ multiunit structure; or

780 d. A dated permit issued by the local sewer agency confirming capping of the
781 side sewer that includes the same address as the new structure and a description of the
782 prior structure;

783 ~~((7.))~~ 8. Credits permitted under subsection O.~~((5.))~~6. of this section shall be
784 applied only from the demolished structures. The credits shall be applied in the
785 following manner:

786 a. When a new single detached dwelling unit replaces a preexisting demolished
787 single detached dwelling unit for which no capacity charge is owed, no capacity charge
788 shall be collected;

789 b. When a preexisting structure is demolished and the lot or parcel is
790 subdivided, the credit shall be applied in equal proportion to the new structure or
791 structures within the new subdivided parcel.

792 c. When a preexisting structure or structures are demolished and the lot or
793 parcel subdivided and new blocks are created, the credit from any qualifying preexisting
794 structures within the footprint of the new block shall be applied in equal proportion to the
795 new structure or structures within that block;

796 ~~((8.))~~ 9. The following apply to capacity charge billing:

797 a. Capacity charge billing to a legal owner of a structure or the owner's

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798 representative shall commence as soon as possible and practical after the date of the
799 sanitary sewer connection provided by a local public agency served by the department in
800 accordance with the filing frequency determined by the director; and

801 b. Late notice to the department of commencement of sewer service to a
802 property or failure of the property owner or the owner's representative to receive a
803 capacity charge bill does not relieve a property owner of the responsibility for payment of
804 charges and interest;

805 ~~((9-))~~ 10. The following apply to delinquent capacity charge accounts:

806 a. If a customer fails to make a payment when due, an interest charge shall be
807 computed on the delinquent amount at an annual rate of not more than the prime lending
808 rate of the county's bank plus four percentage points. This interest charge and a penalty
809 of not more than ten percent of the past due amount shall be added to the account
810 balance; and

811 b. When capacity charges plus interest charges and penalties are delinquent for
812 more than thirty days, the department shall send a notice of intention to file lien to the
813 property owner or owner's representative. The notice shall direct the property owner or
814 representative to pay the total past due amount, plus interest and penalties, no later than
815 fifteen days from the date of the letter or to make suitable arrangements to bring the
816 account current. If the payment is not made within fifteen days, or suitable arrangements
817 have not been made, the total amount past due plus penalties and interest will be certified
818 as delinquent and a lien may be filed against the property with the recorder's office of the
819 county. A lien charge to cover the cost of preparing and filing the lien will be added to
820 the delinquent amount on the date of certification of the lien to the recorder's office of the

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821 county. Action may be taken by the department to enforce collection of the delinquent
822 amount at any time after the charges have been delinquent for sixty days. The lien will be
823 released when all past due capacity charges plus interest and late penalties have been
824 paid.

825 The department is authorized to request the prosecuting attorney to bring suit for
826 foreclosure civil action in the superior court of the county in which the real property is
827 located and to request payment of its costs and disbursements as provided by statute, as
828 well as reasonable attorneys' fees. Each account that has been submitted to the
829 prosecuting attorney for foreclosure shall be charged for legal fees incurred in connection
830 with the foreclosure, even when court proceedings are unnecessary;

831 ~~((40.))~~ 11.a. The wastewater treatment division is authorized to implement an
832 assistance program for qualified low-income senior residents and low-income disabled
833 persons.

834 b. To qualify for the assistance, the unit shall be owned by and be the personal
835 residence of a person or persons determined by the assessor for the county in which the
836 unit is located to be qualified for a senior residents and disabled persons exemption from
837 real property taxes authorized under RCW 84.36.381.

838 c. For properties that qualify for assistance under subsection O.~~((40.))~~11.b. of this
839 section, penalty fees under subsection O.~~((9.))~~10. a. and b. of this section shall be waived,
840 and interest charged under O.~~((9.))~~10. a and ~~((0.9.))~~ b. of this section shall be an annual
841 rate of no more than five percent.

842 d. For properties which qualify for assistance under subsection O.~~((40.))~~11.b.
843 of this section, when the capacity charge is delinquent for more than thirty days, the

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844 property owner may request that the department defer collection of the remaining fifteen-
845 year amount of the capacity charge by placing a lien or other security interest document
846 in a form acceptable to the director, for the entire amount due, against the property with
847 the recorder's office of the county. A charge to cover the cost of preparing and filing the
848 lien or other security interest document will be added to this amount on the date of
849 certification of the lien or security amount to the recorder's office of the county. The lien
850 or security interest will be released when the full amount of the remaining fifteen-year
851 charge plus the lien or security interest document fees and interest of five percent
852 annually per invoice have been paid;

853 ~~((11-))~~ 12. Local public agencies shall, at the director's request, provide such
854 information regarding new residential customers and residential customer equivalents as
855 may be reasonable and appropriate for purposes of implementing the capacity charge;

856 ~~((12-))~~ 13. The director is authorized to develop and implement such additional
857 policies and requirements and to take such actions as may be necessary and appropriate
858 for collection of the capacity charge and administration of the capacity charge program as
859 described in this subsection O.; and

860 ~~((13-))~~ 14. As part of its rate-making authority, the council elects that capacity
861 charges shall accrue as monthly fees recorded as operating revenues in accordance with
862 Financial Accounting Standards Board Statement No. 71.

863 P. No person may connect a local public or private sewer to the metropolitan
864 sewerage system unless the local public agency or person shall then be in compliance
865 with this section.

866 1. If any local public agency or person shall construct a local public sewer,

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867 private sewer or side sewer in violation of this section, the department may issue an order
868 to the local public agency or person to stop work in progress that is not then in
869 compliance with this section or the department may issue an order to correct work that
870 has been performed. The local public agency or person shall immediately take the action
871 as may be necessary to comply with the order and with this section, all at the expense of
872 the local public agency or person.

873 2.a. Any person failing to comply with or violating this section or rules and
874 regulations developed by the director under this section shall, for each such a failure or
875 violation, be subject to a fine in an amount not exceeding two thousand dollars for each
876 separate failure or violation under this section.

877 b. The director may order the owner of any property from which prohibited
878 discharges are entering any sewer to correct the condition, provided that if the property of
879 the owner lies within a local public agency, the director shall first give written notice of
880 the prohibited discharge to the local public agency, and only if the local public agency
881 fails to correct the condition within ninety days after receipt of the notice, may the
882 director directly order the owner to correct the condition.

883 If any owner shall not cause the condition to be corrected within thirty days
884 following receipt of the department order, the department may proceed to enter upon the
885 property and correct the condition, and the cost thereof together with a penalty of fifty
886 dollars shall be a lien upon the property to be enforced in the manner provided by law for
887 liens for local sewage charges.

888 c. Any person who shall damage, destroy or deface any structure,
889 appurtenance, equipment or property of the metropolitan sewerage system shall be fined

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890 in an amount not exceeding three hundred dollars, and shall be liable for double the
891 actual cost of restoration or repair or double the actual amount of any irreparable damage.

Ordinance 19156

892 **SECTION 2. Contingent effective date.** Section 1 of this ordinance takes effect
893 on the same date that Proposed Ordinance 2020-0102 (Ordinance XXXXX) takes effect.
894

Ordinance 19156 was introduced on 2/25/2020 and passed as amended by the Metropolitan King County Council on 9/1/2020, by the following vote:

Yes: 9 - Ms. Balducci, Mr. Dembowski, Mr. Dunn, Ms. Kohl-Welles, Ms. Lambert, Mr. McDermott, Mr. Upthegrove, Mr. von Reichbauer and Mr. Zahilay

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

DocuSigned by:
Claudia Balducci
F8830816F1C4427...

Claudia Balducci, Chair

ATTEST:

DocuSigned by:
Angel Allende for
C267B914088E4A0...

Melani Pedroza, Clerk of the Council

APPROVED this _____ day of 9/9/2020, _____.

DocuSigned by:
Dow Constantine
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Dow Constantine, County Executive

Attachments: None