

**CITY OF MONROE
ORDINANCE NO. 016/2021**

AN ORDINANCE OF THE CITY OF MONROE, WASHINGTON, AMENDING MONROE MUNICIPAL CODE CHAPTER 6.04, PUBLIC NUISANCES AFFECTING HEALTH; AMENDING MONROE MUNICIPAL CODE TITLE 13, PUBLIC SERVICES AND UTILITIES; REPEALING MONROE MUNICIPAL CODE CHAPTER 15.01, STORMWATER MANAGEMENT, ADDING NEW MONROE MUNICIPAL CODE TITLE 23, PUBLIC WORKS DESIGN, CONSTRUCTION AND OPERATIONS REGULATIONS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council desires to amend the Monroe Municipal Code to clarify requirements, remove redundant language, and update certain sections.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MONROE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Amendment of MMC Section 6.04.030. Monroe Municipal Code Section 6.04.030, Public nuisances affecting health, is hereby amended as follows:

6.04.030 Public nuisances affecting health.

The following acts, omissions, places, conditions and things are specifically declared to be public health nuisances, but shall not be construed to exclude other health nuisances coming within the definition of MMC [6.04.020](#):

- A. All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public;
- B. Carcasses of animals, birds or fowl not buried or otherwise disposed of in a sanitary manner within twenty-four hours after death;
- C. The accumulation of material including, but not limited to, bottles, cans, glass, plastic, ashes, scrap metal, wire, broken stone or cement, broken glass, broken plaster, litter, rags, empty barrels, boxes, crates, packing cases, mattresses, bedding, packing hay, straw or other packing material or building materials on any premises which are not properly stored or neatly piled or are offensive to a reasonable person or in which flies or rats may breed or multiply, or the existence of any trash, dirt, filth, the carcass of any animal, accumulation of yard trimmings or other material which is offensive to a reasonable person; except such yard debris that is properly contained for the purpose of composting; and is being composted in a manner that does not attract flies or rodents and does not cause offensive odors;
- D. All stagnant water in which mosquitoes, flies or other insects may multiply;

- E. All noxious weeds, a weed being defined as any plant that grows out of place, and other rank growth of vegetation upon public or private property;
- F. Tent caterpillars which construct webs on trees;
- G. The escape of smoke, soot, cinders, noxious acids, fumes, gases, ash or industrial dust within the city limits in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property;
- H. The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, creamery or industrial wastes or other substances;
- I. Any use of property, substances or things emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, effluvia or stenches extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the city;
- J. All abandoned wells not securely covered or secured from public use;
- K. All public exposure of persons having a contagious disease;
- L. The distribution of samples of medicines or drugs unless such samples are placed in the hands of an adult person;
- M. Garbage cans which are not fly-tight;

N. Placing, depositing or permitting to be deposited in any unsanitary manner on public or private property within the city or in any area under the jurisdiction of the city any human or animal excrement, garbage or other objectionable waste.

O. The discharge to any natural outlet within the city, or in any area under the jurisdiction of the city, any sewage or other polluted waters.

(N)P. All other acts, omissions of acts, occupations and uses of property which are deemed by the board of health to be a menace to the health of the inhabitants of this city or any considerable number thereof.

Section 2. Amendment of Title 13 MMC. Title 13 Monroe Municipal Code Public Services and Utilities, is hereby amended as follows

**Title 13
PUBLIC SERVICES AND UTILITIES**

Chapters:

- 13.01 General**
- 13.02 Utility Service, Rates and Charges**
- 13.04 Water Regulations, Rates and Charges**
- 13.06 Cross-Connection Control**

- 13.08 Sewer System Regulations
- 13.10 Sewage Pretreatment
- ~~((13.16 — Fire Hydrants and Water Mains))~~
- 13.20 Reimbursement Agreements for Utility Improvements
- 13.32 ~~((Storm Water))~~Stormwater Management Utility
- 13.34 Illicit Discharge Detection and Elimination

Chapter 13.01
General

13.01.005 Construction

The provisions of this title, specifically including without limitation all provisions governing utility service shut-off and access to private property, shall be construed and administered in a manner consistent with applicable state law.

13.01.010 Definitions

A. Unless the context specifically indicates otherwise, the meaning of the terms in this title shall be as set forth in this section.

1. **“City” means the city of Monroe, Washington.**
2. **Class of user**
 - a. **“Single residential” means any dwelling unit served by a separate water meter.**
 - b. **“Multiple residential” means two or more dwelling units served by a single water meter without any nonresidential uses.**
 - c. **“Nonresidential” means any use other than a dwelling unit served by a single meter. Buildings containing dwelling units and commercial, retail, industrial, manufacturing, and other nonresidential units served by the same water meter are considered nonresidential for the purposes of this title.**
3. **“Director” means the public works director of the city or their designee.**
4. **“Dwelling Unit” means a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.**
5. **“May” is permissive**
6. **“Person” means any person, individual, public or private corporation, firm, association, joint venture, partnership, owner, lessee, tenant, or any other entity whatsoever or any combination of such, jointly or severally.**
7. **“Premises” means a tract of land including its buildings and other appurtenances**
8. **“Sewage” means a combination of the liquid-carried wastes from residences, business buildings, institutions, and industrial**

establishments, together with such ground, surface, and stormwaters as may be present.

9. “Sewer” means any pipe, conduit, ditch, or other device used to collect and transport sewage.

10. “Shall” is mandatory

13.01.020 Director to have free access

The director shall have the right of free access to all parts of premises that is connected, is required to be connected or is required to be disconnected to the city of Monroe utility system for the purpose of inspection, observation, measurement, sampling, and testing at all reasonable times to ascertain whether the provisions of this title have been or are being complied with.

If it is found that the premises does not conform to the provisions of this title the director shall notify the owner or occupant of the fact, and it shall thereupon be the duty of such owner or occupant to cause such conditions to be altered, repaired, or reconstructed as to make them conform to the provisions of this title within fifteen days from the date of notice.

If any owner or occupant of any premises that is connected, is required to be connected or is required to be disconnected to the city of Monroe utility system shall fail to provide free access as required above, the city may shut off such service; and such owner or occupant shall be required to pay any and all delinquent and unpaid charges against such premises together with a charge, as established by the city council by periodic resolution for shutting off the service and for turning on such service, before the same shall be again turned on

13.01.040 Powers to regulate use in emergency.

The city of Monroe in all cases of emergency, whenever the public safety, health, or the equitable distribution of utility service so demands, may direct the director to change, reduce, or limit the time of use or discontinue the use of utility service if in its judgment public necessity demands.

13.01.050 Right to shut off – Nonliability

The city reserves the right at any time, without notice, to shut off the utility service for repairs, extensions, nonpayment of rates, violation of this title, or any other reason, and the city shall not be responsible for any damage, such as bursting boilers supplied by direct pressure, the breaking of any pipes or fixtures, stoppages or interruption of utility service, or any other damage resulting from the shutting off of utility service.

13.01.060 Authority of hearing examiner.

The hearing examiner shall have authority to decide any question which may arise and which is not fully covered in this title and its decision shall in such cases be final.

13.01.070 Administration.

The director shall have the authority to develop and implement administrative procedures to administer, interpret, and enforce this title.

13.01.080 Penalty.

Compliance with the requirements of this title shall be mandatory. Except as otherwise provided by applicable ordinance and/or by law, the general penalties and remedies established in Chapter [1.04](#) MMC for such violations shall apply to any violation of this title.

13.01.090 Other relief.

The city may seek injunctive or such other relief or recourse as may be appropriate. Also, any person violating any of the provisions of this title shall become liable to the city for any expense, loss, or damage occasioned the city by reason of such violation.

13.01.100 Severability.

If any portion of this title as now or hereafter amended, or its application to any person or circumstances, is held invalid or unconstitutional, such adjudication shall not affect the validity of the title as a whole, or any section, provision or part thereof not adjudged to be invalid or unconstitutional and its application to other persons or circumstances shall not be affected.

Chapter 13.02
UTILITY SERVICE, RATES AND CHARGES

Sections:

13.02.005 Application for connection.

13.02.010 Connection fees

13.02.020 Change of ownership

13.02.030 Contract provisions

13.02.040 Rates

13.02.050 Billing

13.02.005 Application for connection.

A. It is unlawful for any person to make any connection to a city of Monroe utility system without complying with all the provisions of this chapter and obtaining therefore a permit from the director to make such connection.

A sum established by the city council by periodic resolution shall be charged and collected by the city of Monroe for any connection permit issued. A reinspection charge as established by the city council by periodic resolution shall be made for any connection failing the initial test or any other reinspection required by city personnel.

Any person desiring to have premises connected to a utility system of the city of Monroe shall make application thereof at the permit assistance center.

Applications therefore shall be made upon a form furnished for that purpose containing at least the following information:

address of premises

legal description of the premises

name of the owner

address of the owner

the purposes for which the utility will be used

number of dwelling units

size of premises

amount of impervious surface

Tenants, as such, are not considered agents of the owner, and without specific written authority from the owner placed on file with and at the time of application, no application for water service by a tenant will be considered or processed.

B. When new buildings are to be erected on the site of old ones and it is desired to increase the size of, or change the location of, the old service connection, or where a service connection to any premises is abandoned or no longer used, the director may cut out or remove such service connection after which, should a new service connection be required to the premises, a new service shall be placed upon the owner making an original application and paying for a new service connection in the regular manner.

13.02.010 Connection fees.

These charges will be determined by the director and any decision may be appealed to the hearing examiner for final determination.

A. System development charges

System development charges shall be assessed at time of application for a new service connection to a utility system of the city of Monroe or at time of issuance of a building permit or change of use permit when utility system use is expected to increase. No refunds will be given if a change

of use or occupancy causes the expected utility system usage to decrease. City of Monroe utility system development charges shall be as established by the city council by periodic resolution.

1. Water and Sewer

The amount set by such resolution for water and sewer system development charges shall be the amount paid per meter capacity equivalents (MCEs). Residential structures shall be charged for one MCE per dwelling unit. MCEs for nonresidential structures shall be based on the size of the water meter needed to supply the customers calculated peak demand:

<u>Meter size</u>	<u>MCEs</u>
<u>5/8 x 3/4 inch</u>	<u>1</u>
<u>1 inch</u>	<u>2.5</u>
<u>1.5 inches</u>	<u>5</u>
<u>2 inches</u>	<u>8</u>
<u>3 inches</u>	<u>16</u>
<u>4 inches</u>	<u>25</u>
<u>6 inches</u>	<u>50</u>
<u>8 inches</u>	<u>80</u>

2. Stormwater

The amount set by resolution for stormwater system development charges shall be determined by the number of equivalent residential units (ERUs) contained therein; 2,500 square feet of impervious ground cover shall equal one ERU. All detached single-family residences (what is SFR in UDR?) and mobile homes are deemed to contain one ERU. For all other developed real property the ERUs shall be based on the number of square feet of impervious ground cover on each property divided by 2,500 square feet/ERU; the total thus obtained will be rounded to the nearest tenth. Each developed parcel of property shall be deemed to contain a minimum of one ERU.

3. Exceptions

a. One-bedroom or studio residential units located in the downtown commercial zone shall be charged for 0.333 MCE per unit.

4. Exemptions

a. Accessory dwelling units

Permitted accessory dwelling units (as defined in MMC Title 22) contained within the structure of the primary dwelling unit or detached from the primary dwelling unit shall be exempt from system development charges if using the same water meter as the primary dwelling unit.

b. Homeless transitional shelters.

i. The utility system development charge imposed by MMC 13.02.010(A) shall not apply to transitional housing for homeless persons operated by

federal, state, county or municipal agencies or public benefit nonprofit corporations. In order to qualify for this exemption, the transitional housing must focus upon providing counseling, training and/or opportunities to the homeless to enable them to find employment and support themselves. All persons who use the transitional home shall either be homeless individuals, support staff or others involved in the operations of the shelter. For purposes of this section, homeless persons shall be deemed to be individuals who do not have the resources for a fixed place to sleep at night. Such persons must qualify as “very low-income” individuals as defined in the city of Monroe comprehensive plan.

ii. As a condition of granting this exemption, the property owner shall record a covenant prepared by the city that provides that if the use is subsequently changed in a manner that no longer qualifies it for the exemption in subsection a. of this section, MMC 13.02.010 shall be applied at the time the exempted use was changed as if the exempted use had never occurred. Under these circumstances, system development charges assessed for a change in use shall be based upon the change in use from the use immediately preceding the exempted use to the use to which the exempted use was converted. Similarly, if the exempted use was the first utility use of the property, the system development charges assessed at the time the exempted use is changed shall be assessed as if the changed use were the first utility use of the property.

iii. This exemption shall only apply to the first thirty meter capacity equivalents (MCEs) that qualify. Any exempted uses that are subsequently discontinued shall not qualify as one of the thirty MCEs.

5. Reduction of system development charges

a. Affordable housing – downtown commercial zoning

i. The utility system development charge imposed by MMC 13.02.010(A) shall be reduced by eighty percent for affordable housing located in the downtown commercial zoning district. For purposes of this section, “affordable housing” shall mean residential units: (1) that are occupied by renters having an annual household income of sixty percent or less of the Snohomish County area median income estimate for the Seattle-Bellevue, WA HUD Metro FMR Area as published by the Department of Housing and Urban Development, and (2) for which the monthly rental amount is no more than thirty percent of the household income.

ii. As a condition of qualifying for the affordable housing reduction authorized by this section, the property owner shall record an instrument prepared by the city attorney, which shall contain the following content, in addition to any other provisions deemed necessary and appropriate by the director.

(A). The amount of the utility system development charges that would apply pursuant to MMC 13.02.010(A) without the affordable housing reduction authorized under this section.

(B). The amount of the affordable housing reduction authorized by this section.

(C). A requirement that if the use of the underlying property is changed in a manner that no longer qualifies for the affordable housing reduction, the property owner shall immediately remit payment to the city of the difference between the amounts of subsections (ii)(1) and (ii)(2) of this section, respectively, together with interest calculated at twelve percent per annum, or the highest legally available amount, whichever is greater, beginning on the date of execution of the covenant.

(D). A requirement that the covenant will run with the title of the property and bind future owners thereof.

(E). A provision allowing for specific enforcement of the restrictive covenant required pursuant to subsection (ii)(3) of this section until the payment required pursuant to subsection (ii)(4) of this section has been remitted in full.

(F). Appropriate provisions for jurisdiction, venue, governing law, and attorneys' fees recoupment for the prevailing party in any litigation arising out of the covenant.

(G). Appropriate provisions for jurisdiction, venue, governing law, and attorneys' fees recoupment for the prevailing party in any litigation arising out of the covenant.

iii. There is no requirement for the reduced portion of the utility system development charges to be paid or otherwise reimbursed from public funds.

B. Front footage fees

All connection charges for utility service from mains owned by the city outside of the boundaries of local improvement districts and not subject to a recovery contract shall be computed at a rate of three dollars per linear foot for all installations completed prior to January 1, 1970. For all water mains owned by the city, installed after January 1, 1970, outside of the boundaries of local improvement districts and not subject to a recovery contract, the connection charge shall be based on the actual construction cost per front foot as established by the director. These front-footage charges are declared to represent a fair pro rata share of the cost of construction for an eight-inch main with appurtenances, without regard to the actual size of mains constructed. The revenues collected from these connection charges shall be deposited in the capital improvement fund.

C. Meter Fees

Fixed and other charges for water meter installations shall be established by the city council by periodic resolution.

In any instance where the actual cost to the city for the necessary material, labor, administration, equipment rentals and equipment used exceed the above stated charge, then the charge shall be equal to said cost of labor, materials and expenses as determined by the director.

Upon application for utility connection the city will specify the minimum size of the meter to be installed.

In any case where meters are being exchanged for larger or smaller meters, at the request of the customer and at their expense, then there shall be allowed to the customer a credit exchange as established by the city council by periodic resolution.

13.02.020 Change of ownership

Upon change of ownership of all premises being served by city of Monroe utilities shall be required to furnish within ten days therefrom full and complete data and information required in section MMC 13.02.005(A).

If any person shall fail, neglect or refuse to comply with this section, the city may shut off utility service furnished to the premises of the one so failing, neglecting or refusing and may charge a fee as established by the city council by periodic resolution for shutting off and restoring utility service.

13.02.030 Contract provisions

The application provided for in MMC 13.02.005(A) shall contain a contract on the part of the person making the same to pay for the utility services applied for at the rate and in the manner specified in such contract, and shall reserve to the city of Monroe the right to charge and collect the rates and enforce the penalties provided for in this chapter, in the manner herein provided, to change the rates at any time by resolution, to temporarily discontinue the service at any time without notice to the consumer, and shall specify that the contract is subject to all the provisions of this chapter, and of any ordinance of the city of Monroe relating to the subject, hereafter passed, and shall provide that the city shall not be held responsible for any damage by water or other cause resulting from the defective plumbing or appliances on the premises supplied with water, installed by the owner or occupants of the premises, and shall provide that in case the supply of water shall be interrupted or fail by any reason, the city shall not be held liable for damages for such interruption or failure, nor shall such interruptions or failures for any reasonable period of time be held to constitute a breach of contract on the part of the city or in any way relieve the consumer from performing the obligations of this contract.

All contracts shall take effect from the day they are signed and rates shall

be charged from the day the premises are connected with the city's utility system.

13.02.040 Rates

A. Rates Established

1. The rates of utility service for the city of Monroe utility systems shall be as established by the city council by periodic resolution. The rates established by periodic resolution shall not override any valid preexisting utility service contract.

2. For service outside the city limits, the charges shall be one hundred fifty percent of the standard in-city rate as established by the city council by periodic resolution. "Outside of the city limits" shall mean any property that qualifies for one or more of the following:

- a. A majority of the property is situated outside of city limits;
- b. A majority of fixtures on the property are outside of city limits; or
- c. A majority of the value of improvements is outside city limits.

"Property" for purposes of determining outside service shall include the property served by a wholesale customer of the city's water system, i.e., if the wholesale customer resells to residential or commercial properties, the location of those properties shall be considered in determining whether the service is "outside city limits."

3. Rate – Class of user not specified

Monthly rates and charges for sanitary sewage collection and disposal system service for any class of user not otherwise provided for under this chapter, for major users of the system or for users of the system where special circumstances as determined by the city council exist shall be as arranged by special contract with the city, as approved by the city council.

B. Discounts

1. Senior citizen or disabled

For senior citizens with very low income or disabled persons hereinafter defined, the single-family residential housekeeping unit charge shall be as established by the city council by periodic resolution. The rate established for seniors is restricted to single-family residences or other residences with a single water meter per unit primarily occupied by a senior citizen or senior citizens being fifty-five years of age or older having an annual household income of fifty percent or less of the area median income for Snohomish County, as published by the Washington State Office of Financial Management. In the event that such income determination is no longer published, the city may use such other reasonable methods of determining average median income as it may choose. Discount rate is restricted to minimum residential meter size. To qualify as a disabled person, the disability is defined as the inability to do any substantial gainful activity due to any medically determinable

physical or mental impairment which can be expected to result in death, or which has lasted or can be expected to last for a continuous period of not less than twelve months. To qualify for the disabled discount, said rate is restricted to single-family residences primarily occupied by a disabled person. The discount rates provided for herein are available only upon application, which is required to be updated annually by the customer.

2. Low-income senior citizen – nonprofit multifamily

For low-income senior citizens as hereinafter defined, the nonprofit multifamily residential utility rate shall be as established by periodic resolution of the city council. The rate established under this section is restricted to multifamily residences that are: (A) exclusively occupied by low-income senior citizens, and (B) owned or operated by entities with nonprofit public benefit status as defined by RCW [24.03.490](#). For purposes of this section, “low-income senior citizens” are defined as persons being fifty-five years of age or older and having an annual household income of fifty percent or less of the area median income for Snohomish County, as published by the Washington State Office of Financial Management. In the event that such income determination is no longer published, the city may use such other reasonable methods of determining average median income as it may choose.

The discount rates provided for herein are available only upon application, which is required to be updated annually by the customer. Such annual update shall provide current documentation of the customer’s nonprofit public benefit status and certify that all residents of the multifamily facility are low-income senior citizens as defined herein.

3. Irrigation meters

Irrigation water meters turned off during the winter months for winterizing shall not be assessed charges for services while water is off. When the irrigation meter is turned on, charges will be assessed.

C. Vacation/vacancy credit

1. Water and sewer utility accounts may be eligible for one of the following vacation/vacancy credits:

a. Single-family dwelling accounts shall be eligible for vacation/vacancy credits for any absence of thirty days or more with a maximum of ninety days in any concurrent twelve-month period.

b. Low-income senior citizen accounts satisfying the criteria set forth in MMC 13.02.040 shall be eligible for vacancy credits for any absence or nonuse of thirty days or more with a maximum of one hundred eighty days in any concurrent twelve-month period.

c. City of Monroe irrigation accounts shall be eligible for vacancy credits for any absence or nonuse of thirty days or more with a maximum of one hundred eighty days in any concurrent twelve-month period.

d. Single-family dwelling accounts shall be eligible for vacancy credits for any absence of thirty days or more when such absence is due to the property owner's deployment for active military duty, military reserve duty, and/or National Guard duty. The vacancy credit shall correspond to the deployment dates. A copy of the relevant deployment order must be provided to the finance director.

2. Utility accounts must be current; no vacancy credits shall be granted for an account that is delinquent. Credits shall be computed on a percentage of days used. The city will provide a vacancy credit application in the event the city operates the utility and the contractor will provide a vacancy credit application in the event a contractor operates the utility. Vacancy credit applications must be filed forty-eight hours in advance. Persons filing vacancy credit applications found to be false shall, in addition to any other penalties, be ineligible to receive future vacancy credits. Failure to apply for continuation of services within seven days of the renewed occupancy of the premises shall result in charges being imposed for sanitary sewer services without regard for any period of vacancy.

13.02.050 Billing

A. Billing of property owners.

Property owners shall be responsible and billed for utility service at all served properties; provided, that the owner may authorize direct billings to be made to and in the name of a tenant or other occupant(s) of the premises to which water service is furnished at the mailing address provided in 13.02.005(A). Such authorization shall be evidenced by the owner's execution of an agreement in a form provided by the city. No such arrangement shall in any manner relieve the owner of the premises from ultimate liability for the payment of the charges for furnishing water nor in any way affect the lien rights of the city against the premises to which water service is furnished. Failure to receive mail properly addressed to the mailing address provided above shall not be a valid defense for failure to pay the delinquent charges and penalties.

B. Due date.

All utility rates and charges shall be billed monthly on the first day of the billing month, shall be due and payable not later than the last day of the month, and shall become delinquent after that date.

C. Payment allocation.

All payments on a combined utility billing shall be applied first to fees or penalties, second to utility taxes, third to storm drainage, fourth to sewer, and fifth to water.

D. Consumption estimates.

An estimate on the average monthly consumption, based on previous history of usage, may be made in the event that the meter is not read during the billing cycle.

E. Unpaid bills – Notice.

All utility bills unpaid by the last day of each month shall be deemed delinquent and service may be shut off and remain shut off until all arrearages shall have been paid together with a shutoff fee and further fee for turning on the same, as established by the city council by periodic resolution. All delinquent accounts shall be charged a penalty per unit per month on the unpaid delinquent amount, such penalty to be as established by the city council by periodic resolution.

At least ten days before utility service is scheduled to be terminated, the finance director or designated city official shall notify in writing the owner and the occupant of the property. The owner shall be notified by mail at the address on the account, and the occupant shall be notified by mail, door hanger, or other form at the serviced property. Mailed notices shall be deemed received three business days after mailing. All notices shall contain the following: (A) reason for water termination; (B) delinquent amount that must be paid to avoid interruption of service; (C) instructions on scheduling an informal hearing to demonstrate that the account is not delinquent; and (D) day on or after which water service will be terminated.

After notification, the owner and the occupant shall be afforded the opportunity to present to the finance director or designated city official empowered to resolve billing disputes, evidence that the delinquent charges have been paid. Such opportunity shall be afforded before water service is terminated; provided, that the owner or occupant requests an informal hearing within three days of presumptive receipt of the notice. Failure to receive mail will not be recognized as a valid excuse for failure to pay rates when due. Changes in ownership of property and change in mailing addresses must be provided in writing to city of Monroe utility department staff. The owner or occupant has the burden to prove that the delinquent charges have been paid. After reviewing the evidence presented by the owner or occupant, the finance director or designated city official shall decide whether or not the account remains delinquent. The owner or occupant shall be notified of the decision. This decision is not subject to appeal. If the account is found to be delinquent, water service will be terminated as previously scheduled or three days after the final decision, whichever is later.

F. Violation – Returned check – Water shutoff

In the event the city receives notice from the bank of nonsufficient funds or other reason for returned check which was tendered to the city of Monroe for utility payment, the city shall notify the owner or tenant of the premises of such violation. The owner or tenant shall be required to

provide sufficient funds to the city of Monroe for the amount of the returned check plus the return check fee within forty-eight hours. In the event the owner or tenant of the premises does not respond, the city may turn off water to such premises and shall in no case be turned on until the charges have been paid in full unless special arrangements are made with the finance director or designee. The time period described herein shall not extend shutoff dates as described in MMC 13.02.050(E).

G. Shutoff – No remission

When utility service has been shut off for any cause, and is turned on again or allowed or caused to be turned on by the owner, no remission of rates will be made on account of its having been shut off.

H. Charges – Lien – Fees for turning off and on.

All utility service rates will be charged against the premises for which the service was installed. All charges for utility service, when the same become delinquent and unpaid, shall be a lien against the premises to which the same has been furnished. In case any charges for utility service shall become a lien against the premises, the water shall be cut off until such charges, with additional charges as established by the city council by periodic resolution for the expense of shutting the water off and again turning on such water, are paid.

I. Sewerage lien – Extension of coverage.

Pursuant to RCW 35.67.215, the sewerage lien imposed in MMC 13.02.050(H) shall be effective for one year's delinquent charges without the necessity of any writing or recording of the lien with the county auditor. Pursuant to RCW 35.67.210, a sewage lien for more than one year's delinquent charges shall be valid if properly recorded in the office of the county auditor.

J. Charges – Utility lien search – Property closing request – Water meter reading.

All requests for a utility and lien search or meter reading at time of sale of property, shall pay a fee as established by the city council by periodic resolution.

Chapter 13.04
WATER REGULATIONS(~~(, RATES AND CHARGES)~~)

Sections:

- ~~((13.04.005 — Adoption of a water system plan.~~
- ~~13.04.010 — Definitions.~~
- ~~13.04.020 — Application for connection.~~
- ~~13.04.025 — Water system development charge.~~

- ~~13.04.026 — Exemption for homeless transitional shelters.~~
- ~~13.04.027 — Reduction of water system development charge for affordable housing — Downtown commercial zoning district.~~
- ~~13.04.030 — Furnishing information — Action for failure.~~
- ~~13.04.040 — Contract provisions.~~
- ~~13.04.050 — Contract to be in effect.~~
- ~~13.04.060 — Connection specifications.~~
- ~~13.04.065 — Developer-installed service connections and meters.~~
- 13.04.070 Temporary private service – Access to property.
- ~~13.04.080 — Connection to sewer system.~~
- ~~13.04.090 — Size of connection — Fee according to schedule of rates.~~
- ~~13.04.095 — Connection to city-owned mains — Computation of charges.~~
- ~~13.04.100 — Service pipes to conform.)~~
- 13.04.110 Furnishing water to additional premises – Application.
- 13.04.120 Additional premises – No applications – Double rate.
- ~~((13.04.130 — Changing connections.))~~
- 13.04.150 Shutoff – No remission.
- ~~((13.04.155 — Vacation/vacancy credit.~~
- ~~13.04.160 — Charges — Lien — Fees for turning off and on.~~
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- 13.04.170 Metered service only.
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- 13.04.440 Standby water connections – Application and approval.
- 13.04.450 Installation costs and payment for standby water connections.
- 13.04.460 Proof of intent to use standby water connections only for fire protection – Monthly fee for use.
- ~~((13.04.470 MMC 13.04.440 through 13.04.480 not applicable to council entering into separate contracts.))~~
- 13.04.480 Use of standby connection for other than fire prevention – Penalties.
- ~~((13.04.490 Billing of property owners.~~
- 13.04.500 Penalties.

13.04.005 — Adoption of a water system plan.

The Monroe city council hereby adopts the water system plan, attached to the ordinance codified in this section as Exhibit A and incorporated herein by this reference.

13.04.010 — Definitions.

A. "City" means the city of Monroe, Washington.

B. "Class of user:"

1. "Single residential" means any dwelling unit served by a separate water meter.

2. "Multiple residential" means two or more dwelling units served by a single water meter without any nonresidential uses.

3. "Nonresidential" means any use other than a dwelling unit served by a single meter. Buildings containing dwelling units and commercial, retail, industrial, manufacturing, and other nonresidential units served by the same water meter are considered nonresidential for the purposes of this chapter.

C. "Dwelling unit" means a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

D. "Person" means and includes natural persons of either sex, associations, copartnerships or corporations, whether acting by themselves or by a servant, agent, or employee; the singular number shall be held and construed to include the plural and the masculine pronoun to include the feminine.

13.04.020 — Application for connection.

Any person desiring to have premises connected with the water supply system of the city of Monroe shall make application therefor at the permit assistance center.

Applications therefor shall be made upon a printed form furnished for that purpose, which application shall contain the address of the owner, a legal description of the premises where such water supply is desired, and shall fully state all the purposes for which the water is to be used, the number of dwelling units to be supplied, the size of the service pipe, and shall be signed by the owner of the premises to be served or his duly authorized agent. Tenants, as such, are not considered agents of the owner, and without specific written authority from the owner placed on file with and at the time of application, no application for water service by a tenant will be considered or processed.

13.04.025 — Water system development charge.

A water system development charge shall be assessed at time of application for a new connection to the Monroe water system or at time of expansion or change of use of a facility when the water usage is expected to increase. A

~~water system capital charge shall not be assessed when an additional meter is purchased for an already served parcel when the water usage is not expected to increase. No refunds will be given if a change in use or occupancy causes the expected water usage to decrease.~~

~~Capital improvement charges shall be as established by the city council by periodic resolution. The amount set by such resolution shall be the amount paid per meter capacity equivalents (MCEs). Residential structures shall be charged for one MCE per dwelling unit. MCEs for nonresidential new customers shall be based on the size of water meter needed to supply the customer's calculated peak demand:~~

Meter size	MCEs
5/8 x 3/4 inch	1
1 inch	2.5
1-1/2 inches	5
2 inches	8
3 inches	16
4 inches	25
6 inches	50
8 inches	80

~~This charge will be determined by the city engineer and any decision may be appealed to the city council for a final determination.~~

~~Exceptions:~~

- ~~1. One bedroom or studio residential units located in the downtown commercial zone shall be charged for 0.333 MCE per unit.~~
- ~~2. Permitted accessory dwelling units (as defined in MMC Title [22](#)) contained within the structure of the primary dwelling unit or detached from the primary dwelling unit shall be exempt from water system development charges.~~

~~In no case shall the MCE amount be less than one except as noted above.~~

~~**13.04.026 — Exemption for homeless transitional shelters.**~~

~~A. The water system development charge imposed by MMC [13.04.025](#) shall not apply to transitional housing for homeless persons operated by federal, state, county or municipal agencies or public benefit nonprofit corporations. In order to qualify for this exemption, the transitional housing must focus upon~~

~~providing counseling, training and/or opportunities to the homeless to enable them to find employment and support themselves. All persons who use the transitional home shall either be homeless individuals, support staff or others involved in the operations of the shelter. For purposes of this section, homeless persons shall be deemed to be individuals who do not have the resources for a fixed place to sleep at night. Such persons must qualify as “very low-income” individuals as defined in the city of Monroe comprehensive plan.~~

~~B. As a condition of granting this exemption, the property owner shall record a covenant prepared by the city that provides that if the use is subsequently changed in a manner that no longer qualifies it for the exemption in subsection (A) of this section, MMC [13.04.025](#) shall be applied at the time the exempted use was changed as if the exempted use had never occurred. Under these circumstances, a water system development charge assessed for a change in use shall be based upon the change in use from the use immediately preceding the exempted use to the use to which the exempted use was converted. Similarly, if the exempted use was the first water use of the property, the water system development charge assessed at the time the exempted use is changed shall be assessed as if the changed use were the first water use of the property.~~

~~C. This exemption shall only apply to the first thirty meter capacity equivalents (MCEs) that qualify. Any exempted uses that are subsequently discontinued shall not qualify as one of the thirty MCEs.~~

~~13.04.027 — Reduction of water system development charge for affordable housing — Downtown commercial zoning district.~~

~~A. The water system development charge imposed by MMC [13.04.025](#) shall be reduced by eighty percent for affordable housing located in the downtown commercial zoning district. For purposes of this section, “affordable housing” shall mean residential units: (1) that are occupied by renters having an annual household income of sixty percent or less of the Snohomish County area median income estimate for the Seattle-Bellevue, WA HUD Metro FMR Area as published by the Department of Housing and Urban Development, and (2) for which the monthly rental amount is no more than thirty percent of the household income.~~

~~B. As a condition of qualifying for the affordable housing reduction authorized by this section, the property owner shall record an instrument prepared by the city attorney, which shall contain the following content, in addition to any other provisions deemed necessary and appropriate by the public works director:~~

- ~~1. The amount of the water system development charge that would apply pursuant to MMC [13.04.025](#) without the affordable housing reduction authorized under this section.~~
- ~~2. The amount of the affordable housing reduction authorized by this section.~~

~~3.— A restrictive covenant limiting the use of the underlying property to affordable housing.~~

~~4.— A requirement that if the use of the underlying property is changed in a manner that no longer qualifies for the affordable housing reduction, the property owner shall immediately remit payment to the city of the difference between the amounts of subsections [\(B\)\(1\)](#) and [\(B\)\(2\)](#) of this section, respectively, together with interest calculated at twelve percent per annum, or the highest legally available amount, whichever is greater, beginning on the date of execution of the covenant.~~

~~5.— A requirement that the covenant will run with the title of the property and bind future owners thereof.~~

~~6.— A provision allowing for specific enforcement of the restrictive covenant required pursuant to subsection [\(B\)\(3\)](#) of this section until the payment required pursuant to subsection [\(B\)\(4\)](#) of this section has been remitted in full.~~

~~7.— Appropriate provisions for jurisdiction, venue, governing law, and attorneys' fees recoupment for the prevailing party in any litigation arising out of the covenant.~~

~~C.— There is no requirement for the reduced portion of the water system development charge to be paid or otherwise reimbursed from public funds.~~

~~13.04.030 — Furnishing information — Action for failure.~~

~~The owners of all premises being served with a water supply from the city water system at the effective date of the ordinance codified in this chapter shall be required to furnish within ninety days therefrom full and complete data and information required upon an original application.~~

~~If any person shall fail, neglect or refuse to comply with this section, the city may shut off the water furnished to the premises of the one so failing, neglecting or refusing and may charge a fee as established by the city council by periodic resolution for shutting the water off and turning the water on again.~~

~~13.04.040 — Contract provisions.~~

~~The application provided for in MMC [13.04.020](#) and [13.04.030](#) shall contain a contract on the part of the person making the same to pay for the water applied for at the rate and in the manner specified in such contract, and shall reserve to the city of Monroe the right to charge and collect the rates and enforce the penalties provided for in this chapter, in the manner herein provided, to change the rates at any time by ordinance, to temporarily discontinue the service at any time without notice to the consumer, and shall specify that the contract is subject to all the provisions of this chapter, and of any ordinance of the city of Monroe relating to the subject, hereafter passed, and shall provide that the city shall not be held responsible for any damage by water or other cause resulting from the defective plumbing or appliances on the premises supplied with water, installed by the owner or occupants of the premises, and shall provide that in~~

~~case the supply of water shall be interrupted or fail by any reason, the city shall not be held liable for damages for such interruption or failure, nor shall such interruptions or failures for any reasonable period of time be held to constitute a breach of contract on the part of the city or in any way relieve the consumer from performing the obligations of his contract.~~

~~13.04.050 — Contract to be in effect.~~

~~All contracts shall take effect from the day they are signed and rates shall be charged from the day the premises are connected with the city's water supply.~~

~~13.04.060 — Connection specifications.~~

~~Upon presentation of receipt for the installation fees, the public works director shall cause the premises described in the application to be connected with the city's water main by a service pipe extending at right angles from the main to the property line, provided such main be available adjacent to the property to be serviced, and such connection shall include a meter and stopcock placed within the lines of the street or curb, which connection shall thereafter be maintained and kept within the exclusive control and ownership of the city, and in no case shall the owner of any premises have the right to claim or reclaim any part thereof; provided, however, that when the service connection cannot be protected within the lines of the street or curb or when the main may be on privately owned premises the city may enter upon the applicant's premises for the purpose of installing and maintaining such connection as herein provided.~~

~~No water service shall be furnished by direct line from the city's mains to any steam boiler on any person's premises.~~

~~13.04.065 — Developer-installed service connections and meters.~~

~~A. Developers of all new subdivisions who will be serving the lots with city water shall be required to install all the water service lines from the water main to the lot property line before the paving of the street. The city engineer shall establish standards for these installations.~~

~~B. A meter installation charge, for installation of a water meter on these developer-installed service lines, shall be due when an application for water service for each individual lot is made. This meter charge shall be paid in lieu of the city's service installation charge. The meter installation charge for a three-quarter inch meter shall be as established by the city council by periodic resolution. The charge for larger meters shall be set by the public works director and recover all city material and labor costs.))~~

13.04.070 Temporary private service – Access to property.

The city will maintain temporary private services in all cases wherein for any reason the permanent service installations must necessarily be disturbed by the city, and as soon as practicable thereafter permanent services will be restored. During such times and in such cases the city shall have access upon private property of any premises so served as may be necessary to maintain this service.

~~((13.04.080 — Connection to sewer system.~~

~~Unless otherwise provided by this title, any premises that is connected with and uses the city sewer system shall also be connected with the city's water system, and shall use water therefrom in its use of the city's sewer system.~~

~~13.04.090 — Size of connection — Fee according to schedule of rates.~~

~~No service connection less than three-fourths inch in size shall be installed. The fees for the installation of any water service as herein provided shall be according to the schedule of rates hereinafter in this chapter set forth and shall be due and payable at the time application therefor is made.~~

~~13.04.095 — Connection to city-owned mains — Computation of charges.~~

~~All connection charges for service from water mains owned by the city outside of the boundaries of local improvement districts and not subject to a recovery contract shall be computed at a rate of three dollars per linear foot for all installations completed prior to January 1, 1970. For all water mains owned by the city, installed after January 1, 1970, not subject to recovery contracts, the connection charge shall be based on the actual construction cost per front foot as established by the city engineer. These front footage charges are declared to represent a fair pro rata share of the cost of construction for an eight-inch main with appurtenances, without regard to the actual size of mains constructed. The revenues collected from these connection charges shall be deposited in the capital improvement fund.~~

~~13.04.100 — Service pipes to conform.~~

~~Before water will be turned on to service any premises connected with the city's mains, the service pipes upon such premises must be made to conform with existing ordinances for the time being regulating plumbing standards for the city.))~~

13.04.110 Furnishing water to additional premises – Application.

It shall be unlawful for any person whose premises are supplied with water to furnish water to additional premises or dwelling unit~~((, whether on the same lot or on a different lot))~~, unless application is first made in writing to do so upon a printed form furnished for the purpose and in the same manner as an original application for the installation of water service. Unless such application has been made and approved, all service pipes must be so arranged or installed that the supply to each house or business unit may be separately controlled by a meter.

13.04.120 Additional premises – No applications – Double rate.

When additional premises are connected without the application prescribed in the preceding section, such premises may be charged at a double rate for the time they are in use, and the service may be shut off, and a charge as established by the city council by periodic resolution for shutting off the water and for turning on such service may be made.

In case water shall be turned off as provided in this section, the same shall not be turned on again until all rates and charges against the premises have been paid in full. Change of ownership or occupation shall not affect the application of this section.

~~((13.04.130 — Changing connections.~~

~~When new buildings are to be erected on the site of old ones and it is desired to increase the size of, or change the location of, the old service connection, or where a service connection to any premises is abandoned or no longer used, the public works director may cut out or remove such service connection after which, should a service connection be required to the premises, a new service shall be placed upon the owner making an original application and paying for a new connection in the regular manner.))~~

13.04.150 Shutoff – No remission.

~~((When water has been shut off for any cause, and is turned on again or allowed or caused to be turned on by the owner, no remission of rates will be made on account of its having been shut off, and t))The ((public works-))director may shut off the water at the main, or remove a portion of the service connection in the street and shall charge the actual cost of cutting and reinstating the water supply to the owner of the property, except as herein otherwise provided.~~

~~((13.04.155 — Vacation/vacancy credit.~~

~~A. Water utility accounts may be eligible for one of the following vacation/vacancy credits:~~

- ~~1. Single family dwelling accounts shall be eligible for vacation/vacancy credits for any absence of thirty days or more with a maximum of ninety days in any concurrent twelve-month period.~~
- ~~2. Low income senior citizen accounts satisfying the criteria set forth in MMC [13.04.322](#) shall be eligible for vacancy credits for any absence or nonuse of thirty days or more with a maximum of one hundred eighty days in any concurrent twelve-month period.~~
- ~~3. City of Monroe irrigation accounts shall be eligible for vacancy credits for any absence or nonuse of thirty days or more with a maximum of one hundred eighty days in any concurrent twelve-month period.~~
- ~~4. Single family dwelling accounts shall be eligible for vacancy credits for any absence of thirty days or more when such absence is due to the property owner's deployment for active military duty, military reserve duty, and/or National Guard duty. The vacancy credit shall correspond to the deployment dates. A copy of the relevant deployment order must be provided to the finance director.~~

~~B. Utility accounts must be current; no vacancy credits shall be granted for an account that is delinquent. Credits shall be computed on a percentage of days used. The city will provide a vacancy credit application in the event the city~~

~~operates the utility and the contractor will provide a vacancy credit application in the event a contractor operates the utility. Vacancy credit applications must be filed forty eight hours in advance. Persons filing vacancy credit applications found to be false shall, in addition to any other penalties, be ineligible to receive future vacancy credits. Failure to apply for continuation of services within seven days of the renewed occupancy of the premises shall result in charges being imposed for water services without regard for any period of vacancy.~~

~~**13.04.160 — Charges – Lien – Fees for turning off and on.**~~

~~All water rates will be charged against the premises for which the service was installed. All charges for water, when the same become delinquent and unpaid, shall be a lien against the premises to which the same has been furnished. In case any charges for water shall become a lien against the premises, the water shall be cut off until such charges, with additional charges as established by the city council by periodic resolution for the expense of shutting the water off and again turning on such water, are paid.~~

~~**13.04.165 — Charges – Utility lien search – Property closing request – Water meter reading.**~~

~~All requests for a utility and lien search or water meter reading at time of sale of property, shall pay a fee as established by the city council by periodic resolution.))~~

~~**13.04.170 Metered service only.**~~

~~All water service supplied from the city's mains shall be by metered service only.~~

~~**(13.04.180 — Powers to regulate use in emergency.**~~

~~The city of Monroe in all cases of emergency, whenever the public safety, health, or the equitable distribution of water so demands, may direct the public works director to change, reduce, or limit the time of use or discontinue the use of water if in its judgment public necessity demands.))~~

~~**13.04.190 Causing water to fall on people.**~~

~~It shall be unlawful for any person willfully to place any automatic sprinkling device or willfully to place or hold any hose in such position or manner that water therefrom falls on any person while on any public street or sidewalk.~~

~~**13.04.200 Penalty for violating MMC 13.04.190.**~~

~~If any person shall violate any provision of MMC [13.04.190](#), the city may shut off the water furnished to the premises upon which such violation is made, and may charge fees as established by the city council by periodic resolution for shutting the water off and for again turning on such water.~~

~~**13.04.210 Water shortage – Restricted use – Penalty.**~~

~~The city reserves the right in case of a shortage of water from any cause to make an order forbidding or suspending the use of water for sprinkling or~~

irrigation, or to change the hours during which the same may be done, by giving notice through the city official newspaper, or by public address system, and any person violating such order shall be subject to a penalty as established by the city council by periodic resolution, and water shut off and not turned on again until such penalty has been paid in addition to the fee for shutting off and turning on as in this chapter provided.

~~((13.04.220 — Fire.~~

~~It shall be unlawful for any person to use water for irrigation or sprinkling during the progress of any fire in the city, unless for the protection of property, and all irrigation and sprinkling shall stop when an alarm of fire is sounded, and shall not begin again until the fire is extinguished.~~

~~13.04.230 — Right to shut off – Nonliability.~~

~~The city reserves the right at any time, without notice, to shut off the water supply for repairs, extensions, nonpayment of rates, or any other reason, and the city shall not be responsible for any damage, such as bursting boilers supplied by direct pressure, the breaking of any pipes or fixtures, stoppages or interruption of water supply, or any other damage resulting from the shutting off of water.))~~

13.04.240 Owner responsible for damaged meters.

The owner of any service connections shall be responsible for damage to meters serving the premises caused by hot water and shall be charged for repairs to meters caused by such damage.

~~((13.04.250 — Public works director to have free access.~~

~~It shall be unlawful for any person to fail, neglect, or refuse to give the public works director or his duly authorized representative free access at all reasonable hours to all parts of premises supplied with water from the city's mains for the purpose of inspecting the condition of pipes and fixtures, noting the amount of water used and the manner in which it is used.~~

~~13.04.260 — Penalty for violating MMC 13.04.250.~~

~~If any owner or occupant of any premises supplied with city water shall violate any provision of MMC [13.04.250](#), the city may shut off such service; and such owner or occupant shall be required to pay any and all delinquent and unpaid charges against such premises together with a charge, as established by the city council by periodic resolution for shutting off the water and for turning on such water, before the same shall be again turned on.~~

~~13.04.270 — Violation – Water shutoff.~~

~~In case of violation of any of the preceding sections, the city may cause written notice thereof to be served on the owner or occupant of the premises where such violation takes place, which notice shall require the payment of the charges hereinbefore provided, and if such charges be not paid within twenty-four hours from the time of the service of such notice, the water shall be turned~~

off from such premises and shall in no case be turned on until the charges have been paid.))

13.04.280 Meters – Damaged – Out of order.

All meters on services of consumers within, or without, the city limits, until otherwise authorized by the city, shall be and remain the property of the city and will not be removed unless the use of water on the premises is to be entirely stopped or the service connection discontinued or abandoned. In all cases where meters are lost, injured or broken by carelessness or negligence of owners or occupants of premises, they shall be repaired or replaced, by or under the direction, of the ((public works-))director, and the cost charged against the owner or occupant, and in case of nonpayment the water shall be shut off and will not be turned on until such charge and the charge for turning off and turning on the water are paid. In the event of the meter getting out of order or failing to register properly, the consumer shall be charged on an estimate made by the city on the average monthly consumption during the last three months that the same was in good order or from what the city may consider the most reliable date at its command.

13.04.290 Meter accuracy questioned – Procedure.

When the accuracy of record of a water meter is questioned by a user, ((he))**they** shall make a written complaint in that regard setting forth in detail facts and reasons upon which ((his))**their** complaint is based, together with a request to have the meter tested for recording accuracy, and present same to the water collector. The ((public works-))director shall make investigation and employ such means as may be indicated thereby to determine the matter.

In the event that the meter in question shall be removed and tested for accuracy and that test discloses an error against the consumer of more than three percent on the meter's registry, the excess of the consumption on the three previous readings shall be credited to the consumer's meter account.

In the event that the meter in question shall be removed and tested for accuracy and that test discloses no error against the consumer, there will be a meter check charge as established by the city council by periodic resolution.

No meter shall be removed, or in any way disturbed, nor the seal broken except in the presence or under the direction of the ((public works-))director.

13.04.300 Meter removal or reinstallation.

When it is desired to have a meter removed or reinstalled, the owner of the premises supplied or to be supplied with such meter shall file an original application at the office of the city engineer and shall pay the costs in full for such removal or reinstallation as upon an original application.

~~**((13.04.310 Purpose of this section and MMC 13.04.320.**~~

~~The purpose of this section and MMC [13.04.320](#) is to make certain adjustments in the existing water rates and classifications of water use in the city and to attempt to resolve certain inequities and inequalities which may have heretofore~~

~~existed, to the end that fair and reasonable water rates satisfactory to the water customers of the city may be imposed.~~

~~13.04.320 — Rates established.~~

~~A. The rates for water service for the water system of the city shall be as established by the city council by periodic resolution. The rates established by periodic resolution shall not override any valid preexisting water contracts.~~

~~B. For service outside the city limits, the charges shall be one hundred fifty percent of the standard in city rate as established by the city council by periodic resolution. "Outside of the city limits" shall mean any property that qualifies for one or more of the following:~~

- ~~1. A majority of the property is situated outside of city limits;~~
- ~~2. A majority of fixtures on the property are outside of city limits; or~~
- ~~3. A majority of the value of improvements is outside city limits.~~

~~"Property" for purposes of determining outside service shall include the property served by a wholesale customer of the city's water system, i.e., if the wholesale customer resells to residential or commercial properties, the location of those properties shall be considered in determining whether the service is "outside city limits."~~

~~C. Irrigation water meters turned off during winter months for winterizing shall not be assessed charges for services while water is off. When irrigation meter is turned on, charges will be assessed.~~

~~13.04.322 — Senior citizen and disabled discount.~~

~~For senior citizens with very low income or disabled persons hereinafter defined, the single family residential housekeeping unit charge shall be as established by the city council by periodic resolution. The rate established for seniors is restricted to single family residences or other residences with a single water meter per unit primarily occupied by a senior citizen or senior citizens being fifty five years of age or older having an annual household income of fifty percent or less of the area median income for Snohomish County, as published by the Washington State Office of Financial Management. In the event that such income determination is no longer published, the city may use such other reasonable methods of determining average median income as it may choose. Discount rate is restricted to minimum residential meter size. To qualify as a disabled person, the disability is defined as the inability to do any substantial gainful activity due to any medically determinable physical or mental impairment which can be expected to result in death, or which has lasted or can be expected to last for a continuous period of not less than twelve months. To qualify for the disabled discount, said rate is restricted to single family residences primarily occupied by a disabled person. The discount rates provided for herein are available only upon application, which is required to be updated annually by the customer.~~

~~13.04.323 — Low-income senior citizen discount — Nonprofit multifamily.~~

~~For low-income senior citizens as hereinafter defined, the nonprofit multifamily residential utility rate shall be as established by periodic resolution of the city council. The rate established under this section is restricted to multifamily residences that are: (A) exclusively occupied by low-income senior citizens, and (B) owned or operated by entities with nonprofit public benefit status as defined by RCW [24.03.490](#). For purposes of this section, "low-income senior citizens" are defined as persons being fifty-five years of age or older and having an annual household income of fifty percent or less of the area median income for Snohomish County, as published by the Washington State Office of Financial Management. In the event that such income determination is no longer published, the city may use such other reasonable methods of determining average median income as it may choose.~~

~~The discount rates provided for herein are available only upon application, which is required to be updated annually by the customer. Such annual update shall provide current documentation of the customer's nonprofit public benefit status and certify that all residents of the multifamily facility are low-income senior citizens as defined herein.~~

~~13.04.325 — Consumption estimates.~~

~~An estimate on the average monthly consumption, based on previous history of usage, may be made in the event that the meter is not read during the billing cycle.~~

~~13.04.330 — Billing.~~

~~All water rates and charges shall be billed monthly on the first day of the billing month, shall be due and payable not later than the last day of the month, and shall become delinquent after that date.~~

~~13.04.332 — Violation — Returned check — Water shutoff.~~

~~In the event the city receives notice from the bank of nonsufficient funds or other reason for returned check which was tendered to the city of Monroe for utility payment, the city shall notify the owner or tenant of the premises of such violation. The owner or tenant shall be required to provide sufficient funds to the city of Monroe for the amount of the returned check plus the return check fee within forty-eight hours. In the event the owner or tenant of the premises does not respond, the city may turn off water to such premises and shall in no case be turned on until the charges have been paid in full unless special arrangements are made with the finance director or designee. The time period described herein shall not extend shutoff dates as described in MMC [13.04.360](#).~~

~~13.04.335 — Payment allocation.~~

~~All payments on a combined utility billing shall be applied first to fees or penalties, second to utility taxes, third to storm drainage, fourth to sewer, and fifth to water.~~

~~13.04.340 — Purpose of MMC 13.04.350.~~

~~The purpose of MMC [13.04.350](#) is to increase meter installation rates, both within and without the city limits, in order to conform to the average actual cost of the installations to the city, the council having investigated and determined that there had been no increase in these rates for over ten years, and that the city has actually been losing money on the installations.~~

~~13.04.350 — Meter installation rates established.~~

~~Fixed and other charges for water meter installations shall be as established by the city council by periodic resolutions.~~

~~In any instance where the actual cost to the city for the necessary material, labor, administration, equipment rentals and equipment used exceed the above stated charge, then the charge shall be equal to said cost of labor, materials and expenses as determined by the public works director.~~

~~Upon application for the installation of a meter for commercial use or purposes, the city will specify the minimum size of the meter to be installed.~~

~~In any case where water meters are being exchanged for larger or smaller meters, at the request of the customer and at his expense, then there shall be allowed to the customer a credit exchange as established by the city council by periodic resolution.~~

~~13.04.360 — Unpaid bills – Notice.~~

~~All water bills unpaid by the thirtieth day of each month shall be deemed delinquent and service may be shut off and remain shut off until all arrearages shall have been paid together with a shutoff fee and further fee for turning on the same, as established by the city council by periodic resolution. All delinquent accounts shall be charged a penalty per unit per month on the unpaid delinquent amount, such penalty to be as established by the city council by periodic resolution.~~

~~At least ten days before water service is scheduled to be terminated, the finance director or designated city official shall notify in writing the owner and the occupant of the property. The owner shall be notified by mail at the address on the account, and the occupant shall be notified by mail, door hanger, or other form at the serviced property. Mailed notices shall be deemed received three business days after mailing. All notices shall contain the following: (A) reason for water termination; (B) delinquent amount that must be paid to avoid interruption of service; (C) instructions on scheduling an informal hearing to demonstrate that the account is not delinquent; and (D) day on or after which water service will be terminated.~~

~~After notification, the owner and the occupant shall be afforded the opportunity to present to the finance director or designated city official empowered to resolve billing disputes, evidence that the delinquent charges have been paid. Such opportunity shall be afforded before water service is terminated; provided, that the owner or occupant requests an informal hearing within three days of~~

~~presumptive receipt of the notice. Failure to receive mail will not be recognized as a valid excuse for failure to pay rates when due. Changes in ownership of property and change in mailing addresses must be provided in writing to city of Monroe utility department staff. The owner or occupant has the burden to prove that the delinquent charges have been paid. After reviewing the evidence presented by the owner or occupant, the finance director or designated city official shall decide whether or not the account remains delinquent. The owner or occupant shall be notified of the decision. This decision is not subject to appeal. If the account is found to be delinquent, water service will be terminated as previously scheduled or three days after the final decision, whichever is later.~~

13.04.370 — Expense of laying mains.

~~All extensions of city mains to serve new customers or areas outside the corporate limits of the city shall be laid at the expense of the person or persons requesting such extensions in writing.)~~

13.04.380 Connecting to city's fire hydrants and valves.

It shall be unlawful for any person, except when duly authorized by the ((public works-))director, to open, operate, close, turn on, turn off, interfere with, attach any pipe or hose to or connect anything with any fire hydrant, stop valve or stopcock belonging to the city.

13.04.390 Interference with municipal water system.

It shall be unlawful for any person, unless duly authorized by the ((public works))director, to disturb, interfere with, or damage any water main, water pipe, machinery, tools, meters, or any other appliances, buildings, or grounds belonging to, connected with or under the control of the municipal water system of the city of Monroe; provided, however, that this prohibition shall not prohibit a resident from shutting off water to the premises at the meter in the event of an emergency and turning said water on when the emergency is corrected. Said actions, if undertaken by the resident or ((his)) **their** agent, shall be done with due care and caution and shall not relieve said person from any liability for damage caused to the water meter or other property belonging to the city of Monroe in the event of their negligence.

13.04.400 Interfering with city's water supply.

It shall be unlawful for any person to trespass, to bathe in or throw any substance into any reservoir, water tank, or impounding dams of the municipal water system of the city of Monroe.

13.04.410 Obstructing fire hydrant.

It shall be unlawful for any person to obstruct the access to any fire hydrant or to open or operate any fire hydrant, or attempt to draw water therefrom, or to willfully or carelessly injure the same, except in the performance of official duties.

13.04.420 Permission to make connections required.

It shall be unlawful for any person to make connections with any fixtures or connect any pipe with any water main or water pipe belonging to the water system, without first obtaining permission to do so from the city engineer.

~~((13.04.430 Authority of city council.~~

~~The city council shall have authority to decide any question which may arise and which is not fully covered in this chapter and its decision shall in such cases be final.))~~

13.04.440 Standby water connections – Application and approval.

Upon application to and approval by the city, a water user may be provided standby water connections for fire protection only.

13.04.450 Installation costs and payment for standby water connections.

All charges and costs of installation of such standby water connections shall be paid by the customer, and shall include the regular cost of installation of the size line desired by the customer, plus ten percent. No meter shall be involved.

13.04.460 Proof of intent to use standby water connections only for fire protection – Monthly fee for use.

Prior to any approval by the city, the customer shall provide prints or plans of internal distribution systems sufficient to satisfy the city that the connection is intended for fire protection only.

After installation, the regular standby water connection charges shall be as established by the city council by periodic resolution.

~~((13.04.470 MMC 13.04.440 through 13.04.480 not applicable to council entering into separate contracts.~~

~~MMC [13.04.440](#) through [13.04.480](#) shall not apply to any circumstances or customers in connection with which the council has entered or will enter into a separate contract for the supplying of water for fire protection.))~~

13.04.480 Use of standby connection for other than fire prevention – Penalties.

Should any customer use any such connection for purposes other than fire protection during an actual fire or for immediate protection from an existing fire, the customer may be punished, upon conviction thereof, by a fine of not more than five thousand dollars or imprisonment in jail for not more than one year, or by both such fine and imprisonment. In addition thereto, the ~~((council may cancel and))~~ city may terminate the connection.

~~((13.04.490 Billing of property owners.~~

~~Property owners shall be responsible and billed for utility service at all served properties; provided, that the owner may authorize direct billings to be made to and in the name of a tenant or other occupant(s) of the premises to which water~~

~~service is furnished at the mailing address provided in MMC [13.04.030](#). Such authorization shall be evidenced by the owner's execution of an agreement in a form provided by the city. No such arrangement shall in any manner relieve the owner of the premises from ultimate liability for the payment of the charges for furnishing water nor in any way affect the lien rights of the city against the premises to which water service is furnished. Failure to receive mail properly addressed to the mailing address provided above shall not be a valid defense for failure to pay the delinquent charges and penalties.~~

~~**13.04.500 — Penalties.**~~

~~Any person who shall violate any provision of this chapter shall, unless otherwise provided, be punished by a fine in the maximum amount of one thousand dollars and/or imprisonment for a term not to exceed ninety days.))~~

**Chapter 13.06
CROSS-CONNECTION CONTROL**

Sections:

- 13.06.010 Interpretation and intent.**
- 13.06.015 References adopted into Monroe's cross-connection control program.**
- 13.06.020 Conformance to rules and regulations.**
- 13.06.030 Organization – Conformance.**
- 13.06.040 Definitions.**
- 13.06.050 Cross-connection prohibited – Exceptions.**
- 13.06.060 Failure to discontinue.**
- 13.06.070 Cross-connection corrections.**
- 13.06.080 Backflow prevention device – Installation required when.**
- 13.06.085 Fire system requirements.**
- 13.06.086 Hydrant-meters.**
- 13.06.090 Backflow prevention device – Degree of hazard determination.**
- 13.06.100 Backflow prevention device – Location.**
- 13.06.110 Backflow prevention device – Installation supervision.**
- 13.06.120 Protective device – Approval required.**
- 13.06.130 Backflow prevention device – Annual inspection and tests.**
- 13.06.140 Failure to comply – Termination of service.**

13.06.010 Interpretation and intent.

The regulations set out in this chapter detail the manner in which the public potable water supply shall be protected from contamination or pollution. Washington State Department of Health requires Group A water systems to meet the requirements as laid out in WAC [246-290-490](#) by developing and implementing a cross-connection control program. The cross-connection control program presents detailed requirements that must be met by city of Monroe water customers.

13.06.015 References adopted into Monroe's cross-connection control program.

- A. The Group 'A' Public Water Systems, Chapter [246-290](#) WAC, as it is applicable to the city of Monroe water system, is hereby adopted by reference.
- B. The city of Monroe's Cross-Connection Control Program Manual, most current edition, as required by WAC [246-290-490\(3\)\(b\)](#), is adopted by reference.
- C. The Cross-Connection Control Manual, Accepted Procedure and Practice, most current edition, published by the Pacific Northwest Section of the American Water Works Association, is adopted by reference.
- D. The Manual of Cross-Connection Control, most current edition, published by the University of Southern California Foundation for Cross-Connection Control and Hydraulic Research, is adopted by reference.
- E. The Uniform Plumbing Code and Standards published by the International Association of Plumbing and Mechanical Officials, most current edition, is adopted by reference.)

13.06.020 Conformance to rules and regulations.

Any customer receiving water from the city, or who will in the future receive water from the city, shall comply with the rules and regulations contained in this chapter.

13.06.030 Organization – Conformance.

Any water district, municipal organization or other organization, which is connected to the city water supply and/or which is furnished to people within said district or organization, shall cause all the people or members within said district or organization, as well as the district or organization itself, to comply with the rules and regulations contained in this chapter.

13.06.040 Definitions.

A. As used in this chapter, unless the context states otherwise, the following definitions shall apply:

((A))1. "Approved air gap" means a physical separation between the free-flowing end of a potable water supply pipeline and the overflow rim of an open or nonpressurized receiving vessel. To be an air gap approved by the

department, the separation must meet the dimensions defined in WAC [246-290-490](#).

~~((B))~~**2.** “Auxiliary supply” means any water source other than the public water supply that may be available in the building or on the premises.

~~((C))~~**3.** “Backflow” means the undesirable reversal of flow of water or other substances through a cross-connection into the public water system or consumer’s potable water system.

~~((D))~~**4.** “Approved backflow preventer” means an approved air gap, an approved backflow prevention assembly or an approved atmospheric vacuum breaker. The terms “approved backflow preventer,” “approved air gap” and “approved backflow prevention assembly” refer only to those approved backflow preventers relied upon by the city’s cross-connection control specialist for the protection of the public water system.

~~((E))~~**5.** “Backpressure” means a pressure (caused by a pump, elevated tank or piping, boiler or other means) on the consumer’s side of the service connection that is greater than the pressure provided by the public water system and which may cause backflow.

~~((F))~~**6.** “Backsiphonage” means backflow due to a reduction in system pressure in the city’s distribution system and/or consumer’s water system.

~~((G))~~**7.** “The city of Monroe” is the authority having jurisdiction, in regards to this chapter, to administer and enforce the provisions upheld in the city’s cross-connection control program.

~~((H))~~**8.** “Cross-connection” means any actual or potential physical connection between a public water system or the consumer’s water system and any source of nonpotable liquid, solid or gas that could contaminate the potable water system.

~~((I))~~**9.** “Cross-connection control program” means the administrative and technical procedures the city of Monroe implements to protect the public water system from contamination via cross-connections as required in WAC [246-290-490](#) as defined in WAC [246-290-010](#). Cross-connection control program requirements are found in the city’s Cross-Connection Control Manual.

~~((J))~~**10.** “Cross-connection control specialist” means a person holding a valid cross-connection control specialist certificate issued under WAC [246-290-292](#).

~~((K))~~**11.** “Fire system” means a wet or dry piping system that can either be categorized as a closed, flow-through, or combination.

~~((L.)—“Premises” means a tract of land including its buildings or other appurtenances.)~~

~~((M))~~**12.** “Premises isolation” means a method of protecting the public water system by installation of air gaps or approved backflow prevention assemblies at or near the service connection or alternative location acceptable to the city’s

cross-connection control specialist to isolate the consumer's water system from the city's distribution system.

~~((N))~~**13.** "Double check valve assembly" (DCVA) means an assembly composed of two single, independently acting check valves, including tightly closing shutoff valves located at each end of the assembly, and suitable connections for testing the water-tightness of each check valve. This assembly shall only be used to protect against a non-health hazard.

~~((O))~~**14.** "Double check detector assembly" (DCDA) means a specifically designed assembly composed of a line-size approved double check valve assembly with a bypass containing a specific water meter and an approved double check valve assembly. The meter shall register accurately for only very low rates of flow up to three gpm (gallons per minute) and shall show a registration for all rates of flow. This assembly shall only be used to protect against a non-health hazard. This assembly is primarily used on fire sprinkler systems.

~~((P))~~**15.** "Reduced pressure backflow assembly" (RPBA) means an assembly incorporating two check valves and an automatically operating differential relief valve, located between the two shutoff valves, and equipped with necessary appurtenances for testing. This assembly may be used for non-health and health-hazard applications.

~~((Q))~~**16.** "Reduced pressure detector assembly" (RPDA) means a specifically designed assembly composed of a line-size approved reduced pressure backflow assembly with a bypass containing a specific water meter and an approved reduced pressure backflow assembly. The meter shall register accurately for only very low rates of flow up to three gpm and shall show a registration for all rates of flow. This assembly shall be used to protect against a non-health hazard or a health-hazard. The assembly is primarily used on fire sprinkler systems with chemical injection.

13.06.050 Cross-connection prohibited – Exceptions.

All cross-connections, whether or not controlled by automatic flushing devices such as check valves or by hand-operated mechanisms such as a gate valve or stopcocks, are prohibited unless the city of Monroe's cross-connection control specialist determines there is no actual or potential hazard present. All cross-connections must be observed by the city's cross-connection control specialist and assigned the appropriate method of backflow protection.

13.06.060 Failure to discontinue.

Failure on the part of persons, firms, businesses or corporations, receiving water services from the city of Monroe, and who fail to follow the city's cross-connection control program requirements will be sufficient cause for the discontinuance of the public water service to the premises on which the cross-connection exists.

13.06.070 Cross-connection corrections.

The city of Monroe's cross-connection control specialist has the option to make periodic inspections of the premises served by the public water supply to check for the presence of cross-connections. Any cross-connection found in such inspection shall be ordered to be corrected, according to the city's cross-connection control specialist.

13.06.080 Backflow prevention device – Installation required when.

Backflow prevention devices shall be installed at the service connection or within any premises even though a cross-connection may not exist at the time the backflow device is required to be installed. This shall include, but is not to be limited to, the following situations:

- A. Industrial, commercial and warehouse buildings;
- B. Premises having an auxiliary water supply;
- C. Premises having internal cross-connections that are not correctable, or intricate plumbing arrangements which make it impractical to ascertain whether or not a cross-connection exists;
- D. Premises where entry is restricted so that inspections for cross-connections cannot be made with sufficient frequency, or at sufficiently short notice, to assure that cross-connections do not exist;
- E. Premises having a repeated history of cross-connections being established, or reestablished;
- F. Premises on which any substance is handled under pressure so as to permit entry into the public water supply or where a cross-connection could reasonably be expected to occur. This shall include the handling of process water and cooling waters;
- G. Premises where material of toxic or hazardous nature is handled such that if backsiphonage should occur, a serious health hazard may result;
- H. The following types of facilities will fall into one of the above categories where an approved backflow preventer shall be installed at these facilities as set forth in this section:
 - 1. Hospitals, mortuaries, and clinics.
 - 2. Laboratories.
 - 3. Sewage treatment plants.
 - 4. Food and beverage processing plants.
 - 5. Manufacturing plants.
 - 6. Chemical plants using a water process.
 - 7. Petroleum processing or storage plants.
 - 8. Multi-unit buildings.

9. Strip-malls.
10. Fairgrounds.
11. Others specified by Washington State Department of Health.

13.06.085 Fire system requirements.

For service connections other than a flow-through or combination fire protection system the cross-connection control specialist shall ensure backflow protection is installed in an approved location.

A. A closed commercial fire system is required to have one of the following types of backflow protection installed in-line to isolate the fire system from the public water system:

1. Double check detector assembly.
2. Reduced pressure detector assembly if the use of chemical addition or the use of an auxiliary water supply is used.

B. A closed residential fire system is required to have one of the following types of backflow protection installed in-line to isolate the fire system from the public water system:

1. Double check valve assembly.
2. Double check detector assembly.
3. Reduced pressure backflow assembly if the use of chemical addition or the use of an auxiliary water supply is used.
4. Reduced pressure detector assembly if the use of chemical addition or the use of an auxiliary water supply is used.

Flow-through or combination fire protection systems must be constructed of potable water piping and materials in accordance with the Uniform Plumbing Code.

13.06.086 Hydrant-meters.

Hydrant-meters may be rented out on a case-by-case basis as determined by public works staff. Any persons or party renting a hydrant-meter must comply with the provisions of MMC 13.01.080, 13.04.380, 13.04.410, **and** 13.04.420~~((, and 13.04.500))~~ (which address **penalties**, connecting to a hydrant, obstruction, **and** permission~~((, and penalties))~~).

13.06.090 Backflow prevention device – Degree of hazard determination.

The type of protection device required shall depend on the degree of hazard which exists as follows:

A. An approved air-gap separation shall be installed where the water supply may be contaminated with sewage, industrial waste of a toxic nature or other contaminant which would cause health or system hazard.

B. In the case of a substance which may be objectionable but not hazardous to health, a double check valve assembly, air-gap separation or a reduced pressure backflow assembly shall be installed.

13.06.100 Backflow prevention device – Location.

Backflow prevention devices required in this chapter shall be installed in a location designated by the cross-connection control specialist.

13.06.110 Backflow prevention device – Installation supervision.

Approved backflow preventers required in this chapter shall be installed under the supervision of, and with the approval of, the city of Monroe's cross-connection control specialist.

13.06.120 Protective device – Approval required.

Any protective device required in this chapter shall be a model approved by the Washington State Department of Health.

13.06.130 Backflow prevention device – Annual inspection and tests.

Backflow prevention assemblies installed under this chapter shall be inspected and tested annually or more often if determined by the city of Monroe's cross-connection control specialist. The devices shall be repaired, or replaced whenever they are found to be defective. Inspections, tests, repairs and records thereof shall be done under the city of Monroe's cross-connection control specialist's supervision.

13.06.140 Failure to comply – Termination of service.

Failure of any customer, any district or any organization to cooperate in the installation, maintenance, testing of approved backflow preventers or the requirements of an approved air-gap separation shall be grounds for termination of the water service at a point where such flow, which is to be determined by the city of Monroe's cross-connection control specialist, would best prevent possible contamination of the public supply.

**Chapter 13.08
SEWER SYSTEM REGULATIONS**

Sections:

13.08.010 Definitions.

13.08.020 Connection to public sewer required – Disconnection of storm drains.

13.08.030 Accessible – Exceptions.

13.08.035 Maintenance responsibility.

13.08.040 Future systems unlawful.

~~**(13.08.050 Unlawful disposal of wastes.**~~

~~**13.08.060 Unlawful discharge of wastes.)**~~

13.08.070 Unlawful discharge of storm((-))water.
13.08.080 Discharge of storm((-))water.
~~((13.08.090 Discharge prohibited – Outright.
13.08.100 Discharge prohibited – In general.
13.08.110 Remedial actions.
13.08.120 Substance interceptors.))~~
13.08.130 Flow equalization.
13.08.140 Control manholes.
13.08.150 Testing standards.
13.08.160 Industrial user agreements.
~~((13.08.170 Powers and authority.
13.08.180 Observation of safety rules.
13.08.190 Right of entry.
13.08.200 Sewer connection costs – Fee in lieu of assessment.
13.08.210 Fee in lieu of assessment.
13.08.220 Area subject to fee – No connection without payment.
13.08.230 Conditions of connection.))~~
13.08.240 Sanitary sewer service outside the city limits prohibited.
13.08.245 Connection to water system – Exceptions.
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13.08.260 Contents of permit application.
13.08.270 Sewer connection charges.
13.08.275 Exemption for homeless transitional shelters.
13.08.276 Reduction of sewer system development charge for
affordable housing – Downtown commercial zoning district.
13.08.280 Sewer lateral (side sewer) charges.
13.08.290 Connections – Method.
13.08.295 Construction of extensions.
13.08.300 Inspection of work.
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13.08.320 Excavations.
13.08.330 Delay in work.
13.08.340 Right of access to inspect – Order to comply.~~

- ~~13.08.350 — Installation costs.~~
- ~~13.08.360 — Elevation for connections.~~
- ~~13.08.370 — General rate study.))~~
- 13.08.380 Commercial and industrial.
- 13.08.390 Determination of strength and flow rate.
- ~~((13.08.400 — Right of entry.~~
- ~~13.08.410 — Projecting total annual costs.))~~
- 13.08.420 Use of city manholes/septage.
- ~~((13.08.430 — Senior citizen and disabled discount.~~
- ~~13.08.432 — Low-income senior citizen discount — Nonprofit multifamily.~~
- ~~13.08.440 — User rate — Outside city limits.~~
- ~~13.08.450 — Rate — Class of user not specified.~~
- ~~13.08.460 — Future rate increases.~~
- ~~13.08.470 — Billing.~~
- ~~13.08.475 — Vacation/vacancy credit.~~
- ~~13.08.480 — Unpaid charges — Lien.~~
- 13.08.485 Sewerage lien – Extension of coverage.
- ~~13.08.490 — Unpaid charges — Water shutoff.~~
- ~~13.08.500 — Penalty for violations.~~
- ~~13.08.510 — Other relief.))~~

13.08.010 Definitions.

A. Unless the context specifically indicates otherwise, the meaning of terms in this chapter shall be as set forth in this section.

1. “BOD” (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees centigrade expressed in milligrams per liter.

2. “Building drain” means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (one and one-half meters) outside the inner face of the building wall.

~~(“City” means the city of Monroe, Washington.~~

~~“Class of user.”~~

~~1. “Single residential” means any dwelling unit served by a separate water meter.~~

~~2. “Multiple residential” means two or more dwelling units served by a single water meter without any nonresidential uses.~~

~~3. “Nonresidential” means any use other than a dwelling unit served by a single meter. Buildings containing dwelling units and commercial, retail, industrial, manufacturing, and other nonresidential units served by the same water meter are considered nonresidential for the purposes of this chapter.)~~

3. “Combined sewer” means a sewer receiving both surface runoff and sewage.

~~(“Dwelling unit” means a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.)~~

4. “Garbage” means solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and the handling, storage, and sale of produce.

5. “Industrial establishment” means an establishment involving manufacturing, assembling, fabrication, processing, bulk handling of products, large amounts of storage, warehousing, and heavy trucking, in addition to lighter industrial activities consisting of uses involving the processing, handling and creating of products.

6. “Industrial wastes” means the liquid waste from industrial manufacturing processes, trade, or business as distinct from sanitary sewage, and such wastes shall be divided into the following divisions:

1. Division A – Agriculture, forestry, and fishing;
2. Division B – Mining;
3. Division D – Manufacturing;
4. Division E – Transportation, communication, electric, gas, and sanitary services;
5. Division I – Services.

A user in the divisions listed may be excluded if it is determined that it will introduce primarily segregated domestic wastes or wastes from sanitary conveniences.

7. “Natural outlet” means outlet into a watercourse, pond, ditch, lake, or other body of surface water or groundwater.

~~(“Person” means any individual, firm, company, association, society, corporation, or group.)~~

8. “pH” means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

9. “Public sewer” means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority to include main line sewer.

~~(“Public works director” means the public works director of the city or his authorized deputy, agent or representative.)~~

10. “Sanitary sewer” means a sewer which carries sewage and to which storm(())water, surface water, and groundwaters are not intentionally admitted.

~~(“Sewage” means a combination of the liquid-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.)~~

11. “Sewage treatment plant” means any arrangement of devices and structures used for treating sewage.

12. “Sewage works” means all facilities for collecting, pumping, treating, and disposing of sewage.

~~(“Sewer” means a pipe or conduit for carrying sewage.
“Shall” is mandatory; “may” is permissive.)~~

13. “Side sewer” means the extension line from the main line sewer to the house or building. (A side sewer shall extend no longer than three hundred feet from the public sewer main excluding that portion of the side sewer in the public right-of-way.)

14. “Slug” means any discharge of water, sewage, or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen minutes more than five times the average twenty-four-hour concentration or flows during normal operation.

15. “Storm drain” (sometimes termed “storm sewer”) means a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

16. “Suspended solids” means solids that either float on the surface or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering as per standard methods testing set forth in the most current publication of the Standard Methods for the Examination of Water and Wastewater.

17. “Watercourse” means a channel in which a flow of water occurs, either continuously or intermittently.

13.08.020 Connection to public sewer required – Disconnection of storm drains.

The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the city, is required at

~~((his))~~**their** expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within ninety days after date of official notice to do so; provided, that said public sewer is within two hundred feet (sixty-one meters) of the property line; and provided, where one building is located at the rear of another on the same lot and the building in the rear has no frontage on an alley or street in which a sewer is located, the building sewer from the front buildings may be extended to the rear building and the whole considered as one building sewer, provided a cleanout is constructed to the ground surface beyond the connection from the rear building.

A. *Notice.* Official notice shall be written notice from the city clerk mailed to the owners of the premises at the street address of such premises (or to the address to which real estate tax statements are mailed as disclosed in the records of the office of the county treasurer) to cause a connection to be made between the sewerage system in each such building or structure.

B. *Connection.* All connections shall be made to said sewerage system in a permanent and sanitary manner, subject to the approval of the city engineer, and shall be sufficient to carry all sewage and waste fluids of any kind from said buildings into said system, and each toilet, sink, stationary washstand or any other piece or type of equipment having waste fluids shall be connected with said sewerage system.

C. *Storm Drains.* The owner of any lands, buildings, or premises where there is a direct connection from roof, foundation drains, or area drains to sanitary sewer or where there exists any other opening which allows storm~~(())~~water, groundwater, or surface water to directly drain to sanitary sewer, is required to disconnect or cause to be disconnected, the source or sources of storm~~(())~~water, groundwater, or surface water from the sanitary sewer. The owner or occupant of such lands, buildings, and premises shall also be required to take appropriate measures so as to permanently prevent further entry of storm~~(())~~water, groundwater, or surface water to the sanitary sewer. The city clerk shall so notify, in writing, the owner or occupant of said lands, building, or premises to discontinue the unauthorized discharge within such time as the council may designate. If the owner or occupant fails to comply with the notice within the time designated, the city council shall direct that water service to the premises shall be discontinued until the proper compliance has been made.

All work in response to the written notification shall be inspected by and subject to the approval and acceptance of the city engineer.

13.08.030 Accessible – Exceptions.

At such time as a public sewer becomes accessible to property served by a private sewage disposal system, a direct connection shall be made to the public sewer within sixty days in compliance with this chapter, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

The city engineer shall have authority to provide for exceptions to this connection requirement on application of the property owner(s) for such exception in circumstances where:

A. The property owner has an existing septic system in proper working condition and the maintenance of such system does not otherwise directly or indirectly affect any other property owner or the city. Maintenance for purposes of this section shall be limited to pumping out of the septic tank.

B. Where the city engineer finds that, irrespective of the distance of the property from a city sewer main, the public sewer is not accessible for practical purposes for the sewer use needed or where extraordinary circumstances exist or where strict application of the connection requirement would cause hardship.

C. These provisions shall not be interpreted so as to bind the city engineer to provide for an exception where circumstances as referenced above exist. The city engineer at ~~((his))~~**their** discretion may require a sewer connection under this chapter as the public interests dictate. No exception shall be allowed if any unhealthy or unsanitary condition will exist.

13.08.035 Maintenance responsibility.

The city of Monroe shall be responsible for the maintenance of the main line sewer. The property owner(s) served by the lateral side sewer shall be responsible for the maintenance of the lateral side sewer from the connection with the main line sewer to the house or building.

13.08.040 Future systems unlawful.

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage unless the public sewer system is more than two hundred feet from property line except insofar as an exception septic tank as provided under MMC [13.08.030\(A\)](#) is pumped out.

~~**(13.08.050 Unlawful disposal of wastes.**~~

~~It is unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the city or in any area under the jurisdiction of the city any human or animal excrement, garbage or other objectionable waste. This section is not to be construed as an animal control measure.~~

~~**13.08.060 Unlawful discharge of wastes.**~~

~~It is unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of the city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.)~~

13.08.070 ~~((Unlawful d))~~ Discharge of storm((-))water to sewer prohibited.

No person shall discharge or cause to be discharged any storm((-))water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

13.08.080 Discharge of storm((-))water.

Storm((-))water and all other unpolluted drainage shall be discharged to such sewers as are specifically designed as combined sewers or storm sewers, or to unpolluted process waters which may be discharged, on approval of the city engineer, to a storm sewer, combined sewer, or natural outlet.

~~((13.08.090 — Discharge prohibited — Outright.~~

~~No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:~~

~~A. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas;~~

~~B. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to the cyanides in excess of two milligrams per liter as CN in the wastes as discharged to the public sewer;~~

~~C. Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works;~~

~~D. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole milk, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.~~

13.08.100 — Discharge prohibited — In general.

No person shall discharge or cause to be discharged the following substances, materials, waters, or wastes if it appears likely in the opinion of the public works director that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the public works director will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction in the sewers, nature of the sewage treatment process, capacity of

~~the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:~~

~~A.—Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit or sixty-five degrees centigrade;~~

~~B.—Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred milligrams per liter or containing substances which may solidify or become viscous at temperatures between thirty-two and one hundred fifty degrees Fahrenheit (zero degrees and sixty-five degrees centigrade);~~

~~C.—Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower and approval of the public works director;~~

~~D.—Any waters or wastes containing strong acid, iron pickling wastes or concentrated plating solutions whether neutralized or not;~~

~~E.—Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the public works director for such materials;~~

~~F.—Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the public works director as necessary, after treatment of the composite sewage, to meet the requirement of state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters;~~

~~G.—Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the public works director in compliance with applicable state or federal regulations;~~

~~H.—Any waters or wastes having a pH in excess of 9.5;~~

~~I.—Materials which exert or cause:~~

~~1.—Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime, slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);~~

~~2.—Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);~~

~~3.—Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works;~~

~~4.—Unusual volume of flow or concentration of wastes constituting "slugs" as defined in this chapter;~~

~~5. Unusual suspended solids, concentration in such quantities as to constitute a significant load on the sewage treatment works;~~

~~J. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters;~~

~~K. In general any toxicant as defined in this chapter.~~

~~13.08.110 — Remedial actions.~~

~~If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in MMC 13.08.100, and which in the judgment of the public works director may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the public works director may:~~

~~A. Reject the wastes;~~

~~B. Require pretreatment to an acceptable condition for discharge to the public sewers;~~

~~C. Require control over the quantities and rates of discharge; and/or~~

~~D. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Article VI.~~

~~If the public works director permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the public works director and subject to the requirements of all applicable codes, ordinances, and laws.~~

~~Upon recommendation of the public works director and directive by the city council, the party so in violation of this chapter or seeking connection where such substances or wastes may be introduced to the city sewer system shall be required to construct and operate a wastewater pretreatment facility and/or equalization basin capable of removing and/or decreasing strength or quantity of said restricted waters or wastes prior to discharge to the sewer. At the time the directive to pretreat is issued, the city council shall set limitations on the discharge of restricted waters and wastes to city sewers as to volume, waste strength (BOD and suspended solids), and maximum concentrations on other restricted parameters.~~

~~13.08.120 — Substance interceptors.~~

~~Grease, oil, sand, heavy metals, or such other needed interceptors shall be provided when, in the opinion of the public works director, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable containing grease in excessive amounts, or any~~

~~flammable wastes, sand, or other harmful ingredients; except that such interceptors shall be of a type and capacity approved by the public works director and shall be located as to be readily and easily accessible for cleaning and inspections.))~~

13.08.130 Flow equalization.

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained in continuous, satisfactory and effective operation by the owner at ~~((his))~~their expense.

13.08.140 Control manholes.

When required by the ~~((public works))~~director, the owner of the property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with standards and plans established and approved by the ~~((public works))~~director. The manhole shall be maintained by the property owner at ~~((his))~~their expense, and shall be maintained by him so to be safe and accessible at all times. The manhole and equipment shall be purchased and installed by the property owner at ~~((his))~~their expense.

13.08.150 Testing standards.

All measurements, tests, and analyses of the characteristics of water and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analysis involved will determine whether a twenty-four-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four-hour composites of all outfalls whereas pHs are determined from periodic grab samples).

13.08.160 Industrial user agreements.

No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor, by the industrial concern.

~~((13.08.170 — Powers and authority.~~

~~The ((public works))director, city engineer and other duly authorized employees of the city shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter. The public works director, city engineer or their representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.~~

~~13.08.180 — Observation of safety rules.~~

~~While performing the necessary works on private properties referred to in provisions of this chapter, the public works director, city engineer or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the owners or occupants.~~

~~13.08.190 — Right of entry.~~

~~The public works director, city engineer and other duly authorized employees of the city shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage lying within said easement, said to be done in accordance with the terms of the easement pertaining to the private property involved.~~

~~13.08.200 — Sewer connection costs — Fee in lieu of assessment.~~

~~A sewer connection fee shall be charged against any property for which a side sewer is installed and connection is made to a sanitary sewer line, the construction of which was funded by grant under PL92-500.~~

~~13.08.210 — Fee in lieu of assessment.~~

~~A. The fee in lieu of assessment shall be based on the frontage of property on Valley View Road (179th Avenue SE). Where a property seeking a sewer connection does not abut Valley View Road, then the basis of the fee in lieu of assessment shall be projected front footage, which shall mean lot frontage on any city street or country road, or if a lot is served by an access road only, then the width of the lot shall be deemed the frontage or projected frontage for purposes of application and determination of the fee in lieu of assessment.~~

~~B. The fee in lieu of assessment shall be in the sum as established by the city council by periodic resolution, and shall be per front or projected front footage of each parcel of property provided with sewerage service.~~

~~C. The property owner shall designate frontage on the forms provided by the city in circumstances where the total property under ownership of any individual has not been developed, but is only partially used, then the property owner may make a declaration of less than the full frontage or width of the property; provided, that no designation of less than one hundred feet shall be made for~~

~~any single-family residential use, commercial or industrial use unless the property width or frontage is actually less than one hundred feet; and further provided, that the minimum designation for multiresidential development shall be fifty feet per residential unit for purposes of the fee in lieu of assessment, irrespective of the lot frontage or width; and further provided, that all designations are subject to the approval of the city council.~~

~~13.08.220 — Area subject to fee — No connection without payment.~~

~~The area subject to and covered by the fee in lieu of assessment shall be limited to the service area to which sewer service is available through side sewer connections to the Valley View Road interceptor sewer line. Side sewers connecting to said line shall be no greater than three hundred feet in length excluding that portion of the side sewer in the public right-of-way. A map of this area is on file with the city clerk.~~

~~13.08.230 — Conditions of connection.~~

~~A. No connection to lines will be allowed until the payment in lieu of assessment is made or arrangements for payment suitable and approved by the city council are made. Suitable lines or mains for connection, as determined and approved by the city engineer, shall be provided prior to connection.~~

~~B. The city reserves the right to refuse individual property owners connection to sewer lines unless a utility connection agreement, on form provided by the city available at City Hall, are properly signed and completed by the property owners. The city further reserves the right to refuse individual property owners connection to the city mains at such time as council finds that the treatment plant, sewer main, or any portion of the city's sewer system is at maximum efficient capacity so as to make it inadvisable in the opinion of the council to provide for and allow further connections to the city's system.~~

~~C. The city reserves the right to review sewer connection including side sewers under MMC [13.08.220](#) on an individual basis. Consideration to serving the area designated the 1990 service area, and as set forth on a map designating said area and filed with the city clerk, shall be given. Factors to be considered in accepting or rejecting any proposal for sewer main extensions shall include, but are not limited to, the capacity of the Valley View Road interceptor sewer line and pump station, sewer treatment plant capacity, allocations of sewer system capacity already made or provided for the existing demands and allocations on sewer service in the city.~~

~~D. Fee in lieu of assessment charges shall not apply for connections located in the 1990 service area as follows:~~

- ~~1. Where premises are connected to sewer mains outside the service area set forth in MMC [13.08.220](#), being basically the area within three hundred feet of the Valley View Road interceptor sewer line, after January 1, 1983;~~
- ~~2. Connections to sewer line extensions from the Valley View Road interceptor sewer line, when said lines have been dedicated or donated to the city prior to such connections;~~

~~3. Lines constructed pursuant to a local improvement district or utility local improvement district, unless the fee in lieu of assessment is included as an expense of such district;~~

~~4. Where a fee in lieu of assessment has been paid for connections outside the service area defined in MMC [13.08.220](#), then the city treasurer shall be empowered to reimburse said payor(s); it being understood that the provisions of this section are in clarification of prior code provisions and in some instances such fees have been paid pending this clarification.))~~

13.08.240 Sanitary sewer service outside the city limits prohibited.

The city will not extend sanitary sewer service or increase existing sewer capacity to properties located beyond the city limits unless and until such properties have been annexed to the city. In the event of any inconsistency between the provisions of this section and any other provision(s) of this title, the provisions of this section shall control to the extent of such inconsistency. For purposes of this section, "increase existing capacity" shall mean an increase in the meter capacity equivalent (MCE) identified in MMC ~~((13.08.270(B)))~~ **13.02.010(1)**.

13.08.245 Connection to water system – Exceptions.

A. Except as provided in subsection [\(B\)](#) of this section, any premises that is connected with and uses the city sewer system shall also be connected with the city's water system, and shall use water therefrom in its use of the city's sewer system.

B. A premises located within the city's sanitary sewer service area but outside the city's water service area may connect to and use the city's sanitary sewer system only upon:

~~((1. Installation, at the customer's sole expense, of a separate city water meter measuring water flow to the premises; and))~~

~~((2))~~**1.** The customer's execution of an **agreement with** ~~((covenant pursuant to RCW [35.67.310](#)))~~ in a form approved by the ~~((public works))~~ director and signed by the director, the customer, and the water purveyor **identified by the Washington State Department of Health as the** ~~((that supplies))~~ water utility service **provider** to the premises. The ~~((covenant))~~ **agreement** shall be recorded against the title of the premises at the customer's sole expense, and shall contain the following provisions:

- a. In the event of the customer's nonpayment or other violation of this chapter, authorization for the city, at its option, to: (i) shut off water flow to the premises, and/or (ii) disconnect the premises from the city's sanitary sewer system;
- b. Allowing reestablishment of water flow and/or reconnection of the premises to the city's sanitary sewer system only upon full payment of all delinquent fees and charges, together with applicable interest, and reimbursement of the city's actual expenses in shutting off the water

flow and/or disconnecting and reconnecting the premises to the sanitary sewer system;

c. A right of entry authorizing the city, its employees and/or agents to enter upon the premises for the purpose of **collecting water consumption data**, inspection, shutting off and reestablishing water flow to the premises, and connecting, disconnecting and reconnecting the premises to the city's sanitary sewer system;

d. The customer's agreement to indemnify, hold harmless and release the city, its officials, officers and employees from any damages, injuries, harms, and/or costs arising out of or otherwise related to the customer's use of the city's sanitary sewer service, except for matters directly resulting from the city's sole negligence;

e. The water purveyor's authorization for the city to shut off water flow to the premises in the event of the customer's nonpayment or other violation of this chapter;

f. A reservation of all other potentially applicable city rights, remedies and powers; and

g. Any other provisions deemed necessary and appropriate by the ((public works-))director.

~~((13.08.250 — Application/reapplication for connection fees.~~

~~It is unlawful for any person to make any opening in any sewer or drain or connect any private sewer or drain thereto without complying with all the provisions of this chapter, and obtaining therefor a permit from the city engineer to make such connection or opening. A sum established by the city council by periodic resolution shall be charged and collected by the city clerk for any connection permit issued. A reinspection charge as established by the city council by periodic resolution shall be made for any service laterals failing the initial test or any other reinspection required by the city personnel.~~

~~13.08.260 — Contents of permit application.~~

~~In order to obtain the permit provided for in MMC [13.08.250](#), the property owner or his designated agent shall file an application therefor stating the name of the owner or occupant of the premises to be connected, the number of buildings thereon, and the purposes for which they are to be occupied, together with plans and specifications showing the course and depth of the drain from the connection with the public sewer to its terminus within the building and premises, which plans and specifications shall be made in duplicate and presented at the time of application. The city engineer shall examine said plans and may change or modify the same and designate the manner and route from which said connecting sewer shall be connected with the building and places where such connection with the public sewer shall be made, and specify the material and size of such connecting sewer, and shall endorse his approval on such plans and specifications originally prepared, or as modified and changed, and retain one copy thereof in the office of the city clerk or such other place as~~

~~the city council may designate. Upon presentation of the plans so approved by the city engineer, the city clerk shall issue the permit, which permit shall contain or have attached to it the other copy of such approved plans and specifications; and it shall be unlawful for any person to extend any private sewer or drain beyond the limits of the building or property for which a permit has been given.~~

~~**13.08.270 — Sewer connection charges.**~~

~~In addition to the permit fee required by the preceding sections, the following connection charges shall be made at the time of application for a permit to connect to the system.~~

~~A. Sewer connection installation fees shall be as established by the city council by periodic resolution.~~

~~B. Sewer system development charges shall be made at time of application for a new connection to the Monroe sanitary sewer system or at time of application for a building permit or change of use permit when the water usage is expected to increase. No refunds will be given if a change in use or occupancy causes the expected water usage to decrease. Sewer system development charges shall be as established by the city council by periodic resolution.~~

~~The amount set by such resolution shall be the amount paid per meter capacity equivalent (MCEs). Residential structures shall be charged for one MCE per dwelling unit. MCEs for nonresidential new customers shall be based on the size of water meter needed to supply the customer's calculated peak demand:~~

Meter size	MCEs
5/8 x 3/4 inch	1
1 inch	2.5
1-1/2 inches	5
2 inches	8
3 inches	16
4 inches	25
6 inches	50
8 inches	80

~~This charge will be determined by the city engineer and any decision may be appealed to the city council for a final determination.~~

Exceptions:

1. ~~One bedroom or studio residential units located in the downtown commercial zone, which structures are mixed commercial and residential use, shall be charged for 0.333 MCE per unit.~~

2. ~~Permitted accessory dwelling units (as defined in MMC Title [22](#)) contained within the structure of the primary dwelling unit or detached from the primary dwelling unit shall be exempt from sewer system development charges.~~

~~In no case shall the MCE amount be less than one except as noted above.~~

~~13.08.275 — Exemption for homeless transitional shelters.~~

A. ~~The sewer system development charges imposed by MMC [13.08.270](#) shall not apply to transitional housing for homeless persons operated by federal, state, county or municipal agencies or public benefit nonprofit corporations. In order to qualify for this exemption, the transitional housing must focus upon providing counseling, training and/or opportunities to the homeless to enable them to find employment and support themselves. All persons who use the transitional home shall either be homeless individuals, support staff or others involved in the operations of the shelter. For purposes of this section, homeless persons shall be deemed to be individuals who do not have the resources for a fixed place to sleep at night. Such persons must qualify as “very low income” individuals as defined in the city of Monroe comprehensive plan.~~

B. ~~As a condition of granting this exemption, the property owner shall record a covenant prepared by the city that provides that if the use is subsequently changed in a manner that no longer qualifies it for the exemption in subsection (A) of this section, MMC [13.08.270](#) shall be applied at the time the exempted use was changed as if the exempted use had never occurred. Under these circumstances, sewer system development charges for a change in use shall be based upon the change in use from the use immediately preceding the exempted use to the use to which the exempted use was converted. Similarly, if the exempted use was the first sewer use of the property, the capital improvement fee assessed at the time the exempted use is changed shall be assessed as if the changed use were the first sewer use of the property.~~

C. ~~This exemption shall only apply to the first thirty meter capacity equivalents (MCEs) that qualify. Any exempted uses that are subsequently discontinued shall not qualify as one of the thirty MCEs.~~

~~13.08.276 — Reduction of sewer system development charge for affordable housing — Downtown commercial zoning district.~~

A. ~~The sewer system development charge imposed by MMC [13.08.270](#) shall be reduced by eighty percent for affordable housing located in the downtown commercial zoning district. For purposes of this section, “affordable housing” shall mean residential units: (1) that are occupied by renters having an annual household income of sixty percent or less of the area median income for Snohomish County, as published by the Washington State Office of Financial~~

Management, and (2) for which the monthly rental amount is no more than thirty percent of the household income.

~~B.—As a condition of qualifying for the affordable housing reduction authorized by this section, the property owner shall record an instrument prepared by the city attorney, which shall contain the following content, in addition to any other provisions deemed necessary and appropriate by the public works director:~~

- ~~1.—The amount of the sewer system development charge that would apply pursuant to MMC [13.08.270](#) without the affordable housing reduction authorized under this section.~~
- ~~2.—The amount of the affordable housing reduction authorized by this section.~~
- ~~3.—A restrictive covenant limiting the use of the underlying property to affordable housing.~~
- ~~4.—A requirement that if the use of the underlying property is changed in a manner that no longer qualifies for the affordable housing reduction, the property owner shall immediately remit payment to the city of the difference between the amounts of subsections [\(B\)\(1\)](#) and [\(B\)\(2\)](#) of this section, respectively, together with interest calculated at twelve percent per annum, or the highest legally available amount, whichever is greater, beginning on the date of execution of the covenant.~~
- ~~5.—A requirement that the covenant will run with the title of the property and bind future owners thereof.~~
- ~~6.—A provision allowing for specific enforcement of the restrictive covenant required pursuant to subsection [\(B\)\(3\)](#) of this section until the payment required pursuant to subsection [\(B\)\(4\)](#) of this section has been remitted in full.~~
- ~~7.—Appropriate provisions for jurisdiction, venue, governing law, and attorneys' fees recoupment for the prevailing party in any litigation arising out of the covenant.~~

~~C.—There is no requirement for the reduced portion of the sewer system development charge to be paid or otherwise reimbursed from public funds.~~

~~13.08.280 — Sewer lateral (side sewer) charges.~~

~~The owner of any property abutting a street, alley, or easement wherein there is a sewer line that has been designated to be constructed and said sewer line falls within the area limited by the projection of the side property lines may order a sewer lateral constructed from the main line to the property line upon payment of the sewer lateral charges. In the event that the sewer lateral charge is paid one week prior to main line construction, the charge will be ninety percent of the total fee set forth in MMC [13.08.270](#). All sewer lateral charges paid after that time will be as per MMC [13.08.270](#). The sewer lateral charge will be collected in return for providing a side sewer to the property line in the location designated by the public works director. In the event that the one~~

~~sewer lateral is constructed to serve more than one property ownership, the sewer lateral charge will not be reduced.~~

~~13.08.290 — Connections — Method.~~

~~All connections to public sewers or drains shall be made in a workmanlike manner and in accordance with instructions from the city engineer and/or in accordance with other ordinances of the city which may be applicable thereto, and as amended from time to time.~~

~~13.08.295 — Construction of extensions.~~

~~A. A main extension is required whenever property within the sanitary sewer service area desires to connect to the city of Monroe sanitary sewer system and that property does not fully abut a sewer main, or when existing abutting or downstream sewer mains do not have adequate capacity. When the property is the last developable lot that can be served, the public works director is authorized to waive this requirement administratively. If an existing lot is more than two hundred feet from an existing gravity sewer main, a septic tank may be used in lieu of a sewer main extension if the design is approved by the Snohomish Health District.~~

- ~~1. The person desiring a main extension shall petition the public works director requesting permission to extend the city's sewer system.~~
- ~~2. The public works director shall review the request, and, if the requested extension is determined to be a desirable extension of the sewer system, shall provide the petitioner with the design requirements for the extension. If the requested main extension is determined to be an undesirable extension of the sewer system, the petition shall be denied.~~
- ~~3. Upon receipt of the design requirements from the public works department, the petitioner shall, at the petitioner's sole expense, cause the plans and specifications for the extension to be prepared. All design and construction drawings and specifications shall be in accordance with engineering standards adopted by the public works department. The completed design and specifications, having a valid professional engineer's seal and endorsement, shall be submitted to the public works department for review and approval.~~
- ~~4. The project for main construction will be carried out in accordance with the provisions of a contract entered into between the city and the petitioner. In the discretion of the public works director, appropriate security may be required covering construction performance and guaranteeing the construction after completion for a period of one year.~~
- ~~5. After approval of the design and construction details, the public works department shall provide the petitioner with an estimate of the construction inspection fee. A permit for construction will be issued after the inspection fees have been deposited with the finance director.~~

~~6. The petitioner shall extend sanitary sewer at no expense to the city of Monroe, including construction and sizing of sanitary sewer mains as specified in the current city of Monroe sanitary sewer system plan.~~

~~7. The petitioner shall contract with a contractor to install the main extension as approved by the public works department. The contractor shall be licensed to perform the construction.~~

~~8. The public works department shall inspect the installation of the sewer main to ensure compliance with the specifications. The charges for such inspection, including administrative and overhead charges, shall be withdrawn from the construction inspection fee deposited with the finance director. At such time as the public works director determines the remaining funds are not adequate to provide necessary inspection for the project, the petitioner shall be notified and an estimate of additional inspection fee required will be provided. The additional fees shall be deposited with the finance director prior to depletion of the funds on deposit. The city reserves the right to reject any installation not inspected and approved by the public works department. Any moneys unexpended from the inspection fee upon completion of the project shall be returned to the petitioner.~~

~~9. Individual services shall be installed by the developer to serve each proposed building site. These services shall be installed to city standards. All connection fees and charges shall be paid prior to connection.~~

~~10. Upon completion of a main extension, the petitioner shall provide the department of public works a reproducible mylar drawing that accurately indicates the main extension and appurtenances as actually installed, in plan and profile ("record construction drawing").~~

~~11. No main extension will be accepted until satisfactory record construction drawings are provided to and approved by the director of public works or his designee.~~

~~B. The minimum standards for construction of extensions to the city sanitary sewer system shall be prepared by the city engineer and updated periodically as required. A copy of these standards shall be available for purchase by anyone requesting a copy.~~

~~C. *Length of Side Sewers.*~~

~~1. All side sewers shorter than one hundred feet shall be four inches or larger.~~

~~2. All side sewers one hundred feet and longer but shorter than three hundred feet shall be six inches or larger.~~

~~3. All side sewers longer than three hundred feet shall be constructed as mainline additions to the sanitary sewer systems, eight-inch pipe size, deeded to the city for operation and maintenance on a public easement right-of-way.~~

4. ~~All eight-inch sewer mains shall terminate with an approved cleanout if the length is less than two hundred feet. If the length is greater than two hundred feet, it shall terminate in a manhole.~~

13.08.300 — Inspection of work.

~~No trench shall be filled or any connecting sewer constructed under the provisions of this chapter until the same shall have been inspected and approved by or under the direction of the city engineer at the point where the same connects with the pipe or other plumbing of the building or premises being connected, or until the same shall be made in all respects to conform to this chapter or such other ordinances as are now or hereafter may become applicable from time to time.~~

13.08.310 — Inspection and approval by city engineer.

~~All work done in pursuance of any connection permit granted as heretofore prescribed shall be under the inspection and subject to the approval and acceptance of the city engineer. The grade, materials, and manner of construction of any sewer or drain built under permit shall be subject to the approval or rejection of the city. Upon acceptance of work, the city engineer shall issue a notice of approval and acceptance of sewer connection, with one copy to the property owner or designated agent as authorization to backfill and use the connection, one copy to the city clerk to initiate billing, and one copy for the file.~~

13.08.320 — Excavations.

~~All excavations made by any permittee adjacent to or abutting any street, alley, avenue or other public place shall be guarded both night and day by a display of proper signals and lights. At the time of application for permit, the applicant shall satisfy the city of his or its ability to indemnify the city, and shall be liable personally for all accidents and damages caused by the failure of the permittee to comply with this section. Liability coverage in the amount of one hundred thousand dollars shall be deemed to be sufficient indemnification to the city. The city engineer may require a further performance bond in an amount the city engineer deems appropriate to ensure completion of any project requiring excavation and so as to ensure backfilling and resurfacing in the event the property owner or contractor fails to comply with this section. The city engineer may also place reasonable time limitations on excavation work, pursuant to this section.~~

13.08.330 — Delay in work.

~~All work adjacent to or abutting any street or public place must be pursued to completion with due diligence, and if, within the judgment of the city engineer, public works director, any excavation is left upon beyond a reasonable time, he shall cause the same to be refilled forthwith without notice, and costs incurred in such work, or for correcting work improperly done by the permittee, shall be charged to him.~~

13.08.340 — Right of access to inspect — Order to comply.

~~The public works director, city engineer and authorized representative shall have the right to enter upon any lands, buildings, or premises required by this chapter to be connected to the sanitary sewer or to disconnect the source or sources of storm water, groundwater or surface water from the sanitary sewer at all reasonable times to ascertain whether the provisions of this chapter have been or are being complied with, and if they shall find that such lands, building or premises connections or disconnections do not conform to the provisions of this chapter, to notify the owner or occupant or ((his))their agent of the fact, and it shall thereupon be the duty of such owner, occupant or agent to cause the requirements of this chapter to be so altered, repaired, or reconstructed as to make them conform to these provisions within fifteen days from the time of receiving such notice.~~

13.08.350 — Installation costs.

~~All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.~~

13.08.360 — Elevation for connections.

~~Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by means approved by the city engineer and discharged to the building sewer.~~

13.08.370 — General rate study.

~~All rates and charges for sanitary sewer collection and disposal services shall be as established by the city council by periodic resolutions unless otherwise specifically proved, and shall be collected by the collector of sewer revenues.))~~

13.08.380 Commercial and industrial.

Higher waste strength than two hundred milligrams per liter of BOD or TSS (BOD – biochemical oxygen demand, a parameter of organic strength of wastewater; TSS – total suspended solids (nonfilterable residue)), the user shall pay all user charges.

13.08.390 Determination of strength and flow rate.

The delivery flow rate, upon which user charges will be made, shall be based upon one hundred percent of water consumption, or flow rates measured and substantiated by the user. Strength of sewage discharged from each user shall be established based upon twenty-four-hour composite samples made by the city and tested by the city's wastewater treatment facility laboratory. Composite samples shall be taken at such intervals as to assure that the strength estimates reflect the true strength of the user's waste over the year. Each user shall provide a location where its total waste stream may be sampled. If the

user feels that the city's sampling program reflects too high a waste strength, it may arrange to have samples taken by a state-certified and state-approved testing laboratory at the user's cost.

~~((13.08.400 — Right of entry.~~

~~The public works director, city engineer and authorized representatives shall have the right to enter upon any user's lands, buildings or premises using city sewerage for purposes of obtaining samples and making tests. City equipment left at any such site for sampling and testing purposes shall not be removed or in any way tampered with.~~

~~13.08.410 — Projecting total annual costs.~~

~~The estimated annual cost used to compute user charges shall be computed from the following:~~

~~A. Operation and maintenance costs; includes, but are not limited to, all costs associated with day-to-day operation of the collection systems, pump stations, force mains, treatment plant and outfall (i.e., electricity to operate pumps, etc., chlorine for disinfection, lubricants for equipment, etc.);~~

~~B. Debt services, bond and other debts payback;~~

~~C. Taxes;~~

~~D. Administration; includes, but is not limited to, all clerical and billing time, city staff time on sewers, side sewers, etc., and city attorney time on wastewater-related items;~~

~~E. Wages and benefits to employees working on operation and maintenance of wastewater facilities including a percentage of the public works director's and city engineer's time;~~

~~F. Insurance;~~

~~G. Professional services; includes consulting engineering services required for year;~~

~~H. Replacement and improvement costs; includes present accumulative sewer equipment fund (fifteen thousand dollars a year) and sewer cost fund (about fifty thousand dollars in fund as of January 1981, not figured in annual cost) and replacement fund to raise capital for future upgrade and expansion of collection system, pump stations and treatment plant (added to receipts from portion of hookup charges set aside for capital improvements).))~~

13.08.420 Use of city manholes/septage.

~~((With special council permission and u))~~ Under written agreement, a user may use the city dumpsite or a city manhole for dumping septage for a fee and under conditions set forth in such agreement. The ~~((council))~~ director may impose a fee and establish conditions appropriate to compensate for the utilization of the city's sewerage system. The ~~((council))~~ director may preclude

such dumping if at any time the ((council))**director** feels that such will impair the city's sewerage system in any way.

~~((13.08.430 — Senior citizen and disabled discount.~~

~~For senior citizens with very low income or disabled persons hereinafter defined, the single-family residential housekeeping unit charge shall be as established by the city council by periodic resolution. The rate established for seniors is restricted to single-family residences or other residences with a single water meter per unit primarily occupied by a senior citizen or senior citizens being fifty-five years of age or older having an annual household income of fifty percent or less of the area median income for Snohomish County, as published by the Washington State Office of Financial Management. In the event that such income determination is no longer published, the city may use such other reasonable methods of determining average median income as it may choose. Discount rate is restricted to minimum residential meter size. To qualify as a disabled person, the disability is defined as the inability to do any substantial gainful activity due to any medically determinable physical or mental impairment which can be expected to result in death, or which has lasted or can be expected to last for a continuous period of not less than twelve months. To qualify for the disabled discount, said rate is restricted to single-family residences primarily occupied by a disabled person. The discount rates provided for herein are available only upon application, which is required to be updated annually by the customer.~~

~~13.08.432 — Low-income senior citizen discount — Nonprofit multifamily.~~

~~For low-income senior citizens as hereinafter defined, the nonprofit multifamily residential utility rate shall be as established by periodic resolution of the city council. The rate established under this section is restricted to multifamily residences that are: (A) exclusively occupied by low-income senior citizens, and (B) owned or operated by entities with nonprofit public benefit status as defined by RCW [24.03.490](#). For purposes of this section, "low-income senior citizens" are defined as persons being fifty-five years of age or older and having an annual household income of fifty percent or less of the area median income for Snohomish County, as published by the Washington State Office of Financial Management. In the event that such income determination is no longer published, the city may use such other reasonable methods of determining average median income as it may choose.~~

~~The discount rates provided for herein are available only upon application, which is required to be updated annually by the customer. Such annual update shall provide current documentation of the customer's nonprofit public benefit status and certify that all residents of the multifamily facility are low-income senior citizens as defined herein.~~

~~13.08.440 — User rate — Outside city limits.~~

~~Monthly rates and charges for sanitary sewage collection and disposal system service outside the city limits shall be one hundred fifty percent of the~~

~~appropriate in-city charge. This rate differential is based upon the city's additional expenses for administration, maintenance, and service for nonresident users as well as to assist in covering departmental expenses and city expenses not covered by user fees such as resident users pay as revenues to the city.~~

~~13.08.450 — Rate – Class of user not specified.~~

~~Monthly rates and charges for sanitary sewage collection and disposal system service for any class of user not otherwise provided for under this chapter, for major users of the system or for users of the system where special circumstances as determined by the city council exist shall be as arranged by special contract with the city, as approved by the city council.~~

~~13.08.460 — Future rate increases.~~

~~The city council shall set the rates for sewer usage by periodic resolution according to the laws applicable to the setting of sewer rates.~~

~~13.08.470 — Billing.~~

~~A. All sewage rates and charges shall be billed monthly on the first day of the billing month, shall be due and payable not later than the last day of the month, and shall become delinquent after that date.~~

~~B. All rates and charges provided in this chapter shall be billed to the owner, contract vendee, or authorized agent of the owner of the particular premises to which the service herein defined is provided.~~

~~C. All permits or notification of and application for rate classification change which may be required to be obtained shall be obtained by and issued to such owner, contract vendee or authorized agent; provided, that tenants shall not be deemed agents of the owner or contract vendee by virtue of their tenancy alone.~~

~~D. Where payment of user charges under subsection [\(A\)](#) of this section is delinquent, a late charge as established by the city council by periodic resolution shall be levied for each delinquent sewer service or family unit sewer service as the case may be.~~

~~E. For all other charges, to include, but not be limited to, user charges under major or special user agreements, connection charges, inspection fees, fees in lieu of assessment, installation fees, treatment facility reserve capacity charges, system charges, delinquent or unpaid user charges where service has been terminated and the account remains due, and late-comer payments due to the city, such delinquent accounts shall bear the interest at the rate of one percent per month from the date of delinquency, or due date as the case may be.~~

~~F. If in payment of any fee or charge under this chapter, a check has been given for payment for which insufficient funds are held in account to cover such check, said check being an NSF check, then a charge as established by the city council by periodic resolution shall be due and payable to the city.~~

~~G. All payments on a combined utility billing shall be applied first to fees or penalties, second to utility taxes, third to storm drainage, fourth to sewer, and fifth to water.~~

~~13.08.475 — Vacation/vacancy credit.~~

~~A. Sewer utility accounts may be eligible for one of the following vacation/vacancy credits:~~

- ~~1. Single family dwelling accounts shall be eligible for vacation/vacancy credits for any absence of thirty days or more with a maximum of ninety days in any concurrent twelve-month period.~~
- ~~2. Low-income senior citizen accounts satisfying the criteria set forth in MMC [13.08.430](#) shall be eligible for vacancy credits for any absence or nonuse of thirty days or more with a maximum of one hundred eighty days in any concurrent twelve-month period.~~
- ~~3. City of Monroe irrigation accounts shall be eligible for vacancy credits for any absence or nonuse of thirty days or more with a maximum of one hundred eighty days in any concurrent twelve-month period.~~
- ~~4. Single family dwelling accounts shall be eligible for vacancy credits for any absence of thirty days or more when such absence is due to the property owner's deployment for active military duty, military reserve duty, and/or National Guard duty. The vacancy credit shall correspond to the deployment dates. A copy of the relevant deployment order must be provided to the finance director.~~

~~B. Utility accounts must be current; no vacancy credits shall be granted for an account that is delinquent. Credits shall be computed on a percentage of days used. The city will provide a vacancy credit application in the event the city operates the utility and the contractor will provide a vacancy credit application in the event a contractor operates the utility. Vacancy credit applications must be filed forty-eight hours in advance. Persons filing vacancy credit applications found to be false shall, in addition to any other penalties, be ineligible to receive future vacancy credits. Failure to apply for continuation of services within seven days of the renewed occupancy of the premises shall result in charges being imposed for sanitary sewer services without regard for any period of vacancy.~~

~~13.08.480 — Unpaid charges — Lien.~~

~~All rates and charges provided for in this chapter, together with any penalties and interest thereon at the rate of eight percent per annum from the date of delinquency and all costs and fees of collecting or foreclosing upon the premises served to collect the same, shall be a lien upon the property and premises with which the connection is made or sewage disposal service furnished, superior to all other liens or encumbrances except those for general taxes and special assessments. Enforcement of such lien or liens shall be made in the manner provided by law.~~

~~13.08.485~~ — Sewerage lien — Extension of coverage.

~~Pursuant to RCW 35.67.215, the sewerage lien set forth in MMC 13.08.480 shall be effective for one year's delinquent charges without the necessity of any writing or recording of the lien with the county auditor. Pursuant to RCW 35.67.210, a sewage lien for more than one year's delinquent charges shall be valid if properly recorded in the office of the county auditor.~~

~~13.08.490~~ — Unpaid charges — Water shutoff.

~~In the event that any such bill for sewage disposal service rates and charges or connections and any other charges or fees due under this chapter are not paid within thirty days from the date the same become delinquent, the city may shut off the water furnished the premises to which such services was rendered or connection made without further notice. The water shall not be turned on again until such bill(s), together with all late charges, interest due thereon, plus all fee established by the city council by periodic resolution for shutoff and turn-on of the water, have been paid.~~

~~13.08.500~~ — Penalty for violations.

~~Any person who shall violate or fail to comply with any provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine in any sum not exceeding five hundred dollars or by imprisonment for a term not exceeding thirty days, or by both fine and imprisonment.~~

~~13.08.510~~ — Other relief.

~~The city may seek injunctive or such other relief or recourse as may be appropriate. Also, any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss, or damage occasioned the city by reason of such violation.))~~

**Chapter 13.10
SEWAGE PRETREATMENT**

Sections:

- 13.10.010** **Purpose and policy.**
- 13.10.020** **Administration.**
- 13.10.030** **Definitions.**
- 13.10.040** **Abbreviations.**
- 13.10.050** **Prohibited discharge standards.**
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- 13.10.080** **Local limits.**
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- 13.10.100** Special agreement.
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- 13.10.120** Pretreatment facilities.
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- 13.10.480** General prohibited discharge standards.
- 13.10.490** Upset.
- 13.10.500** Bypass.
- 13.10.510** Regulatory conflicts.

13.10.010 Purpose and policy.

A. This chapter sets forth uniform requirements for users of the publicly owned treatment works (POTW) operated by the city of Monroe. It enables the city of Monroe to comply with state and federal laws that apply to POTWs with significant industrial users, but without a discharge permit program. All actions required or authorities granted under this chapter are in accordance with the Clean Water Act ([33 USC 1251](#) et seq.), the Federal Pretreatment Regulations ([40 CFR Part 403](#)), and Chapter [90.48](#) RCW, Water Pollution Control. The objectives of this chapter are:

1. To prevent the introduction of pollutants into the POTW that will interfere with the operation of the POTW;
2. To prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated, into receiving waters or otherwise be incompatible with the POTW;
3. To ensure that the quality of POTW sludge is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations;
4. To protect POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public;
5. To improve the opportunity to recycle and reclaim wastewater and sludge (biosolids) from the POTW;
6. To promote strategies which reduce the amounts of pollution generated by users, thereby reducing the associated hazards to the POTW and receiving waters; and

7. To provide for equitable distribution of wastewater costs among dischargers and to establish a system of fees for the recovery of the cost of the pretreatment program.

B. This chapter shall apply to all users of the POTW. This chapter defines certain prohibited discharges; sets forth local limits for use by state agencies in the issuance of wastewater discharge permits; authorizes monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the recovery of liquidated damages and collection of penalties.

13.10.020 Administration.

Except as otherwise provided herein, the director shall administer, implement, and enforce the provisions of this chapter. Any powers granted to or duties imposed upon the director may be delegated in writing by the director to other city of Monroe personnel.

13.10.030 Definitions.

A. Unless a provision explicitly states otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

1. “Act” or “the Act” means the Federal Water Pollution Control Act, also known as the Clean Water Act ([33 USC 1251](#) et seq.), as amended.

2. “AKART” means an acronym for “all known, available, and reasonable treatment methods (prevention, control, and treatment) to prevent and control pollution of the waters of the state of Washington.” (Chapter [90.48](#) RCW governs said term and AKART shall be interpreted and applied pursuant to said chapter.) AKART shall represent the most current methodology that can be reasonably required for preventing, controlling, or abating the pollutants associated with a discharge. AKART shall be applied by all users of the POTW. AKART includes best management practices and may be required by the director for any discharge to the POTW.

3. “Applicable Pretreatment Standards **means** ~~f~~((For)) any specified pollutant, the more stringent of city of Monroe prohibitive standards, city of Monroe specific pretreatment standards (local limits), state of Washington pretreatment standards, or applicable National Categorical Pretreatment Standards.

4. “Authorized Representative of the User” **means**:((-))

((4))**a.** If the user is a corporation:

((a))**i.** The president, secretary, treasurer, or a vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

((b))**ii.** The manager of one or more manufacturing, production, or operation facilities employing more than two hundred fifty persons or

having gross annual sales or expenditures exceeding twenty-five million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

~~(2)~~**b.** If the user is a partnership or sole proprietorship, a general partner or proprietor, respectively;

~~(3)~~**c.** If the user is a federal, state, or local governmental facility, a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or ~~(his/her)~~**their** designee;

~~(4)~~**d.** The individuals described in subsections (1) through (3) of this definition may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the city.

5. “Best management practices (BMPs)” means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

6. “Biochemical oxygen demand (BOD)” means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures during five days at twenty degrees centigrade, usually expressed as a concentration [milligrams per liter (mg/l)].

7. “Bypass” means the intentional diversion of waste streams from any portion of a user’s treatment facility.

8. “Categorical pretreatment standard” or “categorical standard” means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Sections 307(b) and (c) of the Act ([33 USC 1317](#)) which apply to a specific category of users and which appear in [40 CFR](#) Chapter I, Subchapter N, Parts 405-471.

9. “Categorical user” means a user covered by one or more categorical standards as defined herein.

~~“City” means the city of Monroe, Washington.~~

10. “Color” means the optical density at the visual wave length of maximum absorption, relative to distilled water. One hundred percent transmittance is equivalent to zero optical density.

11. “Composite sample” means the sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

12. “Cooling water” means water used for cooling purposes generated from any use, such as air conditioning, heat exchangers, cooling or refrigeration. For purposes of this chapter, such waters are further divided into two subcategories:

((1))**a.** *Uncontaminated.* Water to which the only pollutant added is heat, which has no direct contact with any raw material, waste, intermediate, or final product, and which does not contain a level of contaminants detectably higher than that of the intake water.

((2))**b.** *Contaminated.* Water likely to contain levels of pollutants detectably higher than intake water. This includes water contaminated through any means, including chemicals added for water treatment, corrosion inhibition, or biocides, or by direct contact with any process materials, products, and/or wastewater.

13. “Department, the (Ecology)” means the Washington State Department of Ecology or authorized representatives thereof.

~~“Director” means the city of Monroe director of public works, designated by the city to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this chapter, and specifically including his/her duly authorized representative or inspector.~~

14. “Dishwasher” means an automated device which uses chemicals and water to clean or sanitize kitchenware and/or other apparatus used for food preparation and/or food service.

15. “Domestic user” means any person who contributes, causes, or allows the discharge of wastewater into the city of Monroe POTW that is similar in volume and/or chemical makeup to domestic wastewater. For comparison, the director may assume discharges of domestic wastewater from dwelling units to be one hundred gallons containing two-tenths pound of BOD, and two-tenths of a pound of TSS per capita per day, or as identified in the design of the POTW.

16. “Domestic wastewater” means wastewater from residential kitchens, bathrooms, and laundries, and waterborne human wastes from sanitary facilities in all other buildings, together with such groundwater infiltration or surface waters as may be present.

17. “Environmental Protection Agency (EPA)” means the U.S. Environmental Protection Agency or, where appropriate, the regional water management division director, or other duly authorized official of said agency.

18. “Existing source” means any categorical user which discharges wastewater to the POTW, the construction or operation of which commenced prior to the publication of proposed categorical pretreatment standards which will be

applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

19. “Existing user” means any industrial user not subject to categorical pretreatment standards which discharges wastewater to the POTW prior to the effective date of the ordinance codified in this chapter.

20. “Fats, oils and grease (FOG)” means those components of wastewater amenable to measurement by the methods described in Standard Methods for the Examination of Water and Wastewater, 19th Edition, 1995. The term “fats, oils and grease” shall include polar and nonpolar fats, oils and grease and other components extracted from wastewater by these methods.

21. “Food service establishment (FSE)” means a place where food or drink is regularly prepared for consumption on the premises or elsewhere at least twelve times annually, including without limitation restaurants, bakeries, delis, cafeterias, concession stands, and kitchens associated with community centers, churches, grocery stores, hospitals, hotels, motels, nursing homes, prisons and schools, but excluding residential kitchens.

22. “Grab sample” means a sample which is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and without consideration of time.

23. “Gravity grease interceptor (GGI)” means an interceptor with a capacity of at least five hundred gallons to serve one or more fixtures and which shall be sized, plumbed and remotely located pursuant to the Uniform Plumbing Code currently in use and MMC [13.10.140\(B\)](#).

24. “Hydromechanical grease interceptor (HGI)” means a device designed to retain grease from one or more fixtures which shall be sized and plumbed pursuant to the Uniform Plumbing Code currently in use and MMC [13.10.140\(B\)](#).

25. “Indirect discharge” or “discharge” means the introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act. The discharge into the POTW is normally by means of pipes, conduits, pumping stations, force mains, constructed drainage ditches, surface water intercepting ditches, and all constructed devices and appliances appurtenant thereto.

26. “Industrial wastewater” means water- or liquid-carried waste from any industry, manufacturing operation, trade, or business which includes any combination of process wastewater, cooling water, contaminated storm(())water, contaminated leachates, or other waters such that the combined effluent differs in some way from purely domestic wastewater, or is subject to regulation under Federal Categorical Pretreatment Standards, the State Waste Discharge Permit Program, or this chapter.

27. “Interceptor” means interceptor as defined by Section 211.0 of the Uniform Plumbing Code currently in use.

28. “Interference” means the effect of a discharge or discharges on the POTW from one or more users which results in either (1) inhibition or disruption of the POTW, its treatment processes or operations, or its sludge processes, use or disposal; (2) violation of any permit regulating the city of Monroe wastewater discharge or sewage sludge; or (3) prevention of sewage sludge use or disposal in compliance with any applicable statutory or regulatory provision or permit issued thereunder. [Applicable sludge regulations shall include Section 405 of the Clean Water Act ([33 USC 1345](#) et seq.); the Solid Waste Disposal Act (SWDA), including Title II, commonly referred to as the Resource Conservation and Recovery Act (RCRA) ([42 USC 6901](#) et seq.); state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act ([42 USC 7401](#) et seq.); the Toxic Substances Control Act (TSCA) ([15 USC 2601](#) et seq.); the Marine Protection, Research, and Sanctuaries Act ([33 USC](#) et seq.); and [40 CFR Part 503](#).]

29. “Maximum allowable discharge limit” means the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

30. “Medical wastes” means isolation wastes, infectious agents, human blood and blood products or byproducts, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

31. “Minor industrial user (MIU)” means an industrial user of the POTW identified by the city that discharges a waste stream which, when taken with the waste stream from other minor industrial users, may have a significant impact on the POTW. MIUs without process discharge waste streams that have potential for accidental spills to the sewer may be subject to ASPP/SCP requirements.

32. “New source” means:

((4))**a.** Any facility constructed after proposed categorical standards applicable to operations conducted at the facility were published, provided the facility is or may be a source of discharge to the POTW; and:

((a))**i.** The building, structure, facility, or installation is constructed at a site at which no other source is located; or

((b))**ii.** The new construction totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

((c))**iii.** The production or wastewater-generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site.

((2))**b.** Construction of a new source as defined under this subsection has commenced if the owner or operator has either ((a))**i**) begun, or caused to begin, any placement, assembly, or installation of facilities or equipment;

~~((b))ii~~ begun, or caused to begin, significant site preparation work including removal of existing facilities necessary for the emplacement of new source facilities or equipment; or ~~((e))iii~~ entered into a binding contractual obligation for the purchase of facilities or equipment for use in operation of a new source within a reasonable time.

33. “New user” means any noncategorical user that plans to discharge a new source of wastewater to the city of Monroe collection system after the effective date of the ordinance codified in this chapter. This discharge may be from either a new or an existing facility. Any person that buys an existing facility discharging nondomestic wastewater will be considered an “existing user” if no significant changes in facility operation are made and wastewater characteristics are not expected to change.

34. “Pass through” means a condition occurring when discharges from users (singly or in combination) exit the POTW in quantities or concentrations which either ~~((4))i~~ cause a violation of any requirement of a city of Monroe NPDES; or ~~((2))ii~~ cause an increase in the magnitude or duration of a violation.

35. “Permittee” means any person or user issued a wastewater discharge permit by a state or federal agency with jurisdiction.

~~(“Person” means any individual, partnership, firm, company, corporation, association, joint stock company, trust, estate, any federal, state, or local governmental agency or entity, or any other entity whatsoever; or their legal representatives, agents, or assigns.)~~

36. “pH” means a measure of the acidity or alkalinity of a substance, expressed in standard units. (Technically defined as the logarithm of the reciprocal of the mass of hydrogen ions in grams per liter of solution.)

37. “Pollutant” means any substance, either liquid, gaseous, solid, or radioactive, discharged to the POTW which, if discharged directly, would alter the chemical, physical, thermal, biological, or radiological properties of waters of the state of Washington including pH, temperature, taste, color, turbidity, oxygen demand, toxicity, or odor. This includes any discharge likely to create a nuisance or render such waters harmful, detrimental or injurious to any beneficial uses, terrestrial or aquatic life, or to public health, safety or welfare.

38. “Pollution prevention” means source reduction; protection of natural resources by conservation; or increased efficiency in the use of raw materials, energy, water or other resources.

39. “Pretreatment” means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to (or in lieu of) introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means (except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard).

40. “Pretreatment requirements” means any substantive or procedural local, state, or federal requirement related to pretreatment developed under Chapter [90.48](#) RCW and/or Sections 307 and 402 of the Clean Water Act.

41. “Pretreatment standards” or “standards” means any pollutant discharge limitations including categorical standards, state standards, and limits in MMC [13.10.080](#) applicable to the discharge of nondomestic wastes to the POTW. The term shall also include the prohibited discharge standards of this chapter, WAC [173-216-060](#), and [40](#) CFR Part [403.5](#).

42. “Prohibited discharge standards” or “prohibited discharges” means absolute prohibitions against the discharge of certain substances; these prohibitions appear in MMC [13.10.050](#).

43. “Publicly owned treatment works (POTW)” means a treatment works, as defined by Section 212 of the Act ([33](#) USC [1292](#)) which is owned by the city of Monroe. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastewater and any conveyances which convey wastes to a wastewater treatment plant. The term shall also mean the city of Monroe.

44. “Septage” means the liquid and solid material pumped from a septic tank, cesspool, or similar domestic sewage treatment system. This includes liquids and solids from domestic holding tanks, chemical toilets, campers, and trailers, when these systems are cleaned or maintained.

45. “Severe property damage” means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

~~(“Sewage” or “wastewater” means water carried human wastes or a combination of water carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface, storm, or other waters as may be present.~~

~~“Sewer” means any pipe, conduit, ditch, or other device used to collect and transport sewage.~~

~~“Shall” means a mandatory requirement.)~~

46. “Significant industrial user” means:

((1))**a.** A user subject to categorical pretreatment standards;

((2))**b.** A user that:

((a))**i.** Discharges an average of twenty-five thousand gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater); or

((b))ii. Contributes a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

((c))iii. Is designated as such by the department with input from the city of Monroe on the basis that it, alone or in conjunction with other sources, has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement;

((3))c. Upon a finding that a user meeting the criteria in subsection (2) of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any applicable pretreatment standard or requirement, the department may at any time, on its own initiative or in response to a petition received from a user or the city of Monroe and in accordance with procedures in [40 CFR 403.8\(f\)\(6\)](#), determine that such user should not be considered a significant industrial user.

47. "Significant noncompliance (SNC)" shall refer to a violation or pattern of violation of one of the following natures:

((1))a. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all wastewater measurements taken during a six-month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;

((2))b. Technical review criteria (TRC) violations, defined here as those in which thirty-three percent or more of all wastewater measurements taken for each pollutant parameter during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (one and four-tenths for BOD, TSS, fats, oils and grease, and one and two-tenths for all other pollutants except pH);

((3))c. Any other discharge violation that the city of Monroe believes has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of city of Monroe personnel or the general public);

((4))d. Any discharge of pollutants that has caused imminent endangerment to human health, welfare or to the environment, or has resulted in the city of Monroe's exercise of its emergency authority to halt or prevent such a discharge;

((5))e. Failure to meet, within ninety days after the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

((6))f. Failure to provide, within thirty days after the due date, any required reports, including baseline monitoring reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

((7))g. Failure to accurately report noncompliance; or

~~((8))~~**h.** Any other violation(s) which the director determines will adversely affect the operation or implementation of the local pretreatment program; provided, however, that nothing herein shall be interpreted to permit or require the director to take action regarding violations or alleged violations of the terms of a state permit or state statute or regulation.

48. “Sludge” means any solid, semisolid or liquid residue generated by the weight processes of a domestic treatment works or the wastewater treatment plant. “Sludge” includes, but is not limited to, domestic septage, scum or solids removed in primary, secondary or advanced wastewater treatment processes and any material derived from sewage sludge. “Sludge” does not include ash generated during the firing of sludge in a sludge incinerator or grit in screenings generated during preliminary treatment of domestic sewage in a treatment works. For the purposes of this chapter, scum which is not combined with the solids removed in primary, secondary or advanced wastewater treatment process is not considered to be sludge.

49. “Slug load” means any pollutant released in a discharge at a flow rate or concentration which could violate this chapter, or any discharge of a nonroutine, episodic nature such as an accidental spill or a noncustomary batch discharge.

50. “Standard industrial classification (SIC) code” means a classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

51. “State” means the state of Washington.

52. “Storm((-))water” means any flow occurring during or following any form of natural precipitation and resulting from such precipitation, including snowmelt.

53. “Total suspended solids” means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids, and which is removable by laboratory filtering.

54. “Toxic pollutant” means one or a combination of the pollutants listed as toxic in regulations promulgated by the EPA under Section 307 ([33 USC 1317](#)) of the Act.

55. “Treatment plant effluent” means the discharge from the city of Monroe POTW.

56. “Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with applicable pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

57. “User” or “industrial user” means any nondomestic source of wastewater discharged to the POTW. This excludes “domestic users” as defined herein.

~~((Wastewater. See “Sewage.”))~~

58. “Wastewater discharge permit (industrial wastewater discharge permit, discharge permit)” means an authorization or equivalent control document issued by the department to users discharging wastewater to the POTW. The permit may contain appropriate pretreatment standards and requirements as set forth in this chapter.

59. “Wastewater treatment plant” or “treatment plant” means that portion of the POTW designed to provide treatment of sewage as defined herein.

13.10.040 Abbreviations.

A. The following abbreviations shall have the designated meanings:

- ((A))1.** ASPP/SCP. Accidental spill prevention plan/slug control plan requirement;
- ((B))2.** AKART. All known, available, and reasonable means of prevention, control, and treatment (see MMC [13.10.030](#), Definitions);
- ((C))3.** BOD. Biochemical oxygen demand;
- ((D))4.** CFR. Code of Federal Regulations;
- ((E))5.** COD. Chemical oxygen demand;
- ((F))6.** EPA. U.S. Environmental Protection Agency;
- ((G))7.** gpd. Gallons per day;
- ((H))8.** l. Liter;
- ((I))9.** LEL. Lower explosive limit;
- ((J))10.** mg. Milligrams;
- ((K))11.** mg/l. Milligrams per liter;
- ((L))12.** NPDES. The National Pollutant Discharge Elimination System as defined under Section 402 of the Clean Water Act;
- ((M))13.** O&M. Operation and maintenance;
- ((N))14.** POTW. Publicly owned treatment works;
- ((O))15.** RCRA. Resource Conservation and Recovery Act ([42 USC 6901](#), et seq.);
- ((P))16.** SIC. Standard industrial classifications;
- ((Q))17.** SIU. Significant industrial user;
- ((R))18.** SWDA. Solid Waste Disposal Act ([42 USC 6901](#), et seq.);
- ((S))19.** TSS. Total suspended solids;
- ((T))10.** USC. United States Code.

Note: With regards to abbreviations above, the use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.

13.10.050 Prohibited discharge standards.

A. *General Prohibitions.* No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements ([40 CFR 403.5\(a\)](#) and WAC [173-216-060\(2\)\(b\)\(i\)](#)).

B. *Specific Prohibitions.* No user shall introduce or cause to be introduced into the POTW the following pollutants in any form (solid, liquid, or gaseous):

1. Any pollutant which either alone or by interaction may create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than one hundred forty degrees Fahrenheit (sixty degrees centigrade) using the test methods specified in [40 CFR 261.21](#) and [403.5\(b\)\(1\)](#), or are capable of creating a public nuisance (WAC [173-216-060\(2\)\(b\)\(ii\)](#)).
2. Any pollutant which will cause corrosive structural damage to the POTW, but in no case discharges with a pH less than 5.5 or more than 9.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the POTW, unless the system is specifically designed to accommodate such discharge and the discharge is authorized by an applicable wastewater discharge permit ([40 CFR 403.5\(b\)\(2\)](#) and WAC [173-216-060\(2\)\(b\)\(iv\)](#)).
3. Any solid or viscous substances including fats, oils, and greases in amounts which may cause obstruction to the flow to or in a POTW or other interference with the operation of the POTW ([40 CFR 403.5\(b\)\(3\)](#) and WAC [173-216-060\(2\)\(b\)\(iii\)](#)). Any fat, oil or grease substance in excess of one hundred ppm shall be presumed to cause obstruction.
4. Any discharge of pollutants, including oxygen-demanding pollutants (BOD, etc.), released at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, is sufficient to cause interference with the POTW ([40 CFR 403.5\(b\)\(4\)](#) and WAC [173-216-060\(2\)\(b\)\(vi\)](#)).
5. Any waste stream having a temperature which will inhibit biological activity in the treatment plant resulting in interference or cause worker health or safety problems in the collection system. In no case shall wastewater be discharged at a temperature which causes the temperature of the influent to the treatment plant to exceed one hundred four degrees Fahrenheit (forty degrees centigrade) unless the system is specifically designed to accommodate such a discharge, and the discharge is authorized by an applicable wastewater discharge permit ([40 CFR 403.5\(b\)\(5\)](#) and WAC [173-216-060\(2\)\(b\)\(v\)](#)).

6. Any petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through ([40 CFR 403.5\(b\)\(6\)](#)) and WAC [173-216-060\(2\)\(b\)\(i\)](#)).
7. Any pollutants which result in the presence of toxic gases, vapors, or fumes within any portion of the POTW in a quantity that may cause acute worker health and safety problems ([40 CFR 403.5\(b\)\(7\)](#)) and WAC [173-216-060\(b\)\(ii\)](#)).
8. Any trucked or hauled wastes unless authorized by the director and at discharge points designated by the city of Monroe and in compliance with all applicable city of Monroe requirements and during specified hours ([40 CFR 403.5\(b\)\(8\)](#)).
9. Any noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair (WAC [173-216-060\(2\)\(b\)\(ii\)](#)).
10. Any of the following discharges unless approved by the department under extraordinary circumstances such as the lack of direct discharge alternatives due to combined sewer service or need to augment sewage flows due to septic conditions (WAC [173-216-060\(2\)\(b\)\(vii\)](#)).
 - a. Noncontact cooling water in significant volumes;
 - b. Storm((-))water and other direct inflow sources; or
 - c. Wastewaters significantly affecting system hydraulic loading which do not require treatment or would not be afforded a significant degree of treatment by the POTW.
11. Any dangerous or hazardous wastes as defined in Chapter [173-303](#) WAC, as amended, except as allowed in compliance with that regulation (WAC [173-216-060\(1\)](#) and [40 CFR Part 261](#)).
12. Any substance which will cause the POTW to violate its NPDES, state waste discharge or other disposal system permits or causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.
13. Any substance which may cause the POTW's effluent or treatment residues, sludges, or scums to be unsuitable for reclamation and reuse or would interfere with the reclamation process or cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed pursuant to the federal, state, or local statutes or regulations applicable to the sludge management method being used.
14. Any discharge which imparts color which cannot be removed by the POTW's treatment process such as dye wastes and vegetable tanning solutions, which consequently impart color to the treatment plant's effluent, thereby violating the city of Monroe NPDES permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the

depth of the compensation point for photosynthetic activity in the receiving waters by more than ten percent from the seasonably established norm for aquatic life.

15. Any discharge which causes the transmittance of the POTW final effluent to fall below sixty percent at two hundred fifty-four nanometers.

16. Any discharge containing radioactive wastes or isotopes except as specifically approved by the director in compliance with applicable state or federal regulations including WAC [246-221-190](#), Disposal by release into sanitary sewage systems and meeting the concentration limits of WAC [246-221-290](#) Appendix A, Table I, Column 2 and WAC [246-221-300](#) Appendix B.

17. Any sludges, screenings, or other residues from the pretreatment of industrial wastes or from industrial processes.

18. Any medical wastes, except as specifically authorized by the director.

19. Any detergents, surface-active agents, or other substances in amounts which may cause excessive foaming or other interference in the POTW.

20. Any incompatible substance including, but not limited to, grease, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, whole milk, feathers, ashes, cinders, sand, spent lime, stone or marble dusts, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

21. Persistent pesticides and/or pesticides prohibited above the level set by the Federal Insecticide Fungicide Rodenticide Act (FIFRA).

22. Any wastewater which can cause harm either to the sewers, sewage treatment process, or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance, unless allowed under a legal and binding agreement by the director (except that no waiver may be given to any categorical pretreatment standard).

C. Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

13.10.060 Federal categorical pretreatment standards.

National categorical pretreatment standards as adopted and hereafter amended by the EPA pursuant to the Act shall be met by all users in the regulated industrial categories.

These standards, found in [40](#) CFR Chapter I, Subchapter N, Parts 405-471, are hereby incorporated by reference.

13.10.070 State requirements.

A. State requirements and limitations on discharges to the POTW, as incorporated into Washington State law by Chapter [90.48](#) RCW, shall be met by all users which are subject to such standards in any instance in which they are more stringent than federal requirements and limitations, or those in this or other applicable ordinances. This includes the requirement to meet AKART as defined herein whenever applicable and more stringent than the limits of MMC [13.10.080](#), and to comply with the requirements of MMC [13.10.180](#).

B. Any user determined by the city of Monroe to qualify as a significant industrial user shall file an application for a state waste discharge permit with the department in accordance with the requirements of WAC [173-216-070](#). Proof of acceptance of the application and payment of permit fees shall be kept at the user's facilities and produced upon request by the city of Monroe. Failure to submit the application or rejection of the application by the department may be considered sufficient grounds to terminate or refuse to provide sewer service pursuant to written notice and order to correct.

13.10.080 Local limits.

A. The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following daily maximum allowable discharge limits:

Metal	mg/l
Arsenic	0.384
Cadmium	0.285
Copper	0.780
Lead	0.799
Mercury	0.003
Nickel	2.120
Selenium	0.165
Zinc	4.020
Molybdenum	0.160

B. The above limits apply to the end of any process or combination of processes identified to have a potential discharge of this pollutant. All concentrations for metallic substances are for total metal unless indicated

otherwise. The city may impose mass limitations in addition to or in place of the concentration-based limitations above. Where a user is subject to a categorical pretreatment standard and a local limit for a given pollutant, the more stringent limit or applicable pretreatment standard shall apply.

13.10.090 City of Monroe's right of revision.

The city of Monroe reserves the right to establish more stringent standards or requirements on discharges to the POTW.

13.10.100 Special agreement.

A. The city may enter into agreements with users to accept pollutants compatible with the treatment system at concentrations greater than those typical of domestic wastewater. Within such agreements, the city of Monroe may establish terms of the user's discharge to the POTW including maximum flow rates and concentrations. The city of Monroe may also establish fees to recover costs associated with treating such wastes and monitoring schedules in such agreements. Such fees shall provide for an equitable system of cost recovery adequate to fully recover all identifiable costs. In no case will a special agreement waive compliance with a state or federal pretreatment standard or requirement including categorical standards.

B. Users discharging or intending to discharge pollutants other than BOD and TSS, and claiming compatibility, must prove to the satisfaction of the director that such pollutants are compatible with the POTW. The director may require any claim of compatibility to be endorsed by the department.

C. Within the limits of the city's resources, expertise and legal authority, the city may assist, by arrangement or formal agreement, any agencies that regulate hazardous wastes and materials and air emissions from users in order to maximize state, county, and city resources.

D. The city may facilitate compliance by requesting pollution prevention technical assistance for users, especially those in violation of pretreatment standards. The director intends to request such assistance in coordination and cooperation with the appropriate local, county, and state authority(ies).

13.10.110 Dilution.

No user shall ever increase the use of water, nor combine separate waste streams, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with an applicable pretreatment standard or requirement unless expressly authorized by an applicable pretreatment standard or requirement. The director may request the department impose mass limitations on users which he/she believes may be using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

13.10.120 Pretreatment facilities.

A. Users shall procure and properly install, operate, and maintain the pretreatment facilities which, combined with appropriate best management

practices, are necessary to achieve AKART as defined herein. Such pretreatment facilities shall be designed to achieve compliance with all applicable pretreatment standards and requirements within the time limitations specified by the EPA or the state, whichever is more stringent. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the department for review and approval in accordance with the procedures of Chapter [173-240](#) WAC, and shall be disclosed to the city of Monroe before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying its facility as necessary to produce a discharge acceptable to the city of Monroe and/or the department and meet discharge limitations under the provisions of this chapter. Such facilities shall be provided, operated, and maintained at the user's expense.

B. Users shall comply with approved engineering reports, plans and specifications, and operations and maintenance manuals, and shall modify such documents to reflect any proposed modifications of industrial wastewater (pretreatment) facilities. Users shall submit proposals to modify pretreatment facilities to the department before implementation in accordance with Chapter [173-240](#) WAC. Users shall submit a copy of such revised plans and the department's acceptance to the director before implementing changes to approved pretreatment facilities. The director may audit the compliance of any user, and require changes in operating procedures deemed necessary by the director to ensure continued compliance with applicable pretreatment standards and requirements.

13.10.130 Deadline for compliance with applicable pretreatment requirements.

A. Existing sources (as defined herein) to which one or more categorical pretreatment standard is applicable shall comply with all applicable standards within three years of the date the standard is effective unless the pretreatment standard includes a more stringent compliance schedule. The department shall establish a final compliance deadline date for any existing user (as defined herein) or any categorical user when the local limits for said user are more restrictive than EPA's categorical pretreatment standards.

B. New sources and new users as defined herein shall comply with applicable pretreatment standards within the shortest feasible time. In no case shall such time exceed ninety days from beginning a discharge. Prior to commencing discharge, such users shall have all pollution control equipment required to meet applicable pretreatment standards installed and in proper operation.

13.10.140 Additional pretreatment measures.

A. Whenever deemed necessary, the director may require users and specifically users with a history of significant noncompliance to comply with such conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this chapter. Such measures may include restricting a discharge during peak flow periods; designating that certain

wastewater be discharged only into specific sewers; requiring relocation and/or consolidation of discharge points; and/or separating sewage waste streams from industrial waste streams.

B. Any new FSE, except those located in the downtown area within the city as set forth in Exhibit A¹, attached hereto and incorporated herein by this reference, which washes food preparation and/or food service equipment, appliances, utensils and/or containers on site shall install and utilize a city-approved interceptor. All plumbing fixtures, garbage disposals, dishwashers, floor drains and cooking equipment with drain connections shall be plumbed to an appropriate interceptor approved by the public works director. Food service establishments with dishwashers and/or garbage grinders shall be required to install a gravity grease interceptor (GGI). Food service establishments without dishwashers and garbage grinders shall be required to install a hydromechanical grease interceptor (HGI). Interceptors shall be sized and installed in accordance with the city's currently adopted plumbing code.

C. Grease, oil, and sand interceptors or traps shall be required when they are necessary for the proper handling of wastewater containing grease and oil in excess of the limits in MMC [13.10.050\(B\)\(3\)](#) or excessive amounts of sand or other settleable solids. Such interceptors shall not be required for domestic users. All interceptors shall be of type and capacity approved by the director and shall be located to be easily accessible for cleaning and inspection. Each user shall maintain, inspect, and clean required interceptors or traps on a schedule that ensures they capture the intended pollutants and prevents their reintroduction into the storm or sanitary sewer systems. Users shall bear all expenses related to installation, maintenance, and repair of interceptors and the proper disposal of removed materials.

D. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

E. The director may require a user discharging more than ten thousand gallons per day or ten percent of the average daily flow in the POTW, whichever is less, to install and maintain, on its property and at its expense, a suitable storage and flow-control facility to ensure equalization of flow over a twenty-four-hour period. The facility shall have a capacity for at least fifty percent of the daily wastewater discharge volume and shall be equipped with alarms and a rate of discharge controller. The director shall direct the control of discharges. The city may require the user to obtain a wastewater discharge permit solely for flow equalization or to develop a slug discharge control plan (below).

13.10.150 Accidental spill/slug discharge control plans.

A. The director may require any user to install, properly operate, and maintain, at its own expense, facilities to prevent slug loads or accidental discharges of pollutants to the POTW. The director may require users to produce and/or implement spill plans developed in compliance with applicable OSHA, health, fire, and department regulations applicable to discharges to POTWs. When

such plans are required by the director they shall contain at least the following elements:

1. A description of all wastewater discharge practices, including nonroutine batch discharges;
2. A description of any and all stored chemicals which have a reasonable potential to reach the sewer in the event of a spill;
3. Procedures for immediately notifying the director of any accidental or slug load discharges, with procedures for follow-up written notification within five days; and
4. Procedures to prevent adverse impact from any accidental or slug load discharge, including, but not limited to, the following: inspection and maintenance of chemical storage areas; handling and transfer of materials; loading and unloading operations; control of runoff, which has a reasonable potential to reach the sewer, worker training; construction of containment structures or equipment; and measures for emergency response.

B. Users shall verbally notify the director immediately upon the occurrence of a slug load or accidental discharge of substances regulated by this chapter and take immediate actions to correct the situation. Such notification shall include the following information: (1) the location of discharge, (2) the date and time thereof, (3) the type of waste, (4) the waste concentration and volume, and (5) the corrective actions taken and planned. The user shall follow up with a written notification to the director containing the same information within seven days following the discharge.

C. Any user who discharges an accidental discharge or slug load shall be liable for (1) recovery of any resultant expenses, losses, and damages to the POTW; (2) recovery of any fines or settlements levied upon the city by any government agency or court of competent jurisdiction attributable to the discharge; and (3) applicable fines and penalties assessed upon the user by the city of Monroe for noncompliance with this chapter.

13.10.160 Septage and liquid hauled wastes.

A. Septage (as defined in MMC [13.10.030](#)) and liquid hauled wastes shall be introduced into the POTW only at the designated receiving structure within the treatment plant area at such times as are established by the director. No load may be discharged without prior consent of the director.

B. Septage shall not violate any discharge prohibition or standard of this chapter or any other requirements established or adopted by the city.

C. Septage and liquid waste haulers must provide the director a waste-tracking form for every load when discharged. This form shall include, at a minimum, the name and address of the waste hauler, city septage permit number, truck identification, addresses of the sources of waste, and volume and characteristics of waste.

D. Haulers of liquid wastes other than septage shall provide full disclosure to the director of the source(s) of the wastewater, and such additional information as required by the director to characterize the wastewater. The director may issue an authorization on ~~((his/her))~~**their** own authority, or require haulers of nondomestic wastewater to obtain a waste discharge permit prior to authorizing the discharge. No authorization to discharge such wastewater shall be granted until the director has determined to ~~((his))~~**their** satisfaction that the wastewater complies with all applicable discharge standards, prohibitions, and requirements of this chapter.

E. The director shall exercise absolute discretion in whether to accept any load of septage or liquid hauled wastes. In determining whether to accept a load, the director may collect samples of each hauled load and/or require the hauler to provide a wastewater analysis of any load prior to discharge.

F. Fees for discharge of septage or liquid hauled wastes will be established as part of the user fee system as authorized in this chapter.

13.10.170 Requirements to complete industrial user surveys.

The director shall periodically notify new, existing, and potential users of the requirement to complete an industrial user survey form. Upon notification, users shall fully and accurately complete the survey form, and return the completed form to the director within thirty days of receipt. Each user shall maintain a copy of the latest completed survey form at their place of business. Failure to fully or accurately complete a survey form or to maintain the latest survey form on the premises where a wastewater discharge is occurring shall be a violation of this chapter.

13.10.180 Wastewater discharge permitting – Requirements for discharge.

A. No significant industrial user (SIU) shall discharge wastewater into the POTW without first obtaining a statement from the director that the POTW has the hydraulic and/or loading capacity to accept the discharge. Each SIU must also comply with the state requirements listed in MMC [13.10.070](#), and in particular, apply for and receive a wastewater discharge permit from the department which authorizes the discharge. The director may require proof of application as a condition of new or continued discharge. Obtaining a wastewater discharge permit does not relieve an SIU of ~~((his/her))~~**their** obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, and local regulation including the requirement for applying AKART.

B. The director may require other users, including liquid waste haulers, to apply for, and obtain, applicable wastewater discharge permits as necessary to carry out the purposes of this chapter.

C. The director may also establish, and require users by letter, permit, or rule, to implement those best management practices determined by the director to be representative of AKART, or following violation to discontinue use of any

substance which has caused such violation and for which an effective substitute is available which will either (1) lessen the potential for violating this chapter or any water quality standard, or (2) may represent a significant decrease either singly, or in combination with other similar users, in the toxicity of pollutant loadings to the POTW.

D. The city encourages all users seeking authorization to discharge to the POTW to complete a pollution prevention review before submitting their request to discharge to the director. The city may require users who must submit a pollution prevention plan under the state's Hazardous Waste Reduction Act to provide this plan to the director as a condition of initial or continued discharge.

E. Whenever a moratorium has been imposed upon the POTW preventing the addition of new users, the director may require any or all users of the POTW to develop plans to reduce their discharges through water reuse, recycling, reclamation or other applicable management practices and to implement such plans or other measures deemed appropriate by the director to preserve the availability of public sewage treatment services.

13.10.190 Permit requirements for dangerous waste constituents.

A. Users discharging a waste stream containing dangerous wastes as defined in Chapter [173-303](#) WAC (listed, characteristic, or criteria wastes) are required to comply with the following permit provisions:

1. Obtain a written authorization to discharge the waste from the director, and either obtain specific authorization to discharge the waste in a state waste discharge permit issued by the department or accurately describe the waste stream in a permit obtained pursuant to RCW [90.48.165](#). The description shall include at least:
 - a. The name of the dangerous waste as set forth in Chapter [173-303](#) WAC and the dangerous waste number;
 - b. The mass of each constituent expected to be discharged;
 - c. The type of discharge (continuous, batch, or other).
2. Compliance shall be obtained on the following schedule:
 - a. Before discharge for new users;
 - b. Within thirty days after becoming aware of a discharge of dangerous wastes to the POTW for existing users; and
 - c. Within ninety days after final rules identifying additional dangerous wastes or new characteristics or criteria of dangerous waste are published for users discharging a newly listed dangerous waste.

13.10.200 Disclosure of records.

Each user shall have available at the location of discharge all records and reports required by this chapter, any applicable state and federal regulation, or any permit or order issued thereunder.

Each user shall make such records available for review by the director during business hours, when activities are being conducted at the facility, and at all reasonable times. Failure to comply with this provision is a violation of this chapter.

13.10.210 Reports from unpermitted users.

All users not obligated to obtain a wastewater discharge permit from the department shall provide appropriate reports to the city of Monroe as the director may require. The director shall determine the schedule and format of such reports, and the pollutant properties, flow rates, and other pertinent information to be reported.

13.10.220 Reporting requirements for dangerous waste constituents.

Any user discharging one hundred kg or more of dangerous waste in any calendar month to the POTW where the pollutants are not reported through self-monitoring under an applicable state waste discharge permit shall report to the director and the department the following information to the extent that it is known or readily available to the user:

- A. The name of the dangerous waste as set forth in Chapter [173-303](#) WAC, and the dangerous waste number;
- B. The specific hazardous constituents;
- C. The estimated mass and concentration of such constituents in waste streams discharged during the calendar month;
- D. The type of discharge (continuous, batch, or other); and
- E. The estimated mass of dangerous waste constituents in waste streams expected to be discharged in the next twelve months.

13.10.230 Record keeping.

- A. Users subject to this chapter shall retain, and make readily available for inspection and copying, all records of information maintained to comply with this chapter, a state waste discharge permit, or approved operations and maintenance procedures (inspections, lubrication, repair, etc.) relating to activities regulated by this chapter. Users subject to monitoring requirements shall keep records of all monitoring activities whether required or voluntary.
- B. Monitoring records shall include the date, exact place, method, and time of sampling; the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses.
- C. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning the user or POTW or where the director has specifically notified the user that a longer retention period is required.

13.10.240 Sampling requirements for users.

A. *Applicable Requirements.* Users which discharge to the POTW shall abide by all applicable wastewater monitoring requirements of this chapter, any applicable order, and any state or federal regulation or permit, including a state waste discharge or NPDES permit. The director may require self-monitoring as a requirement of discharge to the POTW or may conduct city of Monroe monitoring of any discharge to the POTW.

B. *Categorical User Sampling Requirements.* Categorical users with combined discharges shall measure flows and pollutant concentrations necessary to allow use of the combined waste stream formula of [40 CFR 403.6\(e\)](#). Where feasible, such users shall sample immediately downstream from any pretreatment facilities, unless the department determines end-of-pipe monitoring to be more stringent or applicable.

C. *Noncategorical Users.* All other users, where required to sample, shall measure the flows and pollutant concentrations necessary to evaluate compliance with pretreatment standards and requirements.

D. *Data Required.* Users which analyze wastewater samples shall record and report, with the sampling results, the information required by MMC [13.10.230\(B\)](#). All required reports shall also certify that the samples are representative of normal work cycles and wastewater discharges from the user. Whenever a user analyzes wastewater samples for any regulated pollutant more frequently than required, using methodologies in [40 CFR Part 136](#), the results of such analyses shall be submitted with the next required wastewater discharge report. Reports containing incomplete information shall not demonstrate compliance with this chapter or a wastewater discharge permit.

13.10.250 Analytical requirements.

Users shall ensure that all wastewater analyses required to be reported with the exception of flow, temperature, settleable solids, conductivity, and pH shall be performed by a laboratory registered or accredited under the provisions of Chapter [173-50](#) WAC. Sampling and analysis techniques used in collection, preservation, and analysis shall be in accordance with [40 CFR Part 136](#), unless otherwise specified in an applicable categorical pretreatment standard. Where [40 CFR Part 136](#) does not contain applicable sampling or analytical techniques for the pollutant in question, sampling and analyses shall be performed in accordance with procedures approved by the EPA or the department.

13.10.260 City of Monroe monitoring of wastewater.

The city shall follow the procedures required of users described in MMC [13.10.240](#) and [13.10.250](#) whenever conducting wastewater sampling of any industrial user when such sampling is conducted to ensure compliance with this chapter and applicable pretreatment standards and requirements.

13.10.270 Right of entry for inspection and sampling.

A. The director shall have the right to enter the facilities of any user to ascertain whether the purpose of this chapter, and any wastewater discharge permit or order issued under this chapter or by the department, is being met and whether the user is complying with all requirements thereof.

B. The director shall have the right to set up on any user's property such devices as are necessary to conduct sampling, compliance monitoring, and/or metering of a user's operations. It shall be the policy of the director to inform the department of such activities where users hold a state waste discharge permit in order to make the results of such sampling available to the department.

C. Users shall allow the director ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

D. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the director, (~~his or her~~)**their** agents or assigns, and representatives of state and federal authority will be allowed to enter without delay for the purposes of performing their respective duties.

E. Entry to a Washington State Department of Correction Facility (DOC) shall comply with security procedures incorporated in an interlocal agreement between the DOC and the city.

F. Any temporary or permanent obstruction to safe, ready, and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the director and shall not be replaced. The costs of clearing such access shall be borne by the user.

G. Unreasonable delays or failure to allow the director access to any area to perform functions authorized under this chapter shall be grounds for termination of wastewater treatment services and enforcement as authorized by this chapter.

13.10.280 Monitoring facilities.

A. Any user notified by the department or the city of Monroe that monitoring facilities are required shall provide and operate at its own expense a monitoring facility to allow proper inspection, sampling, and flow measurements of each sewer discharge to the POTW. Monitoring facilities shall be situated on the user's premises, unless this would be impractical or cause undue hardship on the user. In such cases, the city of Monroe may allow the user to construct the facility in the public street or sidewalk area, providing it will not be obstructed by landscaping or parked vehicles.

B. When the director or the department determines it is appropriate, they may require a user to construct and maintain monitoring facilities at other locations

(for example, at the end of a manufacturing line or wastewater treatment system).

C. There shall be ample room in or near such monitoring facilities to allow accurate sampling and preparation of samples for analysis. The user shall maintain the facility, sampling, and measuring equipment at all times in a safe and proper operating condition at ~~((his/her))~~**their** own expense.

D. All wastewater monitoring facilities shall be constructed and maintained in accordance with all applicable construction standards and specifications. All devices used to measure wastewater flow and quality shall be regularly calibrated, but no less frequently than annually, to ensure their accuracy. Calibration records shall be available for inspection of the director.

13.10.290 Search warrants.

A. If the director or authorized inspector acting as ~~((his/her))~~**their** agent has been refused access to a building, structure or property, or any part thereof, then the director shall seek issuance of a search and/or seizure warrant from the Snohomish County superior court when:

1. There is probable cause to believe that there may be a violation of this chapter;
2. There is a need to inspect, as part of a routine inspection program of the city designed to verify compliance with this chapter, an order issued hereunder or any wastewater discharge permit; or
3. To protect the overall public health, safety and welfare of the community.

Such warrant shall be served at reasonable hours by the director in the company of a uniformed police officer of the city.

B. In the event the director has reason to believe a situation represents an imminent threat to public health and safety, and where entry has been denied or the area is inaccessible, the director may enter in the company of a uniformed police officer, before a requested warrant has been produced, in order to determine if the suspected situation exists, and if so, to take such actions necessary to protect the public; provided, however, that entry to the DOC facility shall be in accord with an interlocal agreement between the parties.

13.10.300 Vandalism.

No person shall willfully or negligently break, damage, destroy, uncover, deface, tamper with, or prevent access to any structure, appurtenance or equipment, or other part of the POTW. Any person found in violation of this requirement shall be subject to the sanctions set out in this chapter.

13.10.310 Confidential information.

A. Records kept by the city of Monroe with respect to the nature and frequency of discharges from any user shall be available to the public without

restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the city of Monroe, that the release of such information would divulge information, processes or methods of production entitled to confidentiality under the law.

B. Users shall clearly mark “confidential” on all areas of correspondence they wish to be held confidential from the public and feel is afforded such protection. The city of Monroe shall determine if such information is legally afforded this protection under the law upon receipt of a request for such information. Only information marked “confidential” and determined by the city to legally qualify as such shall be withheld from the public.

C. No correspondence claimed as confidential shall be withheld from any state or federal agency responsible for oversight of the city’s NPDES permit or authority to implement the NPDES, or state or federal pretreatment programs. Wastewater constituents and characteristics, and other effluent data as defined by [40 CFR 2.302](#) will not be recognized as confidential information and will be available to the public without restriction, unless otherwise exempted from disclosure under RCW [42.17.360](#), et seq.

13.10.320 State responsibility for administrative actions.

The Department is charged with permitting and regulating SIUs discharging to the city POTW. Except for emergency actions, it shall be the policy of the director to forward potential violations in regard to control of such users to the Department until such time as a local pretreatment program for the city may be authorized by the state. Failure to forward a potential violation, however, shall not invalidate any emergency action of the city authorized by this chapter.

13.10.330 Notification of violation.

A. Whenever the director finds that any user has violated or is continuing to violate any provision of this chapter, or an order issued hereunder, the director may serve upon such user written notice of the violation.

B. Within ten days of receipt of such notice of violation, the user shall submit to the director an explanation of the violation and a plan to satisfactorily correct and prevent the reoccurrence of such violation(s). The plan shall include specific actions the user will take and the completion dates of each. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation.

C. Nothing in this section shall limit the authority of the city to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

13.10.340 Consent orders.

A. The director is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such consent orders shall include

specific action to be taken by the user to correct the noncompliance within a time schedule also specified by the consent order.

B. Compliance schedules, when included in consent orders, may not extend the compliance date beyond any applicable state or federal deadlines. Consent orders shall have the same force and effect as compliance orders issued pursuant to this chapter, and shall be judicially enforceable.

C. Failure to comply with any terms or requirements of a consent order by the user shall be an additional and independent basis for termination of wastewater services, including collection and treatment, or for any other enforcement action authorized under this chapter and deemed appropriate by the director.

13.10.350 Compliance orders.

A. Whenever the director finds that a user has violated, or continues to violate, any provision of this chapter, or order issued hereunder, the director may issue a compliance order to the user responsible for the violation. The order shall specify that wastewater services, including collection and treatment, shall be discontinued and/or applicable penalties imposed unless, within a specified time period, corrective action has been taken in conformance with governing statutes and regulations which is reasonably calculated to remedy the violation.

B. Compliance orders may also contain such other requirements as might be reasonably necessary and appropriate to address the violation or noncompliance, including, but not limited to, the adoption of additional management practices designed to minimize the amount of pollutants discharged to the POTW. A compliance order may not extend the deadline for compliance beyond any applicable state or federal deadlines, nor does a compliance order release the user from liability from any past, present, or continuing violation(s). Issuance of a compliance order shall not be a prerequisite to taking any other action against the user.

C. Failure to comply with any terms or requirements of a compliance order by a user shall be an additional and independent basis for termination of wastewater services, including collection and treatment, or any other enforcement action authorized under this chapter and deemed appropriate by the director. With respect to DOC facilities, service may be reinstated upon cessation of the industrial service or use which reasonably appears to have caused a violation or history of SNC.

13.10.360 Administrative show cause hearing.

A. A user shall be afforded the opportunity to an administrative hearing to contest the city's determination to suspend services, impose penalties, recover costs, or establish compliance schedules. A user shall also have the right to a hearing prior to termination of a user's wastewater collection and treatment services.

B. Notice shall be served on the user specifying the time and place for the administrative hearing, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement

action should not be taken. The notice of the hearing shall be served on an authorized representative of the user (return receipt requested) at least fifteen days prior to the scheduled hearing date. Standards for such hearing shall be adopted by order of the director.

C. An administrative hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

13.10.370 Cease and desist orders.

A. The director may issue a cease and desist order upon finding a user has or is violating this chapter. The decision to issue a cease and desist order shall consider the likelihood that a user's violations in conjunction with other discharges could cause a threat to the POTW, POTW workers, or the public, or cause pass through, interference, or a violation of the POTW's NPDES permit. The order issued by the director will direct the user to cease and desist all such violations and to:

1. Immediately cease such actions or discharges as described;
2. Comply with all applicable pretreatment standards and requirements;
3. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

B. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

13.10.380 Emergency suspension of wastewater services.

A. The director may immediately suspend wastewater services, including collection and treatment, after reasonable attempts to provide actual notice to the user, if it appears to the city that such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to either the environment, normal operation of the POTW, or the health or welfare of any person or the general public.

B. Any user notified of a suspension of its wastewater discharge shall immediately cease all such discharges. In the event of a user's failure to immediately comply voluntarily with the suspension order, the director shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or the danger to the public. The director may allow the user to recommence its discharge when the user has demonstrated that the period of endangerment has passed, unless termination proceedings pursuant to this chapter are initiated against the user.

C. It shall be unlawful for any person to prevent or attempt to prevent the director and/or city from terminating wastewater collection and treatment services in an emergency situation by barring entry, by physically interfering

with city employees or contractors, or by any other means. See MMC [13.10.270\(E\)](#) for regulation of entry to a DOC facility.

D. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the director prior to the date of any administrative hearing authorized by this chapter.

E. Nothing in this section shall be interpreted as requiring an administrative hearing prior to any emergency suspension under this section.

13.10.390 Termination of treatment services (nonemergency).

A. Subject to the procedures adopted pursuant to MMC [13.10.360](#), the director shall have authority to terminate wastewater services, including collection and treatment, through the issuance of a termination order to any user upon determining that such user has:

1. Refused access allowed by this chapter, thereby preventing the implementation of any purpose of this chapter;
2. Violated any provision of this chapter including the discharge prohibitions and standards of this chapter; or
3. Violated any lawful order of the city issued with respect to this chapter.

B. For users holding permits to discharge to the city POTW, violation of the following conditions is also grounds for terminating discharge services:

1. Failure to accurately report wastewater constituents or characteristics;
2. Failure to report significant changes in operations or wastewater constituents or characteristics; or
3. Violation of any term or condition of the user's waste discharge permit.

C. Issuance of a termination order by the city shall not be a bar to, or a prerequisite for, taking any other action against the user.

13.10.400 Injunctive relief.

When the director finds that a user has violated (or continues to violate) any provision of this chapter, or order issued hereunder, he/she may petition the Snohomish County superior court through the city attorney for the issuance of a temporary or permanent injunction, as appropriate, to restrain or compel specific compliance with an applicable permit, order, or other requirement imposed by or issued under this chapter on activities of the user. The city may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

13.10.410 Civil penalties.

A. A user which has violated or continues to violate any provision of this chapter or an order issued hereunder shall be liable to the city for a maximum civil penalty of ten thousand dollars per violation per day. Each day upon which a violation occurs or continues shall constitute a separate violation. In the case of noncompliance with monthly or other long-term average discharge limits, penalties shall accrue for each day during the period of such noncompliance.

B. In addition to the penalty amounts assessable under subsection (A) of this section, the director may recover reasonable attorneys' fees, court costs, and other expenses associated with compliance and enforcement activities authorized under this chapter. This shall include recovery of costs for sampling and monitoring, and the cost of any actual damages incurred by the city of Monroe including penalties for noncompliance with the city of Monroe NPDES permit to the extent attributable to the user.

C. The city shall petition the Snohomish County superior court to impose, assess, and recover such sums. In recommending the amount of civil liability, the director shall consider all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires, and shall present this analysis as evidence in support of the recommended penalty.

D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

13.10.420 Criminal prosecution.

A. A user which has willfully or negligently violated any provision of this chapter or order issued hereunder shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than ten thousand dollars per violation, per day, plus costs of prosecution or imprisonment in the county jail not to exceed one year, or by both fine and imprisonment, at the discretion of the Snohomish County superior court.

B. The above provision applies to any user which knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this chapter, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter.

C. Where willful or negligent introduction of a substance into the POTW causes personal injury or property damage, this action shall be in addition to any other civil or criminal action for personal injury or property damage available under the law.

13.10.430 Remedies nonexclusive.

The enforcement provisions of this chapter are not exclusive remedies. The city reserves the right to take any, all, or any combination of these actions concurrently or sequentially against a noncompliant user or to take other actions as warranted by the circumstances.

13.10.440 Water supply severance.

Whenever a user has violated or continues to violate any provision of this chapter, a wastewater discharge permit or order issued hereunder, water service to the user may be severed pursuant to procedures adopted under MMC [13.10.360](#). Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

13.10.450 Public nuisances.

A violation of any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the director. Any person(s) creating a public nuisance shall be subject to the provisions of Chapter [6.04](#) MMC governing such nuisances, including reimbursing the city for any costs incurred in removing, abating, or remedying said nuisance.

13.10.460 Performance bonds and liability insurance.

The director may decline to reinstate wastewater collection and treatment service to any user whose wastewater services were suspended or terminated under the provisions of this chapter, unless such user, at the sole discretion of the director, either (A) first files with the city a satisfactory bond, payable to the city, in a sum not to exceed a value determined by the director to be necessary to achieve consistent compliance; or (B) first submits proof that the user has obtained financial assurances sufficient to restore or repair POTW damage caused by its discharge. This section shall not apply to the state of Washington or any agency exempted by statute from the posting of a bond.

13.10.470 Innovative settlements and supplemental environmental projects.

A. In any enforcement action allowed under this chapter, the director may recommend, and the city may agree to set aside all or portions of the recommended penalty amount in favor of requiring completion of a project of environmental benefit to the POTW of equal or greater value than the proposed penalty. Such projects must be proposed or agreed to in writing by the user.

B. In recommending this option, the director shall consider all relevant circumstances, including, but not limited to, the following criteria: (1) the net environmental benefit, (2) the ability of the project to help achieve or ensure compliance, (3) the willingness of the party to change the circumstances that led to the noncompliance, and (4) the responsible party's technical and financial ability to successfully complete the project.

C. In enforcement actions taken by the department, the city may make written recommendations either for, or against, an innovative settlement agreement with a noncompliant user based on the above criteria.

13.10.480 General prohibited discharge standards.

A. The city may allow an affirmative defense to an enforcement action brought against a user for noncompliance with the general and specific prohibitions in MMC [13.10.050\(A\)](#) and [\(B\)\(3\)](#) through [\(B\)\(7\)](#). An affirmative defense requires the user to prove to the satisfaction of the director that:

1. The user did not know or have reason to know that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference;
2. The discharge did not change substantially in nature or constituents from the industrial user's prior discharge when the city was regularly in compliance with its NPDES permit; and
3. In the case of interference, the user was in compliance with applicable sludge use or disposal requirements.

B. This defense does not relieve the user from responsibility for enforcement to recover costs as provided under this chapter.

13.10.490 Upset.

A. Users shall control production or all discharges to the extent necessary to maintain compliance with applicable pretreatment standards and requirements upon reduction, loss, or failure of its wastewater treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

B. A user who wishes to establish the affirmative defense of upset to an enforcement action brought for noncompliance with applicable pretreatment standards shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

1. An upset occurred; the user can identify the cause(s) of the upset; and it was not due to improperly designed or inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation;
2. The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures; and
3. The user has submitted the following information to the POTW and the director within twenty-four hours of becoming aware of the upset. If this information is provided orally, the user must submit a written report within five days containing this same information:

- a. A description of the indirect discharge and cause of noncompliance;

- b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
- c. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

C. Users will only have the opportunity for a judicial determination on a claim of upset in an enforcement action brought for noncompliance with applicable pretreatment standards. In any such enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

13.10.500 Bypass.

A. A user may allow a bypass to occur if it does not cause applicable pretreatment standards or requirements to be violated and if it is for essential maintenance to ensure efficient wastewater treatment operations. These bypasses are subject to the provision of subsections (B) and (C) of this section.

B. Requirements for bypasses subject to pretreatment standards or requirements:

1. If a user knows in advance of the need for a bypass, it shall submit prior notice to the POTW, at least ten days before the date of the bypass, if possible.
2. A user shall give verbal notification to the director of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four hours of becoming aware of the bypass, and submit a written report to the director within five days of becoming aware of the bypass.
3. The written report shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times; the anticipated time when any ongoing bypass is expected to be halted; and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The director may waive the written report if the verbal notification has been received within twenty-four hours.

C. *Exceptions.* Bypass is prohibited, and the POTW may take an enforcement action against a user for a bypass, unless:

1. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage (as defined herein);
2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated or inadequately treated wastewaters, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
3. The user submitted notices as required in subsection (B) of this section.

D. The director may approve an anticipated bypass, after considering its adverse effects, if he/she determines that it will meet the three conditions listed in subsection [\(C\)](#) of this section.

13.10.510 Regulatory conflicts.

All other provisions of this code inconsistent or conflicting with any part of this chapter are hereby superseded to the extent of the inconsistency or conflict.

1 Code reviser's note: Ord. [011/2015](#), Exhibit A, reads as follows: "Area included within the "Downtown Area". The area bordered by the following: Madison Street on the west, McDougall Street on the south, Al Borlin Park on the east and US 2 on the north. Where the boundaries are indicated by a street, the boundary shall be the centerline of that street. Where the boundaries are irregular, the study area boundary shown on the Downtown Master Plan shall control."

~~((Chapter 13.16 FIRE HYDRANTS AND WATER MAINS~~

Sections:

~~13.16.010 Purpose.~~

~~13.16.020 Definitions.~~

~~13.16.030 Hydrants and water mains required.~~

~~13.16.040 Exceptions.~~

~~13.16.050 Nonconforming hydrants.~~

~~13.16.060 Installation – Approval.~~

~~13.16.070 Hydrants – Location.~~

~~13.16.080 Hydrants – Installation, fittings and valves.~~

~~13.16.090 Fire flow requirements.~~

~~13.16.100 Hydrant protection.~~

~~13.16.110 Mains and service lines.~~

~~13.16.120 Outlets.~~

~~13.16.130 Street grade and hydrant clearance.~~

~~13.16.140 Private hydrants.~~

~~13.16.150 Appeals.~~

~~13.16.160 Violation – Penalty.~~

~~13.16.010 Purpose.~~

~~The passage of the ordinance codified in this chapter is necessary for the protection of the health, safety and welfare of the citizens of the city, and~~

~~material noncompliance with this chapter shall constitute a public nuisance and subject the offending party to all criminal, civil and equitable remedies as such.~~

~~13.16.020 — Definitions.~~

~~The definitions following are part of this chapter. Whenever the following terms are used in this chapter they shall have the meaning as defined:~~

~~A. “Fire chief” means the fire chief of the fire department or the chief’s authorized agent.~~

~~B. “Fire department” means the fire department of the city.~~

~~C. “Fire flow” means the flow of water available for fighting a fire at a specific building or within a specific area.~~

~~D. “Fire flow, required” means the flow of water required for fighting of fire at a specific building or within a specific area as specified by Guide for Determination of Required Fire Flow published by the Insurance Service Office, Municipal Survey, 160 Water Street, New York, New York 10038, dated December, 1974, or in the alternative for a period of time as specified by Grading Schedule Table for Washington Surveying and Rating Bureau, dated January 1, 1974.~~

~~E. “Flush type hydrants” means a hydrant installed entirely below grade.~~

~~F. “Private hydrant” means a fire hydrant so situated and maintained on private property with no restriction as to use by the fire and public works department. The location may be such that it is not readily accessible for immediate use by the fire authority for other than certain private properties.~~

~~G. “Public hydrant” means a fire hydrant so situated and maintained on public right of way or easements to provide water without restriction as to use by the fire department and public works departments. Its location is such that it is accessible for immediate use of the fire authority at all times.~~

~~H. “Public works” mean the public works or water department of the city.~~

~~I. “Single family dwelling” means a single family dwelling and the associated outbuildings, i.e., garage, barn, storage shed.~~

~~J. “Single family residential area” shall be as set forth in the zoning code of the city.~~

~~13.16.030 — Hydrants and water mains required.~~

~~Fire hydrants and water mains shall be required to exist in an operational condition located and installed in the manner provided by this chapter to provide fire protection service to the following:~~

~~A. All buildings constructed after the effective date of the ordinance codified in this chapter, such hydrant and main to be operational prior to final approval of any plumbing permit or building permit issued in connection with such buildings;~~

~~B. All subdivisions and short subdivisions, such hydrants and mains to be operational prior to final approval of any plumbing permit or building permit issued for a building within the subdivision or short subdivision;~~

~~C. All commercial and industrial structures or buildings, such mains and hydrants to be operational prior to occupancy and prior to final approval of any building permit issued in connection therewith.~~

13.16.040 — Exceptions.

~~The fire chief may provide for the following exceptions:~~

~~A. *Isolated Lot.* The fire chief may issue a waiver with respect to construction of a single-family dwelling on an isolated lot when all of the following criteria exist:~~

- ~~1. The lot after such construction may be used only for single-family residential purposes; and~~
- ~~2. The lot is a substantial distance from the source of public or community water supply, or the cost of providing water for fire protection is not justified for the safety protection proposed; and~~
- ~~3. A local improvement district for the provision of hydrant and water mains cannot feasibly be created to assist the applicant and his neighbors.~~

~~B. *Large Lot Divisions.* Where a single-family dwelling or duplex dwelling is the sole construction on a lot having a land area of five acres or greater, the requirements for hydrants will not apply; provided, that where the lot is in the five or greater acre tract subdivision, the fire chief shall review such division for adequacy of the proposed future water main grid system. Such grid system must be implemented prior to the approval of any additional division of any such lot. The exception in this chapter does not apply to any building development other than single-family dwelling or duplex dwelling per lot.~~

~~C. *Areas Not Serviced by Water Mains and Fire Hydrants.* Where construction of a structure is in an area not serviced by water mains and fire hydrants, the fire chief may approve alternate procedures similar to auxiliary pumper supply points to be used in lieu of standard hydrants as provided by Washington Surveying and Rating Bureau.~~

13.16.050 — Nonconforming hydrants.

~~If there presently exist fire hydrants which do not conform to the requirements specified in this chapter, such hydrants when replaced shall be replaced with hydrants that do conform.~~

13.16.060 — Installation — Approval.

~~The installation of the fire hydrants and mains may be accomplished by contract or the public works department, but all installations are to be inspected by the city engineer, and must meet with the city engineer's approval.~~

13.16.070 — Hydrants — Location.

A. ~~All public fire hydrants shall be installed at street intersections where possible. Public hydrant spacing shall be measured along vehicular access routes.~~

B. ~~In single-family residential areas, public hydrants shall be spaced so that the maximum distance average between them is six hundred feet. If cul-de-sacs, dead-end streets, roads, driveways or any combination thereof are over three hundred feet long, additional public hydrants must be placed, as deemed appropriate by the fire chief.~~

C. ~~Hydrants shall be on circulating mains unless approval for a dead-end main is obtained from the fire department and city engineer.~~

D. ~~All buildings, except single-family dwellings, that are located so that a portion is more than one hundred sixty-five feet from a street as measured along the right-of-way line of vehicular access routes shall have private fire hydrants located at the building. The fire chief shall determine the location of hydrants and shall consider utility, topography, and building location. Hydrants shall be a minimum of fifty feet from the building, except when it is impractical due to topography or property line location.~~

13.16.080 — Hydrants — Installation, fittings and valves.

~~Fire hydrants shall be installed to meet sound engineering practices and meet the approval of the public works department, who shall also approve the selection and use of all pipe fittings and valves. There shall be a foot valve installed between the service main and the hydrant sufficient to permit the repair and replacement of the hydrant without disruption of water service. The foot valve shall be installed to public works department standards. The location of all such valves installed shall be properly and accurately marked on as-built plans or drawing with generally acceptable engineering detail, two copies of which shall be furnished to the public works department. Valves shall be furnished with a standard valve box.~~

13.16.090 — Fire flow requirements.

~~The fire chief will establish and administer fire flow standards for hydrants and water mains, which standards as a minimum shall be the fire flow required as defined in this chapter.~~

13.16.100 — Hydrant protection.

~~Where needed for hydrant protection from damage, the fire chief will require hydrants to be protected by two or more posts, eight inches in diameter by five feet long, made either of reinforced concrete or steel, their location to meet the provision of MMC [13.16.130](#). Other comparable protection may be utilized with the fire chief's approval.~~

13.16.110 — Mains and service lines.

A. ~~All public hydrants in single-family areas shall be supplied by not less than an eight-inch circulating water main. All hydrants in areas other than single-family areas shall be supplied by not less than eight-inch circulating mains. Dead-end mains supplying fire hydrants must be not less than eight inches, with the exception of mains up to fifty feet long which may be a minimum of six inches in diameter.~~

B. ~~The service line from the water main to the hydrant shall be no less than six inches in diameter. Any service lines over fifty feet shall be not less than eight inches in diameter.~~

C. ~~All water mains serving or planning to be serving fire protection systems, installed or replaced in the city, hereinafter shall have a minimum diameter of eight inches.~~

13.16.120 — Outlets.

~~Fire hydrants shall have two and one-half inch hose outlets and one four and one-fourth pumper port outlet. All outlet ports shall have national standard thread and valve openings no less than five inches in diameter. Fire hydrants shall meet the American Water Works Association, Standard No. C-502.~~

13.16.130 — Street grade and hydrant clearance.

~~Hydrants shall stand plumb, be set to established street grade with the lowest outlet of the hydrant no less than eighteen inches above the street grade and no less than thirty-six inches of clear area around the hydrant. The pumper port shall face the street. Where the street cannot be clearly defined, the port shall face the most likely route of approach and location of the fire truck while pumping, which shall be determined by the fire chief.~~

13.16.140 — Private hydrants.

~~The installation of private hydrants as defined in this chapter shall meet the requirements for public hydrants and shall be located as designated by the fire chief to provide adequate fire protection. The fire and public works departments shall have the right to go upon the premises and to use the private hydrant for testing, flushing and emergency use. The installation of flush-type hydrants is prohibited.~~

13.16.150 — Appeals.

~~Appeal to any determination in the enforcement or application of this chapter by the fire chief shall be to the city council or applicable designated committee thereof.~~

13.16.160 — Violation – Penalty.

~~Any violation of this chapter constitutes a misdemeanor and shall be punishable by a fine not to exceed three hundred dollars, by imprisonment not to exceed six months, or both such fine and imprisonment. The imposition of criminal~~

penalties shall not preclude the enforcement of all other provisions of this chapter.))

Chapter 13.20 REIMBURSEMENT AGREEMENTS FOR UTILITY IMPROVEMENTS

Sections:

~~13.20.010~~ ~~((Purpose))~~ Utility reimbursement agreements authorized.

~~13.20.020~~ ~~((Definitions))~~ Limitation.

~~((13.20.030~~ ~~Minimum project size.~~

~~13.20.040~~ ~~Application.~~

~~13.20.050~~ ~~Length of reimbursement provision.~~

~~13.20.060~~ ~~Director's determination – Review by city council.~~

~~13.20.070~~ ~~Determination of reimbursement area boundary and reimbursement fee.~~

~~13.20.080~~ ~~Reimbursement agreement must be recorded.~~

~~13.20.090~~ ~~Written agreement – Payment of city costs in excess of application fee.~~

~~13.20.100~~ ~~Construction and acceptance of improvements/recording of final fees.~~

~~13.20.110~~ ~~Collection of reimbursement fees – No liability for failure to collect.~~

~~13.20.120~~ ~~Disposition of undeliverable reimbursement fees.~~

~~13.20.130~~ ~~Administration.))~~

13.20.010 ((Purpose)) Utility reimbursement agreements authorized.

~~((The purpose of this chapter is to prescribe rules and regulations for exercise of the authority to enter into utility reimbursement agreements granted to the city by))~~ **The City may enter into utility reimbursement agreements for water, sanitary sewer and storm facilities as required and/or otherwise authorized pursuant to Chapter [35.91](#) RCW, as said chapter now exists or may be amended.**

13.20.020 ((Definitions))Limitation.

As used in this chapter, the terms listed below shall be defined as follows:

A. "Cost of construction" shall mean those costs incurred for design, acquisition of right-of-way and/or easements, six percent administrative fee, construction, materials and installation required in order to create an improvement which complies with city standards. Until such time as Chapter [35.91](#) RCW is amended to expressly authorize inclusion of interest charges or other financing costs, such expenses shall not be included in the calculation of construction

costs. In the event of a disagreement between the city and the applicant concerning the cost of the improvement, the ((city)) director's determination shall be final.

B. "Director" shall mean the city administrator or his/her designated representative.

C. "Reimbursement agreement" means a written contract between the city and one or more property owners providing for construction of water or sewer facilities and for partial reimbursement to the party causing such improvements to be made of a portion of the costs of such improvements by owners of property benefited by the improvements, as more specifically described in Chapter [35.91](#) RCW.

D. "Water or sewer facilities" shall have the meaning specified in RCW [35.91.020](#) as it now reads or as hereafter amended.

Utility reimbursement agreements shall comply fully with all applicable city regulations, standards and policies, specifically including without limitation any prohibition against extension of utility service beyond city limits.

~~((13.20.030 — Minimum project size.~~

~~In order to be eligible for a reimbursement agreement, the estimated cost of the proposed improvement must not be less than one thousand dollars. The estimated cost of the improvement shall be determined by the director, based upon a construction contract for the project, bids, engineering or architectural estimates or other information deemed by the director to be a reliable basis for estimating costs. ((The determination of the director shall be final.))~~

~~13.20.040 — Application.~~

~~An application for reimbursement agreement shall be made on a form provided by the city. The application fee for a reimbursement agreement shall be as set by rates as established by the city council by periodic resolution which shall be submitted to the city with the written application and shall be accompanied by:~~

~~A. Preliminary utility design drawings;~~

~~B. Itemized estimate of construction costs prepared and signed by a licensed civil engineer or in the form of a bid submitted by a qualified contractor (if more than one bid has been obtained, all bids must be submitted to the city);~~

~~C. Such other information as the director determines is necessary to properly review the application.~~

~~13.20.050~~ — ~~Length of reimbursement provision.~~

~~No reimbursement agreement shall provide for reimbursement for a period of longer than twenty years from the date of final acceptance of the improvement by the city.~~

~~13.20.060~~ — ~~Director's determination – Review by city council.~~

~~A. The director shall review all applications and shall approve the application only if the following requirements are met:~~

- ~~1. The project satisfies the minimum size requirement of MMC [13.20.030](#); and~~
- ~~2. The proposed improvements fall within the description of "water or sewer facilities," as those terms are described in Chapter [35.91](#) RCW.~~

~~B. In the event all of the above criteria are not satisfied, the director may condition approval as necessary in order for the application to conform to such criteria or shall deny the application. The final determination of the director shall be in writing. The applicant may obtain a review of the final determination by filing a request with the city clerk no later than ten days after the mailing of a copy of the final determination to the applicant at the address listed on the application.~~

~~C. In reviewing a final determination, the city council shall apply the criteria set forth above and shall uphold the decision of the director unless evidence presented by the applicant clearly demonstrates that the criteria have been satisfied.~~

~~13.20.070~~ — ~~Determination of reimbursement area boundary and reimbursement fee.~~

~~In the case of all applications which are approved, the director shall define the reimbursement area based upon a determination of which parcels did not contribute to the original cost of the water or sewer facility for which the reimbursement agreement applies and which may subsequently tap into or use the same, including not only those which may connect directly thereto, but also those who may connect to laterals or branches connecting thereto. An estimated amount of the reimbursement fee shall be established so that each property will pay a share of the costs of the improvements, which is proportional to the benefits which accrue to the property.~~

~~13.20.080~~ — ~~Reimbursement agreement must be recorded.~~

~~In order to become effective, a reimbursement agreement must be recorded with the office of the Snohomish County auditor. It shall be the sole responsibility of the beneficiary of the reimbursement agreement to record the reimbursement agreement at their own cost.~~

13.20.090 — Written agreement — Payment of city costs in excess of application fee.

~~A. Upon approval of the application, determination of the estimated costs of construction, the reimbursement area and estimated fees by the director, the applicant shall sign a reimbursement agreement on the form supplied by the city. The signed agreement, the application and supporting documents, together with the director's estimate of cost of construction, and determination of reimbursement area and estimated fees shall be ((prepared with a reimbursement agreement to be authorized by)) the mayor on behalf of the city.~~

~~B. In the event that costs incurred by the city for engineering or other professional consultant services required in processing the application exceed the amount of the application fee, the director shall so advise the city council and council approval shall be conditioned upon receipt of payment by the applicant of an additional amount sufficient to compensate the city for its costs in excess of the application fee.~~

13.20.100 — Construction and acceptance of improvements/recording of final fees.

~~A. The applicant shall construct the improvements, and upon completion, request final inspection and acceptance of the improvements by the city, subject to any required obligation to repair defects. An appropriate bill of sale, easement and any other document needed by the city to convey the improvements to the city and to ensure right of access for maintenance and replacement shall be provided, along with documentation of the actual costs of the improvement and a certification by the applicant that all such costs have been paid.~~

~~B. In the event that actual costs differ from the director's estimate used in calculating the estimated fees by ten percent or more, the director shall recalculate the fees, adjusting them accordingly.~~

~~C. Following the completion of the improvement, determination of the final fees, and the conveyance of the improvement to the city, the beneficiary of the reimbursement agreement shall record the agreement with the office of the Snohomish County auditor.~~

13.20.110 — Collection of reimbursement fees — No liability for failure to collect.

~~A. Subsequent to the recording of a reimbursement agreement, the city shall not permit connection of any property within the reimbursement area to any sewer or water facility constructed pursuant to the reimbursement agreement, unless the share of the costs of such facilities required by the recorded agreement is first paid to the city.~~

~~B. Upon receipt of any reimbursement fees, the city shall deduct a six percent administrative fee and remit the balance of the reimbursement fees to the party entitled to the fees pursuant to the agreement. In the event that, through error, the city fails to collect a required reimbursement fee prior to approval of~~

~~connection to a sewer or water facility, the city shall make diligent efforts to collect such fee, but shall under no circumstances be obligated to make payment to the party entitled to reimbursement, or in any other way be liable to such party, unless such reimbursement fee has actually been paid to the city.~~

~~C. Each reimbursement agreement shall include a provision requiring that every two years from the date the contract is executed a property owner entitled to reimbursement under this section shall provide the contracting municipality with information regarding the current contact name, address, and telephone number of the person, company, or partnership that originally entered into the agreement. If the agreement beneficiary fails to comply with the notification requirements of this subsection within sixty days of the specified time, then the city may collect any reimbursement fees owed to the agreement beneficiary under the agreement. Such fees shall become the property of the city and shall be revenue to the city sewer and water utility.~~

~~**13.20.120 — Disposition of undeliverable reimbursement fees.**~~

~~In the event that, after reasonable effort, the party to which reimbursement fees are to be paid pursuant to a reimbursement agreement cannot be located, and upon the expiration of one hundred eighty days from the date the fees were collected by the city, the fees shall become the property of the city and shall be revenue to the city sewer and water utility.~~

~~**13.20.130 — Administration.**~~

~~The director shall have the authority to develop and implement administrative procedures to administer and enforce this chapter.))~~

**Chapter 13.32
STORM((-)WATER MANAGEMENT UTILITY**

Sections:

~~((13.32.005 — Stormwater System Plan.))~~

13.32.010 Purpose/creation of storm((-)water management utility.

13.32.020 Definitions.

13.32.030 Administrator of utility.

13.32.040 Storm((-)water management utility fund.

13.32.050 Authority to establish rates and charges.

13.32.060 Limitation of liability.

13.32.070 Rate policy.

13.32.080 Classification of property.

13.32.090 Undeveloped real property.

~~((13.32.100 — Service charge rates.))~~

13.32.110 Property exempt from service charges.

~~((13.32.120 Senior citizen and disabled discount.~~

~~13.32.130 System development charge.~~

~~13.32.140 Collection.~~

~~13.32.150 Payment allocation.~~

13.32.160 Service charge adjustments and appeals.

~~13.32.170 Annual review of charges and fees.~~

~~13.32.180 Severability.~~

~~**13.32.005 Stormwater System Plan.**~~

~~The Monroe city council hereby adopts the Stormwater System Plan, attached as Exhibit A to the ordinance codified in this section and incorporated herein by this reference.)~~

13.32.010 Purpose/creation of storm((-)water management utility.

A. There is hereby created and established a storm and surface water utility which shall be known as the “city of Monroe, Washington, storm((-)water management utility” (the “utility”), for the purposes set forth in subsection **(B)** of this section.

B. The city shall exercise, throughout the utility where possible, all the lawful powers necessary and appropriate to the construction, condemnation and purchase, acquisition, addition to, maintenance, conduct and operation, management, regulation and control of the storm and surface water within the boundaries of the city, as necessary to protect the health, safety, and welfare of the citizens of the city including, without limitation, all the lawful powers to fix, alter, regulate and control the rates, charges and conditions for the use thereof, to purchase and condemn property on behalf of the utility, to regulate actions taken with respect to public and private property which affect the flow of storm and surface water, the use of drainage facilities, and to adopt, alter, and amend a plan adopted as necessary to implement the policies of the city pertaining to storm and surface water drainage.

C. It is not the purpose of this chapter to create a duty of the city or its utility to insure or protect individual persons or property against water drainage.

13.32.020 Definitions.

A. The following words when used herein shall have the following meanings, unless the context clearly indicates otherwise:

~~((A. The “city” shall mean the city of Monroe, Washington, a municipal corporation created and existing under the laws of the state of Washington.))~~

~~**(B)**~~**1.** “Developed” shall mean that condition of real property altered from its natural state by the addition to or construction on such property of impervious

ground cover or other manmade physical improvements such that the hydrology of the property or portion thereof is affected.

~~((G))~~2. An “equivalent residential unit (ERU)” shall mean and be equal to two thousand five hundred square feet of impervious ground cover and is the measure of impervious ground cover to be used by the utility in assessing service charges and system development charges against each parcel of property.

~~((D))~~3. “Impervious ground cover” shall mean those hard surfaced areas either which prevent or retard the entry of water into the soil in the manner that such water entered the soil under natural conditions preexistent to development, or which cause water to run off the surface in greater quantities or at an increased rate of flow than that present under natural conditions preexistent to development, including without limitation such surfaces as roof tops, asphalt or concrete sidewalks, paving, driveways and parking lots, walkways, patio areas, storage areas, and gravel, oiled macadam or other surfaces which similarly affect the natural infiltration or runoff patterns existing prior to development.

~~((E))~~4. “Service charge” means the monthly fee levied by the utility upon all developed real property within the boundaries of the utility as authorized by MMC ~~((13.32.100))~~13.02.040.

~~((F))~~5. The “system” shall mean the entire system of storm drainage facilities owned by the utility or over which the utility has control or right of use for the movement and retention of storm and surface waters, including both naturally occurring and manmade facilities.

~~((G. The “system development charge” shall mean that fee authorized by MMC 13.32.130 and charged by the utility to property which is developed and thus joined to the system subsequent to the effective date of the ordinance codified in this chapter, which charge reflects a proportionate share of the utility’s capital costs attributable to the newly developed property.))~~

~~((H))~~6. “Undeveloped” shall mean that condition of real property unaltered by the construction or addition to such property by man of impervious ground cover or physical manmade improvements of any kind that change the hydrology of the property from its natural state.

~~((I))~~7. The “utility” shall mean the city of Monroe, Washington storm~~(())~~water management utility, a utility which operates and maintains the storm or surface water drains, channels and facilities, outfalls for storm drainage and the rights and interests in property relating to the system.

13.32.030 Administrator of utility.

The ~~((city-engineer))~~director shall be the administrator of the utility.

13.32.040 Storm~~(())~~water management utility fund.

A. There is hereby created a fund which shall be known as the “storm~~(())~~water management utility fund.” All revenues, assessments, and other charges collected by the utility, or otherwise received for drainage purposes or

attributable to the operation and maintenance of the utility, and all loans to or grants or funds received for its construction, improvement and operation, shall be deposited in the storm((-))water management utility fund. All disbursements for costs of data collection, applicable drainage and flood control district assessments, planning, designing, constructing, acquiring, maintaining, operating, and improving the drainage utility facilities, whether such facilities are natural, constructed or both, and administering the utility shall be made from the storm((-))water management utility fund.

B. The city may create, at such time or times as it deems appropriate, any other funds necessary to the administration of the storm((-))water management utility and may designate the revenues to be placed therein and the purpose or purposes of such funds which may be the same as one, some or all of the purposes designated in this section as the purposes of the storm((-))water management utility fund created herein, and such purposes shall then be transferred to such newly created fund.

13.32.050 Authority to establish rates and charges.

The city shall establish, by periodic resolution, rate classifications, service charges, system development charges, inspection and permitting fees, application and connection fees and such other fees and charges necessary and sufficient in the opinion of the city council to pay for the following:

A. The operation, repair, maintenance, improvement, replacement and reconstruction of storm drainage facilities within the service area that presently exists.

B. The costs, including debt service and related financing expenses, for the construction and reconstruction of storm drainage facilities necessary and required for the handling of storm and surface waters within the service area but not presently in existence.

C. The costs associated with the development and adoption of a storm((-))water management plan.

D. The purchase of a fee or lesser interest, including easements, in land which may be necessary for the storm and surface water drainage system in the service area including, but not limited to, land necessary for the installation and construction of storm drainage facilities, and all other facilities, including retention and detention facilities, which are reasonably required for proper and adequate handling of storm((-))waters within the service area.

E. The costs of monitoring, inspection, enforcement and administration of the utility including, but not limited to, water quality surveillance, private maintenance inspection, construction inspection and other activities which are reasonably required for the proper and adequate implementation of the city's storm and surface water policies.

F. The construction and subsequent maintenance of those future facilities as required by the utility.

G. Per interlocal agreement, payment to Drainage District No. 4, Drainage District No. 4A, and French Slough flood control district, or their assigns, for operation and maintenance of drainage facilities within the French Creek watershed.

The fees and charges to be paid and collected pursuant hereto shall not be used for general or other governmental or proprietary purposes of the city, except to pay for the equitable share of the costs of accounting, management and government thereof incurred on behalf of the utility.

13.32.060 Limitation of liability.

The ordinance codified in this chapter, any drainage code to be adopted by the city council to implement the ordinance codified in this chapter, and any guidelines, rules, standards, specifications, requirements, regulations and procedures established pursuant to any section of such code are intended to provide the authority and processes to achieve cost-effective storm and surface water management in accordance with reasonable standards for such management in the Monroe area as necessary to protect the health, safety, and welfare of the citizens and of the city. Such reasonable standards shall be recommended by the administrator and approved by the city council. No city liability shall be inferred, implied, or interpreted by the adoption and application of this chapter for damages to individual persons or properties which result from existing conditions or which occur subsequent to the date of the ordinance codified in this chapter. There shall be no liability associated with the utility's approval of any privately constructed portion of the storm and surface water system and/or privately maintained portion of the storm and surface water system unless the city accepts the same as part of its publicly owned and/or maintained system and is negligent in its administration of such a system.

13.32.070 Rate policy.

It shall be the policy of the city that the rate structure to be applied in establishing the amount of service charge and system development charges assessed against each parcel of developed real property within the boundaries of the utility shall be based upon the amount of impervious ground cover contained within each parcel of property as determined by MMC [13.32.080](#), except for those properties set forth in MMC [13.32.110](#).

13.32.080 Classification of property.

The utility shall calculate the impervious ground cover of each parcel of developed real property within the boundaries of the utility to determine the number of equivalent residential units contained therein; two thousand five hundred square feet of impervious ground cover shall equal one equivalent residential unit. All detached single-family residences and mobile homes are deemed to contain one equivalent residential unit. For all other developed real properties within the utility boundaries, the administrator of the utility shall determine the number of equivalent residential units contained thereon by dividing the number of square feet of impervious ground cover on each property

by two thousand five hundred square feet/ERU; the total thus obtained will be rounded to the nearest tenth representing the equivalent residential units contained on such property. Each developed parcel of property shall be deemed to contain a minimum of one equivalent residential unit.

13.32.090 Undeveloped real property.

In accordance with the policy established in MMC [13.32.070](#) that the service charges be determined by the amount of impervious ground cover contained on each parcel of real property, those properties remaining in an undeveloped condition are deemed not to make use of the services of the utility or of the facilities of the system beyond that used by such property in the natural state. Therefore, no service charge shall be imposed upon that real property within the boundaries of the utility which is undeveloped.

~~((13.32.100 — Service charge rates.~~

~~In accordance with the rate structure as established by the city council by periodic resolution, there is hereby levied upon all developed real property within the boundaries of the utility service charges which shall be collected from the owners of such properties:~~

~~A. *Residential.* Shall be charged for one ERU per unit (includes single-family residences and up to four residential units on a single parcel).~~

~~B. All other developed property within the boundaries of the utility, except as set forth in MMC [13.32.110](#), the same rate as in subsection (A) of this section multiplied by the number of equivalent residential units determined by the utility to be contained in such parcel pursuant to MMC [13.32.080](#).)~~

13.32.110 Property exempt from service charges.

The following special categories of property are exempt from service charges and system development charges:

- A. City street rights-of-way, all of which are a part of the system pursuant to the plan.
- B. Snohomish County highway rights-of-way.
- C. State of Washington highway rights-of-way.

~~((13.32.120 — Senior citizen and disabled discount.~~

~~For senior citizens with very low income or disabled persons hereinafter defined, the single-family residential housekeeping unit charge shall be as established by the city council by periodic resolution. The rate established for seniors is restricted to single-family residences or other residences with a single water meter per unit primarily occupied by a senior citizen or senior citizens being fifty-five years of age or older having an annual household income of fifty percent or less of the area median income for Snohomish County, as published by the Washington State Office of Financial Management. In the event that such income determination is no longer published, the city may use such other reasonable methods of determining average median~~

income as it may choose. Discount rate is restricted to minimum residential meter size. To qualify as a disabled person, the disability is defined as the inability to do any substantial gainful activity due to any medically determinable physical or mental impairment which can be expected to result in death, or which has lasted or can be expected to last for a continuous period of not less than twelve months. To qualify for the disabled discount, said rate is restricted to single family residences, primarily occupied by a disabled person. The discount rates provided for herein are available only upon application, which is required to be updated annually by the customer.

13.32.130 — System development charge.

A. A system development charge shall be levied against and shall be collected from the owners of each parcel of real property or portion thereof which is changed from an undeveloped to a developed state subsequent to the effective date of the ordinance codified in this chapter. Such system development charge shall be levied for the purposes of assessing against such previously undeveloped property or portion of real property, at the time such property or portion becomes joined to and commences to use the facilities of the system, a proportionate share of the utility's capital cost attributable to each subsequently developed portion of property in order that such portion may bear its fair share of the cost of the system.

B. The system development charge shall be levied in an amount determined by multiplying the base charge as established from time to time by periodic resolution of the city council by the total number of equivalent residential units contained on that property or portion of property being altered from an undeveloped to a developed condition, which number shall not be less than one and shall be determined by the utility at the time in which application for a building or construction permit is made by the owner of the property or its agent. The system development charge shall be assessed and must be paid before a building or construction permit will be issued by the city.

C. The base charge upon which the system development charge is computed shall be as established by the city council by periodic resolution per equivalent residential unit.

13.32.140 — Collection.

A. All service charges, system development charges and all other fees or charges hereafter established by the city council by periodic resolution shall be deemed to be levied upon the premises themselves.

B. The city shall have a lien for all delinquent and unpaid charges and fees for storm drainage purposes, including without limitation service charges and system development charges assessed against all premises to which service was furnished, which lien shall have the superiority established by RCW [35.67.200](#) and shall be foreclosed in the manner provided in RCW [35.67.220](#) et seq.

~~C. As an additional and concurrent method of enforcing its lien upon any premises for delinquent storm drainage charges, the utility is authorized, in accordance with law and in the manner provided by this code to stop providing water service to such premises for so long as any delinquent fees or charges remain unpaid.~~

~~D. Storm drainage service charges are due the last day of each month and will be considered delinquent if not paid by the first day of the following month. A penalty of one dollar or one and one-half percent, whichever is greater, will be assessed if the payment is late.~~

~~**13.32.150 — Payment allocation.**~~

~~All payments on a combined utility billing shall be applied first to fees or penalties, second to utility taxes, third to storm drainage, fourth to sewer, and fifth to water.))~~

13.32.160 Service charge adjustments and appeals.

Any person billed for service charges may file a request for service charge adjustment with the utility administrator within thirty days of the date of the bill. However, filing of such a request does not extend the period for payment of the charge.

A request for service charge adjustment may be granted or approved by the utility administrator only when one of the following conditions exists:

- A. The amount of impervious ground cover of the parcel charged is in error.
- B. The service charge bill was otherwise not calculated in accordance with the terms of this chapter.

Service charge adjustments will only apply to the bill then due and payable, and bills subsequently issued. In the event that the city replaces estimated impervious surface area with measured impervious surface area, in the absence of an appeal, such actual impervious surface area will be used for future bills.

The property owners shall have the burden of proving that the service charge adjustment should be granted.

Decisions on requests for service charge adjustment shall be made by the administrator based on information submitted by the applicant and by the public works department within thirty days of the adjustment request, except when additional information is needed. The applicant shall be notified in writing of the administrator's decision.

Decisions of the utility administrator on requests for service charge adjustments shall be final unless, within thirty days of the date the decision was mailed, the applicant submits in writing to the utility administrator a notice of appeal setting forth a brief statement of the grounds for appeal and requesting a hearing before the hearing examiner.

~~((13.32.170 — Annual review of charges and fees.~~

~~The charges and fees established by resolution of the city council establishing charges and fees for the utility shall be reviewed annually by the utility. Subsequent to such review, the utility administrator shall present to the city council a yearly budget for the utility and proposed amendments to any rate and charges necessary to enable the city to pay all costs to be incurred by the utility.~~

~~13.32.180 — Severability.~~

~~If any portion of this chapter as now or hereafter amended, or its application to any person or circumstances, is held invalid or unconstitutional, such adjudication shall not affect the validity of the chapter as a whole, or any section, provision or part thereof not adjudged to be invalid or unconstitutional and its application to other persons or circumstances shall not be affected.--))~~

**Chapter 13.34
ILLICIT DISCHARGE DETECTION AND ELIMINATION**

Sections:

- 13.34.010 Purpose.**
- 13.34.020 Definitions.**
- 13.34.030 Applicability.**
- 13.34.040 Responsibility for administration.**
- 13.34.050 Discharge prohibitions.**
- 13.34.060 Allowable discharges.**
- 13.34.070 Conditional discharges.**
- ~~**((13.34.080 — Enforcement.**~~
- ~~**13.34.090 — Severability.--))**~~

13.34.010 Purpose.

The purpose of this chapter is to provide for the health, safety, and general welfare of the citizens of Monroe, Washington, through the regulation of nonstormwater discharges to the stormwater drainage system to the maximum extent practicable as required by federal and state law. This chapter establishes methods for controlling the introduction of pollutants into the stormwater drainage system in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this chapter are:

- A. To regulate the contribution of pollutants to the stormwater drainage system by stormwater discharges by any person.
- B. To prohibit illicit connections and illicit discharges to the stormwater drainage systems.

C. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this chapter.

13.34.020 Definitions.

A. For the purposes of this chapter, the following shall mean:

1. “AKART” means all known, available, and reasonable methods of prevention, control, and treatment. See also the State Water Pollution Control Act, RCW [90.48.010](#) and [90.48.520](#).

2. “Best management practices (BMPs)” means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

3. “Clean Water Act” means the federal Water Pollution Control Act ([33 USC 1251](#) et seq.), and any subsequent amendments thereto.

~~(“Director” means the city engineer, or a designee of the city engineer, who shall administer this chapter and shall be referred to as the director.)~~

4. “Groundwater” means water in a saturated zone or stratum beneath the surface of the land or below a surface water body.

5. “Hazardous materials” means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

6. “Hyperchlorinated” means water that contains more than 10 mg/liter chlorine.

7. “Illicit connections” means any manmade conveyance that is connected to a stormwater drainage system without a permit excluding roof drains or other similar type connections. Examples include sanitary sewer connections, floor drains, channels, pipelines, conduits, inlets, or outlets that are connected directly to the stormwater drainage system.

8. “Illicit discharge” means any direct or indirect nonstormwater discharge to the stormwater drainage system, except as exempted in MMC [13.34.060](#) and [13.34.070](#).

9. “Industrial activity” means activities subject to NPDES industrial permits as defined in [40 CFR](#), Section [122.26\(b\)\(14\)](#).

10. “National Pollutant Discharge Elimination System (NPDES) storm((-))water discharge permit” means a permit issued by Washington Department of Ecology under authority delegated pursuant to [33 USC 1342\(b\)](#) (Clean Water

Act) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

11. "Nonstormwater discharge" means any discharge to the stormwater drainage system that is not composed entirely of stormwater.

~~((“Person” means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner’s agent.))~~

12. "Pollutant" means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

~~((“Premises” means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.))~~

13. "Stormwater" means that portion of precipitation that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, channels or pipes into a defined surface water channel, or a constructed infiltration facility.

14. "Stormwater drainage system" means constructed and natural features which function together as a system to collect, convey, channel, hold, inhibit, retain, detain, infiltrate, divert, treat or filter stormwater.

15. "Stormwater pollution prevention plan" means a document which describes the best management practices and activities to be implemented by a person to identify sources of pollution or contamination at a premises and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

13.34.030 Applicability.

This chapter shall apply to all water entering the stormwater drainage system generated on any developed and undeveloped lands lying within the city of Monroe. The director is authorized to adopt written procedures for the purpose of carrying out the provisions of this chapter.

13.34.040 Responsibility for administration.

A. The director is directed and authorized to develop an inspection program for illicit discharge and illicit connection investigation in the city of Monroe.

B. *Inspection Authority.* The director is authorized to implement the inspection program for the investigation of suspected illicit discharges and illicit connections.

C. *Enforcement Authority.* The director shall enforce the requirements of this chapter.

13.34.050 Discharge prohibitions.

A. *Prohibition of Illicit Discharges.*

1. No person shall throw, drain, or otherwise discharge, cause or allow others under its control to throw, drain or otherwise discharge directly or indirectly into the stormwater drainage system and/or surface and groundwaters any materials other than stormwater.

2. Examples of prohibited contaminants include but are not limited to the following:

- a. Trash or debris;
- b. Construction materials;
- c. Petroleum products including but not limited to oil, gasoline, grease, fuel oil and heating oil;
- d. Antifreeze and other automotive products;
- e. Metals in either particulate or dissolved form;
- f. Flammable or explosive materials;
- g. Radioactive material;
- h. Batteries;
- i. Acids, alkalis, or bases;
- j. Paints, stains, resins, lacquers, or varnishes;
- k. Degreasers and/or solvents; drain cleaners;
- l. Pesticides, herbicides, or fertilizers;
- m. Steam cleaning wastes;
- n. Soaps, detergents, or ammonia;
- o. Swimming pool or spa filter backwash;
- p. Chlorine, bromine, or other disinfectants;
- q. Heated water;
- r. Domestic animal wastes;
- s. Sewage;
- t. Recreational vehicle waste;
- u. Animal carcasses;

- v. Food wastes;
- w. Bark and other fibrous materials;
- x. Lawn clippings, leaves, or branches;
- y. Silt, sediment, concrete, cement or gravel;
- z. Dyes;
- aa. Chemicals not normally found in uncontaminated water;
- bb. Any other process-associated discharge except as otherwise allowed in this section; and
- cc. Any hazardous material or waste not listed above.

B. *Prohibition of Illicit Connections.*

1. The construction, use, maintenance, or continued existence of illicit connections to the stormwater drainage system is prohibited.
2. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
3. A person is considered to be in violation of this chapter if the person connects a line conveying sewage to the stormwater drainage system or allows such a connection to continue.

13.34.060 Allowable discharges.

The following types of discharges shall not be considered illicit discharges for the purposes of this chapter unless the director determines that the type of discharge, whether singly or in combination with others, is causing or is likely to cause pollution of surface water or groundwater:

- A. Diverted stream flows.
- B. Rising groundwaters.
- C. Uncontaminated groundwater infiltration, as defined in [40 CFR 35.2005\(20\)](#).
- D. Uncontaminated pumped groundwater.
- E. Foundation drains.
- F. Air conditioning condensation.
- G. Irrigation water from agricultural sources that is commingled with urban stormwater.
- H. Springs.
- I. Water from crawl space pumps.
- J. Footing drains.
- K. Flows from riparian habitats and wetlands.

L. Discharges from emergency fire fighting activities.

13.34.070 Conditional discharges.

The following types of discharges shall not be considered illicit discharges for the purposes of this chapter if they meet the stated conditions, or unless the director determines that the type of discharge, whether singly or in combination with others, is causing or is likely to cause pollution of surface water or groundwater:

A. Potable water, including water from water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges shall be de-chlorinated to a concentration of 0.1 ppm or less, pH-adjusted to a level within the range of 6.5 and 8.5, if necessary and in volumes and velocities controlled to prevent re-suspension of sediments in the stormwater system;

B. Lawn watering and other irrigation runoff are permitted but shall be minimized;

C. De-chlorinated swimming pool discharges. These discharges shall be de-chlorinated to a concentration of 0.1 ppm or less, pH-adjusted to a level within the range of 6.5 and 8.5, if necessary and in volumes and velocities controlled to prevent re-suspension of sediments in the stormwater system;

D. Street and sidewalk wash water, water used to control dust, and routine external building wash down that does not use detergents are permitted if the amount of street wash and dust control water used is minimized. At active construction sites, street sweeping must be performed prior to washing the street;

E. Nonstormwater discharges covered by another NPDES permit; provided, that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations; and provided, that written approval has been granted from the director for any discharge to the stormwater drainage system;

F. Other nonstormwater discharges. The discharges shall be in compliance with the requirements of a stormwater pollution prevention plan (SWPPP) reviewed and approved by the city, which addresses control of such discharges by applying AKART to prevent contaminants from entering surface or groundwater.

~~**(13.34.080 Enforcement.**~~

~~Compliance with the requirements of this chapter shall be mandatory. The general penalties and remedies established in Chapter [1.04](#) MMC for such violations shall apply to any violation of this chapter.~~

~~13.34.090 — Severability.~~

~~If any provision of this chapter or its application to any person, entity, or circumstance is held invalid, the remainder of this chapter or the application of the provision to other persons, entities, or circumstances shall not be affected.)~~

Section 3. Repeal of Monroe Municipal Code Chapter 15.01. Monroe Municipal Code Chapter 15.01, Storm water management, is hereby repealed in its entirety:

**~~((Chapter 15.01
STORM WATER MANAGEMENT~~**

~~Sections:~~

~~**15.01.010 — Purpose.**~~

~~**15.01.015 — Repealed.**~~

~~**15.01.020 — Repealed.**~~

~~**15.01.025 — Stormwater Management Manual adopted.**~~

~~**15.01.030 — Repealed.**~~

~~**15.01.040 — Repealed.**~~

~~**15.01.042 — Repealed.**~~

~~**15.01.045 — Repealed.**~~

~~**15.01.050 — Repealed.**~~

~~**15.01.055 — Repealed.**~~

~~**15.01.065 — Repealed.**~~

~~**15.01.077 — Repealed.**~~

~~**15.01.080 — Administration.**~~

~~**15.01.090 — Enforcement.**~~

~~**15.01.100 — Repealed.**~~

~~**15.01.110 — Severability.**~~

~~**15.01.010 — Purpose.**~~

~~The primary storm water management objective is to use low impact development, where feasible, to approximate the predevelopment (native) forested hydrologic condition over the full range of rainfall intensities and durations. It is the purpose of this chapter to:~~

~~A. Minimize water quality degradation and sedimentation in streams, ponds, lakes, wetlands and other water bodies;~~

~~B. Minimize the impact of increased runoff, erosion and sedimentation caused by land development and maintenance practices;~~

- ~~C. Maintain and protect groundwater resources;~~
- ~~D. Minimize adverse impacts of alterations on ground and surface water quantities, locations and flow patterns;~~
- ~~E. Decrease potential landslide, flood and erosion damage to public and private property;~~
- ~~F. Promote site planning and construction practices that are consistent with natural topographical, vegetational and hydrological conditions;~~
- ~~G. Maintain and protect the storm water management infrastructure within the city of Monroe and downstream;~~
- ~~H. Provide a means of regulating clearing and grading of private and public land while minimizing water quality impacts in order to protect public health and safety; and~~
- ~~I. Provide minimum development regulations and construction procedures which will preserve, replace or enhance, to the maximum extent practicable, existing vegetation to preserve and enhance the natural qualities of lands, wetlands and water bodies.~~

~~15.01.015 — Exemptions.~~

~~Repealed by [Ord. 022/2016](#).~~

~~15.01.020 — Definitions.~~

~~Repealed by [Ord. 022/2016](#).~~

<<23.40>>(~~15.01.025 — Stormwater Management Manual adopted.~~

~~The 2012 Department of Ecology Stormwater Management Manual for Western Washington, as amended in December 2014, as amended by Sections 1-6 of Appendix 1 of the Western Washington Phase II Municipal Stormwater Permit, is hereby adopted as the city's minimum storm water regulations and as a technical reference manual and is referred to as the "2014 Stormwater Manual." Pursuant to RCW [35A.12.140](#), a copy shall be filed in the office of the city clerk and shall be available for use and examination by the public.~~

~~15.01.030 — General provisions.~~

~~Repealed by [Ord. 022/2016](#).~~

~~15.01.040 — Applicability of the Minimum Requirements.~~

~~Repealed by [Ord. 022/2016](#).~~

~~15.01.042 — Regulated activities and allowed activities.~~

~~Repealed by [Ord. 022/2016](#).~~

~~15.01.045 — Minimum Requirements.~~

~~Repealed by [Ord. 022/2016](#).~~

~~15.01.050 — Construction storm water pollution prevention plan (SWPPP) elements.~~

~~Repealed by [Ord. 022/2016](#).~~

~~15.01.055 — Erosivity waiver.~~

~~Repealed by [Ord. 022/2016](#).~~

~~15.01.065 — Adjustments.~~

~~Repealed by [Ord. 022/2016](#).~~

~~15.01.077 — Basin/watershed planning.~~

~~Repealed by [Ord. 022/2016](#).~~

~~15.01.080 — Administration.~~

~~A. *Administrator.* The city of Monroe city engineer shall administer this chapter and shall be referred to as the administrator. The administrator shall have the authority to develop and implement administrative procedures to administer and enforce this chapter.~~

~~B. *Review and Approval.* All activities regulated by this chapter shall be reviewed and approved by the administrator or designee in conjunction with the city's review and decisional process for the permit or other approval required in order to authorize the underlying activity, and prior to beginning any work.~~

~~C. *Enforcement Authority.* The administrator shall enforce this chapter.~~

~~D. *Inspection.* All activities regulated by this chapter shall be inspected by the administrator or designee. The administrator shall inspect projects at various stages of the work requiring approval to determine that adequate control is being exercised. Stages of work requiring inspection include, but are not limited to, preconstruction, installation of BMPs, land disturbing activities, installation of utilities, landscaping, retaining walls and completion of project. When required by the administrator or designee, a special inspection and/or testing shall be performed.~~

~~E. *Fees.* Fees for plan review and inspection of activities regulated in this chapter shall be as set by periodic resolution of the city council.~~

~~F. *Appeals.* Any appeal of the administrator's review and determinations pursuant to this section shall be appealable as part of the city's underlying permit or approval decision in the manner applicable to that decision.~~

15.01.090 — Enforcement.

~~A. Compliance with the requirements of this code shall be mandatory. The general penalties and remedies established in Chapter [1.04](#) MMC for such violations shall apply to any violation of this chapter.~~

~~B. *Stop Work Order.* The administrator or designee shall have the authority to serve a person a stop work order if an action is being undertaken in violation of this chapter. If a portion of a project is in violation of this chapter, the administrator or designee may issue a stop work order for the entire project.~~

~~1. *Content of Order.* The order shall contain:~~

~~a. A description of the specific nature, extent, and time of violation and the damage or potential damage; and~~

~~b. A notice that the violation or the potential violation cease and desist and, in appropriate cases, the specific corrective action to be taken within a given time.~~

~~2. *Notice.* A stop work order shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same, or by posting at the project site.~~

~~3. *Effective Date.* The stop work order issued under this subsection shall become effective immediately upon receipt by the person to whom the order is directed or upon posting the project site.~~

~~4. *Compliance.* Failure to comply with the terms of a stop work order shall result in enforcement actions including, but not limited to, the issuance of a civil penalty and/or criminal misdemeanor prosecution.~~

~~C. *Notice and Order of Code Violation and Civil Penalty.* When the administrator determines that a violation has occurred or is occurring, the administrator, or designee, may issue a notice and order of code violation to the person responsible for the violation in conformance with the enforcement procedures of Chapter [1.04](#) MMC. The notice and order may be combined with the stop work order identified in subsection [\(B\)](#) of this section.~~

15.01.100 — Exceptions.

~~Repealed by [Ord. 022/2016](#).~~

15.01.110 — Severability.

~~If any provision of this chapter or its application to any person, entity, or circumstance is held invalid, the remainder of this chapter or the application of the provision to other persons, entities, or circumstances shall not be affected.))~~

Section 4. Adoption of New Title 23. Monroe Municipal Code Title 23, Public Works Design, Construction, and Operations Regulations, is hereby adopted as follows:

Title 23 Public Works Design, Construction, and Operations Regulations

23.10 General

23.20 Land Alteration

23.30 Streets

23.40 Storm

23.50 Water

23.60 Sanitary Sewer

23.10 General

23.10.010 Authority

The Monroe Public Works Design and Construction Regulations is enacted under the authority granted to the city by the Constitution of Washington State and the Revised Code of Washington

23.10.020 Definitions

A. Unless the context specifically indicates otherwise, the meaning of the terms in this title shall be as set forth in this section.

1. The public works director of the city of Monroe or their designee

23.10.030 Public Works Design, Construction, and Operations Standards

The Director is hereby authorized to develop, disseminate, revise, and update design, construction, and maintenance standards and specifications for utility work, work in public right-of-way or in easements, landscaping, and other private or public work performed within the Monroe City Limits or utility service area, to be known as the City of Monroe Public Works Design, Construction, and Operations Standards. Said standards shall be consistent with the applicable provisions of this title and other applicable city regulations. A copy of the current version of said standards shall be maintained and available for inspection and copying in the office of the City Clerk and the City Engineer, and may also be posted on the City's official website.

23.10.040 Applicability

These City of Monroe Public Works Design, Construction, and Operations Regulations and the Public Works Design and Construction Standards shall apply when public or private work is performed within the Monroe City Limits. This includes work performed by private parties at their own

expense under authority granted by ordinance of the city council or permit process.

23.10.050 Construction of improvements or extensions

A. Unless otherwise provided by this code or expressly authorized by the director, all capacity improvements and extensions of the city utility systems, including but not limited to mains, facilities, and appurtenances, shall be constructed and installed at the expense of the person requesting such improvement or extension and shall be subject to conveyance to the city at no cost.

B. A main extension is required whenever property within the utility service area desires to connect to the city utility system and that property does not fully abut a main, or when existing abutting or other relevant mains do not have adequate capacity. Provided, the director may waive this requirement administratively when: (i) the property is the last developable lot that can be served within the applicable service area, or (ii) the existing main is too shallow to provide adequate cover for the extension. .

C. The person causing the need for a capacity improvement or extension shall petition the director requesting permission to improve or extend city's utility system.

D. The director shall review the request for consistency with the provisions of this code, the city's adopted utility service plans, and the terms and conditions of any regulatory permit or other development approval, as applicable, and shall issue a written determination approving or denying the request. If the director approves the request, the public works department shall provide the requester with the applicable design requirements for the capacity improvement or extension. The director's determination under this subsection (D) shall not be administratively appealable.

E. Upon receipt of the design requirements from the public works department, the requester shall, at the requester's sole expense, cause the plans and specifications for the capacity improvement or extension to be prepared. All design and construction drawings and specifications shall be in accordance with the City of Monroe Public Works Design and Construction Standards. The completed design and specifications, having a valid professional engineer's seal and endorsement, shall be submitted to the public works department for review and approval.

F. The construction project for the approved capacity improvement or extension will be carried out in accordance with the provisions of a contract entered into between the city and the requester setting forth the terms, conditions and timeframes applicable to the project. Appropriate security shall be required covering construction performance and guaranteeing the construction after completion for a period of one year.

G. After approval by the public work department of the design and construction details, a permit for construction of the capacity improvement or extension will be issued after the required inspection fees have been paid. The amount of the inspection fees shall be established by resolution of the city council.

H. The construction and installation of the approved capacity improvement or extension shall be preformed by a contractor licensed to perform the construction and installation.

I. The public works department shall inspect the capacity improvement or extension to ensure compliance with the specifications. The city reserves the right to reject any installation not inspected and approved by the public works department.

J. Individual water, sewer and storm services shall be installed to serve each proposed building site. These services shall be installed in accordance with all applicable city standards. All applicable connection fees and charges shall be paid prior to connection.

K. Upon physical completion of the capacity improvement or extension project, the requester shall provide the public works department record drawings meeting the specifications contained in the Monroe Public Works Design, Construction, and Operations Standards that accurately indicates the project as actually installed, in plan and profile.

L. No capacity improvement or extension will be accepted until satisfactory record construction drawings are provided to and approved by the director.

M. Unless otherwise provided by this code or expressly authorized by the director, ownership of all capacity improvements and extensions of the city utility systems shall be conveyed to the city upon inspection and approval by the public works department. Such conveyance shall be effectuated through an instrument approved by the city attorney.

N. Unless otherwise provided by this code or expressly authorized by the director, the person requesting any capacity improvement or extension of the city utility systems shall be solely responsible, at no cost to the city, for acquiring and conveying to the city all easements and/or other real property interests necessary to accommodate such improvement or extension. Such conveyance shall be effectuated through an instrument approved by the city attorney.

23.20 Land Alteration Reserved

23.30 Streets Reserved

23.40 Storm

23.40.010 Stormwater Management Manual

A. Adopted.

The 2012 Department of Ecology Stormwater Management Manual for Western Washington, as amended in December 2014, as amended by Sections 1-6 of Appendix 1 of the Western Washington Phase II Municipal Stormwater Permit, is hereby adopted as the city's minimum storm(())water regulations and as a technical reference manual and is referred to as the "2014 Stormwater Manual." Pursuant to RCW [35A.12.140](#), a copy shall be filed in the office of the city clerk and shall be available for use and examination by the public.

B. Administration.

1. The Director shall administer the Stormwater Management Manual and shall be referred to as the administrator. The administrator shall have the authority to develop and implement administrative procedures to administer and enforce the provisions of the Stormwater Management Manual.

2. All activities regulated by the Stormwater Management Manual shall be reviewed and approved by the administrator or designee in conjunction with the city's review and decisional process for the permit or other approval required in order to authorize the underlying activity, and prior to beginning any work.

3. The administrator shall enforce the provisions of the Stormwater Management Manual.

4. All activities regulated by the Stormwater Management Manual shall be inspected by the administrator or designee. The administrator shall inspect projects at various stages of the work requiring approval to determine that adequate control is being exercised. Stages of work requiring inspection include, but are not limited to, preconstruction, installation of BMPs, land disturbing activities, installation of utilities, landscaping, retaining walls and completion of project. When required by the administrator or designee, a special inspection and/or testing shall be performed.

5. Fees for plan review and inspection of activities regulated by the Stormwater Management Manual shall be as set by periodic resolution of the city council.

6. Any appeal of the administrator's review and determinations pursuant to this section shall be appealable as part of the city's underlying permit or approval decision in the manner applicable to that decision.

C. Enforcement.

1. Compliance with the requirements the Stormwater Management Manual shall be mandatory. The general penalties and remedies established in

Chapter 1.04 MMC for such violations shall apply to any violation of this chapter.

2. The administrator or designee shall have the authority to serve a person a stop work order if an action is being undertaken in violation of this chapter. If a portion of a project is in violation of this chapter, the administrator or designee may issue a stop work order for the entire project.

a. The order shall contain:

i. A description of the specific nature, extent, and time of violation and the damage or potential damage; and

ii. A notice that the violation or the potential violation cease and desist and, in appropriate cases, the specific corrective action to be taken within a given time.

b. A stop work order shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same, or by posting at the project site.

c. The stop work order issued under this subsection shall become effective immediately upon receipt by the person to whom the order is directed or upon posting the project site.

d. Failure to comply with the terms of a stop work order shall result in enforcement actions including, but not limited to, the issuance of a civil penalty and/or criminal misdemeanor prosecution.

3. When the administrator determines that a violation has occurred or is occurring, the administrator, or designee, may issue a notice and order of code violation to the person responsible for the violation in conformance with the enforcement procedures of Chapter 1.04 MMC. The notice and order may be combined with the stop work order identified in subsection (2) of this section.

23.50 Water

23.50.030 Connection specifications.

Upon presentation of receipt for the installation fees, the director shall cause the premises described in the application to be connected with the city's water main by a service pipe extending at right angles from the main to the property line, provided such main be available adjacent to the property to be serviced, and such connection shall include a meter and stopcock placed within the lines of the street or curb, which connection shall thereafter be maintained and kept within the exclusive control and ownership of the city, and in no case shall the owner of any premises have the right to claim or reclaim any part thereof; provided, however, that when the service connection cannot be protected within the lines of

the street or curb or when the main may be on privately owned premises the city may enter upon the applicant's premises for the purpose of installing and maintaining such connection as herein provided.

No water service shall be furnished by direct line from the city's mains to any steam boiler on any person's premises.

23.50.040 Developer-installed service connections and meters.

A. Developers of all new subdivisions who will be serving the lots with city water shall be required to install all the water service lines from the water main to the lot property line before the paving of the street. The director shall establish standards for these installations.

B. A meter installation charge, for installation of a water meter on these developer-installed service lines, shall be due when an application for water service for each individual lot is made. This meter charge shall be paid in lieu of the city's service installation charge. The meter installation charge for a three-quarter inch meter shall be as established by the city council by periodic resolution. The charge for larger meters shall be set by the director and recover all city material and labor costs.

23.50.050 Size of connection – Fee according to schedule of rates.

No service connection less than three-fourths inch in size shall be installed. The fees for the installation of any water service as herein provided shall be according to the schedule of rates hereinafter in this chapter set forth and shall be due and payable at the time application therefor is made.

23.50.060 Expense of laying mains.

All extensions of city mains to serve new customers or areas outside the corporate limits of the city shall be laid at the expense of the person or persons requesting such extensions in writing.

23.60 Sanitary Sewer

23.60.010 Connections – Method.

All connections to public sewers or drains shall be made in a workmanlike manner and in accordance with instructions from the director and/or in accordance with other ordinances of the city which may be applicable thereto, and as amended from time to time.

C. Length of Side Sewers.

1. All side sewers shorter than one hundred feet shall be four inches or larger.

2. All side sewers one hundred feet and longer but shorter than three hundred feet shall be six inches or larger.

3. All side sewers longer than three hundred feet shall be constructed as mainline additions to the sanitary sewer systems, eight-inch pipe size, deeded to the city for operation and maintenance on a public easement right-of-way.

4. All eight-inch sewer mains shall terminate with an approved cleanout if the length is less than two hundred feet. If the length is greater than two hundred feet, it shall terminate in a manhole.

23.60.030 Inspection of work.

No trench shall be filled or any connecting sewer constructed under the provisions of this chapter until the same shall have been inspected and approved by or under the direction of the director at the point where the same connects with the pipe or other plumbing of the building or premises being connected, or until the same shall be made in all respects to conform to this chapter or such other ordinances as are now or hereafter may become applicable from time to time. hg

23.60.040 Inspection and approval by director.

All work done in pursuance of any connection permit granted as heretofore prescribed shall be under the inspection and subject to the approval and acceptance of the director. The grade, materials, and manner of construction of any sewer or drain built under permit shall be subject to the approval or rejection of the city. Upon acceptance of work, the director shall issue a notice of approval and acceptance of sewer connection, with one copy to the property owner or designated agent as authorization to backfill and use the connection, one copy to the city clerk to initiate billing, and one copy for the file.

23.60.050 Excavations.

All excavations made by any permittee adjacent to or abutting any street, alley, avenue or other public place shall be guarded both night and day by a display of proper signals and lights. At the time of application for permit, the applicant shall satisfy the city of his or its ability to indemnify the city, and shall be liable personally for all accidents and damages caused by the failure of the permittee to comply with this section. Liability coverage in the amount of one hundred thousand dollars shall be deemed to be sufficient indemnification to the city. The director may require a further performance bond in an amount the director deems appropriate to ensure completion of any project requiring excavation and so as to ensure backfilling and resurfacing in the event the property owner or contractor fails to comply with this section. The director may also place reasonable time limitations on excavation work, pursuant to this section.

23.60.060 Delay in work.

All work adjacent to or abutting any street or public place must be pursued to completion with due diligence, and if, within the judgment of the director, any excavation is left upon beyond a reasonable time, he shall cause the same to be refilled forthwith without notice, and costs incurred in such work, or for correcting work improperly done by the permittee, shall be charged to him.

23.60.070 Installation costs.

All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

23.60.070 Elevation for connections.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by means approved by the director and discharged to the building sewer.


Section 6. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and/or the Code Reviser are authorized to make necessary corrections to this ordinance, including the corrections of scrivener or clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering and references.

Section 7. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by State or federal law or regulation, such decision or pre-emption shall not affect the validity or enforceability of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 8. Effective Date. This ordinance shall be in full force and effect five (5) days from and after its passage and approval and publication as required by law.

ADOPTED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this 14th day of December, 2021.

CITY OF MONROE, WASHINGTON:




Geoffrey Thomas, Mayor

APPROVED AS TO FORM:



J. Zachary Lell, City Attorney

ATTEST:



Jodi Wycoff, City Clerk

Ordinance No. 016/2021
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