

## ORDINANCE NO. 1602

### AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 1495 REGARDING THE ZILLAH PUBLIC SEWER SYSTEM AND ESTABLISHING PUBLIC SEWER RATES WITHIN THE CITY OF ZILLAH, WASHINGTON.

BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF ZILLAH, WASHINGTON, AS FOLLOWS:

**Section 1. Statement of Policy.** The City Council for the City of Zillah, Washington, recently completed a General Sewer Plan and conducted a rate study. The rate study concluded that the current rate structure should be revised to distribute expenditures more equitably among users, and to include reserve provisions for future sewer system maintenance within the City of Zillah, Washington.

**Section 2. New Sections.** The new sections of Chapter 13.16 of the Zillah Municipal Code are hereby to read as follows:

#### Chapter 13.16 SEWER SYSTEM

Sections:

- 13.16.010 Definitions.
- 13.16.020 Use of public sewers required.
- 13.16.030 Private wastewater disposal.
- 13.16.040 Building sewers and connections.
- 13.16.042 Side Sewer Connection Fee.
- 13.16.044 General Facility Charge.
- 13.16.045 Backflow check valves.
- 13.16.050 Stormwater runoff.
- 13.16.060 Prohibited discharges.
- 13.16.070 Remedies for improper discharges.
- 13.16.080 Inspection.
- 13.16.090 Rates and charges for use of the sewer system.
- 13.16.091 Late Payment Penalties.
- 13.16.092 Additional charge to be paid monthly by users of public sewer system.
- 13.16.094 Additional charge for individual pump stations.
- 13.16.100 Effluent testing.
- 13.16.110 Annual review.
- 13.16.120 Violation – Penalty.

#### **13.16.010 Definitions.**

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

- 1) “Applicant” means the owner or authorized agent of the property to be served, and said Applicant shall be the responsible person for payment of bills for sewer service.
- 2) “Biochemical oxygen demand (BOD)” means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius (20 °C), expressed in milligrams per liter (mg/L).
- 3) “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 (1.5 meters) outside the inner face of the building wall.

- 4) "Building sewer" means the extension from the building drain to the public sewer or other place of disposal, also called house connection.
- 5) "City" means the City of Zillah.
- 6) "Commercial or business" means a commercial or business establishment that does not meet the definition of a Food Service Establishment (FSE) or discharge Industrial Wastes.
- 7) "Cooling water," "uncontaminated cooling water," or "noncontact cooling water" means water used for cooling purposes which does not come into direct contact with any raw material, intermediate product, waste product, or finished product, and that contains no additives, pollutants, toxics, or dangerous wastes.
- 8) "Combined sewer" means a sewer intended to receive both wastewater and stormwater or surface water.
- 9) "Easement" means an acquired legal right for the specific use of land owned by others.
- 10) "Equivalent Residential Unit (ERU)" means the standardized unit of sewer demand used by the City for billing and general facilities charges. Unless otherwise stated, 1 ERU = 668 cubic feet (CF) per month of metered water use and typical residential-strength wastewater.
- 11) "Food Service Establishments (FSE)" means those establishments engaged in the activity of preparing, serving, or otherwise making food available for consumption by the public, which use one or more of the following preparation methods: cooking by frying (all methods), baking (all methods), grilling, sautéing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, infrared heating, searing, barbecuing, and any other method of food preparation that produces or may produce hot, non-drinkable food product in or on a receptacle that requires washing. These establishments include, but are not limited to, restaurants, bakeries, commercial kitchens, caterers, hotels, schools, religious institutions, hospitals, prisons, correctional facilities, and care institutions.
- 12) "Floatable oil" is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.
- 13) "Garbage" means the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.
- 14) "Industrial wastes" means any solid, liquid, or gaseous substance discharged or permitted to be discharged to the sewage works from any industrial or manufacturing establishment as distinct from sewage.
- 15) "May" is permissive (see "Shall," subsection (25) of this section).
- 16) "Natural outlet" means any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or ground water.
- 17) "Non-city user" or "Outside User" means a person connected to and a user of the City sewage works whose physical location is outside the City limits.
- 18) "Person" means any individual, firm, company, association, society, corporation, or group.
- 19) "pH" means the logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of approximately  $10^{-7}$ .

- 20) "Private sewer" means the sewer line and disposal system constructed, installed, or maintained where connection with the public sewer system is not required herein.
- 21) "Properly shredded garbage" means the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.
- 22) "Public sewer" means a common sewer controlled by a governmental agency or public utility, which carries sewage and industrial waste, and to which storm waters, surface waters, and ground waters are not intentionally admitted.
- 23) "Public Works Director" means the director of wastewater facilities, and/or of wastewater treatment works, and/or of water pollution control of the City, or the Director's authorized deputy, agent, or representative.
- 24) "Sewage" means the spent water of a community. The preferred term is "Wastewater," as set out in subsection (31) of this section.
- 25) "Sewer" means a pipe or conduit that carries sewage.
- 26) "Shall" is mandatory (see "May," as set out in subsection (14) of this section).
- 27) "Slug" means any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration of flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.
- 28) "Standard Methods" means the examination and analytical procedures set forth in the most recent edition of Standard Methods for the Examination of Water and Wastewater, published jointly by the American Public Health Association, the American Water Works Association, and the Water Environment Federation.
- 29) "Storm drain" (sometimes termed "storm sewer") means a drain or sewer that carries storm, surface and ground water drainage, but excludes sewage and industrial wastes other than unpolluted cooling water.
- 30) "Suspended solids" means total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in Standard Methods for the Examination of Water and Wastewater and referred to as nonfilterable residue.
- 31) "Unpolluted water" means any water or liquid containing none of the following: free or emulsified grease or oil; acids or alkalis; substances that may impart taste-and-odor or color-characteristics; toxic or poisonous substances in suspension, colloidal state or solution; odorous or otherwise obnoxious gases.
- 32) "Wastewater" means a combination of the liquid or water-carried wastes removed from residences, institutions, commercial, and industrial establishments, together with such ground water, surface water, and storm water as may be present.
- 33) "Wastewater facilities" means the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.
- 34) "Wastewater treatment works" means an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with "wastewater treatment plant" or "water pollution control plant."

35) "Watercourse" means a natural or artificial channel for the passage of water either continuously or intermittently.

**13.16.020 Use of public sewers required.**

A. The owner(s) 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 the owner's(s') 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 120 days after date of official notice to do so; provided, that said public sewer is within 300 feet (91.4 meters) of the property line of the property to be served.

B. Pretreatment. Where required, in the opinion of the City Council, to modify or eliminate wastes that are harmful to the structures, processes, or operation of the sewage works, the person shall provide at his/her expense such preliminary treatment or processing facilities as may be determined necessary to render his/her wastes acceptable for admission to the public sewers. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment or processing facilities shall be submitted for approval to the City Council before the start of their construction if the effluent from such facilities is to be discharged into the public sewers.

**13.16.030 Private wastewater disposal.**

A. Where a public sanitary or combined sewer is not available under the provisions of ZMC 13.16.020(A), the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this chapter.

B. Before commencement of construction of a private wastewater disposal system, the owner(s) shall first obtain a written permit signed by the Public Works Director and approval by the Yakima County Health District. The application for a City permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications, and other information deemed necessary by the Public Works Director. A permit and inspection fee of \$100.00 shall be paid to the City at the time the application is filed.

C. A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the Public Works Director and Yakima County Health District. The Public Works Director shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the Public Works Director when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 24 hours of the receipt of notice by the Public Works Director or their designee.

D. The type, capacities, location, and layout of a private wastewater disposal system shall comply with all requirements of the Yakima County Health District. No permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than four acres. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

E. At such time as a private wastewater disposal system fails, as provided in subsection (D) of this section, the property owner will be required to make a direct connection to the public sewer in compliance with this chapter, and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material.

F. The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the City. Sludge removal from private disposal systems shall be performed by licensed operators and disposed of according to Yakima County Health District regulations.

G. No statement contained in this chapter shall be construed to interfere with any additional requirements that the Yakima County Health District may impose.

**13.16.040 Building sewers and connections.**

A. A connection charge will be imposed on the property owner/applicant of any detached single-family, two-family dwellings, or multiple single-family dwellings (townhouses) with a separate means of egress, or a facility to be connected to the domestic sewer system, and has not paid a domestic sewer connection charge for such dwelling(s) or facility. The cost of a new service connection(s) shall be the responsibility of the property owner/applicant. No sewer service will be provided until the connection fee(s) and general facility charge have been paid in full for each unit or facility. No subsequent service connection(s) will be allowed until all previous connection fees have been paid in full.

B. No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a permit from the City Building Department.

C. There shall be three classes of building sewer categories: (1) residential, (2) commercial service with four sub-categories (A, B, C, & Schools), and (3) for service to establishments producing industrial wastes. In either case, the owner(s) or their agent shall make application on a connection form furnished by the City. The application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Public Works Director.

D. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the City from any loss or damage that the installation of the building sewer may directly or indirectly occasion.

E. A separate and independent building sewer shall be provided for every detached single-family, two-family dwellings, or multiple single-family dwellings (townhouses) with an individual means of egress, or facility. The front building may be extended to the rear building, and the whole considered as one building sewer. Still, the City does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

F. Old building sewers may be used in connection with a new building project only when they are found, on examination and test by the Public Works Director, to meet all requirements of this chapter.

G. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the International Building Code and Uniform Plumbing Code or other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the materials and procedures outlined in appropriate specifications of the most recent Washington State Department of Ecology "Criteria for Sewage Works Design," Publication # 98-37 WQ, or as it may be amended, shall apply. The pipe used in the installation thereof shall be equal in quality to the pipe used in the general sewer system, and not less than four inches in diameter. The jointing compound, where mechanical joints are not used, shall be equal in quality to that used in the general or public sewer system. All such connections shall be made gas-tight and water-tight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved in writing by the Public Works Director before installation.

H. 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 an approved means and discharged to the building sewer.

I. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazards. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

J. Grease, oil, and sand interceptors shall be provided for the proper handling of liquid wastes containing floatable grease or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All 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 inspection. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Public Works Director. Any removal and hauling of the collected materials not performed by owner's(s') personnel must be performed by currently licensed waste disposal firms.

K. Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at his expense.

L. When required by the Public Works Director, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structure, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Public Works Director. The owner shall install the structure at his expense and shall maintain it to be safe and accessible at all times.

#### **13.16.042 Side Sewer Connection Fee.**

The cost for making a new side sewer service connection shall be the responsibility of the applicant. No sewer service will be provided until a side sewer connection fee and general facility charge have been paid in full, and no second or subsequent service connections will be allowed unless all previous connections have been paid. The fee for each side sewer connection to the City's sewer system shall be **\$300.00**. The City shall issue a side sewer permit and perform an inspection for each side sewer connection to the City's sewer system. For all commercial and industrial side sewer connections, a sampling manhole or similar sampling station shall be required to be installed in an external location accessible to the City 24 hours a day.

A. Any time the City or an individual makes application for and complies with the provisions of Chapter 13.30 ZMC, Utility Reimbursement Agreements, and the City Council so authorizes, any person or agency connecting to the sewer system in a reimbursement area shall be responsible to pay for reimbursement costs associated with sewer system improvements to a particular geographic area.

#### **13.16.044 General Facility Charge.**

A. The sewer general facility charge (GFC) is based on a sewer equivalent residential unit (ERU). A sewer ERU consists of a flow component, a BOD component, and a TSS component as defined in the most recent Zillah general facility charge study. If a sewer connection requires more than one ERU, it shall be charged for the greater of its sewer flow, BOD, or TSS component.

The equivalent residential unit (ERU) shall be equal to \$2,700 based on flow, BOD, and TSS components established in the Zillah Facility Charge Study. For nonresidential and nonstandard residential connections discharging more than one ERU, the following shall apply:

1. For connections requiring more than one ERU, an initial evaluation of the GFC will be made. The service of sewer needed ERU shall be estimated by the developer and approved by the Public Works Director based on the Department of Ecology's or the Department of Health's estimates, as defined in their most recent respective design guidelines. Wastewater flow data from similar connections may be used for the initial evaluation with City concurrence.

2. The applicant for the sewer service shall pay a GFC based on the initial evaluation. (e.g., if a nonresidential or nonstandard residential customer produces 20 times the flow of the average household, this would be expressed as 20 ERUs.) This number shall be rounded to the nearest one-tenth ERU, and the GFC paid accordingly.
3. Following the initial evaluation, sewer use will be recorded monthly for 12 months and will be used in part to determine the actual sewer flow as determined by metered water use. Additional sampling frequency and sampling methodology for BOD and TSS shall be at the discretion of the City. At a minimum, two grab samples shall be taken during the 12 months to determine actual BOD and TSS from the site. Sampling testing costs shall be the responsibility of the user and may be billed on their regular monthly sewer bill. If at the end of the 12 months the number of actual ERUs is greater than the number of estimated ERUs, then the connection shall pay to the City the computed difference within 60 days. If at the end of the 12 months, the number of actual ERUs is less than the number of estimated ERUs then the City shall pay to the connection the computed difference within 60 days.

B. In the event that a material change in usage of any connection is made so that it increases the number of ERUs for a sewer service, then an additional GFC shall be charged based on a 12-month monitoring from the date that the City records such additional usage. Monitoring shall be consistent with subsection (A)(3) of this section.

C. The fees and charges established herein may be amended from time to time by ordinance of the City Council. Any such amendments shall be based on changes in the City's costs of connecting, monitoring, testing, planning, designing or maintaining sewer service to the City's service area.

D. The City Council reserves the right to negotiate GFCs for activities or uses that are determined to use greater than 20 ERUs that can clearly show a substantial increase in property value to the City's service area. The following criteria shall be used in determining a GFC reduction:

1. Following the completion of subsection (A)(1) of this section an applicant, being determined as needing more than 20 ERUs in the initial evaluation, may initiate in writing a request to negotiate the GFC.
2. If the applicant chooses to negotiate the GFC they shall submit relative and factual information in writing regarding the proposed property value increase. The City shall verify the applicant's information and may also provide additional information on the proposed property value increase and set a date for the City Council to review and consider a reduction in the GFC.
3. For every \$1,000,000 of proposed property value increase the City may reduce the GFC by one ERU that is above the initial 20 ERUs. At no time shall an activity generating more than 20 ERUs be charged less than 20 ERUs.
4. In addition to the required subsection (D)(3) of this section, the City shall at the same time use Yakima County tax assessor and building permit information to verify the subject property's value with those stated in the negotiated GFC. Assessor and building permit data shall be nonnegotiable and not open to debate. If true property values or true ERU data, as found through subsection (A)(3) of this section, is different than the initial evaluation the GFC shall be adjusted accordingly.

**E. For activities that generate greater than 50 ERUs**

1. For activities that generate greater than 50 ERUs the City may also negotiate the GFC on employment opportunities that the site would generate. In this case, in addition to other required information in this section, the applicant shall also submit any available information on the

- number of potential employees and wages related to the site and its impact on the City. If reduction in the GFC is granted through this subsection it shall also be verified at 12 and 24 months. If true employment projections or true ERU data, as found through subsection (A)(3) of this section, is different than the initial evaluation the GFC shall be adjusted accordingly.
- 2. Any such granting of reducing a determined GFC shall include a finding of fact that clearly indicates the reasons for such a reduction and its approval by the City Council.

#### **13.16.045 Backflow check valves.**

A. All residences or buildings connected to the public sewer system which have basements in which sewer fixtures are located shall be required to install and maintain backflow check valves as approved by the Public Works Department of the City of Zillah, Washington.

B. Failure to install or maintain a backflow check valve by any person owning a residence or other building in the City with a basement in which sewer facilities are located shall be deemed a civil infraction pursuant to Chapter 8.12 ZMC and Chapter 7.80 RCW. The penalty for this violation will be that any damage caused to the residence or building by a backflow of sewage shall be borne by the building or property owner and the City shall not be responsible or liable for the sewage backflow damage when backflow check valves are required.

#### **13.16.050 Stormwater runoff.**

A. No person(s) shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage, or cooling water to any sewer, except stormwater runoff from limited areas, which stormwater may be polluted at times, may be discharged to the sanitary sewer by written permission of the Public Works Director.

B. Stormwater other than that exempted under subsection (A) of this section, and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers approved by the Public Works Director and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the Public Works Director, to a storm sewer or combined sewer.

#### **13.16.060 Prohibited discharges.**

No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers unless written permission has been provided:

- (A) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, or noncontact cooling water to any sanitary sewer.
- (B) No person shall discharge or cause to be discharged any substances that, in the opinion of the Public Works Director, may harm either the sewage works, the 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. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:
  - (1) Any waters or wastes (such as any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas) which by reason of their nature or quantity are, or may be sufficient either alone, or by interaction, to: (a) create a fire or explosion hazard in the sewage treatment plant (including, but not limited to, waste streams with a closed cup flashpoint of less than one hundred forty degrees Fahrenheit (140 °F) or sixty degrees Celsius (60 °C)); (b) create a public nuisance or hazard to life; (c) prevent entry into the sewage works for its maintenance or repair; or (d) be injurious in any other way to the sewage works or its personnel;
  - (2) Any waters or wastes having a pH lower than 6.0 or higher than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the sewage works;

- (3) Heat in amounts that will inhibit biological activity in the sewage treatment plant which cause, or may cause, pass-through interference, but in no case heat in such quantities such that the temperature at the sewage treatment plant headworks exceeds one hundred four degrees Fahrenheit (104 °F) or forty degrees Celsius (40 °C);
- (4) Any waters or wastes including oxygen demanding pollutants (BOD, etc.) and suspended solids (TSS, etc.) released in either a slug load or continuous discharge of such volume, flow rate, and/or concentration which will cause, or may cause, pass-through or interference of the sewage treatment plant;
- (5) Any waters or wastes in amounts that cause, or may cause, obstruction to the flow in the sewage works, does not meet the definition of properly shredded garbage, or otherwise interfere with the operations or maintenance of the sewage works;
- (6) Petroleum oil, non-biodegradable cutting oil, or products of mineral origin in amounts that will cause, or may cause, pass-through or interference of the sewage treatment plant;
- (7) Any waters or wastes which result in the presence of toxic gases, vapors, or fumes within the sewage works in a quantity which cause, or may cause, acute worker health and safety problems;
- (8) Any trucked or hauled pollutants without prior written approval by the Public Works Director, except at discharge points designated by the Public Works Director;
- (9) Noncontact cooling water in significant amounts, unpolluted storm water, or any other direct water inflow sources which do not require treatment or would not be afforded a significant degree of treatment by the sewage treatment plant;
- (10) Any waters or wastes containing dangerous waste, as prohibited by Chapter 173-303 WAC; and
- (11) Any waters or wastes containing substances which are not amenable to treatment by the sewage treatment plant, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of its waste discharge permit or of other agencies having jurisdiction over discharge to the receiving waters.

**13.16.070 Remedies for improper discharges.**

A. 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 which in the judgment of the Public Works Director may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Public Works Director may:

1. Reject the wastes;
2. Require pretreatment to an acceptable condition for discharge to the public sewers;
3. Require control over the quantities and rates of discharge; and/or
4. Require payment to cover added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of ZMC 13.16.090.

When considering the above alternatives, the Public Works Director shall give consideration to the economic impact of each alternative on the discharger. 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 the Washington State Department of Ecology.

B. The Public Works Director may require a user of sewer services to provide information needed to determine compliance with this chapter. These requirements may include:

1. Wastewaters discharge peak rate and volume over a specified time period;
2. Chemical analyses of wastewaters;
3. Information on raw materials, processes, and products affecting wastewater volume;
4. Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control;
5. A plot plan of sewers of the user's property showing sewer and pretreatment facility location;
6. Details of wastewater pretreatment facilities;
7. Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

C. No statement contained in ZMC 13.16.050 and 13.16.060 and this section shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby the City may accept an industrial waste of unusual strength or character for treatment.

#### **13.16.080 Inspection.**

A. The Public Works Director and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, testing pertinent to discharge to the community system in accordance with the provisions of this chapter, and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

B. The Public Works Director or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

C. While performing the necessary work on private properties referred to in subsection (A) of this section, the Public Works Director or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the City employees, and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in ZMC 13.16.050 through 13.16.070.

#### **13.16.090 Rates and charges for use of the sewer system.**

A. Monthly Rates for Public Sewer. The City shall maintain a schedule of current rates, fees and charges and make them available to all interested persons. The charges for use of the public sewer system within the City of Zillah, Washington, shall be as follows:

1. **Residences**, including single-family homes, apartment units, trailer houses and other single-family dwelling units shall be assessed a charge per month, per dwelling unit as follows:

	2026	2027	2028	2029	2030
SEWER					
<i>Residential</i>					
Base Rate	\$27.35	\$29.53	\$31.90	\$34.45	\$37.20
Usage Charge, per 100 CF <sup>1</sup>	\$2.26	\$2.44	\$2.63	\$2.84	\$3.07
Additional pump fee for Zillah Lakes	\$19.44	\$21.00	\$22.67	\$24.49	\$26.45
Rate Increase	8%	8%	8%	8%	8%
(1) 1 – Usage Charge based on water meter reading in cubic feet (CF) for each service unless a sewer meter is installed.					

In the rare case the City has provided sewer service but not water service to a utility customer and there is no water meter installed on the water source to capture the water usage, a flat rate will be charged for sewer based on usage that equates to one Equivalent Residential Unit (ERU) and as follows:

SEWER ONLY ACCOUNTS	2026	2027	2028	2029	2030
<i>Residential</i>					
Base Rate	\$27.35	\$29.53	\$31.90	\$34.45	\$37.20
<i>Usage Charge per 100 cu. ft.</i>	\$2.26	\$2.44	\$2.63	\$2.84	\$3.07
Usage Charge x ERU rounded	\$15.80	\$17.06	\$18.43	\$19.90	\$21.50
Rate Increase	8%	8%	8%	8%	8%
Flat Rate Charge	\$45.41	\$49.03	\$52.96	\$57.19	\$61.77
<i>Add flat rate, plus Usage charge for 1 ERU (668 cu. ft. rounded)</i>					

2. **Commercial/Business Establishments** shall be charged based on the volume and strength of wastewater discharged into the City sewage system per the following table.

The usage charge will be determined through metered water consumption, unless a sewer discharge meter is installed. The commercial category is based on the strength of wastewater typical for the type of business activity using the Category descriptions below. For commercial business not listed in the categories below, the Public Works Director shall determine which category is most closely related to the commercial/business account.

	2026	2027	2028	2029	2030
SEWER					
<b>Commercial A</b>					
Base Rate per ERU <sup>1</sup>	\$27.35	\$29.53	\$31.90	\$34.45	\$37.20
Usage Charge, per 100 CF <sup>2</sup>	\$2.26	\$2.44	\$2.63	\$2.84	\$3.07
<b>Commercial B</b>					
Base Rate per ERU <sup>1</sup>	\$27.35	\$29.53	\$31.90	\$34.45	\$37.20
Usage Charge, per 100 CF <sup>2</sup>	\$3.96	\$4.28	\$4.62	\$4.99	\$5.39
<b>Commercial C</b>					
Base Rate per ERU <sup>1</sup>	\$27.35	\$29.53	\$31.90	\$34.45	\$37.20
Usage Charge, per 100 CF <sup>2</sup>	\$6.33	\$6.84	\$7.38	\$7.97	\$8.61
<b>Schools</b>					
Base Rate per ERU <sup>1</sup>	\$27.35	\$29.53	\$31.90	\$34.45	\$37.20
Usage Charge, per 100 CF <sup>2</sup>	\$5.39	\$5.82	\$6.29	\$6.79	\$7.33
Rate Increase	8%	8%	8%	8%	8%
<p>(1) Commercial Base Rate is charged per ERU. Commercial ERUs are calculated using the average monthly flow from the previous year divided by 668 CF per month, rounded up to the nearest whole number.</p> <p>(2) Usage Charge based on water meter reading for each service unless a sewer meter is installed.</p>					

**Category A** – This category applies to those commercial and business establishments maintaining only restroom facilities for employees and the public, and for hotels and motels without a restaurant that discharges to the same service line. These establishments generally discharge wastewater with a strength of 200 mg/l Biochemical Oxygen Demand (BOD) and 200 mg/l Total Suspended Solids (TSS).

**Category B** – This category applies to those commercial and business establishments such as convenience stores, sandwich shops, coffee shops, hotels and motels with a restaurant, and assisted living facilities. These establishments generally discharge wastewater with a strength of 400 mg/l BOD and 400 mg/l TSS.

**Category C** – This category applies to those commercial and business establishments such as restaurants, pizza shops, bakeries, fast food/drive-in restaurants, and supermarkets. These establishments generally discharge wastewater with a strength of 800 mg/l BOD and 800 mg/l TSS.

**Schools** – This category applies to schools. These establishments generally discharge wastewater with a strength of 400 mg/l BOD and 600 mg/l TSS. (Note: School administration and other office-type buildings that are separate from a school and discharge a wastewater strength typical for a Commercial Category A connection will be charged as a Commercial A account).

#### **General Commercial User Conditions**

- a) Where multiple commercial and business establishments are tenants in a single building and are served by a common water meter, and have a single account with the City, domestic waste

charges shall be based upon metered water consumption and shall be at a rate determined by the City for the highest BOD and TSS values of the users discharging to the sewer.

- b) Where multiple commercial and business establishments are tenants in a single building and are served by a common water meter, and each establishment has a separate account with the City, domestic waste charges shall be based upon metered water consumption at the rate determined by the City for the highest BOD and TSS values of the users discharging to the sewer. Billing amounts in excess of the base rate shall be distributed equally between the establishments connected to the meter.

*Example: An account with two Commercial B establishments, and one Commercial A establishment with a monthly flow volume of 4,000 CF, and average annual flow volume of 3,700 CF per month. The flow volume will be appropriated evenly between the three establishments as 1,333 CF. The ERU is calculated by dividing the average monthly flow volume as follows:*

$$3,700 / 3 = 1,233 \text{ CF average annual flow volume for each establishment}$$
$$1,233 \text{ CF} / 668 \text{ CF per ERU} = 1.85 \text{ which is rounded up to 2 ERUs for each}$$

*Therefore, each will be charged at the Commercial B rate, comprised of a Base Rate of 2 ERUs x \$22.50 = \$45.00, plus a Usage Charge based on 4,000 CF / 3 = 1,333 CF for each, resulting in a Usage Charge of 1,333 CF / 100 x \$3.26 = \$43.46, for a monthly charge of \$88.46 each, or a total monthly charge of \$265.38 for the account.*

- c) Where residential and/or commercial uses are jointly served by a common water meter, each residential dwelling unit shall be charged at the residential rate per unit, per month, based on a minimum Base Rate usage volume of 668 CF. Likewise, each business establishment shall be charged based on a minimum Base Rate usage volume of 668 CF per month, with the excess flow volume attributed to the commercial account(s).

*Example 1: An account with three residences and one Commercial A establishment has a measured monthly flow volume of 2,000 CF, and average annual flow volume of 2,500 CF. The ERU for each residence is 1, and since the total annual average flow volume is less than  $4 \times 668 = 2,672$  CF, the Commercial A account ERU is also 1. Each of the three residences will be charged for a usage of 668 CF ( $668/100 \times \$1.86 = \$12.42$  plus a Base Rate of \$22.50 for a monthly charge of \$34.92 each). Likewise, the Commercial A establishment will also be charged for a usage of 668 CF ( $668/100 \times \$1.86 = \$12.42$  plus a Base Rate of \$22.50 for a monthly charge of \$34.92). Therefore, the total monthly charge for the account will therefore be equal to \$139.68.*

*Example 2: An account with three residences and one Commercial A establishment has a measured monthly flow volume of 3,000 CF, and average annual flow volume of 2,500 CF. Each of the three residences will be charged for a usage of 668 CF. Therefore, the charges for the residences will be  $668/100 \times \$1.86 = \$12.42$ , plus a Base Rate of \$22.50 for a monthly charge of \$34.92 each. The Commercial A establishment will be charged for the remainder of the usage volume of 996 CF and the ERU calculation for the Commercial A establishment is 1 since the residential allotment subtracted from the total is  $2,500 \text{ CF} - (3 \times 668 \text{ CF}) = 496 \text{ CF}$ . Therefore, the Commercial A establishment will be charged a Base Rate of \$22.50 and a usage charge of  $996/100 \times \$1.86 = \$18.52$  for a monthly charge of \$41.03. The total monthly charge for the account will be equal to \$145.79*

- d) Commercial/business users who lose water through evaporation, irrigation, or in production, may request a reduction in their monthly sewer charge only if the difference between water consumed and wastewater discharged to the City is documented through the use of water meters and sewer meters. In such a situation, the monthly sewer charges will be based upon the volume of wastewater discharged to the City at the appropriate rate specified within this section, applying sewer meter readings.

- e) Outside utility commercial/business sewer accounts shall pay one hundred fifty (150%) of the applicable sewer service rates charged to the City commercial/business users.
- f) In the event a water or sewer meter is broken or cannot be read, said Commercial/business establishment's usage shall be estimated using data available to the City for periods of typical usage during a similar usage period at the discretion of the Public Works Director.

**3. Industrial** users of the City wastewater facilities shall be charged based on the volume and strength of wastewater discharged into the City system per the following table based on typical industries discharging wastewater with a strength of 400 mg/l BOD and 400 mg/l TSS:

	2026	2027	2028	2029	2030
INDUSTRIAL SEWER					
<i>Fruit Packer</i>					
Base Rate per ERU <sup>1</sup>	\$27.35	\$29.53	\$31.90	\$34.45	\$37.20
Usage Charge, per 100 CF <sup>2</sup>	\$3.96	\$4.28	\$4.62	\$4.99	\$5.39
Rate Increase	8%	8%	8%	8%	8%
<p>(1) Industrial ERUs are calculated using the average monthly flow from the previous year divided by 668 CF per month, rounded up to the nearest whole number.</p> <p>(2) Usage Charge based on water meter reading for each service unless a sewer meter is installed.</p>					

Industrial users shall be evaluated and determined by the City as to whether monitoring stations on wastewater discharges will be required. If monitoring stations are required by the City, the City shall designate when, where, and how many stations shall be placed. City-approved monitoring stations shall be installed and maintained continuously in satisfactory and effective operation by, and at the expense of, the industrial user, at the direction of the City. The Base Rate and Usage Charge may be adjusted based on the monitoring results to reflect the typical BOD and TSS concentrations of the wastewater discharged from each industrial facility.

For industries that do not match the concentrations set forth herein, the City reserves the right to set separate rates for flow, BOD, and TSS to pay for the cost of industrial wastewater collection, treatment, and disposal.

**General Industrial User Conditions**

The following conditions apply to all industrial users discharging to the City wastewater facilities:

- a) There shall be no unmetered sources of water contributing wastewater to the City sewer system without the knowledge and prior written approval of the City.
- b) The City reserves the right to test, monitor, and control any wastewater discharged to any City facility at any time, including the right set forth in ZMC 13.16.100.
- c) The discharges of industrial users may be restricted to a capacity allocated in an industrial discharge contract with the City, or State or National Pollutant Discharge Elimination System (NPDES) Waste Discharge Permit issued to the user by the Washington Department of Ecology, whichever results in the smaller capacity.

- d) Industrial users who lose water through evaporation, irrigation, or in the product, may request a reduction in their monthly sewer charge only if the difference between water consumed and wastewater discharged to the City is documented using water and sewer meters. In such a situation, the monthly sewer charges will be based upon the volume of wastewater discharged to City wastewater facilities at the appropriate rate specified within this section.
- e) The pH of discharges from all industrial users discharging liquids into the public sewers other than the industrial pre-treatment system shall not be lower than 6.0 nor greater than 9.0 as determined by monitoring station results. Any discharge of waste outside this range shall be subject to a penalty of two thousand dollars (\$2,000) per day. For the purposes of this monetary penalty, each day's discharge shall be considered a separate event.
- f) The City shall charge monetary penalties for any discharge from an industrial user that meets the criteria of an excessive industrial discharge as defined in ZMC section 13.16.060. For the purposes of charging monetary penalties, each day's discharge and each component (flow, BOD, and TSS) shall be considered a separate event. Monetary penalties shall include, but not necessarily be limited to, the following:
  - 1) All costs associated with providing treatment to the industrial slug discharge.
  - 2) All costs associated with repair of equipment damaged by, or associated with, providing treatment to the industrial slug discharge.
  - 3) All costs associated with NPDES permit violations, federal or state government orders resulting from NPDES permit violations, penalties imposed by the federal or state government upon the City for NPDES permit violations, and all costs associated with any citizen's lawsuit filed against the City for NPDES permit violations.
  - 4) Industrial slug discharges lasting five (5) or more consecutive days shall be subject to the surcharge provisions of ZMC 13.16.090(k), whether or not the industrial user's maximum monthly allocated capacity is exceeded.
- g) Outside utility industrial users shall pay one hundred fifty percent (150%) of the applicable sewer service rates charged to City industrial users.
- h) Industrial users not required to have metering and monitoring stations shall be charged at rates as determined by the Public Works Director and based on typical BOD and TSS concentrations for the industry or by sampling and monitoring of the wastewater discharge.
- i) In the event a water or sewer meter is broken or cannot be read, said industrial establishment's usage shall be estimated using data available to the City for periods of typical usage during a similar usage period at the discretion of the Public Works Director.
- j) **Reallocation of capacity.** The discharges of industrial users may be restricted to a capacity allocated in an industrial discharge contract with the City, or a State or NPDES waste discharge permit issued to the user by the Washington Department of Ecology, whichever results in the smaller capacity. Any industrial user desiring an increase in their allocation shall apply to the City in writing at least ninety days in advance of the date on which it is desired to commence the increased discharge. That written application shall demonstrate to the City that the industrial user has a reasonable expectation to use the new allocation. Any industrial user desiring a decrease in their allocation shall notify the City in writing of its willingness to release capacity. All requests for capacity reallocation are subject to the approval of the City.
- k) **Increased Charge or Extraordinary BOD Discharge.** The City of Zillah reserves the right to make a special increased sewer assessment for users of the public sewer system discharging more than ordinary BOD amounts which are not adequately charged for and addressed under ZMC 13.16.090(A)(2). This section shall also apply in circumstances where the user of the public

sewer system does not use the public water supply from City sources. Sewer charges under this section will be determined on an annual basis to ensure the receipt of fair and adequate revenue to the City.

**13.16.091 Late Payment Penalties.**

Any user not paying the sewer charge as assessed hereinabove by the 15th day of the month following the billing from the previous month shall be assessed a penalty of \$15.00. Said penalty, along with the billed assessment, must be paid within ten days of the date of the delinquent notice, or the users thereof will be subjected to the enforcement remedies of the City as outlined in the ZMC 13.08.040.

**13.16.092 Additional charge to be paid monthly by users of the public sewer system.**

An additional charge is to be paid monthly by users of the public sewer system. In addition to the rates otherwise established by ordinance to be paid monthly by users of the public sewer system, there shall be:

	2026	2027	2028	2029	2030
Sewer Improvement Fee	\$8.90	\$10.80	\$12.70	\$14.60	\$16.50

**13.16.094 Additional charge for individual pump stations.**

A. Purpose of Section. The Zillah City Council has examined the monthly service charges for those City of Zillah customers whose individual pump stations will be served. It has been determined that an additional charge needs to be assessed because the City will incur added costs for maintenance and operation of the individual pump stations as compared to those customers receiving gravity service. Typical added costs would include annual pump inspection, emergency service calls when pump stations fail, and fees for eventual pump replacement. Since these costs are unique to individual pump station customers, Council believes it is reasonable to establish a special monthly service charge for those customers in an effort to keep gravity-served customers from having to bear the added costs of the individual pump stations.

B. Installation and Maintenance. After the Public Works Director has determined that an individual pump station needs to be installed, the individual pump station will be purchased and installed by the developer or individual customer. After installation is approved, the City will assume responsibility for ongoing maintenance and operation. Power cost will remain the responsibility of the customer since power will be provided to the pump station from the customer's residence or business.

C. Establishment of Additional Monthly Sewer Charge. An additional monthly charge is hereby established for those customers who are served by individual pump stations as follows:

	2026	2027	2028	2029	2030
Sewer Pumping Fee	\$19.44	\$21.00	\$22.67	\$24.49	\$26.45

D. Expenditures of Funds. Monies collected from additional monthly sewer charges shall be expended exclusively for costs associated with the maintenance and operation of said systems. The City Clerk/Treasurer shall maintain an accurate accounting of said expenditures.

**13.16.100 Effluent testing.**

Upon initial approval of the ordinance changing the sewer rate structure, each commercial utility account was designated as Category A, B, C, Schools and Industrial. Definitions were provided for each category.

As an effort to encourage compliance with the City's Fats, Oils, and Grease (FOG) program, the City will, upon request, perform BOD testing to determine the Category a commercial establishment will be placed in. Results from the testing will be conclusive. An additional round of testing may be requested after a 12-month period. An independent lab may be used as per subsection (G) of this section, if requested.

The testing will take place as per the following example: If a commercial establishment is determined by the City to be charged as a Category C (which means generally discharging wastewater with a strength of 800 mg/L BOD and 800 mg/L TSS). They would like to challenge that, the establishment may submit a request on forms provided by the City to be re-tested. If the results are less than those established in Category C, their rates will be adjusted to reflect the applicable usage charges for the applicable category.

The City may perform or require periodic testing of effluent by businesses when the City has a reasonable belief that (A) a user is not meeting the discharge standards set forth in ZMC 13.16.060; (B) FOG discharges in amounts that exceed the wastewater treatment standards cause a visible sheen on the discharge or in the public sewer system; or (C) the build-up of grease in any public sewer facility or which accumulations either alone or in combination with other discharges cause obstructions of the public sewer system. These determinations would be based on:

A. Downstream testing; or

B. Evidence of FOG build-up downstream; or

C. Discharger records that are incomplete, false, or not made available for inspection; or

D. Evidence of tampering with pretreatment equipment; or

E. Evidence of use by the business of degreasers, “enzymes” or other chemicals which keep grease in suspension past the grease trap or interceptor; or

F. Other reasons established by facts which warrant a belief that the discharge standards are violated.

G. All measurements, tests, and analyses of the characteristics of waters 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, the American Water Works Association, and the Water Environment Federation. Sampling methods, location, times, durations, and frequencies are to be determined on an individual basis, subject to approval by the Public Works Director.

The city will use the City laboratory for testing. An independent lab may be used by the applicant upon request at the applicant’s own expense and as coordinated with the City.

#### **13.16.110 Annual review.**

The City has used historical water data and other methods it deemed appropriate to determine the ERUs for the establishment of the initial base rate for each non-residential sewer utility account. The City shall review annually each non-residential sewer utility account and any associated data to re-evaluate and determine the number of ERUs used to establish the base rate for that year.

#### **13.16.120 Violation – Penalty.**

A. The City shall serve any person found to be violating any provision of this chapter with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

B. Civil Penalties.

1. A user who has violated, or continues to violate, any provision of this chapter or order issued hereunder shall be liable for civil penalties imposed pursuant to Chapter 7.80 RCW and a maximum civil penalty of \$1,000 per violation, per day.
2. Enforcement shall be pursuant to Chapter 8.12 ZMC and Chapter 7.80 RCW.
3. To the extent that the provisions of Chapter 8.12 ZMC are inconsistent with this chapter, the provisions of this chapter govern.
4. The Director may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.
5. In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, 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.

C. Damages. In addition to any fines or court-related costs, the property/business owner found to violate this chapter shall be responsible for system damages, including but not limited to any repairs, additional maintenance costs, or other damages or expenses incurred by the City arising from or related to the violation.

**Section 3. Repeal of Ordinance No. 1495.** Ordinance No. 1495 is hereby repealed.


**Section 4. Severability.** If any provision of this Ordinance or its application to any person or circumstances is held to be invalid, the remainder of this Ordinance or the application of the provisions to other persons or circumstances shall not be affected.

**Section 5. Effect.** This Ordinance shall be in full force and effect January 1, 2026, after its passage, approval, and publication as provided by law.

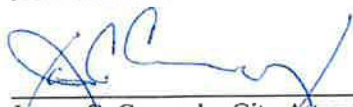
PASSED BY THE CITY COUNCIL FOR THE CITY OF ZILLAH, WASHINGTON, this 15<sup>th</sup> day of August 2025.

  
\_\_\_\_\_  
Dr. Scott Carmack, Mayor

ATTEST:

  
\_\_\_\_\_  
Michael Grayum, City Administrator

AS TO FORM

  
\_\_\_\_\_  
James C. Carmody, City Attorney