

Ordinance No. 00637

[CITY COUNCIL MEETING MINUTES APRIL 18, 2016](#)

mended 4/18/16

ORDINANCE NO. 637

AN ORDINANCE of the City Council of the City of Lakewood, Washington, amending Sections 12A.15.050, 12A.15.060, 12A.15.090, and 12A.15.100 of the Lakewood Municipal Code; relative to processes and deadlines for mandatory connection to sewer.

WHEREAS in 2011, the City of Lakewood extended sewer service to the Tillicum neighborhood, and under the current Lakewood Municipal Code properties are required to connect in a timely manner to the sewer;

WHEREAS, Seventy-three properties are subject to mandatory connections on or before November 1, 2016; and

WHEREAS it is desirable from a property redevelopment perspective and from an administrative perspective to extend the timeframe for compliance from 5 years to 10 years from the date that sewer is available to properties.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON DO ORDAIN as follows:

Section 1: Section 12A.15.050 Lakewood Municipal Code (LMC) entitled, "Failure to Connect and Availability Charge," is amended to read as follows:

- A. Any owner or owners of property who fail through neglect or refusal to connect a property and structure to an available sewer main as required under LMC 12A.15.040 within the time specified, shall be assessed an Availability Charge for continued use of an interim on-site septic system.
- B. All interim on-site septic systems will be allowed to remain in use only if the system is in and remains in good working order.
- C. The City Manager, or the designee thereof, may order mandatory connection to an available sewer main in the event that a property owner fails to pay Availability Charges or fails to provide sufficient proof that an existing on-site septic system is in good working order.
- D. Any owner(s) of multi-family properties with more than ten (10) units or mobile home parks with more than ten (10) units may request a one-time fifty percent (50%) reduction of the Availability Charge for a twelve (12) month period after service and recording of the Notice of Availability. To be eligible for the reduction, the total construction cost of the sanitary sewer connection must exceed One Hundred Thousand and 00/100 dollars (\$100,000.00). The property owner(s) shall submit a request to the City, in writing, that includes an estimate from a licensed civil engineer proving that the total construction costs of the sanitary sewer connection will exceed One Hundred Thousand and 00/100 dollars (\$100,000.00). The property owner shall also submit certification from the Tacoma-Pierce County Health Department that the existing septic sewer system is in good working order. Construction costs shall be limited to: engineering, plan review fees, easement document development and recording, sanitary sewer extension construction, and associated restoration costs. Connection fees associated with the sanitary sewer construction shall not be included in the total construction cost calculations. Property owners that request and receive a reduced availability charge under this exception will not be granted an additional deferral of connection per Section 12A.14.090 LMC and shall be connected to sanitary sewer no later than ~~four (4)~~ ten (10) years after service and recording of the Notice of Availability. Upon the City's approval of the request the reduction shall be effective commencing the first subsequent Availability Charge billing cycle. A reduction request and/or subsequent approval by the City does not relieve the property owner(s) from paying the Availability Charge during the period between service and recording of the Notice of Availability and Availability Charge reduction approval.

Section 2: Section 12A.15.060 Lakewood Municipal Code (LMC) entitled, "Mandatory Connection," is amended to read as follows:

- A. After service and recording of a Notice of Availability, ~~as described in section 12.15.030,~~ an interim on-site septic system may be allowed to remain in use for five ten years from the date of recording. Any extension beyond five years shall require certification by the Tacoma-Pierce County Health Department that the existing septic system is in good working order. An interim on-site septic system will be allowed to remain in use after the passage of ~~that five year period~~ such date only if the property owner applies for and receives a deferral of the requirement to connect as outlined in LMC 12A.15.090 and 12A.15.100. ~~No deferral of connection shall extend use of an interim on-site septic system longer than eight years after the recording of a Notice of Availability. The use of an interim on-site septic system after the longer of any deferrals or expiration of~~

the allowed use of such interim on-site septic system is prohibited.

B. Use of interim on-site septic systems on property within the City of Lakewood shall be discontinued, and connection to the public sewer system mandated, upon the occurrence of any the following events:

1. When a septic tank, drain field or other private sewerage disposal system becomes inoperable in accordance with the provisions determination of the authorized public health official or authority;
2. Should the City receive a permit or application proposing a change that intensifies in the use of a structure or residence served by an interim on-site septic system, connection to the public sewer system will be mandated prior to issuance of a certificate of occupancy or prior to issuance of any applicable permit, license or approval;
3. Prior to issuance of a certificate of occupancy for a newly constructed structure upon a property;
4. Upon the sale of a property within the City, the purchaser shall be required to connect to the public sewer system prior to occupancy or use of a structure;
5. As necessary to meet planning and development regulations, including issuance of discretionary permits, land use variances and site development permits where the public health, safety and welfare would be served by mandating connection to the public sewer system;
6. Should lands, buildings or structures be found to exist in a state of public nuisance or in a condition that violates any applicable public health or building code, law or regulation, through issuance of an order to repair or remove such condition, in the discretion of the City Manager, or designee thereof, the owner may be ordered to connect to an available public sewer in order to cure such condition or violation.
7. At the time that any property is proposed to be subdivided, subjected to a binding site plan, or subject to the formation of a condominium.

Section 3: Section 12A.15.090 Lakewood Municipal Code (LMC) entitled, "Requests for Deferral of Connection," is amended to read as follows:

1. ~~Use of an interim on-site septic system within the City of Lakewood will be unlawful five years after the date on which a Notice of Availability is recorded pursuant to LMC 12A.15.030 if the owner of a property has not applied for and received a deferral of the requirement mandating connection to the public sanitary sewer system. Deferral of mandatory connection may be authorized for up to eight three years after the property is subject to a mandatory connection. In no event, however, shall an interim on-site septic system be allowed to remain in use within the City longer than eight years after recording of a Notice of Availability.~~
2. Requests for deferrals must be made in writing to the City Manager of the City of Lakewood, and such a request should include the following information:
 1. Requestor's name, mailing address, and the address or parcel number of the property for which a deferral is sought.
 2. Financial, medical, utility or tax information as the requestor deems relevant to the request for a deferral.
 3. Proof of age if the requestor's age is relevant to the request for a deferral.
 4. Evidence of the structural integrity of the structure on the property and information regarding any plan that the structure will be demolished, refurbished or rebuilt within the deferral period.
 5. Evidence that the existing septic system is in good working order as approved by the Tacoma-Pierce County Health Department.
 6. The length of time for which a deferral is sought.
 7. Additional information as the requestor may deem relevant to the requested deferral.
 8. As to public agencies or entities, information may be provided that would include future plans to decommission, sell or close facilities or buildings.
3. The City Manager, or designee, may revoke a deferral upon the occurrence of any of the events that would compel mandatory connection under 12A.15.060. Revocation of a deferral shall be ordered in writing.

Section 4: Section 12A.15.100 Lakewood Municipal Code (LMC) entitled, "Criteria for Granting of Deferrals," is amended to read as follows:

1. Upon receipt of a written request for a deferral, the City Manager, or designee, shall evaluate such a request under the following criteria or any combination of the following criteria:
 1. Whether mandatory connection would be a hardship to an elderly or disabled person, which hardship would be lessened

- by allowance of a deferral.
2. Whether the requestor, by virtue of age or disability, has qualified for government subsidies, or reduced tax or utility payments.
 3. Whether the application evidences that the useful life of the structure or structures upon the property is shorter than the period of deferral requested.
 4. Whether the property owner has provided sufficient evidence that structures upon the property will be improved, demolished or rehabilitated, and that deferral is appropriate to facilitate future work contemplated upon the structures or property within the term of the deferral.
 5. Whether the cost of connection to an available sewer system, when compared to the combined assessed value of the property and improvements upon the property, exceeds more than 10% of the value of the property.
 6. Whether a public entity or agency plans to sell, decommission or close facilities or structures.
2. Upon receipt of a request for a deferral under this section, the City Manager, or designee, shall act within a reasonable period of time in responding to said request. For the purposes of this section, City action upon a deferral request includes requesting additional information from the requester or scheduling an interview with the requestor.
 3. A determination of a deferral request shall be made in writing and mailed to the requestor at the mailing address provided in the request.
 4. A determination on a request for deferral may impose conditions upon the requestor, which may include, but are not limited to, ~~Within the discretion of the City Manager, or designee, the requestor may be required to the filing of a~~ voluntary compliance agreement in the public records, acknowledging that the requestor will connect to the public sanitary sewer system upon occurrence of a specific event or upon expiration of the deferral period. ~~Further, approval of a deferral requires the requestor to~~ payment of the Availability Charge and such. ~~Additional conditions may, within the discretion of the City Manager, or designee, be added that are lawful and relevant to the nature of any deferral.~~
 5. A determination of a deferral request shall be considered an administrative order of the City.
 6. ~~No deferral may be granted for a period of time that extends beyond eight years from the City's recording of a Notice of Availability, absent an application to and approval by the City Manager, or the designee thereof.~~

~~G. E.~~ No deferrals shall be granted where connection to the public sewer system is required pursuant to LMC 12A.15.060.B.

Section 5: Effective Date. This ordinance shall take place thirty (30) days after its publication or publication of a summary of its intent and contents.

ADOPTED by the City Council this 18th day of April, 2016.

CITY OF LAKEWOOD

Don Anderson, Mayor

Attest:

Alice M. Bush, MMC, City Clerk

Approved as to Form:

Heidi A. Wachter City Attorney