

CITY OF ORTING WASHINGTON

ORDINANCE NO. 2024-1129

AN ORDINANCE OF THE CITY OF ORTING, WASHINGTON, RELATING TO SIDE SEWER OWNERSHIP; AMENDING OMC TITLE 9, CHAPTER 2A, SECTION 1; ADDING OMC TITLE 9, CHAPTER 2C, SECTION 9, OF THE ORTING MUNICIPAL CODE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City of Orting is a non-charter optional municipal code city as provided in Title 35A RCW, incorporated under the laws of the state of Washington; and

WHEREAS, pursuant to the authority granted by Chapter 35.67 RCW, the City has the power to regulate the construction, maintenance, and operation of sewers and sewage disposal systems within its jurisdiction; and

WHEREAS, Chapter 35.67 RCW empowers the City to define terms and establish regulations ensuring that the City's sewer system meets the health, safety, and environmental standards set forth by state and local law; and

WHEREAS, in accordance with Chapter 35.67 RCW, the City is updating its sewer system definitions to provide clarity and uniformity in the interpretation and application of the City's sewer codes; and

WHEREAS, the City is obliged under Chapter 35.67 RCW to delineate the ownership and maintenance responsibilities for side sewers to prevent public health risks and ensure the integrity of the municipal sewer system; and

WHEREAS, the City wishes to extend sewer service to point of delineation where the Right of Way and private property meets, and to reconnect service where the City has severed it, and considers it reasonable and for the good of the system to ensure that relocated City sewer lines by virtue of construction projects will be replaced in kind by comparable connections at the previous location; and

WHEREAS, the revision of sewer system definitions and the clarification of ownership responsibilities are measures taken under the authority of Chapter 35.67 RCW to enhance the management of wastewater services; and

WHEREAS, the City seeks to affirm, through the adoption of this ordinance under the guidance of Chapter 35.67 RCW, that private ownership of side sewers carries the obligation to comply with City standards for connection to the public sewer system; and

WHEREAS, the enactment of this ordinance under the authority of Chapter 35.67 RCW will provide a legal and operational framework that aids property owners and the City in the collaborative effort to maintain a sustainable and efficient sewer infrastructure; and

WHEREAS, the current iteration of the Orting Municipal Code does not directly address delineation of customer responsibility for side sewer maintenance; and

- **WHEREAS**, the current iteration of the Orting Municipal Code does not define the terms “side sewer” or “lateral sewer,” and both the City and its Citizens would benefit from clarification regarding delineation of infrastructural responsibilities.

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

Section 2. OMC Title 9, Chapter 2A, Section 1: DEFINITIONS; Amended Section 1, Title 9, Chapter 2A, is hereby amended as follows.

COMMERCIAL USER. See “INDUSTRIAL USER.”

COMMERCIAL WASTEWATER. See “INDUSTRIAL WASTEWATER.”

INDUSTRIAL USER. Throughout this chapter, the term “industry” or “industrial user” is meant to apply to any “person” (defined in WAC 173-216-030(13)) within the Publicly-Owned service area which has, or may have, a discharge of “industrial wastewater,” or who would be subject to categorical standards promulgated by the EPA if they were discharging. A nongovernmental user of the public treatment works identified in the "Standards Industrial Classification Manual", 1972, office of management and budget, as amended or supplemented.

INDUSTRIAL WASTEWATER. Means water or liquid-carried waste from any industry, manufacturing operation, trade, business, or commercial establishment which includes process wastewater, cooling water, contaminated stormwater, contaminated leachates, or other waters in some combination such that the combined effluent differs in some way from purely domestic wastewater, or is subject to regulation under federal categorical pretreatment standards, the State Waste Discharge Permit Program, or this chapter. ~~That portion of wastewater emanating from an industrial user which is not domestic waste or waste from sanitary conveniences.~~

LATERAL SEWER. ~~A public sewer which receives flow from one or more side sewers and discharges into a trunk or interceptor. A segment of the public sewer network that collects wastewater from multiple service connections. It is responsible for funneling the collected wastewater into larger sewer lines, known as trunk sewers or interceptors.~~

Section 1. OMC Title 9, Chapter 2C; Added Section 9 is hereby added to Title 9, Chapter 2C of the Orting Municipal Code, reading as follows:

BUILDING SIDE SEWER OWNERSHIP. The building side sewer located in the public right-of-way or city utility easement shall become the property of the city and will be maintained, repaired and replaced by the city's public works department. The portion of the building side sewer located on the customer's property is owned by the property owner and shall be the owner's responsibility to keep their portion in good working order and free from extraneous ground water or surface runoff water. A cleanout shall be provided at the property line for all new building side sewer installations. At such time the city's public works department or the property owner makes repairs and/or replaces an old side sewer that does not have a cleanout at the property line, the party performing the work shall install a clean-out in accordance with the Orting Development Specifications and Standard Details in effect at the time.

ALTERNATIVE SEWER LINE EXTENSION. For circumstances in which the City relocates a public sewer line, thereby severing an existing private sewer connection, an alternative sewer line shall be extended to the shared boundary of the right-of-way and private property line, and the City shall reconnect any service lines that it has severed. This extension will enable the City to reconnect to the property owner's side sewer in compliance with City standards. The City's public works department shall ensure that the alternative sewer line is installed up to the boundary, maintaining the continuity and integrity of the municipal sewer system.

SIDE SEWER CARDS. Cards documenting the technical and legal specifications of sewer connections shall be made available in both physical and digital formats by the city's Public Works Department. A digital copy of each side sewer card shall be made available in a municipal online database for property owners and designated Public Works staff, ensuring secure, anytime access. Upon transfer of property ownership, or significant sewer work completion, property owners shall be furnished upon request a physical copy of the relevant side sewer card.

Section 3. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 4. Codification. The City Council authorizes the City Clerk to correct any non-substantive errors herein, codify the above, and publish the amended code.

Section 5. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force on the later of five (5) days after publication in the official newspaper of the City.


**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF
ON THE 29th DAY OF MAY, 2024.**

CITY OF ORTING



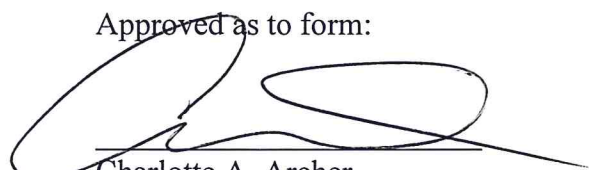
Joshua Penner, Mayor

ATTEST/AUTHENTICATED:



Kimberly Agfalvi, CMC, City Clerk

Approved as to form:



Charlotte A. Archer
Inslee Best, PLLC
City Attorney

Filed with the City Clerk:
Passed by the City Council:
Ordinance No.
Date of Publication:
Effective Date: