

ORDINANCE NO. _____

AN ORDINANCE AMENDING THURSTON COUNTY CODE, CHAPTER 15.09, 15.10, and 15.12, REGARDING SEWER SYSTEMS, WATER SYSTEMS, AND RATES, CHARGES, AND FEES.

WHEREAS, Thurston County, in accordance with the provisions of RCW 36.94, owns and operates seven different public water and sewer utilities; and

WHEREAS, pursuant to RCW 36.94.140, the Thurston County Board of Commissioners (Board) has jurisdiction and authority to manage, regulate, and control its water and sewer systems and to fix, alter, and regulate and control the rates and charges for the service and facilities and levy charges for connection to the system; and

WHEREAS, pursuant to RCW 36.94.130 the Board may adopt by ordinance reasonable rules and regulations governing the maintenance, operation, use, connection and service of its sewer and water systems; and

WHEREAS, the Board finds it necessary to modify County Code for clarity and consistency with current Department policies and procedures, and adjust language to support fund and rate consolidation; and

WHEREAS, the Board held a duly noticed public hearing to hear comments on and consider the proposed code changes on **July 18, 2023**;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THURSTON COUNTY, AS FOLLOWS:

Section 1. Thurston County Code, Chapters 15.09, 15.10, and 15.12 are hereby revised to read as set forth in Attachment A, attached hereto and incorporated herein by reference.

ATTACHMENT A:

Chapter 15.09 SEWER SYSTEMS¹

15.09.010 Purpose.

This chapter establishes regulations for sewer systems owned and/or operated by Thurston County.
(Ord. No. 16083, § 1(Att. A), 11-9-2021)

15.09.020 Definitions.

As used in this chapter and throughout this code, unless otherwise defined or as indicated by context:

¹Ord. No. 16083, § 1(Att. A), adopted Nov. 9, 2021, amended Ch. 15.09 in its entirety to read as herein set out. Former Ch. 15.09, §§ 15.09.010—15.09.340, pertained to similar subject matter, and derived from Ord. 12878, § 1(part), adopted 2002; Ord. 13479, § 1(part), adopted 2005; Ord. 13697, § 1(part), adopted 2006; Ord. 13989, § 1(part), adopted 2007; Ord. No. 14156, § 1, adopted Dec. 15, 2008; Ord. No. 14318, § 1, adopted Dec. 15, 2009; Ord. No. 14446, §§ 1—5, adopted Dec. 14, 2010; Ord. No. 14506, § 1, adopted Apr. 5, 2011; Ord. No. 14749, §§ 1—3, adopted May 15, 2012; Ord. No. 15274, § 2(Att. B)R, adopted Feb. 23, 2016; and Ord. No. 15411, adopted Dec. 13, 2016.

"Accessory dwelling unit" means a dwelling unit, as defined in Section 15.09.020, that is an accessory use or structure subordinate to a single-family dwelling.

"Best management practices" or "BMPs" are physical, structural, or managerial practices that have gained general acceptance for their ability to provide erosion and sediment control, as well as prevent or reduce public safety and other environmental impacts. BMPs are adopted in the DDECM.

"Biochemical oxygen demand" or "BOD" means a measure of the oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees centigrade, expressed in parts per million (mg/l) by weight.

"Board" means the Thurston County Board of County Commissioners.

"Boston Harbor sewerage area" is the "ULID No. 1" boundary established by the board Resolution 8485 as amended by Resolution 8493.

"Building development center" or "BDC" is the Thurston County Department of Community Planning and Economic Development Building Development Center, or its successor.

"DDECM" is the Thurston County Drainage Design and Erosion Control Manual, current edition.

"Delinquent" means not paid by the due date, i.e., the 20th of the month or the following business day if the due date is a holiday.

"Department" means the Thurston County Department of Public Works.

"Development standards" means the Thurston County Development Standards for Water and Sewer Systems, current edition.

"Director" means the director of the Department or their designee.

"DOE" means the Washington State Department of Ecology.

"Dwelling" or "dwelling unit" means a building, or a portion thereof designed for occupancy by one family for residential purposes and having kitchen facilities.

"Effluent" means the end product of a wastewater treatment process.

"EPA" means the United States Environmental Protection Agency.

"Equivalent residential unit" or "ERU" is representative capacity or billing unit volume required to service a typical individually metered single-family residential customer. See Section 15.12.030.

"General facility charge" or "GFC" is a one-time charge to connect to the system that represents buy-in of the existing capital plant and facilities as well as the cost of future capacity related capital improvements. The GFC is a mechanism intended to bring equity among existing and future customers.

"Grand Mound sewerage area" is the "ULID No. 96-2" boundary established by the board Resolution 08833.

"Health officer" means the Thurston County Health Officer, or a representative authorized by and under the direct supervision of the health officer, as defined in chapter 70.05 RCW.

"Industrial discharger" means any commercial or industrial user who discharges wastewater to a sewer system operated by Thurston County.

"Interference" means the inhibition or disruption of the sewer system or its treatment processes which could contribute to a violation of any of the requirements of Thurston County's NPDES permit requirements as set by the Washington State Department of Ecology, a copy of which is on file at the Department.

"Kitchen" means any room or rooms, or portion of a room or rooms used, intended, or designed to be used, for cooking or the preparation of food.

"Lacey capacity development charges" means the capacity development charge defined in Lacey Municipal Code Section 13.16.025.

"Lacey general facility charges" means the general facilities charge defined in Lacey Municipal Code Section 13.16.027.

"Mains" or "main lines" means sewer lines designed or used to serve more than one premises owned and operated by Thurston County.

"NPDES" means National Pollutant Discharge Elimination System.

"Olympic View sewerage area" is the "LID No. 1" boundary established by the board Resolution 11233.

"Person" or "owner" means and includes persons, associations, partnerships, corporations, and other legally recognized entities.

"Pollutant" means a substance contained in water which renders it non-potable.

"Premises" means a contiguous tract of land, building or group of adjacent buildings under a single control with respect to use of sewage treatment services and responsibility for payment thereof.

"Private sewer" is that portion of the sewer system located on private property where no easements are granted to Thurston County including pressurized systems and gravity sewer collection systems internal to developments such as apartment complexes, condominiums, townhouses, shopping centers, commercial office parks, mobile home parks, etc. Private sewer systems shall be constructed and maintained to Thurston County development standards. Maintenance of a private sewer shall be the responsibility of the property owner(s).

"Public sewer system" means a system of collection and treatment of wastewater located within Thurston County rights-of-way and/or utility easements where Thurston County has the responsibility for operation and maintenance of that system.

"Public water system" means a system of distribution and treatment of potable water located within public rights-of-way and/or utility easements where Thurston County has the responsibility for operation and maintenance of that system.

"Publicly owned treatment works" or "POTW" means a sewage treatment plant owned and/or operated by Thurston County.

"Rates and fees resolution" means the current resolution passed by the board establishing rates and fees for the water and sewer system.

"Revised Code of Washington" or "RCW" means the compilation of all permanent laws now in force. It is a collection of Session Laws (enacted by the Legislature, and signed by the Governor, or enacted via the initiative process), arranged by topic, with amendments added and repealed laws removed. It does not include temporary laws such as appropriations acts.

"Reallocation" means the allocation of a relinquished water or sewer connection capacity.

"Reclaimed water" is water that meets Washington State Class A criteria established in the state standards, as amended, and the definition set forth in RCW 90.46.010.

"Relinquishment" means the surrendering of previously allocated water or sewer connection capacity.

"Rights-of-way" means all property within unincorporated and incorporated Thurston County, Washington in which Thurston County has any form of interest or title and which is held for road or trail purposes, regardless of whether or not any road or trail exists thereon or whether or not it is used, improved, or maintained for public travel.

"Satellite sewerage area" means the geographically distinct sewerage area of Grand Mound, Boston Harbor, Tamoshan, or Olympic View.

"Septic tank effluent pumping" or "STEP" system means a facility consisting of a tank or tanks for settling and digesting wastewater solids and a pressure piping system for conveying the supernatant liquid into the sewer system.

"Sewerage service area" means the geographic area described in the Wastewater Engineering and Facilities Plan approved by the Washington State Department of Ecology as required by WAC Chapter 173-240.

"Side sewer" means that portion of the sewage collection system which connects the premises to the sewer main.

"Significant industrial user" or "SIU" means a premises as defined in 40 Code of Federal Regulations or a premises which has a reasonable potential, in the opinion of the Department, to adversely affect the publicly owned treatment works treatment plant (inhibition, pass-through of pollutants, sludge contamination, or endangerment of POTW workers).

"Single-family residential unit" means one or more rooms in a residential building or residential portion of a building which are arranged, designed, used or intended for use as a complete, independent living facility for one family and which includes permanent provisions for living, sleeping, eating, cooking and sanitation. Any duplication of the above permanent provisions, specifically cooking, eating or laundry facilities, will be considered in excess of a single ERU allocation for single parcel and in excess of the allowed service capacity for one ERU. Garages, shops, hobby rooms, or any outbuilding with kitchens or cooking facilities, shower stalls, bathtubs or laundry facilities are not to be connected or served by the sewer utility. A sink and toilet are permissible if connected to the existing sewage system. A laundry facility could also be permitted if one does not exist in the residential unit.

"Tamoshan sewerage area" is the "ULID No. 4" boundary established by the board Resolution 12813.

"Tampering" means removal, unauthorized alteration, or damage of Thurston County-owned equipment such as STEP tanks, manholes, sewer mains, etc.

"TSS" means total suspended solids.

"ULID" means utility local improvement district.

"Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with discharge limitations due to factors beyond the reasonable control of the permittee and excluding noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation thereof.

"Urban growth area" or "UGA" means the unincorporated area contained within the final urban growth area boundaries identified in the Thurston County Comprehensive Plan on Map M-14. The Grand Mound Urban Growth Area means the area identified in the Grand Mound Subarea Plan for the Grand Mound Urban Growth Area (Map 6), dated July 1996, or successor document.

"Utilities advisory committee" or "UAC" is the committee formed under authorization of the board to represent the community interest and to offer input to Thurston County in the management and operations of the publicly owned water and sewer systems.

"Utility" means the Department's Water Resources Division or its successor.

"Washington Administrative Code" or "WAC" means the regulations of executive branch agencies are issued by authority of statutes. Like legislation and the Constitution, regulations are a source of primary law in Washington State. The WAC codifies the regulations and arranges them by subject or agency.

"Wastewater" means domestic and industrial waste, sewage or any other liquid waste including that which will be discharged to the public sewer system.

(Ord. No. 16083, § 1(Att. A), 11-9-2021)

15.09.100 Connections.

15.09.110 Connection allowed when.

- A. Except for the Boston Harbor sewerage area, premises located within an established Thurston County sewerage service area shall be allowed to connect to the public sewer system, provided there is sufficient capacity.
- B. Within the Boston Harbor sewerage area, only those properties with an allocated connection shall be allowed to connect to the public sewer system.
- C. Outside the Boston Harbor sewerage area, connections to the Boston Harbor sewer system are only allowed under the conditions outlined in Section 15.09.160.
- D. As a condition of connection to the public sewer system, all users shall be required to connect to public water system if available.
- E. No on-site septic systems shall be allowed within the Boston Harbor sewerage area.

(Ord. No. 16083, § 1(Att. A), 11-9-2021)

15.09.120 Connection required when.

- A. New development of vacant parcels within a Thurston County sewerage service area will require connection to the public sewer system as a condition of development approval, except as noted below.
- B. For the Grand Mound sewerage service area, residential premises existing on January 1, 1999 shall not be required to connect to the sewer system unless: (1) a subdivision is created for that parcel which creates lots equal to or exceeding the minimal density allowed under the land use regulations in effect at the time of the subdivision; or (2) the existing on-site septic system serving the existing occupied structure is determined to be failing by the County health officer and no on-site remedy would be acceptable to the County.
- C. For the Grand Mound sewerage service area, mobile home parks as defined in Thurston County Code Section 20.03.040 are considered commercial for connection purposes; provided that mobile home parks existing within the Grand Mound sewerage area on January 1, 1999 are not required to replace existing functional septic systems unless the Thurston County health officer determines that the septic system is failing. Mobile home parks existing within the Grand Mound sewerage area on January 1, 1999 may connect under a phased schedule upon entering into an agreement with the Department.
- D. For the Grand Mound sewerage service area, all new commercial or industrial development, including any expansion of existing occupied structures, shall be required to connect as a condition of development approval.

- E. As a condition for new development within the Boston Harbor sewerage area, the premises must possess an allocated sewer connection right.
- F. For the Woodland Creek sewerage service area:
 - 1. All new development, including expansion of existing residences and structures shall be required to connect as a condition of development approval.
 - 2. If a property is not connected and its septic system fails, the property shall connect and pay all required fees.
 - 3. Woodland Creek sewerage service area is managed by the City of Lacey and subject to all City of Lacey requirements and fees. See Section 15.12.400 of this code.

(Ord. No. 16083, § 1(Att. A), 11-9-2021)

15.09.130 Application for service.

- A. All applications for new sewer service connections shall be made to Thurston County Department of Community Planning and Economic Development. Every application for service shall be made by the owner or authorized agent of the premises to be furnished and shall include all applicable forms, fees and charges as required pursuant to Chapter 15.12.
- B. The applicant must declare fully the premises use as it relates to the type of sewage which will be generated. Modification of the premises use will require the property owner to submit a new application for sewer service.
- C. If improvements are necessary, applications shall be accompanied by design drawings and specifications pursuant to the development standards and prepared by and bearing the signature and seal of a civil engineer, licensed to practice in the state of Washington. Plans and specifications shall be submitted to Thurston County for review and construction authorization. When authorized by Thurston County, the owner may construct the project.
- D. The owner or authorized agent shall submit an application to establish utilities account to the Department and pay the applicable deposit.
- E. All requirements of this chapter and all fees and charges contained herein and pursuant to Chapters 15.10, and 15.12, shall be paid before water service is turned on.

(Ord. No. 16083, § 1(Att. A), 11-9-2021)

15.09.140 Abandonment of septic tanks.

All persons connected to the public sewer system who previously used on-site system(s) must abandon such on-site system(s) as follows:

- 1. All accumulated septage shall be removed by a licensed pumper. The pumper shall certify the pumping was completed.
- 2. The lid(s) shall be destroyed to the satisfaction of Thurston County.
- 3. All voids shall be filled with earth, sand, or gravel.
- 4. Completion of an on-site sewage abandonment application within five days of pumping. Submit the application, pumping certification, and application fee to the building development center. Thurston County Department of Public Health and Social Services Environmental Health Division staff will review the document and may visit the site to confirm the process prior to approval.

(Ord. No. 16083, § 1(Att. A), 11-9-2021)

15.09.150 Sewer utility connections outside the Grand Mound sewerage area and inside the Grand Mound UGA.

- A. If sewers have not yet been constructed to the furthest limit of the subject property to be served, the owner shall:
 - 1. Submit an application for service and pay all applicable fees and charges pursuant to Section 15.09.130;
 - 2. Design the necessary infrastructure;
 - 3. Submit an application for a latecomer agreement if desired with the Department pursuant to Section 15.12.700; and,
 - 4. Upon acceptance of the design by Thurston County, construct the project to Thurston County development standards.
- B. If sewers are already constructed to the most distant corner of the subject property to be served and the sewer system, pipes, and appurtenances are able to provide the sewer collection and treatment, the owner shall submit an application for service and pay all applicable fees and charges pursuant to Section 15.09.130;

(Ord. No. 16083, § 1(Att. A), 11-9-2021)

15.09.160 Sewer utility connections outside the Boston Harbor sewerage area

- A. Connections to the public sewer system for properties outside the Boston Harbor sewerage area shall occur only when all of the following conditions are met:
 - 1. The subject property is contiguous to the Boston Harbor sewerage area boundary;
 - 2. The purpose of the connection is to remedy a failing septic system on the subject property which system was permitted prior to September 1, 1994;
 - 3. System capacity in the form of an allocated connection right has been relinquished and reallocated to the subject property; and
 - 4. There is no other feasible solution but to connect.
- B. The Department is the only agency authorized to approve the relinquishment or reallocation of capacity. The utilities advisory committee shall have an opportunity to review and make recommendations on all proposed relinquishments and reallocations. All relinquishments shall be made to the Department, and all reallocations shall be received from the Department (see Section 15.09.160.H).
- C. Prior to approval of a relinquishment of capacity from a parcel, the outstanding balance of the account of the parcel (both operations and maintenance and any other assessment) must be paid in full. This may occur as a simultaneous transaction with the reallocation of capacity to a parcel.
- D. Relinquishment of capacity from a parcel shall be permanent. Concurrent with the relinquishment, a boundary line adjustment and/or additional documents required by the Department must be executed and recorded.
- E. The sale or reallocation of sewer capacity to a parcel shall occur only upon payment of the GFC. An additional administrative fee of five percent of the GFC will be charged to the owner of the parcel purchasing or receiving the reallocation for handling sewer capacity reallocation. The administrative

fee is due prior to approval of the sale or reallocation of sewer capacity. A sale or reallocation of sewer capacity may only occur within the same satellite sewerage area and not between different satellite sewerage areas.

- F. The current capacity is necessary to serve all potential originally assessed parcels and shall not be grounds for increasing or decreasing densities above or below that allowed by existing zoning, as of September 1, 1994.
- G. When a property owner relinquishes a sewer capacity, the water connection shall also be relinquished unless the Department determines that the water capacity is likely to be utilized.
- H. Relinquishment and reallocation of capacity after September 1, 1994 may occur as activities require. The utility shall have the right of first refusal to purchase any future capacity relinquishments to be retained by the utility. Price and payment conditions will be negotiated. Whenever the number of capacities to be relinquished is less than the number of parcels desiring reallocation of capacity, the Department shall determine which parcels shall receive reallocations.
- I. Owners of properties for which capacity is reallocated must pay all costs for engineering, construction, and inspection of any system improvements necessary to serve the parcel(s).
- J. The Department is authorized to shut and lock off water service to properties which are outside the Boston Harbor sewerage area and receive water service from the Boston Harbor water utility, providing such properties' on-site septic systems are willingly or unwillingly failed or are failing (as determined by the Thurston County Department of Public Health and Social Services Environmental Health Division). Such properties' water service shall remain locked off until corrective action is taken to repair, upgrade or replace the failed or failing septic systems, tanks and/or drain fields. Water service shall be restored upon confirmation from the Department of Public Health and Social Services Environmental Health Division that the failure has been repaired, upgraded, or replaced.

(Ord. No. 16083, § 1(Att. A), 11-9-2021)

15.09.200 Restrictions.

15.09.210 Discharge through connection only.

No person shall discharge sewage into the sewer system except at the point of approved connection. Discharge through cleanouts or manholes is a violation of this chapter.

(Ord. No. 16083, § 1(Att. A), 11-9-2021)

15.09.220 Damage to sewer system prohibited.

No person shall disturb, break, deface or damage any sewer system component, appurtenance, structure, or improvement. If evidence of damage or tampering with Thurston County property or equipment is discovered, the account holder or property owner may be subject to the penalties and/or criminal charges under Section 15.09.500 and/or assessed service fees in accordance with 15.12.130.

(Ord. No. 16083, § 1(Att. A), 11-9-2021)

15.09.230 Discharge limitations.

- A. Wastewater Discharge Prohibitions. No person shall discharge or permit or cause the discharge of wastewater of any kind or nature into the public sewer system with any of the following properties:
 - 1. Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction to cause fire or explosion or be injurious in any other

way to the operation of the public sewer system. At the point of discharge into the system, or at any point in the system, at no time shall two successive readings on a combustible gas meter be more than five percent or any single reading be over ten percent of the lower explosive limit (LEL) of the meter. This includes waste streams with a closed-cup flashpoint of less than one hundred forty degrees F (sixty degrees C) using the test methods specified in 40 CFR Part 261.21;

2. Solid or viscous substances which will or may cause obstruction to the flow in a sewer or other interference with the operation of the public sewer system, including but not limited to, any garbage or putrescible material that has not been properly comminuted to one-fourth inch or less in any direction and be carried freely under normal flow;
3. Any wastewater having a pH of less than 5.5 or greater than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the system;
4. Any wastewater having a fat waste, oil or grease of animal or vegetable origin in concentrations greater than one hundred mg/L, or total petroleum hydrocarbon concentrations of no more than fifty mg/L;
5. Any wastewater having a biological oxygen demand (BOD) in concentrations greater than three hundred mg/L;
6. Any wastewater having a total suspended solids (TSS) concentration greater than three hundred mg/L;
7. Any wastewater containing pollutants in sufficient quantity or strength, either singly or by interaction, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, prevent entry into the sewers for maintenance or repair, or be in violation of any applicable statute, rule, regulation, or ordinance of any public agency;
8. Any noxious or malodorous liquids, gases, or solids which either singly or by interaction are capable of creating a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair;
9. Any substance which may cause the public sewer system's effluent or treatment residues, sludges, or scums to be unsuitable for reclamation and reuse or permitted disposal or to interfere with the reclamation or disposal process;
10. Any substance which will cause the public sewer system to violate the requirements of the NPDES/waste discharge permit for that system;
11. Any wastewater having a temperature greater than sixty-five degrees Centigrade (one hundred fifty degrees Fahrenheit) which will inhibit biological activity in the public sewer system treatment plant resulting in interference. In no case shall wastewater be discharged which causes the wastewater temperature at the treatment plant to exceed forty degrees Centigrade (one hundred four degrees Fahrenheit);
12. Persistent pesticides and/or pesticides regulated by the Federal Insecticide Fungicide Rodenticide Act (FIFRA);
13. Concentrations of dissolved solids such as sodium chloride, calcium chloride, or sodium sulfate which are so high as to constitute a danger to the wastewater treatment process or equipment;
14. Concentrations of inert suspended solids such as, but not limited to, fuller's earth, lime slurries, lime residue, or fly ash which are so high as to constitute a danger to the wastewater treatment process or equipment;

15. Any infectious wastes that, in the opinion of the Thurston County health officer, significantly increase the risk of disease transmission beyond the level of risk normally associated with domestic sewage;
 16. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference at the public sewer system treatment plant;
 17. Trucked or hauled pollutants, except at discharge points designated by the director;
 18. Stormwater, groundwater, rainwater, street drainage, subsurface drainage, yard drainage, roof drainage, or unpolluted water (including, but not limited to, cooling water, process water or blow-down from cooling towers or evaporative coolers, condensate from heat pumps, air conditioners and swimming pool water), unless approved by the director under extraordinary circumstances;
 19. Wastewater which imparts color that cannot be removed by the treatment process, such as dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent or causes a violation of the treatment plant's NPDES permit;
 20. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state and federal regulations;
 21. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
 22. Medical wastes, except as specifically authorized by the director per a contract;
 23. Detergents, surface-active agents, or other substances which may cause excessive foaming in the public sewer system treatment plant.
 24. Waste from garbage grinders, except wastes generated in preparation of food normally consumed on the premises. No discharge may contain plastic, paper products, or inert material.
 25. Wastewater containing "hazardous waste" as defined in Chapter 173-303 WAC.
- B. Pretreatment Standards. The following pretreatment standards are hereby incorporated:
1. The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471.
 2. The Washington State pretreatment standards and requirements located at Chapter 173-216 WAC.
- C. Local Limits. The director may establish local limits pursuant to 40 CFR Part 403.5(c). Such local limits are established to protect against interference at the POTW. Once established, local limits will be incorporated into Thurston County Code or will be enacted by resolution. Industrial dischargers may be subject to surcharges as established in and under the authority of the Thurston County Code, up to a maximum loading limit established by permit.
- D. Grease and oil interceptors.
1. Grease and oil interceptors shall be installed in accordance with the Uniform Plumbing Code, and the Department's grease and oil management program.
 2. As part of the Department's pretreatment requirements, all grease and oil interceptors shall be managed and maintained in accordance with the Department's fats, oils, and grease management program.
- E. Significant industrial users shall obtain, if required to, a state wastewater discharge permit— industrial to publicly-owned works permit from the Washington State Department of Ecology. Significant industrial users not required to obtain a state wastewater discharge permit shall enter into

an agreement with the Department which stipulates the requirements including, but not limited to, sewage monitoring, surcharges, and installation of flow meters. The SIU is responsible for all costs to establish and execute the agreement including the Department's staff time. The SIU shall reimburse the Department for costs to establish the agreement in a timely manner.

- F. Abatement. If a premises discharges in excess of the discharge limits, the Department has the authority to take any immediate action necessary to abate the discharge. Thurston County is not liable for any damages caused by actions necessary to abate the discharge.
- G. Any premises which discharges exceed the discharge limitations found herein shall be subject to enforcement in accordance with Section 15.09.500.
- H. If any discharge exceeds the limitations set forth in this subsection, Thurston County may charge dischargers a fee to cover additional treatment costs associated with the discharge. If professional services are also required to resolve Section 15.09.230, discharges may be charged at the rate of the professional or contractor plus fifteen percent. If it is found that a sewer customer continues to exceed Section 15.09.230 discharge limitations, Thurston County will levy penalties and or fines in accordance with Section 15.09.500.

(Ord. No. 16083, § 1(Att. A), 11-9-2021)

15.09.300 Construction and Inspection.

15.09.310 Construction and material standards.

- A. The director shall adopt development standards for sewer service construction and material standards, including gravity, STEP, and vacuum sewer standards, consistent with the requirements of this code, for the construction and location of sewer systems.
- B. Failure to comply with the development standards shall be deemed a violation of this chapter. The development standards shall be on file at the Department and be made available to applicants.
- C. An encroachment permit must be obtained pursuant to Chapter 13.56 prior to doing an installation on or under a Thurston County right-of-way.
- D. Separation. All installations of side sewer service connections or sewer main extensions shall be separated from potable water supply mains and services as required by the development standards and the Washington State Department of Ecology's Criteria for Sewage Works Design (Orange Book), a copy of which is on file with the Department.
- E. A contractor, licensed in the State of Washington, shall undertake construction. Before Thurston County will accept the project and provide utility service, the applicant's professional engineer shall verify in writing that the project was built in strict accordance with the authorized plans and specifications and shall also prepare and give to Thurston County PDF and AutoCAD electronic copies "as constructed" plans, prepared according to the requirements set forth in the development standards.
- F. The ownership of all sewer mains and appurtenances in public streets or utility easements shall be vested solely in Thurston County. The person responsible for the construction of such sewer mains and appurtenances shall relinquish, by bill of sale, all interest in the ownership of such sewer mains and appurtenances upon acceptance by Thurston County and grant Thurston County a utility easement if needed.
- G. The applicant shall provide a bond or other form of guarantee acceptable to Thurston County providing for the repair or replacement of defects in the project for a period of two years after its acceptance.

- H. Thurston County owns to the property/rights-of-way/easement line. A cleanout or vault will be installed at the property line and will be the responsibility of the property owner.

(Ord. No. 16083, § 1(Att. A), 11-9-2021)

15.09.320 Inspection and appeals for sewer service, sewer line extension, or side sewers.

- A. Inspections. Authorized Department personnel shall inspect all construction done within Thurston County rights-of-way and easement for the extension or connection of the sewer system, per the development standards, before being accepted for Thurston County use.
- B. Appeal Process. A property owner who objects to a Department decision regarding the owner's application for water or sewer service may submit a written appeal to the Department. An administrative appeal under this section shall not be available to address rates, charges, or fees. The written appeal shall include at a minimum a concise statement of the facts relevant to the appeal, a concise explanation of the reasons why the appeal should be granted, and a description of the precise result or relief which the appellant is requesting.
1. Appeals for all services shall be filed with the Department. Appeals must be filed and served no later than twenty calendar days after the date the order, decision or determination being appealed was mailed to the appellant. The appellant shall have the burden of proof by a preponderance of the evidence upon appeal.
 2. The Department director will hear only those items specifically listed in the appeal and shall hear the particular appeal only one time. The appellant shall file with the appeal a list of names, addresses and telephone numbers of those served under subsection (B)(3) of this section.
 3. At the time of filing, the appellant shall also serve a copy of the appeal to all persons having any ownership interest in the building project site.
 4. The director shall provide a copy of the appeal to the UAC within three working days of receipt. After reviewing the appeal, the UAC may make recommendations in writing to the director within seven calendar days of receipt of a copy of the appeal. If the UAC is not able to meet the timeline, the appeal shall be heard by the director without input from the UAC.
 5. The director shall render a written decision within twenty calendar days of receiving the written appeal and, upon good cause, may affirm, modify, or reverse the original decision or determination.

(Ord. No. 16083, § 1(Att. A), 11-9-2021)

15.09.330 Access to premises for inspection.

- A. Whenever necessary to make an inspection to enforce any of the provisions of this chapter, the director may enter such premises at all reasonable times to inspect the same or to perform any duty imposed on the director by this chapter provided that:
1. If the premises are occupied, the director shall first present proper identification and request entry; or
 2. If the premises are unoccupied, the director shall first make a reasonable effort to locate the owner or other persons having control of the premises and request entry.
- B. If entry is refused, the director shall have recourse to every remedy provided by law to secure entry.

(Ord. No. 16083, § 1(Att. A), 11-9-2021)

15.09.400 Maintenance and Operations.

15.09.410 Maintenance responsibility.

Thurston County shall maintain the public sewer systems within public rights-of-way or utility easements established therefore, as described below:

1. Thurston County ownership of a gravity side sewer shall be from the sewer main to the property line or easement boundary if a cleanout exists at this point. The property owner shall own the side sewer from the premises to the cleanout at the property line or easement boundary. The property owner shall be responsible for installing and maintaining the cleanout, so it is accessible to Thurston County. All new gravity side sewers shall have a two-way cleanout installed at the property or easement line.

If no cleanout exists at the property line or easement boundary, the property owner shall own the side sewer from the premises to the sewer main, until the property owner installs a cleanout at the property line or easement boundary. The connection between the side sewer and the main shall be owned and maintained by Thurston County.

- B. All grinder pump systems, and associated force main to the point of connection to the main, will be maintained by the property owner.
- C. STEP and vacuum systems will be maintained by Thurston County from the point of gravity connection to the tank or vacuum pit from the premises to the main including electrical monitoring devices except in such case that the STEP or vacuum system is inaccessible to Thurston County crews or system has been modified such that maintenance requires confined space entry. Cost and maintenance of Puget Sound Energy or other electrical source to the premises and the electrical service panel at the premises of a STEP system shall be owned, maintained, and paid by the property owner. Any maintenance work conducted by Thurston County pertaining to the electrical service panel or delivery of power to the STEP tank or vacuum pit will be paid by the property owner.

If the STEP or vacuum system is inaccessible to Thurston County crews or system has been modified such that maintenance requires confined space entry, the property owners shall be responsible for all costs of maintenance. Thurston County shall bill the property owner for cost of any services needed to complete maintenance of the STEP or vacuum system plus a five percent administrative charge.

- D. Regardless of ownership, the property owner shall be responsible for the removal of blockages inside sewers between the premises and the Thurston County main, including tree roots, dirt, debris, broken pieces of pipe, fats, oils, and grease, or other identifiable obstruction, if the cause of the damage or blockage originated from the private property. Thurston County shall not be liable for any damages or costs incurred by reason of blockage or damage to the side sewer if the cause of the damage or blockage originated from the private property.

(Ord. No. 16083, § 1(Att. A), 11-9-2021)

15.09.420 Interruption of service.

- A. Emergency. Individual sewer service may be interrupted whenever public health or safety is threatened and emergency corrective work must be accomplished. Reasonable attempts will be undertaken to notify all premises affected by the interruption and such interruption shall be kept to a minimum.
- B. Routine. Interruptions of sewer service for routine maintenance, line extensions, or service connections will be scheduled to provide a minimum of two business days' notice to all affected

premises by telephone contact, electronic mail, or mailing to the owner or occupant or posting at the premises.

C. Thurston County is not responsible for injuries or damages resulting from service interruptions.
(Ord. No. 16083, § 1(Att. A), 11-9-2021)

15.09.500 Penalty for violation.

Violations of this chapter shall be enforced through the provisions of Title 26 Thurston County Code.

(Ord. No. 16083, § 1(Att. A), 11-9-2021)

Chapter 15.10 WATER SYSTEMS²

15.10.010 Purpose.

This chapter establishes regulations for water systems operated by Thurston County.

(Ord. No. 16083, § 1(Att. A), 11-9-2021)

15.10.020 Definitions.

Terms and their definitions as used in this chapter and throughout this code are outlined in Section 15.09.020. Below are additional terms with their definitions as used in this chapter, unless otherwise defined or indicated by context:

"Boston Harbor water service area" is the "ULID No. 2" boundary established by the board Resolution 8730 and as summarized in the Boston Harbor water system plan.

"Coordinated water system plan" means the plan as approved by the Washington State Department of Health as required by RCW 70.116.

"Cross connection" means any actual or potential physical connection between a public water system or the consumer's water system and any source of non-potable liquid, solid, or gas that could contaminate the potable water supply by backflow.

"Domestic water use" means use of water associated with human health and welfare requirements, including water used for drinking, bathing, sanitary purposes, cooking, laundering, and other incidental household uses.

"Future service area" means a planning area identified in the Grand Mound Water System Plan approved by the Washington State Department of Health as required by WAC 246-290-100. The water system does not have a statutory duty to serve in the future service area until such time as the future service area or portions thereof are annexed into the retail service area through an amendment to the water system plan.

"Main" means a water line designed or used to serve more than one premises.

²Ord. No. 16083, § 1(Att. A), adopted Nov. 9, 2021, amended Ch. 15.10 in its entirety to read as herein set out. Former Ch. 15.10, §§ 15.10.010—15.10.340, pertained to similar subject matter, and derived from Ord. 12878, § 1(part), adopted 2002; Ord. 13479, § 1(part), adopted 2005; Ord. 13697, § 1(part), adopted 2006; Ord. 13989, § 2(part), adopted 2007; Ord. No. 14156, § 2, adopted Dec. 15, 2008; Ord. No. 14318, § 2, adopted Dec. 15, 2009; Ord. No. 15274, § 2(Att. B)S, adopted Feb. 23, 2016; and Ord. No. 15411, adopted Dec. 13, 2016.

"Retail service area" means the geographic area described in a water system plan approved by the Washington State Department of Health as required by WAC 246-290-100, where the water system has a duty-to-serve in a timely and reasonable manner as defined in the approved water system plan.

"Satellite water service area" means the geographically distinct water service area of Grand Mound, Boston Harbor, or Tamoshan.

"Satellite water system management agency plan" is the water system plan approved by the Washington State Department of Health as required by WAC 246-295-090.

"Service connection" means that portion of the public water system connecting a premises to the water main including the tap into the main, the water meter, appurtenances, and the service line from the main to the meter.

"Standard specifications" means the "Standard Specifications for Road, Bridge and Municipal Construction" as published by the Washington State Department of Transportation, current edition, as supplemented by "Development Standards for Water and Sewer Systems," Thurston County, Washington, current edition.

"Tamoshan water service area" is the "ULID No. 3" boundary established by board Resolution 9500.

"Valid water right" means a water right that the applicant has transferred to Thurston County through the rules established in RCW 90.03.380. The transfer or change of use application must receive approval from the State Department of Ecology and a Water Right Certificate or Water Right Claim must be issued by the Washington State Department of Ecology to the applicable Thurston County water system prior to transfer.

"Water rights acquisition fee" is a charge to properties outside the Grand Mound Utility Local Improvement District set by the Rates and Fees Resolution adopted by the board which represents the cost to acquire water rights in the upper and middle reaches of the Chehalis River Basin to serve the average annual needs of said premises.

"Water service area" means the geographic area described in a water system plan approved by the Washington State Department of Health as required by WAC 246-290-100, where the water system currently serves and areas where future water service is planned.

"Water system" means a system of withdrawal, treatment, and distribution of potable water to premises.

"Water system modeling fee" is a charge to properties outside the Grand Mound Urban Growth Area to model the premises' water demand impacts on the water infrastructure of the Grand Mound Water System.

"Water system plan" means the plan as approved by the Washington State Department of Health as required by WAC 246-290-100.

(Ord. No. 16083, § 1(Att. A), 11-9-2021)

15.10.100 Connections.

15.10.110 Connection allowed when.

- A. Premises located within an established Thurston County retail service area may be allowed to connect to the public water system provided there is sufficient capacity and connection is consistent with the current satellite water system management agency plan, water system plan, and coordinated water system plan.

- B. Premises outside of the retail service area may apply to Thurston County to connect to the water system if:
1. The property is located within the water service area pursuant to the water system plan, on file with the Department; and
 2. The connection is consistent with the current coordinated water system plan; and
 3. The owner pays all applicable fees and charges pursuant to Chapter 15.12; and
 4. For properties within the Grand Mound water service area, the owner meets the conditions set out in Sections 15.10.150, and 15.10.160; and
 5. For properties within the Boston Harbor water service area, the owner meets the conditions set out in Section 15.10.170.

(Ord. No. 16083, § 1(Att. A), 11-9-2021)

15.10.120 Connection required when.

Connection to the Thurston County water system is required, if available, as a condition of connection to the Thurston County sewer system.

(Ord. No. 16083, § 1(Att. A), 11-9-2021)

15.10.130 Application for service.

- A. All applications for new water service connections to any premises shall be made to the Thurston County Department of Community Planning and Economic Development. Every application for service shall be made by the owner or authorized agent of the premises to be furnished and shall include all applicable forms and fees and charges as required pursuant to Chapter 15.12.
- B. The application must fully declare the premises used as it relates to water use. Modification of the premises or water use will require the applicant to submit a new application for water service.
- C. If improvements are necessary, applications shall be accompanied by design drawings and specifications pursuant to the development standards and prepared by and bearing the signature and seal of a civil engineer, licensed to practice in the state of Washington. Plans and specifications shall be submitted to Thurston County for review and construction authorization. When authorized by Thurston County, the owner may construct the project.

(Ord. No. 16083, § 1(Att. A), 11-9-2021)

15.10.140 Common meter.

The Department may authorize water service through a common meter upon finding that service through individual meters is impractical. Where such service is through a common meter, the application shall include a detailed description of the premises to be served, the owner's name, the conditions or circumstances precluding service by individual meters and other necessary information.

(Ord. No. 16083, § 1(Att. A), 11-9-2021)

15.10.150 Water utility connections outside the Grand Mound sewerage area and within the Grand Mound UGA.

- A. If water mains have not yet been constructed to the furthest limit of the subject property to be served, the owner shall:

1. Submit an application for service and pay all applicable fees and charges pursuant to Section 15.10.130;
 2. Design the necessary infrastructure;
 3. Submit an application for a latecomer agreement if desired with the Department pursuant to Section 15.12.700; and
 4. Upon acceptance of the design by Thurston County, construct the project.
- B. If water mains are already constructed to the most distant corner of the subject property to be served, the owner shall:
1. Submit an application for service and pay all applicable fees and charges pursuant to Section 15.10.130;

(Ord. No. 16083, § 1(Att. A), 11-9-2021)

15.10.160 Water utility connections outside the Grand Mound UGA and within the future service area.

- A. Connection to the Grand Mound water system from outside the UGA will require: (1) if the project is not within the retail service area, amendment of the water system plan prior to the project's preliminary approval; and (2) the transfer of water rights to Thurston County.
- B. If water mains have not already been constructed to the furthest most limit of the subject property to be served, the owner shall:
1. Transfer to Thurston County valid water rights equal in quantity to the amount of annual average water needed by the proposed new facility. Such transfer shall occur before the applicant receives preliminary project approval from Thurston County;
 2. Submit an application for service and pay all applicable fees and charges pursuant to Section 15.10.130;
 3. Design the infrastructure;
 4. Submit an application for a latecomer agreement pursuant to Section 15.12.700; and
 5. Upon acceptance of the design by Thurston County, construct the project.
- C. If water mains are already constructed to the furthestmost limit of the subject property to be served, the owner shall:
1. Transfer to Thurston County valid water rights equal in quantity to the amount of annual average water needed by the proposed new facility. Such transfer shall occur before the applicant receives preliminary project approval from Thurston County;
 2. Submit an application for service and pay all applicable fees and charges pursuant to Section 15.10.130; and,
 3. If a latecomer agreement is on file with the Department, pay the latecomer fee for the benefited property established in the latecomer agreement.

(Ord. No. 16083, § 1(Att. A), 11-9-2021)

15.10.170 Water utility connections outside Boston Harbor water service area.

- A. Connection to the public water system outside the Boston Harbor water service area may occur provided all of the following conditions are met:

1. The subject property fronts an existing water main or is a property located within islands of the original Boston Harbor water service area boundary;
 2. The subject property is located within the Boston Harbor water service area; and
 3. System capacity in the form of an allocated connection right has been allocated or reallocated to the subject property.
- C. An on-site sewage system design must be approved, and a permit must be obtained from the Thurston County Department of Public Health and Social Services Environmental Health Division before a new water service connection may be granted. A water service connection cannot be granted without an approved on-site sewage system design.
- D. The grant of a new water service connection by Thurston County does not imply sewer service can or will be provided. Sewer service outside the Boston Harbor water service area shall only occur if the conditions of Section 15.09.160 are met.
- E. Property owners who are reallocated capacity must pay all costs for engineering, construction and inspection of any system improvements or water main extensions necessary to serve the parcel(s).
- F. The Department is the only agency authorized to approve the relinquishment, reallocation or assigning of new water service connections.
- G. Prior to approval of a relinquishment capacity from a parcel, the outstanding balance of the account of the parcel (both operations and maintenance and any other assessment) must be paid in full. This may occur as a simultaneous transaction with the reallocation of capacity to a parcel.
- H. Relinquishment of capacity from a parcel shall be permanent. Concurrent with the relinquishment, a boundary line adjustment and/or additional documents required by the Department must be executed and recorded.
- I. The sale or reallocation of water capacity to a parcel shall occur only upon payment of the GFC. An additional administrative fee of five percent of the GFC will be charged to the owner of the parcel receiving the reallocation for handling water capacity reallocation. The administrative fee is due prior to approval of the sale or reallocation of water capacity. A sale or reallocation of water capacity may only occur within the same satellite water service area and not between different satellite water service areas.
- J. The current capacity is necessary to serve all potential originally assessed parcels and shall not be grounds for increasing or decreasing densities above or below that allowed by existing zoning as of September 1, 1994.

(Ord. No. 16083, § 1(Att. A), 11-9-2021)

15.10.200 Restrictions.

15.10.210 Water use.

- A. No person shall use water for purposes other than those stated in the application and approved by the Department.
- B. No person shall knowingly use water from a water system for lawn or garden sprinkling/irrigation while a fire is being extinguished within the water system service area.
- C. The outdoor use of water and use of water for other than domestic purposes shall be under the jurisdiction of the Department and shall be subject to change from time to time if the need arises.

(Ord. No. 16083, § 1(Att. A), 11-9-2021)

15.10.220 Damage to water system prohibited.

No person shall tamper with, disturb, break, deface or damage any water system component, appurtenance, structure, or improvement. If evidence of damage or tampering with Thurston County property or equipment is discovered, the account holder or property owner may be subject to penalties and or criminal charges under Section 15.10.500, and/or assessed service fees in accordance with the Rates and Fees Resolution passed by the board. In addition, Thurston County reserves the right to disconnect service without notice for fraud, theft, damage, or tampering in accordance with Section 15.10.420.

(Ord. No. 16083, § 1(Att. A), 11-9-2021)

15.10.230 Cross connections.

The director shall adopt a cross connection control program pursuant to Chapter 246-290 WAC.

(Ord. No. 16083, § 1(Att. A), 11-9-2021)

15.10.240 State provisions adopted.

The provisions of WAC 246-290-490 as amended as of or after the effective date of the ordinance codified in this chapter, relating to cross connection control and elimination and the use of backflow prevention devices, when such are considered to be advisable, are adopted and made a part hereof, and all provisions of the Washington Administrative Code may be executed and applied by the Department in determining when cross connections are prohibited and when backflow prevention devices shall be required.

(Ord. No. 16083, § 1(Att. A), 11-9-2021)

15.10.250 Cross connections prohibited.

- A. The installation and maintenance of a cross connection that will, or has the potential to, endanger the quality of the potable water supply of Thurston County's water systems is prohibited. Any such cross connection existing at the effective date of the ordinance codified in this chapter or hereafter installed, is declared to be unlawful. Cross connections that cannot be controlled and/or eliminated shall require the installation of an approved backflow prevention device or approved air gap and regular inspection and testing in accordance with WAC 246-290-490 and Thurston County's cross connection control program.
- B. Service to any property, landowner or water user receiving its water supply from a Thurston County water system shall be contingent upon compliance with all requirements of the rules and regulations of the Washington State Department of Health, Thurston County's cross connection control program and this chapter. Service shall be discontinued to any premises, water use or property owner for failure to comply, and any discontinued service will not be reestablished until Thurston County's cross connection control specialist has approved compliance with such requirements.
- C. Any customers using water from any of Thurston County's water systems are responsible for compliance with this chapter and shall be strictly liable for all damages incurred as a result of failure to comply with the express terms and provisions contained herein.

(Ord. No. 16083, § 1(Att. A), 11-9-2021)

15.10.260 Department of Public Works to administer.

The Department shall be responsible for administering Thurston County's cross connection control program consistent with WAC 246-290-490 and Thurston County's cross connection control program as adopted by the board.

(Ord. No. 16083, § 1(Att. A), 11-9-2021)

15.10.270 Inspection—Right of entry.

Thurston County's cross connection control specialist and other duly authorized employee(s) bearing proper credentials and identification shall be permitted to enter upon all properties receiving water service from Thurston County for the purposes of inspection, observation and testing in accordance with the provisions of this chapter.

(Ord. No. 16083, § 1(Att. A), 11-9-2021)

15.10.280 Backflow prevention device inspection, testing, and repair charges.

- A. Backflow prevention assembly inspection shall be performed as required under the cross connection control program and WAC 246-290-490.
- B. Backflow prevention assembly testing, when performed by Thurston County, shall be charged at a rate specified by the Rates and Fees Resolution passed by the board.
- C. As per WAC 246-292-034, repairs made to backflow prevention assemblies shall be performed only by a certified backflow assembly tester. Assemblies inside premises shall be done by a certified backflow assembly tester who possesses specialty plumber's certificate of competency pursuant to Section 18.106 RCW. If the work is performed by a backflow assembly tester or a licensed plumber, they shall provide written notification to Thurston County of completion of repairs and request an inspection upon completion of their work.
- D. As per WAC 246-292-034, backflow prevention assemblies shall be tested at the time of installation, annually after installation, after an assembly is repaired, reinstalled, or relocated, or more often where successive inspections indicate repeated failure. Inspection results shall be submitted to Thurston County. Failure to do so, or if the assembly fails, could result in water being shut off.

(Ord. No. 16083, § 1(Att. A), 11-9-2021)

15.10.290 Backflow prevention device charges.

When, pursuant to Section 15.10.260, backflow prevention assemblies are required to be installed, the property owner may request that Thurston County install the assembly. If installed by Thurston County, Thurston County shall charge the owner the actual costs incurred for all materials and labor for the installation plus an administrative charge of five percent.

(Ord. No. 16083, § 1(Att. A), 11-9-2021)

15.10.300 Construction and Inspection.

15.10.310 Construction and material standards.

- A. The director shall adopt development standards for water service construction and material standards, for the construction and location of water systems. The development standards shall be on file at the Department and be made available to applicants.

- B. The development standards may require the location of service connections on private property if the director finds that special conditions exist which are peculiar to the property, so that placement of the water meter in the rights-of-way would subject it to damage from traffic or maintenance activity or subject the meter reader to undue hazard in the performance of their duties. In these situations, the owner will be required to grant a utility easement to Thurston County.
- C. Failure to comply with the development standards shall be deemed a violation of this chapter.
- D. An encroachment permit must be obtained pursuant to Chapter 13.56 prior to doing an installation on or under a Thurston County right-of-way.
- E. All mains and service connections shall be separated from sanitary sewers as required by the development standards and the Washington State Department of Ecology publication Criteria for Sewage Works Design (Orange Book), a copy of which is on file with the Department.
- F. A contractor, licensed in the State of Washington, shall undertake construction. Before Thurston County will accept the project and provide utility service, the applicant's professional engineer shall verify in writing that the project was built in strict accordance with the authorized plans and specifications and shall also prepare and give PDF and AutoCAD electronic copies of the "as constructed" plans to Thurston County, prepared according to the requirements set forth in the development standards. As constructed plans shall be submitted in conformance with the development standards.
- G. The ownership of all mains and service connections in public streets or utility easements shall be vested solely in Thurston County and the person responsible for the construction of such mains shall relinquish, by bill of sale, all interest in the ownership of such mains and service connections upon acceptance by Thurston County.
- H. The applicant shall also provide a bond or other acceptable form of guarantee providing for the repair or replacement of defects in the project for a period of two years after its acceptance.

(Ord. No. 16083, § 1(Att. A), 11-9-2021)

15.10.320 Inspection and appeals for water mains and service connections.

- A. Inspections. Authorized Department personnel shall inspect all construction done within the Thurston County rights-of-way for the extension or connection of the water system, per the development standards, before being accepted for Thurston County use. A minimum of two working days' notice for necessary inspection shall be provided to the Department by the owner requesting the inspection.
- B. Appeal Process. A property owner who objects to a Department decision regarding the owner's application for water or sewer service may submit a written appeal to the Department. An administrative appeal under this section shall not be available to address rates, charges, or fees. The written appeal shall include at a minimum a concise statement of the facts relevant to the appeal, a concise explanation of the reasons why the appeal should be granted, and a description of the precise result or relief which the appellant is requesting.
 - 1. Appeals for all services shall be filed with the Department. Appeals must be filed and served no later than twenty calendar days after the date the order, decision or determination being appealed was mailed to the appellant. The appellant shall have the burden of proof by a preponderance of the evidence upon appeal.
 - 2. The Department director will hear only those items specifically listed in the appeal and shall hear the particular appeal only one time. The appellant shall file with the appeal a list of

names, addresses and telephone numbers of those served under subsection (B)(3) of this section.

3. At the time of filing, the appellant shall also serve a copy of the appeal to all persons having any ownership interest in the building project site.
4. The director shall provide a copy of the appeal to the UAC within three working days of receipt. After reviewing the appeal, the UAC may make recommendations in writing to the director within seven calendar days of receipt of a copy of the appeal. If the UAC is not able to meet the timeline, the appeal shall be heard by the director without input from the UAC.
5. The director shall render a written decision within twenty calendar days of receiving the written appeal and, upon good cause, may affirm, modify, or reverse the original decision or determination.

(Ord. No. 16083, § 1(Att. A), 11-9-2021)

15.10.330 Access to premises for inspection.

- A. Whenever necessary to make an inspection to enforce any of the provisions of this chapter, the director may enter such premises at all reasonable times to inspect the same or to perform any duty imposed on the director by this chapter.
- B. If the premises are occupied, the director shall first present proper identification and request entry.
- C. If the premises are unoccupied, the director shall first make a reasonable effort to locate the owner or other persons having control of the premises and request entry.
- D. If entry is refused, the director shall have recourse to every remedy provided by law to secure entry.

(Ord. No. 16083, § 1(Att. A), 11-9-2021)

15.10.400 Maintenance and Operations.

15.10.410 Maintenance responsibility.

Thurston County shall operate and maintain all authorized and accepted mains and service connections in public streets or utility easements. The owner will own and maintain the water lines from the meter to the premises.

(Ord. No. 16083, § 1(Att. A), 11-9-2021)

15.10.420 Interruption of service.

- A. Emergency. In case of emergency or whenever the public health, safety or the equitable distribution of water so demands, the director may direct the Department to change, reduce or limit the time for, or temporarily discontinue the use of water. Reasonable attempts will be undertaken to notify all premises affected by the interruption and such interruption shall be kept to a minimum.
- B. Routine. Interruptions for routine maintenance, line extensions or service connections will be scheduled to provide a minimum of two working days' notice to all affected premises by telephone contact with the owner or occupant, mailing to the owner or occupant, or posting at the premises.
- C. Nonpayment. Any account not paid within thirty days of the billing date shall result in a notice of interruption of service due to nonpayment sent to the account holder. In the event that the account holder is a designated third party as described in Section 15.12.610; a notice of nonpayment shall also be sent to the property owner. Pursuant to WAC 480-110-355, a second notice shall be mailed no later than three business days prior to disconnection of service or posted on the premises no later

than two business days prior to disconnection of service. Disconnection of service shall occur a minimum of eight business days after the initial notice has been mailed. Reconnection of service will occur only after all charges including any interest, penalties and service disconnection dispatch fees have been paid or a Thurston County approved payment plan is established.

- D. Theft, Tampering, or Fraud. Pursuant to WAC 480-110-355, Thurston County reserves the right to disconnect service without notice when evidence of theft, tampering or fraud is discovered. In addition, the account holder may be subject to applicable service fees per Section 15.12.130 and the Rates and Fees Resolution adopted by the board. Thurston County may also bring enforcement action per Section 15.10.500.
- E. Cross Connection. When a cross connection is found by Thurston County's cross connection control specialist or designee, water service shall be interrupted and not restored until the cross connection has been eliminated as verified by inspection of the cross connection control specialist.
- F. Thurston County is not responsible for injuries or damages resulting from service interruptions.

(Ord. No. 16083, § 1(Att. A), 11-9-2021)

15.10.430 Temporary water service.

Persons desiring temporary water service from a fire hydrant shall make application to the Department. The applicant shall sign the application form, agree to the provisions and requirements listed on the application form, and agree to pay the charges as established by the Rates and Fees Resolution passed by the board. If the fire hydrant or hydrant meter assembly is damaged or stolen, the applicant shall be responsible for repairs or replacement as determined solely by the Department. Appeals of such decisions may be made only at Thurston County's claims division of the department of human resources.

(Ord. No. 16083, § 1(Att. A), 11-9-2021)

15.10.500 Penalty for Violation.

- A. Violations of this chapter shall be enforced through Title 26 of Thurston County Code.
- B. Notwithstanding the remedies noted in subsection (A) above, Thurston County shall assess to the account holder and/or property owner any other fees accrued for any costs incurred by Thurston County for repairs made as a result of damage caused by conduct noted in this chapter.

(Ord. No. 16083, § 1(Att. A), 11-9-2021)

Chapter 15.12 WATER AND SEWER CHARGES, RATES, AND FEES³

15.12.010 Purpose.

This chapter establishes the basis for charges, rates, and fees for water and sewer systems owned/operated by Thurston County.

³Ord. No. 16083, § 1(Att. A), adopted Nov. 9, 2021, amended Ch. 15.12 in its entirety to read as herein set out. Former Ch. 15.12, §§ 15.12.010—15.12.080, pertained to similar subject matter, and derived from Ord. 12878, § 1(part), adopted 2002; Ord. 13105, §§ 1, 2, adopted 2003; Ord. 13278, § 1(part), adopted 2004; Ord. 13341, § 4, adopted 2005; Ord. 13441, Exh., adopted 2005; Ord. 13479, § 1(part), adopted 2005; Ord. 13486, § 1, adopted 2005; Ord. 13697, § 1(part), adopted 2006; Ord. 13989, § 3(part), adopted 2007; Ord. 13999, § 1, adopted 2007; Ord. No. 14156, § 3, adopted Dec. 15, 2008; Ord. No. 14318, § 4, adopted Dec. 15, 2009; Ord. No. 14446, §§ 6, 7, adopted Dec. 14, 2010; Ord. No. 14688, § 1, adopted Dec. 16, 2011; Ord. No. 14749, § 5, adopted May 15, 2012; Ord. No. 14815, § 1, adopted Dec. 4, 2012; Ord. No. 14959, § 1, adopted Nov. 15, 2013; Ord. No. 15212, § 1, adopted Nov. 10, 2015; Ord. No. 15411, adopted Dec. 13, 2016; Ord. No. 15470 ,

(Ord. No. 16083, § 1(Att. A), 11-9-2021)

15.12.020 Definitions.

The terms used in this Chapter 15.12 are defined in Thurston County Code Sections 15.09.020 and 15.10.020 unless otherwise defined or indicated by context.

(Ord. No. 16083, § 1(Att. A), 11-9-2021)

15.12.030 Equivalent residential unit defined.

An equivalent residential unit (ERU) means:

- A. One separate single-family residence; or
- B. With respect to residential multi-family structures, one per single-family unit;
- C. With respect to a mobile home or trailer park having more than two single-family residential units or spaces and served through a common meter(s), one ERU per single-family unit or space for the first two and, thereafter, one ERU shall be equal to two single-family units or spaces; or
- D. With respect to accessory dwelling units (ADU) when a single-family home has an ADU serviced by the same meter, the ADU will add an additional one ERU for a total of two ERUs including both the ADU and the single-family home; or
- E. With respect to uses other than residential, an ERU shall be designated for each seven hundred cubic feet per month of water consumed or sewerage discharged as measured at the meter; provided that the minimum charge per service account shall not be less than one ERU. For GFC charges, the ERU calculation established in Sections 15.12.230 and 15.12.250 applies.
- F. The Department may require commercial customers install sewer flow meters as a condition of service and/or commercial customers may petition the Department for the installation of sewer flow meters. Flow meter, meter installation and location of flow meter must be approved by the Department. Installation, replacement, maintenance, and repair of a sewer flow meter(s) shall be at the expense of the property owners and installed by Thurston County. Thurston County shall charge the owner the actual costs incurred for all materials and labor for the installation plus an administrative fee of five percent.

(Ord. No. 16083, § 1(Att. A), 11-9-2021)

15.12.100 Water and Sewer Charges, Rates, and Fees.

The board shall, from time to time by resolution, determine the rates and other fees to be charged for the use of water and sewer utilities in service areas under Thurston County jurisdiction such as, but not limited to, water or sewage rates; plan review fees; general facility charges; charges for temporary connections; turning water off and on for nonpayment of water or sewage rates; service calls; requests for adjustment to the account; billing address changes; inspection fees; and duplicate bill copy requests.

Except for:

- A. Water and sewer base rates
- B. Water consumption rates

adopted May 16, 2017; Ord. No. 15524 , adopted Oct. 2, 2017; Ord. No. 15556 , adopted Dec. 12, 2017; Ord. No. 15695 , adopted Dec. 11, 2018; and Ord. No. 15966 , §§ 1, 2, adopted Dec. 18, 2020.

- C. Non-sufficient fund charge on returned checks
- D. Hydrant meter monthly service charge
- E. Hydrant meter temporary connection fee
- F. Posting delinquent account/shut off notice
- G. Service disconnection
- H. After hours service charges, those rates and fees in effect as of the effective date of the ordinance codified in this chapter shall be adjusted and effective every January 1st thereafter until subsequent amendments by resolution as follows:
 - A. The adjustment for water and sewer general facilities charges shall be based upon the Utilities Construction Cost Index published by Engineering News-Record for the most recently completed year.
 - B. The water rights acquisition fee will be adjusted pursuant to available, documented data, which represents a bona fide, recorded exchange of water rights in the upper and middle reaches of the Chehalis River Basin as defined by the Washington State Department of Ecology.
 - C. All other charges shall be adjusted based on the prior year's April Consumer Price Index.

(Ord. No. 16083, § 1(Att. A), 11-9-2021)

15.12.110 Monthly base rate.

- A. Residential users shall be charged monthly base rates for water and sewer based upon the user's equivalent ERU as established under Section 15.12.030.
- B. Commercial and industrial users' monthly base rates for water and sewer for the period of at least 1 year following connection shall be based upon the number of GFCs for the premises as established under Sections 15.12.230 and 15.12.250.
- C. Review and Adjustment. The Department shall review irrigation, commercial, and industrial usage annually after connection. The following calculations apply to accounts with twelve months of activity in the prior calendar year. For commercial and industrial accounts, the user's monthly base rate charge shall be adjusted to require payment based on the average ERU use of the six highest usage months of the prior calendar year. For irrigation accounts, the user's monthly connection charge shall be the average monthly ERUs calculated as follows: total annual usage divided by the volume of one ERU of the system divided by twelve months, with a minimum charge of one ERU. The minimum monthly base charge per connection shall not be less than one ERU. Monthly base rates shall be rounded up to the nearest whole unit. For accounts without twelve months of activity in the prior calendar year, the monthly base rate charge shall be based on the number of ERUs purchased, unless set by contract. The Department reserves the right to adjust an account's ERU base rate charge based on additional factors, such as anticipated future usage needs, a change in the nature or size of the business, or atypical historical usage.

(Ord. No. 16083, § 1(Att. A), 11-9-2021)

15.12.120 Water consumption rate.

Users shall be charged for water consumption on a monthly basis. Water consumption shall be charged at a rate established by the board for each unit of one hundred cubic feet of water used. Water consumption rate shall be rounded up to the nearest whole unit.

(Ord. No. 16083, § 1(Att. A), 11-9-2021)

15.12.130 Service call charges.

Thurston County shall assess fees for service calls in accordance with the Rates and Fees Resolution adopted by the board. These fees shall be in addition to any other fees, penalties, or usage charges incurred by the account holder or property owner. Fees for service calls are as follows:

- A. Posting Delinquent Account Notices. Service calls involving posting delinquent water/sewer notices of interrupted service (shut-off notices) shall be charged a fee per notice, as adopted by resolution and available on Thurston County's website. This fee shall be assessed as soon as the employee is dispatched. Water shut offs require a minimum of two notices; the fee per notice is in addition to any charges owed and is due and payable immediately upon assessment.
- B. Service Disconnections. Service disconnection dispatches for delinquent accounts are generated after the close of business on the due date indicated on the delinquent account notice. Accounts dispatched for service disconnection shall be assessed a fee, as adopted by resolution and available on Thurston County's website. The fee will cover the cost of a Thurston County employee and equipment dispatched to the site, and administrative costs. This fee shall be assessed as soon as the employee is dispatched whether or not the service is disconnected. This fee shall be in addition to any charges owed and shall be considered due and payable immediately upon assessment.
- C. After Hours Service Charges. Call outs between the hours of three-thirty p.m. and seven a.m. on weekdays or at any time on weekends shall be assessed an after-hours service fee. This fee is in addition to any fees already assessed or collected. After hours service calls for reconnection due to delinquency shut-off will not be dispatched after five p.m. or on weekends. Any reconnection request received after five p.m. (four-thirty p.m. for online payments) will be dispatched on the next business day.

(Ord. No. 16083, § 1(Att. A), 11-9-2021)

15.12.140 State utility tax.

Water and sewer rates do not include applicable Washington State Utility Tax. This tax shall be included separately on each utility billing.

(Ord. No. 16083, § 1(Att. A), 11-9-2021)

15.12.200 Other Charges.

15.12.230 Thurston County Utilities sewer GFCs.

Premises or portions thereof receiving sewer service by connection to any Thurston County Utilities sewer system shall be required to pay a one-time GFC, which shall represent buy-in of the existing capital plant and facilities as well as the cost of future capacity related capital improvements. The GFC shall be paid prior to a building permit being issued. This charge shall not apply to any facility whose terms of service are set by contract. The appropriate number of ERUs for each customer shall be as follows:

- A. For residential uses the GFCs shall be equal to the number of ERUs for the premises as defined in Section 15.12.030.
- B. For commercial and industrial uses, the Department shall use the following table to determine general facility charges. The Department may use industry data to determine the general facilities charges for establishment types not present in the table.
- C. The minimum GFC charge for all uses including residential, commercial, and industrial is one ERU.

Type of Establishment	Calculation	Per Unit	Equals ERU
1. Restaurant	1,000	Square feet	3
2. Pub/tavern	1,000	Square feet	2.2
3. General office	1,000	Square feet	0.4
4. Medical/dental	1,000	Square feet	0.3
5. Hair salon	1,000	Square feet	0.5
6. Laundry	1,000	Square feet	5
7. Car wash—Automatic	1	Each bay	20
8. Car wash—Hand	1	Each bay	2
9. Auto service—Gas plaza	1,000	Square feet	1.8
10. Auto service—Repair shop	1,000	Square feet	0.5
11. Auto service—Mini mart	1,000	Square feet	0.5
12. Auto sales	1,000	Square feet	0.3
13. Bank	1,000	Square feet	0.3
14. Grocery store	1,000	Square feet	1
15. Retail store	1,000	Square feet	0.2
16. Nursing/rest home	1,000	Square feet	1.3
17. Retirement apartments/assisted care	1,000	Square feet	0.9
18. Warehouse or manufacturing (without production flows)	1,000	Square feet	0.1
19. Storage unit/warehouse	1,000	Square feet	0.1
20. Hotel or motel	1,000	Square feet	2
21. School—Elementary	1,000	Square feet	0.2
22. Church	1,000	Square feet	0.4

(Ord. No. 16083, § 1(Att. A), 11-9-2021)

15.12.240 Additional charges for sewer utility connections outside the Grand Mound sewerage area and inside the Grand Mound UGA.

Property or portions thereof in the Grand Mound service area located outside Grand Mound sewerage area, but inside the Grand Mound UGA, shall be assessed charges in addition to the Grand Mound GFC, in order to connect to the sewer system. The appropriate number of ERUs for each customer will be established as described in Section 15.12.035. Such charges, which are listed below and set out in the Rates and Fees Resolution adopted by the board, shall be paid after preliminary approval of a project and prior to construction approval.

(Ord. No. 16083, § 1(Att. A), 11-9-2021)

15.12.250 Thurston County Utilities water GFCs.

Premises or portions thereof receiving permanent water service by connection to any Thurston County Utilities water system shall be required to pay a one-time GFC which shall represent buy-in of the existing capital plant and facilities as well as the cost of future capacity related capital improvements. The GFC shall be paid prior to a building permit being issued. The appropriate number of ERUs for each customer shall be as follows:

- A. For residential uses the GFCs shall be equal to the number of ERUs for the premises as defined in Section 15.12.030.

- B. For commercial and industrial uses, the Department shall use the following table to determine general facility charges. The Department may use industry data to determine the general facilities charges for establishment types not present in the table.
- C. The minimum GFC charge for all uses including residential, commercial, and industrial is one ERU.

Type of Establishment	Calculation	Per Unit	Equals ERU
1. Restaurant	1,000	Square feet	3
2. Pub/tavern	1,000	Square feet	2.2
3. General office	1,000	Square feet	0.4
4. Medical/dental	1,000	Square feet	0.3
5. Hair salon	1,000	Square feet	0.5
6. Laundry	1,000	Square feet	5
7. Car wash—Automatic	1	Each bay	20
8. Car wash—Hand	1	Each bay	2
9. Auto service—Gas plaza	1,000	Square feet	1.8
10. Auto service—Repair shop	1,000	Square feet	0.5
11. Auto service—Mini mart	1,000	Square feet	0.5
12. Auto sales	1,000	Square feet	0.3
13. Bank	1,000	Square feet	0.3
14. Grocery store	1,000	Square feet	1
15. Retail store	1,000	Square feet	0.2
16. Nursing/rest home	1,000	Square feet	1.3
17. Retirement apartments/assisted care	1,000	Square feet	0.9
18. Warehouse or manufacturing (without production flows)	1,000	Square feet	0.1
19. Storage unit/warehouse	1,000	Square feet	0.1
20. Hotel or motel	1,000	Square feet	2
21. School—Elementary	1,000	Square feet	0.2
22. Church	1,000	Square feet	0.4

(Ord. No. 16083, § 1(Att. A), 11-9-2021)

15.12.260 Additional charges and water right requirements for water utility connections outside the Grand Mound water service area and inside the Grand Mound UGA.

- A. Property or portions thereof in the Grand Mound service area located outside the Grand Mound sewerage area, but inside the Grand Mound UGA, shall be assessed additional charges in order to connect to the water system. Such charges, which are listed below and set out in the Rates and Fees Resolution adopted by the board, shall be paid after preliminary approval of a project and prior to construction approval.
- B. At the director's discretion, the applicant shall transfer to Thurston County valid water rights equal in quantity to the amount of annual average water needed by the proposed new facility. Such transfer shall occur before the applicant receives preliminary project approval from Thurston County.
- C. The director shall consult the board prior to authorizing such connections at any time that the Grand Mound water system reaches eighty percent of its authorized service capacity as indicated in the Grand Mound Water System Plan.

(Ord. No. 16083, § 1(Att. A), 11-9-2021)

15.12.270 Additional charges and water right requirements for Grand Mound water utility connections outside the UGA.

- A. Property or portions thereof in the Grand Mound service area located outside the UGA shall be assessed additional charges in order to connect to the water system. Such charges, which are listed below and set out in the Rates and Fees Resolution adopted by the board, shall be paid after preliminary approval of a project and prior to construction approval. Additional charges may include a water system modeling fee.
- B. At the director's discretion, the applicant shall do one of the following:
 - 1. Transfer to Thurston County valid water rights equal in quantity to the amount of annual average water needed by the proposed new facility. Such transfer shall occur before the applicant receives preliminary project approval from Thurston County.
 - 2. The director shall consult the board prior to authorizing such connections at any time that the Grand Mound water system reaches eighty percent of its authorized service capacity as indicated in the Grand Mound Water System Plan.

(Ord. No. 16083, § 1(Att. A), 11-9-2021)

15.12.400 Woodland Creek sewer connection and service charges.

The Woodland Creek sewer facilities are owned by Thurston County but maintained by the City of Lacey. Thurston County and the City of Lacey have an agreement wherein Thurston County secured funding for the Woodland Creek facilities and the City of Lacey will pay the debt service to Thurston County until the debt is fully retired at which time the ownership of the Woodland Creek facilities will be transferred to the city.

- A. Each ERU connecting to the to the Woodland Creek sewer shall be required to pay a GFC equal to the amount of a City of Lacey GFC and capacity development charge. For existing residences and structures that connect to sewer prior to November 1, 2013, these connection charges shall be a maximum amount of six thousand six hundred forty dollars. For existing residences that do not connect to sewer prior to November 13, 2013, and for all new development, including expansion of existing residences and structures, these connection charges will be the rate specified in Chapter 13.16 of the Lacey Municipal Code then in effect for such development prior to connection to the sewer.
- B. The Woodland Creek sewer system discharges to the City of Lacey's existing collection and conveyance system. Therefore, each ERU connected to the Woodland Creek Sewer system will pay a monthly sewer service charge to the City of Lacey as set forth in Chapter 13.16 of the Lacey Municipal Code.

(Ord. No. 16083, § 1(Att. A), 11-9-2021)

15.12.500 Plan review and inspection fees—Boston Harbor, Grand Mound, and Tamoshan.

Proponents constructing sewer and water systems within a service area shall pay to Thurston County the applicable fees identified on the Rates and Fees Resolution adopted by the board.

- A. The preliminary review/will serve letter fee is due to Thurston County at application.
- B. Plan checks that require more than two reviews will be billed an additional hourly rate.

- C. The number of vacuum pits is determined by the number of residential units. Inspectors will charge an hourly rate for vacuum pit inspections with a minimum charge established by the Rates and Fees Resolution adopted by the board.
- D. Final review and processing fees are due when final plat is requested by the applicant.
- E. Plan review and certificate of water availability fees are due to Thurston County at application.
- F. Inspection fees are due prior to the performance of any inspections.

(Ord. No. 16083, § 1(Att. A), 11-9-2021)

15.12.600 Billing.

15.12.610 Payment responsibility.

The owner of the property which is provided with the sewer or water service shall be responsible for payment of all charges until the Department receives written notice of a change in ownership. The property owner, except on properties served by common meters, may designate to the Department their desire to have the sewer and/or water bill conveyed to a third party, such as a renter, lessee, or property manager by providing appropriate documentation; however, the property owner remains liable for all unpaid charges in the event of nonpayment by the third party.

- A. A deposit shall be required by each residential or commercial account holder in accordance with the Rates and Fees Resolution passed by the board. Such deposit shall be paid at the time of application for a service connection or a request for a service account. Each deposit shall be retained by the Department in the designated utility fund. Each deposit shall be refunded to the person paying the deposit within thirty days of the final billing, less any amount due for water or sewer service rates, charges, or fees, including delinquency charges. The Department may waive the deposit if the new utility customer is the owner of the property, can provide a letter from an established utility (e.g., City of Olympia, City of Lacey, Puget Sound Energy, etc.) which states "Customer is in good standing for at least twelve months," and signs up for automatic utility payment services.
- B. Any deposit not refunded to the owner or designee or applied to the sewer or water account of such owner or designee when the account is closed shall be deemed unclaimed property and shall pass to the Washington State Department of Revenue, in accordance with the mandates of the uniform unclaimed property act of 1983, as currently exists or is hereafter amended.

(Ord. No. 16083, § 1(Att. A), 11-9-2021)

15.12.620 Billing and due dates.

- A. All utility bills shall be due and payable on the 20th of each month or the following business day if the 20th falls on a weekend or holiday.
- B. If an initial sewer or water system connection is made or a new sewer or water account is set up after the fifth of the month, that month's sewer or water base rate will be prorated.

(Ord. No. 16083, § 1(Att. A), 11-9-2021)

15.12.630 Interest and penalties.

- A. Interest at eight percent per annum shall be charged on all delinquent sewer and/or water bills not paid in full on or before the due date (RCW 36.94.150).

- B. Any sewer or water bill which is not paid on or before the due date shall have imposed a penalty of ten percent of the total amount due until paid in full unless a Thurston County approved payment plan is established (RCW 36.94.150).
- C. Thurston County may apply a five calendar day grace period before assessing interest or delinquent penalties.
- D. Thurston County may elect to implement a program which exempts eligible low income senior citizens from the interest and ten percent delinquent penalty charges on past due accounts provided that:
 - 1. Full payment is received by the fifth business day of the month following the billing due date;
 - 2. The account owner is at least sixty-five years of age as of the date of the request;
 - 3. The household income is sixty-five percent or less of Thurston County median household income as determined by the United States Census Bureau;
 - 4. A written request is submitted in writing to the Department; and
 - 5. Documentation of age and income status is provided upon request to the Department.

(Ord. No. 16083, § 1(Att. A), 11-9-2021)

15.12.640 Liens.

Thurston County shall have a lien against the premises for all charges for sewer or water that become delinquent by ninety or more days including any interest and penalties. The Department shall certify periodically the delinquencies to the Thurston County Auditor's Office at which time the lien shall attach. Upon the expiration of sixty days after the attachment of the lien, Thurston County may bring suit in foreclosure by civil action in Thurston County Superior Court in accordance with RCW 36.94.150.

(Ord. No. 16083, § 1(Att. A), 11-9-2021)

15.12.700 Latecomer agreements for sewer and water projects.

15.12.710 Definitions regarding latecomer agreements.

"Latecomer fee" means a charge collected by Thurston County, whether separately stated or as part of a connection fee for providing access to the public water or sewer system, against a real property owner who connects to or uses a water or sewer facility subject to a contract created under RCW 35.91.020.

"Utility system improvements" include the acquisition of rights-of-way and/or easements, design, and installation of the system to Thurston County's design standards.

"Water facilities" includes water system components including mains and appurtenances such as service lines, valves, fire hydrants, pumping and pressure reducing stations, etc.

"Sewer facilities" include mains and related appurtenances including side sewers, lift stations, etc. (Ord. No. 16083, § 1(Att. A), 11-9-2021)

15.12.720 Application and design standards.

- A. The provisions of Chapter 35.91 RCW shall apply when an owner of real estate is required by any Thurston County ordinance, including but not limited to Thurston County's development standards for water and sewer systems, to improve or construct water or sewer facilities (including, sanitary, or combination sewers, pumping stations, and disposal plants, water mains, hydrants, reservoirs, or appurtenances) as a prerequisite to further property development. The improvements must be located within the corporate limits of Thurston County except as provided otherwise under Chapter 35.91 RCW. The owner must submit a written request on a form provided by Thurston County for a contract to recover the cost of the improvement or construction of water or sewer facilities prior to the approval of the water or sewer facility by Thurston County. The application shall include the proposed benefitting properties, along with an estimated pro rata share that each property should pay. If an owner does not timely submit a written request, Thurston County is not obligated to enter into a contract with the owner for the recovery of latecomer fees. The requirement of Thurston County to contract with an owner of real estate for the construction or improvement of water or sewer facilities is only applicable if the facilities are consistent with all applicable comprehensive plans and development regulations of Thurston County through which the facilities will be constructed or will serve.
 1. Unless Thurston County provides a written notice to the owner of its intent to request a comprehensive plan approval, the owner must request a comprehensive plan approval for water or sewer facility, if required.
 2. Connection of the water or sewer facility to Thurston County's system must be conditioned on:
 - a. Construction of the water or sewer facility according to plans and specifications approved by Thurston County;
 - b. Inspection and approval of the water or sewer facility by Thurston County;
 - c. Transfer to Thurston County of the water or sewer facility, without cost to Thurston County, upon acceptance by Thurston County of the water or sewer facility;
 - d. Full compliance with the owners' obligations under the contract and with the municipality's rules and regulations;
 - e. Provision of sufficient security to Thurston County to ensure completion of the water or sewer facility and other performance under the contract;

- f. Payment by the owner to Thurston County of all of Thurston County's costs associated with the water or sewer facility including, but not limited to, engineering, legal, and administrative costs; and
 - g. Verification and approval of all contracts and costs related to the water or sewer facility.
- 3. Within one hundred twenty days of completion of the water or sewer facility and its acceptance by Thurston County, the owner of real estate must submit the total cost of the water or sewer facility to Thurston County in a form acceptable to Thurston County. This information will be used by Thurston County to determine reimbursements by future users who will benefit from the water or sewer facility, but who did not contribute to the original cost of the water or sewer facility.
- B. Thurston County will make the final determination of which parcels will directly benefit from the improvements and include those parcels in the assessment area.
- C. The reimbursement share of all property owners in the assessment area shall be the pro rata share of the total cost of the project, less any contributions paid by Thurston County. Each reimbursement share shall be determined by Thurston County using a method of cost apportionment which is based upon the benefit received by each property from the project. The owner seeking a latecomer agreement shall not be reimbursed for the share of benefits that are allocated to their property.
- D. A preliminary determination of area boundaries and assessments, along with a description of the property owner's rights and options, shall be forwarded by mail to the property owners of record within the proposed assessment area. A property owner within the assessment area may request a hearing before the board. Such request must be in writing and specify the relief sought. The request must be filed with the clerk of the board, prosecuting attorney, and director of the Department within 20 days of the mailing of the preliminary determination. After receiving a timely request for a hearing, notice shall be given to all property owners in the assessment area of the date, time, and location of the hearing. The board's ruling shall be determinative and final.
- E. The contract shall be recorded with the Thurston County Auditor within thirty days of such approval by the board. The recorded contract shall constitute a lien against all real property within the assessment area for whom the owners did not contribute to the original cost of the utility project. The provisions of the contract may not be effective as to any owner of real estate not a party thereto unless the contract has been recorded with the Thurston County Auditor prior to the time the owner taps into or connects to the water or sewer facilities.
- F. If, within a period of twenty years from the date the contract was recorded (or such other period provided for in the contract), any property within the assessment area applies for connection to the utility line, the lien for payment of the property's proportionate share shall become immediately due and payable to Thurston County as a condition of receiving connection approval. An extension of the twenty years may be granted for a time not to exceed the duration of any moratorium, phasing ordinance, concurrency designation, or other governmental action that prevents making applications for, or the approval of, any new development within the benefit area for a period of six months or more. Upon extension of the reimbursement period, the contract amendment must specify the duration of the extension and must be filed and recorded with the Thurston County Auditor. Thurston County will notify property owners within the reimbursement area of any extension filed.
- G. All assessments collected by Thurston County pursuant to a latecomer agreement, minus Thurston County's administrative charge, shall be paid to the original proponent, its personal representative, successors or assigns within sixty days after receipt by Thurston County. Thurston County's administrative charge for each collection is set forth in the Rates and Fees Resolution adopted by the board. However, the property owner entitled to reimbursement must update the property owner's address with Thurston County every two years from the date the contract is executed with

information regarding the current contract name, address, and telephone number of the person, company, or partnership that originally entered into the contract. If the property owner fails to comply with such notifications, within sixty days of the specified time, then Thurston County may collect any reimbursement funds owed to the property owner under contract and deposit such funds into the utilities capital fund of Thurston County.

- H. A person, firm, or corporation may not be granted a permit or be authorized to tap into, or use any such water or sewer facilities or extensions thereof during the period of time prescribed in such contract without first paying to Thurston County, in addition to any and all other costs and charges made or assessed for such tap, or use, or for the water lines or sewers constructed in connection therewith, the amount required by the provision of the contract under which the water or sewer facilities so tapped into or used were constructed. Whenever any tap or connection is made into any such contracted water or sewer facilities without such payment having first been made, Thurston County may remove, or cause to be removed, such unauthorized tap or connection and all connecting tile, or pipe located in the facility right-of-way and dispose of unauthorized material so removed without any liability whatsoever.
- I. Nothing in this section, nor any provision in a latecomer agreement, shall be construed as establishing Thurston County as a public utility in areas not already connected to Thurston County's utility system, nor shall this section, or any latecomer agreement, be construed as establishing express or implied rights for any property owner to connect to Thurston County's utility system without first qualifying for such connection by compliance with all applicable Thurston County codes and ordinances.
- J. Alternatively, Thurston County may finance the construction or improvement of water or sewer facilities and create an assessment reimbursement area without the participation of a private property owner pursuant to RCW 35.91.060.
- K. Nothing in this section is intended to create a private right of action for damages against Thurston County for failing to comply with the requirements of this section. Thurston County, its officials, employees, or agents may not be held liable for failure to collect a latecomer fee unless the failure was willful or intentional. Failure of Thurston County to comply with the requirements of this section does not relieve Thurston County of any future requirement to comply with this section.

(Ord. No. 16083, § 1(Att. A), 11-9-2021)

15.12.790 Existing latecomer agreements.

Nothing in this chapter shall be construed as changing or modifying any existing utility latecomer agreement between Thurston County and a developer, which shall remain in full force and effect, subject to its terms.

(Ord. No. 16083, § 1(Att. A), 11-9-2021)

Section 2. Severability. If any provision of this ordinance is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, illegal or unenforceable by any court or agency of competent jurisdiction, the remainder of the ordinance and its applicability to other persons and circumstances shall not be affected thereby.

Section 3. Effective Date. This ordinance shall take effect January 1, 2024.

Section 4. Corrections. Upon approval of the Prosecuting Attorney's Office, the Clerk of the Board is authorized to make any necessary corrections to any section, subsection, sentence, clause, phrase or other portion of this Ordinance for scriveners or clerical errors, references, ordinance numbering, section/subsection numbers, and any reference thereto.

ADOPTED: _____

ATTEST:

BOARD OF COUNTY COMMISSIONERS
THURSTON COUNTY, WASHINGTON

Clerk of the Board

CAROLINA MEJIA, Chair

TYE MENSER, Vice-Chair

GARY EDWARDS, Commissioner

APPROVED AS TO FORM:
JON TUNHEIM
PROSECUTING ATTORNEY

By: _____

[CODIFY]