

ORDINANCE NO. 132-94
HARTSTENE POINTE (MASON COUNTY)

SANITARY SEWER UTILITY ADMINISTRATIVE CODE

ARTICLE 1 - ESTABLISHMENT AND DEFINITIONS

1.01 - ESTABLISHMENT - POLICY. There is hereby established a Sanitary Sewage Code for Hartstene Pointe. It is the intent and purpose of the Board of County Commissioners that sewer systems under its responsibility be constructed and maintained in accordance with uniform standards. To meet this purpose, the existing sewage system at Hartstene Pointe and any further construction shall be in compliance with the authority established hereunder.

1.02 - OTHER APPLICABLE LAWS. In the event that federal, state or other applicable laws impose a standard or regulation that is in conflict with any provision of this code or any standard or regulation that the County may adopt pursuant to this code, the most restrictive standard shall prevail.

1.03. DEFINITION OF TERMS

(1) GENERAL. Unless the context specifically indicates otherwise, the meaning of terms used in this Code shall be as set forth in this Section. Terms not specifically defined herein shall be as defined in the latest revised publication, "Glossary Water and Wastewater Control Engineering," published jointly by the American Public Health Association, American Society of Civil Engineers, American Water Works Association and Water Pollution Control Federation.

(2) Association. The Hartstene Pointe Maintenance Association (HPMA), a Washington non-profit organization.

(3) BLUE CARD. A card issued by the Mason County Department of Community Development upon acquisition of building permit and payment of connection fee. This card authorizes the owner to proceed with connection to the water and sewer system.

(4) BUILDING SEWER. The Building Sewer is the sanitary side sewer line, connecting a single structure or more than one (1) structure from the building drain to the public sewer collection and/or trunk line located in an or easement dedicated to the County, or other approved place of disposal. The building sewer, including that portion called the side sewer stub, is to be inspected at the time of construction and approved by the County but is not owned by the County and therefore shall be maintained by the property owner. This includes single family dwellings and duplexes.

(5) CERTIFIED. To present in written formal communication attesting as being true as represented or as meeting a standard and guaranteed by signature.

(6) COLLECTION SYSTEM. Sanitary sewer lines, of 8-inch or larger diameters, including manholes, cleanouts, and appurtenances, whose primary function is to collect sanitary sewage from individual side sewers and transport this sewage to trunk and/or interceptor sewers.

(7) CONNECTION CHARGES. Charges assessed by the County against an owner at the time the owner acquires a building permit.

(8) COVENANTS. Refers to the restrictive and other covenants running with the land which govern the use of land in Hartstene Pointe. The Covenants

applicable to each division of Hartstene Pointe are incorporated in a document bearing the title "Declaration of Covenants, Conditions and Restrictions". The covenants applicable to the first division of Hartstene Pointe were recorded in the Mason County Land Records on August 7, 1970, under auditor's Fee No. 253021.

(9) DEPARTMENT OF COMMUNITY DEVELOPMENT. A separate and independent Department of Mason County responsible for the administration of the sanitary sewer and water utilities owned and operated by Mason County. Also referred to herein as "Department".

(10) DEVELOPER. Any person, or the heirs, successors, or assigns of such person, who owns and/or proposes or intends to develop any lot or parcel of real property wherein there is located or is to be located any house, building or structure for human occupancy, employment, recreation or other use.

(11) DIRECTOR. The Director of the Department of Community Development or the Director's duly authorized representative.

(12) DOMESTIC WASTEWATER FACILITIES. All facilities generating wastewater principally from single, duplex or multiple dwellings.

(13) DUPLEX. A two-family dwelling, namely a detached building containing two (2) complete living units sharing a common wall or floor with not more than two kitchens, designated and/or used to house not more than two families living independently of each other and including all necessary household functions of each such family. A duplex shall be considered two single family dwellings.

(14) EASEMENT. A legally binding agreement entitling the County to construct, repair and/or connect sewer facilities located on private property; or, an agreement between two separate owners, for the purpose of mutual wastewater discharge, to construct sewer facilities on property owned by one owner or the other or both.

(15) EFFLUENT. Wastewater that has been treated to remove wastes and is discharged from treatment facilities.

(16) GOVERNMENTAL ENTITY. The organization or agency through which a separate and independent political body exercises authority including but not limited to cities, towns, counties, water and sewer districts and other municipal corporations.

(17) GARBAGE. The animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods. It is composed largely of putrescible organic matter and its natural moisture content.

(18) HARTSTENE POINTE. Hartstene Pointe means the total land area on the north tip of Hartstene Island in Mason County, Washington, which consists of:

- (a) The land area described and platted by that certain plat entitled "Hartstene Pointe" which Developer filed with Mason County Auditor on July 7, 1970, and which the said Auditor recorded under this Fee No. 252193 on page 80 to 85 of Plat Volume 8 of the Mason County Land Records, and
- (b) Such other lands in Section 19 and 30 of Township 21 North, Range 1 West, Willamette Meridian and Sections 24 and 25, Township 21 North, Range 2 West, Willamette Meridian (the north tip of Hartstene Island) as may be added thereto by recorded plats identifying the same as additions to Hartstene Pointe.

(19) - HARTSTENE POINTE (MASON COUNTY) SEWERAGE SYSTEM. The system of conduits, pumps, treatment plants, and structures located on County owned property or in private road rights-of-way or on

easements dedicated to the County used for the purpose of conveying from their source, treating in any manner, and conveying to final points of disposal, all wastes of any nature permitted by this Code to enter said system. Specifically included as integral parts of the system are all conduits of any nature forming a part of the general network of conduits or connected directly or indirectly to said network, all pumps, wastewater treatment plant and structures of any kind used in connection with the collection, treatment and disposal of the wastes handled by the system, all appurtenances to any of the above, either physically or functionally connected therewith. Sanitary Sewers, as defined below, are included as part of the Hartstene Pointe Sewerage System. "Building sewers" and "side sewer stubs" as defined herein are not part of the County system and are operated and maintained by the owner.

(20) - LARGE RESIDENTIAL DEVELOPMENT. Any development which includes more than four residential living units.

(21) - NATURAL OUTLET. Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

(22) - NATURAL WATERCOURSE. A surface or underground watercourse created by natural agencies and conditions.

(23) - OWNER. The lawful and legal owner of a lot or parcel of land (delineated by parcel number) under single ownership also noted on County Assessor/Treasurer property rolls as the taxpayer.

(24) - PERMIT. Written authorization from the Director granting the owner permission to make the required building sewer connections to the side sewer stub or to make repairs, alterations, disconnections, caps, or any other sewer construction or repair stipulated in this Code.

(25) - PERSON. Any individual or commercial entity, company, association, society, corporation, partnership or group.

(26) - MASON COUNTY BOARD OF COMMISSIONERS. Those duly elected individuals serving as the Legislative Body of Mason County. Also referred to herein as the "Board".

(27) - PLUMBING OUTLET. The part of the lowest horizontal piping of a drainage system of a structure that receives waste from other drainage pipes inside the walls of a structure and conveys it to a building sewer. The building sewer begins twenty-four (24) inches from the outer face of the outside building wall.

(28) - PREMISES. A continuous tract of land, building or group of adjacent buildings under a single ownership.

(29) - PRIVATE SEWER FACILITIES. Any sanitary sewer facility including building sewers, constructed within the limits of property privately owned including but not limited to collection lines, trunk sewers, lateral sewers, pump stations, force mains and appurtenances. Side sewer stubs as defined herein and located within public rights-of-way or perpetual easements owned by Mason County shall be operated and maintained by the private property owner.

(30) - PROPERLY SHREDDED GARBAGE. Garbage which has been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/4 inch in any dimension.

(31) - PUBLIC SEWER FACILITIES. Any sanitary sewer constructed within a public right-of-way or perpetual easement owned by Mason County including but not limited to collection lines, trunk sewers, lateral sewers, side sewer tees, pump stations, force mains, and appurtenances. "Building sewers" and "side sewer stubs" as defined herein are not part of the County system and are operated and maintained by the owner.

(32) - PURCHASER. Any person, or the heirs, successors or assigns of such person, who purchases and/or leases any house, building or structure; or one or more units in a subdivision or multiple housing projects, from a developer as herein defined.

(33) - REGISTERED PROFESSIONAL ENGINEER. Any individual or corporation holding a currently valid license to practice engineering in the State of Washington.

(34) - REGISTERED BUILDING SEWER CONTRACTOR. Any contractor who is duly registered to construct, install, repair, reconstruct, excavate, or connect any building sewer and side sewer stub to public sewers in the State of Washington.

(35) - SANITARY SEWAGE. Wastewater derived from domestic, commercial, and industrial wastes.

(36) - SANITARY SEWER. A sewer which carries sanitary sewage.

(37) - SEPTIC TANK. A settling tank in which settled sludge is in immediate contact with the wastewater flowing through the tank and in which the organic solids are decomposed by anaerobic bacterial action. These type of units are prohibited at Hartstene Pointe.

(38) - SERVICE AREA. That area containing Hartstene Pointe and the 533 lots therein.

(39) - SEWAGE. Term now being replaced in technical usage by the preferable term of "Wastewater", and for the purpose of this Code shall be considered synonymous.

(40) - SEWER LINE EXTENSION.

a) The construction, upgrading, and/or extension of existing sewer facilities located in public rights-of-way or easements conveyed to the County, or

b) The construction, upgrading, and/or extension of existing sewer facilities located on private property serving four (4) or more structures or exceeding a length of four hundred (400) feet.

Sewer line extensions located on private property shall be operated and maintained by the owner including the side sewer stub as defined herein. Gravity building sewer lines over four hundred (400) feet in length serving one (1) single family dwelling are exempt from this definition.

(41) - SHALL - MAY. "Shall" is mandatory, "May" is permissive.

(42) - SIDE SEWER STUB. A sanitary sewer constructed from a lateral or trunk sewer to a property line, or edge of a perpetual easement of a property being served. The side sewer stub shall be considered part of the "Building Sewer" and shall be maintained by the owner.

(43) - SIDE SEWER TEE. The point at which the side sewer stub joins the public sewer.

(44) - SINGLE FAMILY DWELLING. Any building designed and/or used to house a single family and shall include mobile homes on individual lots whether owned collectively or individually in mobile home courts, condominiums or townhouses.

(45) - STORM DRAIN. Those drainage pipes which are designated to carry surface drainage water and other such storm waters as are not permitted to be disposed of through the sanitary sewer system, in accordance to the provisions of this Code.

(46) - STRUCTURE. Anything constructed erected or placed, the use of which requires location or attachment to something having location on the ground.

(47) - UNPOLLUTED WATER. Water in its natural state, or water which, after use for any purpose, is not substantially changed as to chemical or biochemical qualities.

(48) - WASTEWATER FACILITIES. The structures, equipment, and processes required to collect, transport, and treat domestic and commercial wastes, and dispose of the effluent and waste by-products.

(49) - WASTEWATER TREATMENT PLANT. Any arrangement of devices and structures used for treating wastewater collected by the County. See WASTEWATER FACILITIES.

(50) - WATERCOURSE. (a) A natural or artificial channel for passage of water. (b) A running stream of water. (c) A natural stream fed from permanent or natural sources, including rivers, creeks, runs, and rivulets. There must be a stream, usually flowing in a particular direction (though it need not flow continuously) in a definite channel, having a bed or banks and usually discharging into some other stream or body of water.

ARTICLE 2 ADMINISTRATION

2.01 - DEPARTMENT OF COMMUNITY DEVELOPMENT. The Department of Community Development has been established as a department within the government of Mason County. This department is under the management of the Director of the Department of Community Development. This department has the responsibility for the construction, maintenance and operation of sewer utility facilities at Hartstene Pointe and owned by Mason County.

2.02 - DIRECTOR - RESPONSIBILITIES AND LIMITATIONS. The Director shall be the administrator of Mason County's Department. Where this Code requires approval by, permission or decision of, or instructions from the Director, the Director shall be guided by current County Resolutions, Ordinances and Policy as well as by generally recognized engineering standards and practices. The Director shall also be guided by current applicable state and federal laws and regulations.

2.03 - INTERDEPARTMENTAL COOPERATION AND AGREEMENTS. The Director may, insofar as practicable, make use of services of the other county departments, offices, and agencies. Interdepartmental agreements between the Community Development and the Department of Public Works and other departments of the County, may be authorized when necessary.

2.04 - AUTHORITY TO CONSTRUCT AND OPERATE. The Department of Community Development shall construct, operate and maintain the Hartstene Pointe Sewerage System, including collection systems and treatment facilities, for the collection and treatment of wastewater.

2.07 - REVIEW, INSPECTION, AND CONSTRUCTION OF SEWER FACILITIES BUILT BY A PROPERTY OWNER OR DEVELOPER.

(1) Prior to the construction, installation and operation of any public sewer facility or any private sewer facility governed by the provisions of this Code, owners, developers or other entities responsible for the construction shall be required to obtain Building Permit and pay all required fees and charges. In

addition, owners are required to obtain a building permit from the Architectural Control Committee of the Hartstene Pointe Maintenance Association.

(2) The Department may require the entity responsible for the construction to demonstrate satisfactory completion of all lines installed by the owner. If defects are discovered by the County, the party responsible for the construction will be responsible for incurring all costs for repairing all defects.

2.08 - AUTHORIZATION OF INSPECTION OF EXISTING SEWERS AND APPURTENANCES.

(1) The Director shall be authorized to enter upon premises served by any building sewer or connected with any public sewer at all reasonable hours to ascertain or make necessary tests as to whether the provisions of local, state and federal laws relative to sewerage have been complied with.

(2) In the event that entry is refused, necessary steps shall be taken to make application for a search warrant to accomplish the appropriate inspection.

(3) If said sewer, or its attachments, are in conflict with the provisions of any law or resolution in regard thereto, the owner of said premises, or his agent, shall be notified to cause said sewer or its attachments to be so altered, repaired or reconstructed at the owner's expense, so as to make them conform to the requirements of the laws and resolutions within a reasonable time limit established by the Director from the time of receipt of such notice.

2.09 - SEWER UTILITY FUNDS. The County shall by separate resolutions/ordinances create the necessary Sewer Utility Funds to properly account for any and all revenues received for the use of sewers as set forth herein. All expenses for the administrative development, construction, operation, maintenance and repair of the Hartstene Pointe (Mason County) Sewer System shall be charged to said funds.

ARTICLE 3
REQUIRED USE OF PUBLIC SANITARY SEWERAGE SYSTEMS

3.01 - TREATMENT OF WASTEWATER REQUIRED. It shall be unlawful to discharge into any natural outlet within Hartstene Pointe, or onto any land or body of water within the exterior boundaries, any sewage, wastewater, or other polluted waters, except where suitable treatment has been provided in accordance with State and Federal Regulations or the provisions of this Code.

3.02 - PROPERTY REQUIRED TO CONNECT TO PUBLIC SEWER.

(1) Buildings on Platted Residential Lots requiring sewer service shall be connected to the central community sewer system at the Owner's expense and in a manner which meets with the approval of the Mason County Department of Community Development and the Hartstene Pointe Board of Directors. The plans for and specifications of such connections shall be submitted as a part of the Owner's application for a building permit. Upon acquisition of the building permit and payment at connection fee, the owner shall receive a "blue card" entitling the owner to proceed with construction and connection to the community sewer system.

Travel trailers, campers, and motorhomes owners must apply to the Mason County Department of Community Development for a permit to obtain

sanitary sewage service while such vehicle is on a platted residential lot, except as provided as follows:

Travel trailers, campers or motorhomes with self-contained sanitary facilities wherein no disposal of sewerage or wastewater will be made while on the platted residential lot or on the common area, may be used on a platted residential lot having no connection to the community system for a period not to exceed two weeks with written permission of the Hartstene Pointe Board of Directors.

Where a travel trailer, camper or motorhome does not have self-contained, sanitary facilities, connection to the community sanitary system is mandatory after a period of two consecutive days.

If a travel trailer, camper or motorhome is located on a platted lot during construction of a dwelling unit with written permission of the Hartstene Pointe Board of Directors, the Owner must connect to the community sanitary system.

(2) No more than one travel trailer, camper or motorhome may be located on a platted lot during any period of use.

ARTICLE 4 SEWERAGE DEVELOPMENT

4.01 - EXTENT OF SEWERAGE DEVELOPMENT. The extent of sewerage development shall be the boundaries of the Hartstene Pointe development as set forth in the approved Engineering Report, "Hartstene Pointe Engineering Report". Connections to the sewer system shall be confined to the 533 lots and the common areas maintained by the Hartstene Pointe Maintenance Association.

ARTICLE 5 CONSTRUCTION OF SANITARY SEWER SYSTEMS

5.01 - DESIGN CRITERIA AND CONSTRUCTION STANDARDS. The Department shall ensure that sewer facilities design and construction standards satisfy the standards of the most current Department Design and Construction Specifications, or as prescribed and interpreted by the Director

5.02 CONNECTION TO PUBLIC SEWERS. All connections to the public sewers of the County shall be made in a permanent and sanitary manner in accordance to the provisions of this Code and shall be sufficient to carry all the wastewater of every kind from the building or structure into the public sewer.

5.03 REPAIRS TO CONNECTIONS. For assessed properties within Hartstene Pointe, any needed repair to a building sewer or connection to a public sewer shall be made within thirty (30) days after the date of mailing or personal service of a notice by the Director to the owner of the property served notifying such owner to make such repair. In the event of an emergency, the Director may establish a shorter period of time for the repair to be made or, if the owner cannot be located or does not promptly make such repairs, the County may make the repairs under the procedures of this Code and charge for the work based on the staffs hourly rate.

location and elevation of the sewer wye, tee or stub at the point of connection and, in the case of new construction, for planning the building and plumbing to provide adequate slope for building connection to the side sewer stub. The applicant for permit shall be responsible for determining the available grade between plumbing outlet and sewer wye, tee or stub. All department supplied information shall be field checked by the owner/developer or his/her representative prior to design and/or commencing construction. The County is not liable for inaccurate information provided to the County.

5.10 - COSTS OF BUILDING SEWER OR SEWER LINE EXTENSION BORNE BY OWNER. All costs and expense incidental to the installation, connection, maintenance, cleaning, repair and/or addition to or of the building sewer shall be borne by the owner. This responsibility includes paying all costs incidental to the aforementioned activities performed on all segments of the sewer and including but not limited to side sewer stub, sewer tee, sewer wye and all other sewer appurtenances.

5.11 - REUSE OF OLD BUILDING SEWERS. Old building sewers, may be used only when they are found, on examination and test by the Director to meet all requirements of this Code. This examination and test shall be at the owner's expense. The owner or his/her agent shall demonstrate to the Director that no connection to such building sewer line exists which conveys any material prohibited by County.

5.12 - PROTECTION OF EXCAVATIONS AND RESTORATION OF PUBLIC PROPERTY. All excavations for building sewer or sewer line extension installations shall be adequately guarded with barricades and lights in accordance with State and County requirements so as to protect the public from hazard. Road, parkways and other public property disturbed in the course of the work shall be restored to original condition or better.

ARTICLE SIX - PERMITS

6.01 - PERMITS REQUIRED. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof or construct any sewer disposal system without first obtaining a written permit from the Department or other responsible agency.

6.02 - BUILDING SEWER PERMITS. There shall be two classes of building sewer permits: (1) for residential, single family service; and (2) for nonresidential service. In either case, the owner or his agent shall make application on a special form furnished by Mason County. A Building Sewer Permit shall be required of any owner of a lot(s), parcel of real estate or structure(s) either required or electing to make a connection to a public sewer or make a modification, repair, disconnection, inspection or addition to an existing building sewer. The appropriate permit and plan check fee shall be paid to the county at the time the application is filed. Upon acquisition of the building permit an payment of the connection fee, the owner shall receive a "blue card" authorizing construction and connection.

6.03 - BUILDING SEWER PERMIT-TERM AND FEE. A Building Sewer is valid for twelve (12) months from the date of issuance. If a Building Sewer expires but the owner still wishes to connect to a sewer, a new permit

5.04. CONNECTION STANDARDS

(1) Old building sewers may be used in connection with new buildings, or new building sewers only when they are found to meet all the requirements of this Code.

(2) The building sewer shall conform to all County and State building codes and/or with the manufacturer's recommended practices, which ever is more restrictive. Sewer pipe and fittings at a minimum shall be PVC and shall meet or exceed ASTM recommended specifications D3034-73, SDR 35, current revisions.

(3) Connections between dissimilar pipe materials shall be by adapters approved by the Director or his agent. The first fitting at the connection of the building sewer to the public sewer service connection shall be a tee, furnished by the owner. Immediately after installation of the tee, an expandable watertight plug shall be installed in the tee branch connected to the public sewer. Said plug shall remain in place during construction and testing of the building sewer. After the plug has been removed, the tee riser shall be extended vertically to within 6" to 18" of finished ground surface and shall be sealed with an approved cap or plug. The riser shall be used as an auxiliary cleanout.

(4) The size and slope of the building sewer shall be subject to the approval of the Director, but in no event shall the diameter be less than four inches. The slope of said four inch pipe shall not be less than one-quarter (1/4) inch per foot, unless approved by the Director. In no case shall the slope of 4-inch pipe be less than one-eighth (1/8) inch per foot. A minimum of 18" of cover shall be maintained over the top of service pipe at all times.

The building sewer shall be laid at uniform grade and in a straight alignment insofar as is possible. Changes in direction shall be made only with curved pipe no greater than "45-degree bends". All pipe shall be laid on a 4-inch granular base of a 3/4-minus rock, pea gravel, sand or combination thereof.

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 public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(5) All excavation required for the installation of a building sewer shall be open trench work unless otherwise approved by the Director. No backfilling of the trench shall be done until inspection by the County has been conducted.

(6) All joints and connections shall be made gastight and watertight.

(7) The applicant for building permit shall notify the Director when the building sewer is ready for inspection and connection to the public sewer. After final approval and testing of the building sewer by the Director, the owner shall make the final connection to the building drain, unless otherwise authorized by the Director. A 30-minute internal hydrostatic test may be required on all building sewers before connection is made to the building drain. All water plugs and other facilities for making the test shall be furnished by the applicant. Minimum head over the top of the pipe shall be two feet and a maximum allowable leakage shall be four gallons per hour per 100 feet.

(9) Any structure having a plumbing outlet that serves fixtures with flood level rims located below the elevation of the next upstream manhole cover shall install an approved backwater valve.

5.05 - INFORMATION FROM THE COUNTY. The owner of any building shall be responsible for obtaining from the Director the approximate

shall be obtained and the County shall collect another full Permit Fee unless circumstances, in the judgment of the Director, warrant a variance. If a Building Sewer is canceled by the owner, the full Permit Fee shall be forfeited.

6.04 - BUILDING SEWER PERMITS REQUIREMENTS. Building Sewer shall be obtained in the following manner:

(1) Permits shall be issued only upon proper application to the Mason County Department of Community Developments.

(2) A permit which authorizes work in a public right of way or easement dedicated to Mason County or the connection with or opening into any public sewer other than through the normal opening of a wye, tee or side sewer stub shall be issued to a licensed Contractor.

(3) A permit which authorizes building sewer work may be issued to the owner of the property. For building sewers as defined in Section 1.04 of this Code the owner may perform only that portion of the connection located on private property and not in public right-of-way or easement dedicated to the County.

(4) Building Sewer Permits shall not be transferable. No authorized person shall lay any pipe pursuant to any other person's or contractor's permit.

(5) A Building Sewer Permit shall be issued prior to commencement of construction and only after all applicable charges and fees have been paid by the owner or developer.

(6) No Building Sewer Permit allowing connection to the public sewer shall be issued before the main sewer is accepted by the Director, and the property owner so notified. An interim approval allowing building sewer construction without connection to a non-operational public sewer may be issued at the discretion of the Director.

(7) The Permit card must be posted on the job prior to commencing the work and must be readily accessible to the Director.

ARTICLE 7 CHARGES

7.01 - SCHEDULE OF FEES. The schedule of fees covering service charges and permit fees for the sewerage system at Hartstene Pointe is covered by resolution which is attached and by reference made part of this ordinance.

ARTICLE 8 UNLAWFUL USE OF PUBLIC AND PRIVATE SANITARY SEWER SYSTEMS

8.01 - UNLAWFUL WASTEWATER DISPOSAL FACILITIES. Except as hereinafter provided, it shall be unlawful to construct or maintain any septic tank or other sewage holding facility intended or used for the disposal of wastewater within the boundaries of Hartstene Pointe where sewers are available except as permitted by this Ordinance. This does not include portable privies or other temporary wastewater disposal systems, such as those used at construction sites.

8.02 - UNLAWFUL DEPOSIT OF WASTE.

(1) It shall be unlawful for any person to place, deposit or permit to be deposited in an unapproved and unacceptable manner into the County sanitary sewer system any human excrement, garbage, hazardous wastes, and/or other unlawful wastes except in accordance with this Code.

(2) Unlawful waste, under no conditions, shall be discharged into or be placed where it might find its way into, or be allowed to run, leak, leach or escape into any part of the sanitary sewer system. Unlawful waste includes gasoline, fuel oil, toxins, flammable or explosive liquids.

8.03 - UNLAWFUL DISCHARGE OF STORM AND OTHER WATERS INTO SEWERS. No person shall discharge or cause to be discharged any storm drainage water, surface water, roof runoff, or subsurface drainage into the sanitary sewer system.

8.04 - LIMITATIONS ON DISCHARGE LOCATIONS. No person or entity shall discharge any unlawful substance directly into a manhole or other opening in the public sewer system other than through an approved building sewer without the written authorization of the Director in compliance with this Administrative Code, nor until said person or entity has paid all applicable charges and fees and has met any other conditions required by this Administrative Code and the Director.

8.05 - UNLAWFUL DAMAGE TO SEWER FACILITIES. It shall be unlawful for any unauthorized person to maliciously or willfully break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or piece of equipment which is part of the County sewer facilities by throwing, dumping, discharging or otherwise introducing any dirt, rocks, sticks, debris, other foreign matter or any other matter prohibited by this Code into the County sewer system.

8.06 - DISCHARGE OF SEPTIC TANK CONTENTS.

(1) It shall be unlawful for anyone to discharge the contents of any septic tank, chemical toilet, or sewage holding tank into the sewer system of Mason County except in accordance with the provisions of this Code.

(2) The Director shall designate in writing the particular locations where the contents of chemical toilets, or sewage holding tanks may be discharged into public sewer systems, and the manner in which said contents shall be discharged into the County sewer system.

(3) No matter prohibited from sewers by this Code shall be permitted to be discharged under this section.

8.07 - FAILURE TO CONNECT OR REPAIR BUILDING SEWER.

(1) If any connection to or repair of a public sewer is not made within the time and in the manner provided in this Code, the Director may forthwith cause to be placed a recorded notice against the property that no new buildings, remodeling or change in ownership will be allowed until the connection or repairs of all sanitary sewer facilities are made. Said notice may be recorded by the Director with the Mason County Assessor.

(2) If at this time or after a reasonable period so determined by the Director, connection of or repairs to the building sewer or sewer line extension remain to be completed and the Director has exhausted the means or methods available to the Director to make said connections or repairs as prescribed in this Code, the County may upon authorization of the Director make said connections or repairs for and at the total expense of the owner provided the Director takes the following steps:

1. Notifies the owner that the connections or repairs are delinquent pursuant to the provisions of this Code and informs said owner that the County intends to make said connections or repairs itself and,
2. Notifies the owner that the County shall charge said owner for all costs associated with said connections or repairs including, but not limited to, all construction or repair costs and any other applicable costs which would normally be incurred by said owner pursuant to the provisions of this Code, and,
3. Notifies the owner that any failure to reimburse the County for said costs shall result in the County filing a lien upon the property as provided for in Title 36, Chapter 94, Revised Code of Washington in the amount of said unpaid cost plus interest and plus any applicable penalties.

8.08 - UNLAWFUL CONNECTIONS TO OR DISTURBANCES OF PUBLIC SEWERS. Any person who makes or causes to be made any connection to, opening into, use, alteration and/or disturbance of the public sewers of the County without receiving a permit authorizing such a connection and/or use, alteration, etc., shall be subject to the provisions set forth in this Code.

8.09 - DISCONNECTION OF BUILDING SEWER. No structure may be disconnected from a building sewer and no building sewer may be disconnected from a public sewer for any reason without prior written notification to, and approval by the Director. No approval shall be given unless the disconnection is lawful under this Code and other applicable laws, and satisfactory protection is given by the owner or his contractor to the public sewers of the County including, but not limited to, the satisfactory capping of the building sewer. Sewer service charges for any structure disconnected or to be disconnected shall continue until such disconnection is approved by the County and the building sewer capped and otherwise protected to the satisfaction of the Director

8.10 - BUILDING SEWER FOR EACH BUILDING - EXCEPTIONS. A single building sewer shall be provided for each building unless the connection of more than one building to a single building sewer is approved in writing by the Director prior to the construction of such building sewer.

ARTICLE 9 - ENFORCEMENT

9.01 - NOTICE OF VIOLATION. Any person or contractors found to be violating any provision of this Code shall be served by the County with written notice stating the nature of the violation and providing a time limit for the satisfactory correction thereof. The violator of this Code shall, within the period of time stated in such notice, permanently cease all violation and make all necessary corrections.

9.02 - APPEAL PROCESS. The person or contractors may file a written notice of appeal of the notice of violation issued by the Department. Such appeal must be filed within thirty (30) days after the owner receives notice of the violation. The violation notice will not be enforced until the Board of Commissioners or its delegee meets, hears the appeal, and renders its decision thereon. The hearing shall be held not less than ten (10) days or more than forty-five (45) days after the date of the filing of objections. No less than seven

(7) days prior to the date set for the hearing, notice of the hearing date will be given to the owner. The decision of the Board of Commissioners or its delegee is final and no appeal may be taken therefrom except as provided by law.

9.03 - CIVIL LIABILITY TO COUNTY. Any person or commercial entity who shall violate any provision of this Code shall be liable to the County for any penalty or fine; plus the expense, loss, damage, cost of inspection or cost of correction incurred by the County by reason of such violation, including any expenses incurred by the County in collecting from such person or commercial entity any penalty, fine, loss, damage, expense, cost of inspection or cost of correction.

9.04 - CONTINUED VIOLATION - PENALTY. Any person or commercial entity who shall continue any violation beyond the time limit provided for in the notice of violation or in the hearing order on appeal, shall in addition to the items of expense provided in this Code, become liable to the County for a penalty in the amount of ten (10) percent of such expense items, together with interest thereon at a current rate determined by the County Treasurer from the date of the time limit.

9.05 - DELINQUENT CHARGES. When sewer charges are not paid within sixty days after the date of billing or by the date of the next billing, such charges shall be delinquent and the water service may be discontinued (refer to Resolution 142-92, Section 2.02 for additional charges).

9.06 - LIEN. In the event that any person, or commercial entity fails to pay any fee or charge as set forth in this code within sixty (60) days after the same is billed by the County, the unpaid balance plus interest shall become and remain a lien against the property.

9.07 - LIEN ATTACHMENT. The Director shall certify periodically the delinquencies to the Mason County Assessor/Treasurer at which time the lien shall attach.

9.08 - LIEN INTEREST. The lien shall be for all charges and interest at the current rate to be determined by the Mason County Assessor/Treasurer to be applied from the date due until paid, and shall attach to the premises to which the services were furnished.

9.09 - LIEN FORECLOSURE. Upon the expiration of sixty (60) days after the attachment of the lien herein, the County may bring suit in foreclosure by civil action in the Mason County Superior Court. In addition to the costs and disbursements provided by statute, the court may allow the County reasonable costs and attorney fees. The lien shall be foreclosed in the same manner as the foreclosure of real property tax liens RCW 36.94.150.

9.10 - CRIMINAL PENALTY. Any person or commercial entity who willfully violates any of the terms or conditions of this Code shall be guilty of a misdemeanor, and on conviction thereof, shall be subject to a fine of not more than \$500 or by imprisonment in the Mason County Jail not to exceed 90 days or both fine and imprisonment. Each separate day or any portion thereof, during which any violation continues, shall be deemed to constitute a separate offense.

9.11 - VALIDITY - SEVERABILITY. The invalidity of any section, subsection, clause, sentence or provisions of this Code shall not affect the validity of any part of this Code which can be given effect without such part or parts.

ORDINANCE NO. 132-94

PASSED and ADOPTED by the Board of Mason County Commissioners this 29th day of November, 1994.

3 Ayes; 0 Nays; 0 Abstain; 0 Absent

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON

M. R. Faughender
Chairperson

[Signature]
Commissioner

William O. Hunter
Commissioner

ATTEST:

Diane L. Zoran for
Clerk of the Board Rebecca Rogers

APPROVED AS TO FORM:

Mike [Signature] CHIEF
Deputy Prosecuting Attorney