

**CITY OF ILWACO
ORDINANCE NO. 842**

AN ORDINANCE OF THE CITY OF ILWACO, WASHINGTON, AMENDING CHAPTER 14 AND ESTABLISHING PROVISIONS FOR PRIVATE SEWERS IN THE ILWACO MUNICIPAL CODE

WHEREAS, IMC Title 14 refers to “side sewers” but has no definition for side sewers; and

WHEREAS, the City has identified private sewer mains but has no definition for private sewer mains; and

WHEREAS, the IMC does have terms and conditions for the construction and maintenance of (by definition) private *side sewers*; and

WHEREAS, the City has begun the process of identifying those private sewer mains that exist in the City; and

WHEREAS, the City has used ad hoc identification of private sewer mains and imposed terms and conditions regarding private maintenance those sewer mains; and

WHEREAS, the City Council recognizes the need for clarity of language used regarding private ownership and responsibility of certain sewers in general; and

WHEREAS, the City Council did meet at said time and place and did then consider the matter of said proposed policies; and

WHEREAS, the said proposed legislation is within the authority of the City Council to establish,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ILWACO, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 14 is amended to read as follows:

14.02.020 Definitions.

For the purpose of this chapter and the city of Ilwaco developer standards, the following terms, in addition to their common meaning, are defined:

- A. “City engineer” shall mean an engineer employed or contracted by the city on either a part-time or full-time basis. (Ord. 832 § 1 (part), 2014)
- B. “Side sewer” means a privately owned and maintained sewer connection between a buildings City approved wastewater outlet, or other City approved facility, to the nearest or most reasonable sewer system main line, public or private, or other approved discharge point.

- C. Private sewer main” means a privately owned and maintained sewer main which has all of the following characteristics: 1) running generally in or along a city street or platted city street right of way or in an established public or private utility easement whether improved or not; 2) connected or connectable to receive wastewater from other sewer mains or adjacent parcel side sewers whether improved or not improved; 3) discharges either directly or indirectly into an established City sewer main or other approved discharge point.

Chapter 14.06 Utilities.

Sections:

Article II. Sewer

- 14.06.060 Construction standards and specifications.
- 14.06.070 Serving lots with sewage disposal systems.
- 14.06.080 Sewage disposal facilities required before construction is complete.
- 14.06.090 Compliance with standards.
- 14.06.100 Conveyance of facilities to the city.
- 14.06.110 Side sewer permits required.
- 14.06.116 New sewer mains must meet City standards for sewer mains.
- 14.06.117 New sewer mains to become part of the City Wastewater Utility
- 14.06.120 Costs of side sewer borne by owner.
- 40.06.122 Costs of private sewer main repairs borne by owners
- 14.06.130 Side sewer permitting process.
- 14.06.140 Side sewer contractor registration required.
- 14.06.150 Each side sewer to have individual side sewer connection, unless exception granted.
- 14.06.160 Protection of excavations—Restoration of public property.

14.06.116 New sewer mains must meet City standards for sewer mains.

Sewer main installation permits must be based on a design that meets the City Development Standards per 14.02.10 and is approved by the City Engineer. This requirement includes, and is not limited to, location, materials, manholes and similar accessibility for maintenance.

14.06.117 New sewer mains to become part of the City Wastewater Utility

Upon completion of construction and acceptance by the City, the owner shall convey ownership and responsibility for sewer mains constructed after January 1, 2015 in accordance with

14.06.010. In extraordinary circumstances and upon approval of the City Council, the City may opt to decline such transfer.

14.06.122 Costs of private sewer main repairs borne by owners.

- A. The property owners with side sewers connecting to a private sewer main must pay all costs and expenses related to the repairs of the private sewer main, including any necessary resulting repairs, meeting City standards, to sidewalks and streets.
- B. Failure to act in a timely manner to effect necessary repairs by the property owners with a private sewer main can result in the City taking the necessary action to assure public health and safety. In such case, the City shall apply City standards for construction and replacement. Any repairs made by City shall be at the expense of the property owners, and City may pursue reimbursement in the same manner as for unpaid utility bills, including termination of services, as set forth in I.W.C. §13.06. In addition to effecting necessary repairs, such action may include provisions to assure payment such as terminating public utility services and imposing liens on the properties.
- C. The owner must indemnify the city from any loss or damage that may directly or indirectly be caused by the installation of the private sewer main. (Ord. 812 § 1 (part), 2012; Ord. 627 (part), 1999)
- D. Any agency or entity performing maintenance and construction of streets, sidewalks, pipelines and similar activities that causes damage to the integrity of a private sewer line shall pay all costs and expenses related to the repairs of the private sewer. Should repairs and/or replacement that are implemented according to plans approved by the City engineer bring an existing private sewer line to City standards, provisions for the City taking over the line shall be as provided for in IMC 15.76.117 including City acceptance.

Section 2. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

Section 3. Referendum and Effective Date. This Ordinance, being an exercise of a power specifically delegated to the city legislative body, is not subject to referendum, and shall take effect and is in full force five (5) days after its passage, approval and publication of an approved summary of the title as provided by law.

**PASSED BY THE CITY COUNCIL OF THE CITY OF ILWACO, AND SIGNED IN
AUTHENTICATION OF ITS PASSAGE THIS 23RD DAY OF MARCH, 2015.**

Mike Cassinelli, Mayor

ATTEST:

Holly Beller, Deputy City Clerk

VOTE	Jensen	Karnofski	Marshall	Chambreau	Forner	Cassinelli
Ayes	X		X	X	X	
Nays						
Abstentions						
Absent		X				

PUBLISHED: April 1, 2015

EFFECTIVE: April 6, 2015