



MASON COUNTY

Public Health & Human Services

Enforcement - Basic Sanitation for Non-Permitted Living Conditions

The purpose of this policy is to protect public health and uphold the intent of existing regulations by identifying our enforcement discretion in response to the current economic, behavioral, and social challenges. This policy does not address building or planning codes.

Problem Statement

Mason County Public Health and Human Services (MCPH) is aware that many people are living individually or communally in non-permitted housing (including tents, recreational vehicles, converted out buildings, etc.) with a lack of potable water, sewage disposal, and solid waste disposal. This is most often due to their inability to find or afford appropriate housing and/or personal health challenges. However, living in substandard housing and discharging sewage to ground, unapproved drain fields, cesspools, pit privies, dry wells, etc. represent a public health and environmental risk. Accumulation or improper disposal of solid waste leads to public health and environmental impacts.

Applicable Regulations

- Mason County Code 6.72 Solid Waste and Biosolids Handling and Facilities Regulations
- Mason County Code 6.76 On-site Sewage Regulations
- Mason County Code 16.22 Mobile Homes and Trailer Parks
- Mason County Public Health On-site Standards
- RCW 35.21.915 Hosting the homeless by religious organizations
- Washington Administrative Code 51-50-2900 Plumbing Systems

Policy Statement

It is the policy of MCPH and the Mason County Board of Health that staff will work with the property owner, occupant(s), Mason County Code/Law Enforcement staff, or other involved parties to ensure:

- Sanitary management of wastewater.
- Sanitary management of solid waste.
- Prevent public health threats and degradation of shellfish harvesting areas.

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The property owner has the ultimate responsibility to ensure proper disposal of all sewage and solid waste on their property.

Our intent is not to criminalize people living in these situations. Rather, our intent is to stabilize people where they are and provide time for them to improve their living conditions. This policy applies to any property within the boundary of Mason County.

Policy Summary

MCPH staff will follow the guidelines in this policy when they identify non-permitted living conditions via building permits, onsite sewage system (OSS) inspection reports, a complaint, agency referral or sanitary survey, etc. If there is an approved onsite sewage system on the property that has capacity for connection, then it may be used to properly handle sewage generated on the property. If there is no approved on-site sewage system or public sewer system connection then staff may authorize temporary occupancy of the property as prescribed in this policy.

See Attachment B for definitions not included in Mason County Code (MCC) Titles 6 or 16.

This policy does not identify approval criteria for siting Homeless Temporary Encampments. Temporary Encampments encompass several types: Continuous-Stay Shelter, Emergency Shelter Facility, Temporary Shelter Site, Resident Safe Park, Temporary Tent Encampment, Unsupported/Unsanctioned Encampment. Appendix A contains definitions of these terms from

<https://www.commerce.wa.gov/wp-content/uploads/2020/09/hau-ofah-shelter-guidelines-2020-2023.pdf>

The MCPH Director may extend compliance dates depending upon progress demonstrated by the property owner not to exceed 12 months. After this extension has expired, the property owner may appeal to the Health Officer and finally the Board of Health for more time. If the property owner is not able to comply after additional granted time, MCPH staff will evaluate the Enforcement and Penalty options specified in Title 15 - Development Code and Title 6 Sanitary

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Code.

Installation and use of pit toilets for sewage disposal shall not be permitted nor considered an adequate form of sewage disposal in Mason County (MCC 6.76.065(3)).

Outdoor plumbing fixtures are discouraged, but this policy does make allowance for them if certain conditions are met (see Attachment A).

Unoccupied structures and vehicles that are not connected to water service or discharging wastewater are not subject to this policy.

Property owners and/or Sponsor will provide adequate pest-proof garbage containers with frequent disposal at a permitted solid waste facility.

This policy does not preclude other county departments or state agencies from taking enforcement action within their jurisdiction. No permit fees apply to the temporary circumstances covered in this policy.

Applying this Policy

Table 1 below describes compliance requirements for waste management when people live primarily in travel trailers, recreational vehicles, park models, tiny homes, or other structures with plumbing fixtures where an on-site sewage system or public sewer connection is currently installed or is practical to install within six to 24 months.

Table 2 provides waste management requirements for "Temporary Encampments" located on undeveloped properties with no onsite sewage system or public sewer connection, and it's not practical to provide either in the next six to 24 months. A Temporary Homeless Encampment as described in Table 2 is any sanctioned or unsanctioned homeless camp operated by the City, County, or faith-based and non-governmental organizations with a 501(C)(3) status that is a charitable organization.

Table 3 provides waste management requirements for "Temporary Encampments" located on developed properties with an approved onsite sewage system including a system that may require supplemental portable services adequate for a temporary encampment at that location.

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Attachment A describes compliance requirements/actions where plumbing fixtures installed without permits are identified.


Attachment B supplemental definitions

Compliance with this policy will be ensured by completing the following:

1. MCPH staff provide property owner (owner) and occupants with information on:
 - A. RV sewage disposal sites such as parks and other facilities.
 - B. List of certified pumpers.
 - C. Guidance for sanitary connection to OSS or portable holding tank.
2. MCPH staff will refer owner and occupants to Community Family Health to evaluate their eligibility for assistance programs.
3. MCPH staff will serve a written Notice and Order/ Notice of Violation (Order) to the owner/occupants of the property. Owner/occupant is required to submit a plan for management of wastewater and solid waste on the property on the Waste Management Plan (WMP) form provided by the department.
4. Recreational vehicles, park models, tiny homes, yurts, and converted outbuildings etc. being used as a single-family residence are all considered to generate the following volume of sewage based on water source.
 - A. Plumbed water - 60gal/person/day.
 - B. Hauled water supply - 5gal/person/day.
5. If the OSS serving the property has no as-built on file, MCPH staff will recommend the system be evaluated by a state licensed designer to determine its functional status and capacity.
6. Owners/occupants must demonstrate adequate sanitation and waste management through consistent compliance with and execution of the approved WMP.
7. Onsite sewage system disposal may be augmented by use of pumpable portable sanitation units such as sinks, showers, chemical toilets and bathrooms. These units must:
 - A. Have adequate capacity for all grey and black water wastes.
 - B. Be pumped out and waste disposed of in an appropriate off-site designated waste disposal treatment location.
8. Staff will inspect the connection to an existing onsite sewage system or to an adequate portable sanitation unit to ensure that it is sanitary and leak free.
9. If at any time the owner/occupant is no longer in compliance with the WMP, MCPH staff will review MCC code and policy to determine appropriate enforcement action.

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Mason County Board of Health



Randy Neatherlin, Chair

8.13.2024
Date

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Table 1: Travel trailers, Recreational Vehicles, Park Models, Tiny Homes, or other structures with Plumbing fixtures

| Condition Observed on the property | Waste Management Plan | Owner Responsibilities | Enforcement Timeline | MCPH Staff Extension | Director Extension | Health Officer Extension |
|---|---|---|---|---|--|---|
| <p>Scenario #1 No OSS available.</p> <p>One or more living units on the property.</p> | <p>On board holding tank for RV with waste management plan (WMP) or pump contract,</p> <p style="text-align: center;"><u>OR</u></p> <p>Contract for chemical toilet or temporary holding tank to handle both grey and black water.</p> <p style="text-align: center;"><u>AND</u></p> <p>Provide adequate containers and proper and frequent disposal of solid waste generated on the property</p> | <p>For an RV, submit WMP or contract with certified pumper, or contract for and place a chemical toilet on site.</p> <p>Notify staff of any spills.</p> <p>Apply for a permit and complete installation of new OSS.</p> | <p>One month for WMP.</p> <p>12 months for installation of new OSS.</p> | <p>Up to six additional months for installation of new OSS.</p> <p>Condition: Progress has been made and field inspection reveals that sewage is being handled correctly.</p> | <p>Up to 12 additional months for installation of new OSS.</p> <p>Owner must appeal to Health Officer for additional time.</p> | <p>At Health Officer's discretion up to 12 additional months.</p> <p>Owner must appeal to Board of Health (BOH) for more time.</p> <p>If final deadline not met, staff will evaluate the enforcement and penalty options specified in EH Policy and Code.</p> |
| <p>Scenario #2 OSS installed.</p> <p>Single Family Residence connected.</p> <p>Additional living unit(s) present.</p> | <p>Additional living unit(s) may be connected if OSS is not in failure.</p> <p style="text-align: center;"><u>OR</u></p> <p>If it is not feasible for OSS to serve the additional living unit(s), then refer to Scenario #1.</p> <p style="text-align: center;"><u>AND</u></p> <p>Provide adequate containers and proper and frequent disposal of solid waste generated on the property.</p> | <p>Submit WMP.</p> <p>Notify staff of any spills.</p> | <p>One month for WMP.</p> | <p>If final deadline not met, staff will evaluate the enforcement and penalty options specified in EH Policy and Code.</p> | <p>N/A</p> | <p>N/A</p> |

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| Table 1 Continued | | | | | | |
|---|---|--|----------------------|---|--------------------|--------------------------|
| Condition Observed on the property | Voluntary Compliance Agreement (WMP) | Owner Responsibilities | Enforcement Timeline | MCPH Staff Extension | Director Extension | Health Officer Extension |
| Scenario #3 OSS installed. No Single Family Residence connected. One or more living units. | Living unit(s) may be connected if OSS is not in failure. <u>OR</u> If not feasible for OSS to serve the living unit(s), then refer to Scenario #1. <u>AND</u> Provide adequate containers and proper and frequent disposal of solid waste generated on the property. | Submit WMP. Notify staff of any spills. | One month for WMP. | If final deadline not met, staff will evaluate the enforcement and penalty options specified in EH Policy and Code. | N/A | N/A |

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| Table 2: Temporary Encampments located on undeveloped property with no access to approved wastewater treatment and disposal. Intentionally placed by owner/sponsor. i.e. City of Shelton Mitigation Site. | | | | | | |
|--|---|--|--|--|---|--|
| Condition Observed on the property | Waste Management Plan | Owner Responsibilities | Enforcement Timeline | MCPH Staff Extension | Director Extension | Health Officer Extension |
| <p>Temporary encampment.</p> <p>No OSS or other approved wastewater management system.</p> | <p>Sufficient chemical toilets for grey and black water, with handwash station,</p> <p style="text-align: center;"><u>OR</u></p> <p>Portable restroom trailer with adequate toilets, showers and handwashing.</p> <p>Portable kitchen trailer for cooking and handwashing or other mechanism/methods approved by EH to provide safe water and wastewater management.</p> <p>Potable water for handwashing and cooking.</p> <p style="text-align: center;"><u>AND</u></p> <p>Camp may have to move to accommodate contractor access for maintenance. Property owners and/or Sponsor are responsible for providing adequate containers and proper and frequent disposal of solid waste generated on the property.</p> | <p>Submit and implement a WMP that includes Contract with a licensed and certified company to provide adequate port -a-pots and potable water for handwashing and cooking.</p> | <p>One month to submit and implement WMP</p> | <p>Two additional weeks to submit and implement WMP if progress has been verified.</p> | <p>One additional week to submit and implement WMP if progress has been verified.</p> <p>If final deadline not met for submittal of WMP, staff will evaluate the enforcement and penalty options specified in EH Policy and Code.</p> | <p>Camp may remain at a documented location with an implemented WMP at the Health Officer's discretion up to 12 months</p> <p>Owner must appeal to Board of Health (BOH) for more time.</p> <p>If final deadline not met, staff will evaluate the enforcement and penalty options specified in EH Policy and Code.</p> |

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Table 3: Temporary Encampments located on properties with OSS.

| Condition Observed on the property | Voluntary Compliance Agreement (WMP) | Owner Responsibilities | Enforcement Timeline | MCPH Staff Extension | Director Extension | Health Officer Extension |
|---|---|--|------------------------------------|--|--|--|
| <p>Temporary encampment.</p> <p>Approved OSS installed and potable water available.</p> | <p>OSS Is determined to treat 60 gallons per person per day.</p> <p>If number of persons exceeds OSS capacity: Sufficient chemical toilets for grey and black water, with handwash station.</p> <p style="text-align: center;"><u>OR</u></p> <p>Portable restroom trailer with sufficient toilets and handwashing.</p> <p>Portable kitchen trailer for cooking and handwashing or other mechanism/methods approved by EH to provide safe water and wastewater management.</p> <p style="text-align: center;"><u>AND</u></p> <p>Camp may have to move to accommodate contractor access for maintenance.</p> <p>Property owners and/or Sponsor will be responsible for providing adequate containers and proper and frequent disposal of solid waste generated on the property.</p> | <p>Submit and implement a WMP that includes Contract with a licensed and certified company to provide adequate chemical toilets and potable water for handwashing and cooking.</p> | <p>One month to Implement WMP.</p> | <p>Two additional weeks to submit and implement WMP if progress has been verified.</p> | <p>One additional week to submit and implement WWMP if progress has been verified.</p> <p>If final deadline not met for submittal of WMP, staff will evaluate the Enforcement and Penalty options specified in EH Policy and Code.</p> | <p>Camp may remain at a documented location with an implemented WMP at the Health Officers discretion up to 12 months.</p> <p>Owner must appeal to Board of Health (BOH) for more time.</p> <p>If final deadline not met, staff will evaluate the Enforcement and Penalty options specified in EH Policy and Code.</p> |

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Attachment A

Requirements for the allowance of or decommissioning of plumbing fixtures

- A. Outdoor fixtures(sink or shower, etc. whether plumbed to water or not):
1. Current O&M inspection on file.
 2. Plumbing fixture discharge must be plumbed into the septic system or remove fixture.
 3. Exceptions:
 - a. Hose bib on property okay.
 - b. Exception: Fin or Shellfish wash sink ok if it is located near shore and served by hose.
 - c. Exception: Raw vegetable wash sink ok if near vegetable garden and served by hose.
- B. Plumbing removal in a building not approved for plumbing:
1. Remove all plumbing fixtures such as sinks, showers, tubs, toilets.
 2. Cut interior pipes at the wall or floor, fill first few inches of pipe with expanding foam or cement.
 3. Water line must be cut and capped one foot outside the building.
 4. Sewer line must be cut outside the building and either removed or filled with cement or expanding foam.
 5. Septic tank or cesspool (if present) shall be decommissioned or removed with documentation submitted to MCPH.

Hose bibs and hydrants are exempt.

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Attachment B

Charitable is used in its generally accepted legal sense and includes relief of the poor, the distressed, or the underprivileged; advancement of religion; advancement of education or science; erecting or maintaining public buildings, monuments, or works; lessening the burdens of government; lessening neighborhood tensions; eliminating prejudice and discrimination; defending human and civil rights secured by law; and combating community deterioration and juvenile delinquency.

Continuous-Stay Emergency Shelters offer sponsored living arrangements where households have a room or bed or temporary portable tiny house shelter assigned to them throughout the duration of their stay in a sanctioned and sponsored location. The targeted stay may range from six months to one year and is renewable by the permitting body.

Emergency Shelter Facility is defined as a building locally permitted to provide emergency shelter for people experiencing homelessness. This includes re-use of existing buildings and new buildings. This designation requires a certificate of occupancy issued by the local jurisdiction.

Living Unit - Includes tents, RVs, travel trailers, sheds, yurts, or other places where people live, sleep, or recreate.

Managing agency means an organization identified as the manager of a temporary encampment that has the capacity and expertise to organize and manage a temporary encampment. A "managing agency" may be the same entity as the sponsor.

Owner is the property owner as identified in the County Assessor records.

Resident Safe Park is an arena or location where people can live in their RVs or cars without standard hookups, but where there are features such as: security, property management, potable water, bathrooms and showers, garbage collection, electricity and access to social support services. This is essentially a non-profit coordinated, temporary RV park and is movable from one location to another. It doesn't usually have typical hookups as in a campground but may be located in a large parking lot or athletic field or commercial property or the grounds of a church.

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Sponsor means:

1. A government entity (e.g., city or housing authority); or
2. A religious organization that is recognized by the Internal Revenue Service as exempt from federal income taxes as a religious organization, and that expresses its religious mission, in part, by organizing living accommodations for the homeless; or
3. Nonprofit organization.

Temporary means not affixed to land permanently and not using underground utilities.

Temporary Encampment as used in this context means: "Not affixed to land permanently and not using underground utilities." (WA Dept of Commerce definition)

There are several forms of "Temporary Encampments" including, but not limited to:

- Unsanctioned temporary homeless tent encampment
- Temporary supported emergency shelter
- Sponsored temporary portable tiny house village
- Designated temporary vehicle resident safe park arena
- Other forms of temporary encampments, such as for events or social or religious gatherings.

Temporary Encampments are generally limited to periods of six months to a year, depending on location, and may be renewable.

Temporary Shelter Site is a structure or a location permitted to provide temporary shelter for people experiencing homelessness. Tents, mitigation sites, resident vehicle safe park arenas, or hosted encampments of portable tiny houses are examples of Temporary Shelter Sites. This designation requires use approval, as required by the local jurisdiction. This could be conditional or temporary use permits, or a zoning letter stating approvals required.

Temporary shelter structures referred to as portable "tiny shelters" or "tiny homes" or "wooden tents" that do not have interior plumbing or kitchens are allowable facility types, in addition to other models approved by Commerce. This designation requires use approval, as required by the local jurisdiction. This could be conditional or temporary use permits, or a zoning letter stating approvals required.

Temporary tent encampment means a group of homeless persons temporarily residing in tents or other temporary structures on a site owned or controlled by a sponsor with

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services supervised by a managing agency.

Unsupported/ Unsanctioned Encampment is an encampment of tents or vehicles consisting of unrelated individuals occupying a location or facility without permitting, sanction or support of a non-profit organization or government agency. May be located on private property if sanitation requirements for temporary encampments are met.

Waste Management Plan (WMP) is a written plan submitted by the owner/occupant or sponsoring entity that includes:

- Methods of wastewater management.
- Capacity based on the proposed number of occupants.
- Source of potable water and method of delivery.
- Contract with a certified septic pumper for removal of all grey and black water.
- Description of solid waste management and disposal.

WAC 51-50-2900 Plumbing systems shall be used as a guide for minimum number of fixtures to be provided. At a minimum the following shall be met to be considered adequate:

- One toilet shall be provided at a ratio of 1:15 persons.
- Showers at the ratio of 1:8 persons.
- If three or more sanitary portable toilets or bathrooms with showers are required, at least one shall be ADA accessible.
- All shall be set back at least 40 feet from all property lines.
- Hand-washing stations shall be provided in both the toilet area and food preparation area.

The "owner", "sponsor" and "managing agency" shall ensure compliance with the WMP, Washington State laws and regulations, the City of Shelton Municipal Code, and Mason County Code concerning, but not limited to, drinking water connections, food handling and storage, solid waste, sewage and electrical systems. The "owner", "sponsor" and "managing agency" shall coordinate with MCPH and arrange for inspections by state and local agencies to ensure such compliance and shall implement all directives that result within the specified time period.