

CITY OF MOUNTLAKE TERRACE

ORDINANCE NO. 2759

**AN ORDINANCE OF THE CITY OF MOUNTLAKE TERRACE,
WASHINGTON, AMENDING MOUNTLAKE TERRACE MUNICIPAL
CODE (MTMC) CHAPTER 13.05 RELATING TO UTILITY RATES AND
CHARGES, CHAPTER 13.20 RELATING TO SANITARY SEWERS,
CHAPTER 13.25 RELATING TO SANITARY SIDE SEWERS**

WHEREAS, the City of Mountlake Terrace provides sewer and stormwater services to the customers of Mountlake Terrace; and

WHEREAS, the City Council has adopted financial policies to ensure the fiscal integrity and viability of the sewer and stormwater utilities; and

WHEREAS, the City has evaluated the needs of the sewer and stormwater utilities and found that additional revenues are needed in order to repair and replace aging sewer/stormwater infrastructure and meet additional stormwater requirements from Ecology as specified by the 2019 Phase II NPDES permit.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOUNTLAKE TERRACE, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Chapter Section Title Amendment. Title 13.05 section titles of the Mountlake Terrace Municipal Code, Utility Rates, are hereby amended to read as follows:

**Chapter 13.05
UTILITY RATES**

Sections:

- 13.05.010 Purpose.
- 13.05.020 Definitions.
- 13.05.030 Utility confirmed.
- 13.05.040 Utilities funds established and maintained.
- 13.05.050 Transfer of property to respective utility funds.
- 13.05.060 Authority – Construction.
- 13.05.070 Applications – Water, sanitary sewer and storm water service.
- 13.05.080 Water meters.
- 13.05.090 Water service to City residents solely unless approved.
- 13.05.100 Water service connection/installation – General.
- 13.05.110 Water service capital improvement and installation fees.
- 13.05.120 Water service fees – General.
- 13.05.130 Utility charges – Water service to single-family residences.
- 13.05.140 Utility charges – Water service to multifamily structures, duplexes and mobile home parks.

- 13.05.150 Utility charges – Commercial and/or industrial.
- 13.05.160 Utility charges – Water service for irrigation.
- 13.05.165 Utility charges – Water service to mixed-use developments.
- 13.05.170 Cross-connections eliminated.
- 13.05.180 Unlawful acts.
- 13.05.190 Sanitary sewer service to City residents solely unless approved.
- 13.05.200 Sanitary sewer capital facility charges and sewer installations – General.
- 13.05.210 Sanitary sewer capital facilities charge.
- 13.05.220 Repealed.
- 13.05.230 Sanitary sewer service fees – General.
- 13.05.240 Service to single-family residences.
- 13.05.250 Service to multifamily structures or duplexes and mobile home parks.
- 13.05.260 Commercial and/or industrial – Service to other than single-family residences or multifamily structures.
- 13.05.265 Service to mixed-use structures.
- 13.05.270 Service to nonmetered properties.
- 13.05.280 Nonapplicability of sanitary sewer rates.
- 13.05.290 Unlawful acts.
- 13.05.300 Exception to connections to sanitary sewer system.
- 13.05.310 Storm water utility – Administration.
- 13.05.320 Liability disclaimer.
- 13.05.330 Storm utility charge system established – Charges imposed.
- 13.05.340 Stormwater capital improvement fee.
- 13.05.350 Description of stormwater rate structure.
- 13.05.360 Stormwater service charge adjustment.
- 13.05.370 Billing, payment and delinquency for water, sewer, and stormwater.
- 13.05.375 Utility discount for low income senior and disabled citizens.
- 13.05.380 Utility illegal connections.
- 13.05.390 Utility violations – Penalty.

Section 2. Amendment. Section 13.05.090, “Water service to City residents solely unless approved.” of the Mountlake Terrace Municipal Code is hereby amended to read as follows:

13.05.090 Water service to City residents solely unless approved.

Water service shall be provided only to structures within the corporate limits unless otherwise approved by the City Council. Properties completely surrounded by the corporate limits of the city and connected to city water mains shall have their water service metered and billed by the city whether they are formally annexed into the city or not.

Section 3. Amendment. Section 13.05.200, “Sanitary sewer capital facilities charges and sewer installations – General.” of the Mountlake Terrace Municipal Code is hereby amended to read as follows:

13.05.200 Sanitary sewer capital facilities charges and sewer installations – General.

The fee for sanitary sewer services shall consist of a capital facilities charge and other fees identified in the then current schedule of fees.

A. All sanitary sewer service laterals from existing mains to the property line or easement edges, to existing single-family residential uses shall be installed by a qualified contractor or the owner/developer.

B. All sanitary sewer services for subdivisions, site developments, and other non-single-family residential uses shall be installed by the owner/developer.

C. All materials for sanitary sewer installation shall be in compliance with City standards.

D. All sanitary sewer installations performed by owners/developers shall be subject to appropriate plan review and permit fees, in addition to capital facilities charge and other fees as set forth in the current fee schedule.

Section 4. Amendment. Section 13.05.210, “Sanitary sewer capital facilities charge.” of the Mountlake Terrace Municipal Code is hereby amended to read as follows:

13.05.210 Sanitary sewer capital facilities charge.

Sewer capital facilities charges shall be imposed on sewer connections. The sanitary sewer capital facilities charges and permit schedule fees are fully due and payable prior to installation/connection.

Fees shall be charged according to the schedule of capital facilities charges as follows:

Sewer Connection Fees		
Meter Size	ERU Weighting Factor	Capital Facilities Charge
5/8" x 3/4"	1	\$4,080
1"	2.5	\$10,200
1-1/2"	5	\$20,400
2"	8	\$32,640
3"	17.5	\$71,400
4"	32.5	\$132,600

Section 5. Repealed. Section 13.05.220, “Payment of water and sanitary sewer capital facilities charge and service fees exceptions.” of the Mountlake Terrace Municipal Code is hereby repealed.

13.05.220 Repealed.

Section 6. Amendment. Section 13.05.240, “Service to single-family residences.” of the Mountlake Terrace Municipal Code is hereby amended to read as follows:

13.05.240 Service to single-family residences.

The charges for sewer service to single-family residences shall be calculated based on the water delivered through the water service meter(s) except for the flow through meters used exclusively for irrigation. The usage charge shall be calculated based on the lesser of the following two methods: (1) the consumption amount of the current billing period; or (2) the third-lowest consumption amount of the most recent six billing periods; unless consumption for either method is zero, in which case the other method will be used for the basis of the usage charge. The base charge and rates (billed bimonthly), effective January 1st, for sanitary sewer for single-family

residences shall be as follows for the year specified herein, and all subsequent years unless and until amended by the City Council:

Bi-Monthly Residential Sanitary Sewer Rates					
	2020	2021	2022	2023	2024
Base charge/bi-monthly	\$57.00	\$64.13	\$72.14	\$80.08	\$88.88
Usage charge/CCF	\$3.99	\$4.49	\$5.05	\$5.61	\$6.22

Section 7. Amendment. Section 13.05.250, “Service to multifamily structures or duplexes and mobile home parks.” of the Mountlake Terrace Municipal Code is hereby amended to read as follows:

13.05.250 Service to multifamily structures or duplexes and mobile home parks.

The charges for sewer service to multifamily structures shall be calculated based on the number of units served by water meter installations and the water delivered through the water service meter(s), excluding the number of and flow through meter(s) used exclusively for irrigation. The usage charge shall be calculated based on the lesser of the following two methods: (1) the consumption amount of the current billing period; or (2) the third-lowest consumption amount of the most recent six billing periods. If consumption for either method is zero, then the other method will be used for the basis of the usage charge. The base charge and rates (billed bimonthly), effective January 1st, for sanitary sewer for multifamily structures shall be as follows for the year specified herein, and all subsequent years unless and until amended by the City Council:

Bi-Monthly Multifamily Sanitary Sewer Rates					
	2020	2021	2022	2023	2024
Base charge/bi-monthly	\$57.00	\$64.13	\$72.14	\$80.08	\$88.88
Usage charge/CCF	\$4.10	\$4.62	\$5.19	\$5.77	\$6.40

Section 8. Amendment. Section 13.05.260, “Commercial and/or industrial – Service to other than single-family residences or multifamily structures.” of the Mountlake Terrace Municipal Code is hereby amended to read as follows:

13.05.260 Commercial and/or industrial – Service to other than single-family residences or multifamily structures.

The charges for sanitary sewer service to other than single-family residences and multifamily structures shall be calculated based on the number of water meter installations and the water delivered through the service meter(s), excluding the number of and flow through meter(s) used exclusively for irrigation. The base charge and rates (billed bimonthly), effective January 1st, for sanitary sewer for other than single-family residences or multifamily structures shall be as follows for the year specified herein, and all subsequent years unless and until amended by the City Council:

Bi-Monthly Commercial Sanitary Sewer Rates					
	2020	2021	2022	2023	2024
Base charge/bi-monthly	\$57.00	\$64.13	\$72.14	\$80.08	\$88.88
Usage charge/CCF	\$4.47	\$5.03	\$5.66	\$6.29	\$6.98

Section 9. Amendment. Section 13.05.265, “Service to mixed-use structures.” of the Mountlake Terrace Municipal Code is hereby amended to read as follows:

13.05.265 Service to mixed-use structures.

Mixed-use structures without separate meters to each use shall be charged as individual units as in the multifamily customer class as set forth below.

Bi-Monthly Mixed-Use Sanitary Sewer Rates					
	2020	2021	2022	2023	2024
Base charge/bi-monthly	\$57.00	\$64.13	\$72.14	\$80.08	\$88.88
Usage charge/CCF	\$4.10	\$4.62	\$5.19	\$5.77	\$6.40

Section 10. Amendment. Section 13.05.270, “Service to nonmetered properties.” of the Mountlake Terrace Municipal Code is hereby amended to read as follows:

13.05.270 Service to nonmetered properties.

The base charge and rates (billed bimonthly), effective January 1st, for sewer service per residential unit for which no metered volume is available on a continuing basis shall be as follows for the year specified herein, and all subsequent years unless and until amended by the City Council:

Bi-Monthly Service to Nonmetered Properties					
	2020	2021	2022	2023	2024
Base charge/bi-monthly	\$122.12	\$137.39	\$154.56	\$171.56	\$190.43

Section 11. Amendment. Section 13.05.340, “Storm water capital improvement fee.” of the Mountlake Terrace Municipal Code is hereby amended to read as follows:

13.05.340 Stormwater capital facilities charge.

Stormwater capital facilities charges shall be imposed on all new development. The equivalent residential unit (ERU) for stormwater (equal to 2,282 square feet of impervious surface in the City of Mountlake Terrace) shall be the unit for capital facilities charges. The charge for stormwater capital facilities shall be \$3,003/per ERU.

A. Single-Family Residential. Each single-family residential lot will be assessed a capital facilities charge equal to \$3,003 (equal to 1 ERU.) The charge will be due when a lot is developed or redeveloped and new water and/or new sanitary sewer service is initiated for the parcel.

B. Multifamily, Industrial and Commercial. The total stormwater capital facility charge for a parcel will equal: Total impervious surface/2,282 x \$3,003. The charge will be due upon construction permit issuance for the parcel.

Section 12. Amendment. Section 13.05.350, “Description of rate structure.” of the Mountlake Terrace Municipal Code is hereby amended to read as follows:

13.05.350 Description of stormwater rate structure.

A stormwater ERU is equal to 2,282 square feet of impervious surface in the City of Mountlake Terrace. All single-family residential and townhome accounts shall be considered equal to one (1)

equivalent residential unit (ERU) for billing purposes. Duplexes shall be considered equal to two (2) equivalent residential units (ERU) for billing purposes. For all other parcels, the total amount of impervious surface and the percentage of the parcel which is impervious will be used to calculate the applicable stormwater service charge.

A. Calculation of Billable ERUs for non-single family, non-duplex parcels. The following method shall be used to establish billable ERUs for each account:

Step 1: Total ERUs are determined by calculating the following equation: Impervious area per lot (in square feet)/2,282 square feet (base ERU equivalent) = Total ERUs.

Step 2: Determine the total billable ERUs by applying the appropriate impervious surface coverage factor, based on the percentage of impervious surface on the property. The following table provides the impervious surface coverage factors:

Impervious Surface Coverage	Factor
1% – 20%	0.50
21% – 40%	1.00
41% – 70%	1.50
Over 70%	2.00
Total ERUs × Impervious Surface Coverage Factor = Total Billable ERUs.	

Step 3: Total Billable ERUs × ERU Bimonthly Rate = Total Bimonthly Bill.

B. The service charge for each parcel within the service area shall be determined under the following methodology. Rates listed for each subsequent year shall be in effect on January 1st of the year listed, unless and until amended by City Council action.

Bimonthly Stormwater Service Charge Schedule

	2020	2021	2022	2023	2024
Bimonthly Billable ERU Charge	\$44.66	\$49.12	\$54.04	\$55.92	\$57.88

C. Start of Bimonthly Service Charge. Bimonthly billing shall commence no earlier than the point in time that the parcel is one percent impervious, nor later than the time of completion of construction, as determined by the City Manager, or his/her designee.

D. City Reserves the Right to Make Changes. The City may supplement or alter charges within subareas of the City so as to charge properties or parcels of one subarea for improvements, studies, or maintenance which the City Council deems to provide service or that benefit the property owners of one subarea.

Section 13. Amendment. Section 13.05.360, “Rate adjustments and appeals.” of the Mountlake Terrace Municipal Code is hereby amended to read as follows:

13.05.360 Stormwater service charge changes and discounts.

A. Periodically, the City Manager, or his/her designee, may audit stormwater accounts for accuracy and address any discrepancies. In addition, any person billed for stormwater service

charges may file a “request for rate adjustment” with the City Manager, or his/her designee within two years of the first billing issued for the underlying rate charge. However, filing of such a request does not extend the period for payment of charges.

B. Requests for fee adjustment may be granted or approved by the City Manager, or his/her designee, only when one or more of the following conditions exists:

1. The acreage of the parcel charged is in error.
2. The impervious area of the parcel charged is in error.
3. The parcel is non-single-family residential and the actual impervious surface coverage of the parcel charged places it in a different rate category than the rate category assigned by the City Manager or his/her designee.

4. Non-single-family residential parcels may be eligible for the following reduction in charges, set forth as follows:

a. Properties are eligible for a 25 percent reduction in the total stormwater service charge if the following conditions are met:

- i. The property must have a stormwater flow control or stormwater water quality improvement system, for example, a detention pond, pipe, or vault; water quality treatment system; biofiltration swale; or other stormwater facility for the purpose of flow control and/or runoff treatment. The private facility may be on-site or off-site.

- ii. Collection and conveyance stormwater systems without flow control or water quality features are not eligible for stormwater service charge reductions.

- iii. Stormwater facilities are operated and maintained by the property owner in accordance with the City’s National Pollutant Discharge Elimination System (NPDES) permit from the Washington Department of Ecology. Maintenance shall be verified by City staff on an annual basis.

b. For all parcels currently receiving 50 percent reductions which also meet the conditions set in MTMC 13.05.60.B.4.i-iii, the stormwater service charge reduction will be decreased by 5 percent each year beginning January 1, 2020 and each year thereafter on January 1st, to a 25 percent reduction on January 1, 2024.

c. New or remodeled commercial buildings utilizing a permissive rainwater harvesting system, properly-sized to utilize the available roof surface of the building, are eligible for a 10 percent reduction in total stormwater service charge, as per RCW 35.67.020(3). The City will consider rate reductions in excess of 10 percent dependent upon the amount of rainwater harvested.

Section 14. New Section. 13.05.365 “Request for water, sewer, or stormwater utility service charge adjustment.” of the Mountlake Terrace Municipal Code is hereby amended to read as follows:

13.05.365 Request for water, sewer, or stormwater utility service charge adjustment.

Requests for utility service charge adjustments shall be in accordance with RCW 4.16.040(2), statute of limitations for underpayments and RCW 4.16.080(4) overpayments and shall be conditioned on the following:

A. The property owner shall have the burden of proving that the adjustment sought should be granted.

B. Decisions on requests for service charge adjustments shall be made by the City Manager, or his/her designee, based on information submitted by the applicant and by the City within 30 days of the adjustment request except when additional information is needed. The applicant shall

be notified in writing of the City Manager's, or his/her designee's, decision. If an adjustment is granted which reduces the charge, the property owner shall be refunded the amount overpaid for up to the applicable statute of limitations period.

C. If the City Manager, or his/her designee, finds that a service charge bill has been undercharged, then either an amended bill shall be issued which reflects the increase in the service charge and the undercharged amount shall be billed to the property owner for up to the applicable statute of limitations. This amended bill shall be due and payable under the provisions set forth herein.

D. Decisions of the City Manager, or his/her designee, on requests for rate adjustments shall be final unless, within 30 days of the date the decision was mailed, the applicant files a petition for a writ of certiorari in the superior court with jurisdiction.

Section 15. Amendment. Section 13.05.370, "Billing, payment and delinquency." of the Mountlake Terrace Municipal Code is hereby amended to read as follows:

13.05.370 Billing, payment and delinquency for water, sewer, and stormwater.

A. All accounts for utilities shall be kept in the name of the owner of the property, and the current owner shall be held responsible for all utility charges. The tenant may be a secondary name on the utility account, although the addition of a tenant name does not release the property owner from any responsibilities for fees and charges or penalties.

B. There is authorized and directed the establishment of a consolidated utility billing for water, sanitary sewer, and stormwater.

C. All charges for each utility service shall be due and payable on or before the thirtieth day after the billing date. Any charges not paid before the thirty-first day after the billing date shall be delinquent. An additional charge of 10 percent of the current charges shall be added to any account not paid before the thirty-first day after the billing date.

D. All charges for connection and services provided in this chapter, or as may be hereafter amended, together with penalties and interest thereon, shall be a lien upon the property with which such connections are made or to which such services are rendered, superior to all other liens and encumbrances whatsoever, except for general taxes and local special assessments. Enforcement of such lien or liens shall be in the manner provided by law. As an additional and concurrent method of enforcing the lien of said delinquent charges, the City Manager or representative is authorized after the date of the first delinquency to shut off the water service.

E. All sums received on the utility billing shall be applied to each account in the following order:

1. Penalties;
2. Service fees;
3. Stormwater charges;
4. Sewer charges;
5. Water or irrigation charges.

F. The City will provide notification of service termination due to nonpayment of the utility bill to the property owner and tenant of record, if any. In addition, a notice will also be sent to the occupant. Notices will be sent via U.S. mail. Any customer may, within 10 days of written notification, appeal the pending termination of water service to the City Manager, or his/her designee, by filing a written notice of appeal setting forth the grounds therefor with the City Clerk. The City Manager, or his/her designee, shall respond within 10 days of receiving the written notice of appeal. After considering the appeal, the City Manager shall, after appropriate findings of fact

and conclusion of law, affirm, modify, or overrule the termination of water service and may impose any terms upon the continuance of water service which the City Manager may deem advisable. No termination of water/sewer shall take effect until 10 days after mailing of the notice of the City Manager's determination to the customer.

G. Except in case of danger to life or property, no disconnection shall be accomplished on Saturdays, Sundays, legal holidays, or on any other day on which the utility cannot reestablish service on the same or following day.

H. When the City Manager, or his/her designee, declares a public epidemic, arson threat, or public disaster, no water service shall be turned off unless it is in the interest of public protection until such time as the City Manager, or his/her designee, determines the disaster or the threat is ended.

I. The City Manager, or his/her designee, is authorized to administratively set the fee for the following occurrences which shall include recovery of costs for field and office time:

1. Delinquent account turn-off/on occurring during regular posted business hours.
2. Delinquent account turn-on after regular posted business hours.
3. Delinquent account lock-off/meter pull.
4. Broken padlock/angle stops.
5. Current account turn-off/on after regular posted business hours.
6. New account setup for changing account records to reflect change of property owner or change of tenant.

7. In addition, the City Manager is authorized to set other cost-based service fees as the need arises.

J. In addition, in the event that a utility customer has permitted a utility account to become delinquent as hereinabove defined, then the City Manager, or his/her designee, may at his discretion require a security deposit in an amount equal to the estimated bimonthly charge therefor as a condition to continuance of utility service. Notice of the requirement of such security deposit shall be given to the customer in writing by mail addressed to the premises served.

K. The delinquent account turn-off fee applies at the moment of dispatch.

L. Emergency turn-off and turn-on requests, which necessitate immediate action, will be completed without fee during regular posted business hours.

M. A new account set-up fee of \$10.00 will be charged for changing account records to reflect change of property owner or change of tenant.

Section 16. Amendment. Section 13.05.375, "Discount for low income senior and disabled citizens." of the Mountlake Terrace Municipal Code is hereby amended to read as follows:

13.05.375 Utility discount for low income senior and disabled citizens.

Mountlake Terrace property owners over the age of 62 living on the property in a household with an aggregate income equal to or less than 140 percent of the established federal poverty level as now or hereinafter amended shall be eligible to qualify for a 30 percent discount on water, sewer and stormwater charges. Mountlake Terrace disabled property owners who qualify for special parking as defined by RCW 46.16.381, are blind as defined by RCW 74.18.02, or are disabled, handicapped, or incapacitated as defined by any other existing state or federal program, are living on the property in a household with an aggregate income equal to or less than 140 percent of the established federal poverty level as now or hereinafter amended shall be eligible to qualify for a 30 percent discount on water, sewer and stormwater charges. To qualify for the 30 percent discount, applicants must complete an application form provided by the City and submit proof of

income to the City Manager or designee. The discount will be effective with the next regular billing following approval of an application.

Section 17. Amendment. Section 13.05.380, “Illegal connections.” of the Mountlake Terrace Municipal Code is hereby amended to read as follows:

13.05.380 Utility illegal connections.

No person shall make any connection with either the water, stormwater or sanitary sewer system, or add to an existing connection, without first obtaining a permit as herein required.

Section 18. Amendment. Section 13.05.390, “Violations – Penalty.” of the Mountlake Terrace Municipal Code is hereby amended to read as follows:

13.05.390 Utility violations – Penalty.

In addition to all civil rights of collection, liens, shutoff and other remedies available to the City of Mountlake Terrace as prescribed by Washington statute and ordinance for unauthorized use and/or nonpayment of charges, and/or unlawful acts prescribed by this chapter, any person, firm, corporation or other organization, including any officers, directors and managers thereof, who violates any provision of this chapter shall be guilty of a misdemeanor and subject to penalties of up to \$1,000 and/or 90 days in jail.

Section 19. Chapter Section Title Amendment. Title 13.20 section titles of the Mountlake Terrace Municipal Code, Sanitary Sewers, are hereby amended to read as follows:

**Chapter 13.20
SANITARY SEWERS**

Sections:

- 13.20.010 Purpose.
- 13.20.020 Definitions.
- 13.20.030 Unlawful to interfere with public sewer.
- 13.20.040 Connection required when.
- 13.20.050 City Manager – Duty to compel connection.
- 13.20.060 Notice to connect.
- 13.20.070 Connection authorized by City Manager.
- 13.20.080 Repealed.
- 13.20.090 Responsibility for maintenance.
- 13.20.100 Service lateral sewer – Connection/construction – License required.
- 13.20.110 Side sewer – Connection/construction – Owner or licensed contractor required.
- 13.20.120 Permit required.
- 13.20.130 Connection/sewer plan/as-built drawing.
- 13.20.140 Posting of permit card.
- 13.20.145 Service lateral.
- 13.20.150 Work subject to City Manager approval.
- 13.20.160 Inspection.
- 13.20.170 Filling or covering after inspection.
- 13.20.180 Construction standards.

- 13.20.190 Repealed.
- 13.20.200 Removal.
- 13.20.210 Violation – Penalties.
- 13.20.220 Inspections – Side sewer or sewer service lateral.
- 13.20.230 Restoration.
- 13.20.240 Removal of trees and shrubs.

Section 20. Amendment. Section 13.20.020, “Definitions.” of the Mountlake Terrace Municipal Code is hereby amended to read as follows:

13.20.020 Definitions.

Words and phrases used herein, unless the same shall be contrary to or inconsistent with the context shall mean as follows:

A. “City Manager” includes and means the Public Works Director, City Engineer, Superintendent of Water or Sewer Departments, Sewer Inspector, or any other person acting under the authority of the City Manager.

B. “Sanitary sewer system” means that system of pipes, manholes and pumping stations as part of an integral municipal sewer system which has been authorized pursuant to ordinances enacted during the years 1958 and 1959.

C. “Service lateral” or “service lateral sewer” means that sewer pipe which extends from a public sewer main to the property line, there to be connected with a side sewer pipe to serve buildings or residences. The “service lateral” or “service lateral sewer” includes the connection to the public sewer main.

D. “Side sewer” means that sewer pipe which extends from the point of connection to the service lateral to the point of connection to the plumbing from a building or residence, said point of connection to the plumbing not to exceed 30 inches from the foundation.

E. “Repair and maintenance” means the opening of any sewer line for the purpose of cleaning, replacement, or repair of the line.

F. “Public Sewer Main” means a sewer owned, operated, and maintained by the City that collects sewage from service lateral sewers.

Section 21. Repealed. Section 13.20.080, “Connection charge – Delinquency.” of the Mountlake Terrace Municipal Code is hereby repealed.

13.20.080 Repealed.

Section 22. Amendment. Section 13.20.090, “Responsibility for maintenance.” of the Mountlake Terrace Municipal Code is hereby amended to read as follows:

13.20.090 Responsibility for maintenance.

Property owners are responsible for keeping side sewer and service lateral sewers unclogged and free flowing at all times at their sole expense. All expense and liability for loss or damage related to side sewers or service sewer laterals which are not maintained in an unclogged and free flowing condition shall be the responsibility of the property owner(s).

The city shall be responsible for repair and/or replacement of service lateral sewers.

Section 23. Amendment. Section 13.20.120, “Permit required.” of the Mountlake Terrace Municipal Code is hereby amended to read as follows:

13.20.120 Permit required.

No person shall connect with or open or penetrate any public sewer, construct, repair, or perform maintenance on any service lateral or side sewer without first obtaining a permit at the then current permit fee. The City shall keep record of all fees charged, giving the name of the person paying said fee, the amount charged, and stating the date and number of the permit.

Applications for such permits shall be obtained prior to starting any work, except where repairs or maintenance of an emergency nature are required to be made during such hours that the City is closed, the application and permit shall be obtained during the next regular work day.

Section 24. Amendment. Section 13.20.130, “Connection/sewer plan.” of the Mountlake Terrace Municipal Code is hereby amended to read as follows:

13.20.130 Connection/sewer plan/as-built drawing.

Before any such permit is granted, the applicant must pay the City Manager such fees as are specified in other applicable ordinances or resolutions, and furnish a plan of the proposed connection or sewer in accordance with the then current permit application requirements, together with whatever other information is required on application forms furnished by the City to the applicant. Said plan shall show the course of the sewer from the connection with the street main or service lateral to its other terminus, with the location of all branches, clean outs, traps and fixtures to be connected therewith. Said plan shall be correct, and conform to the engineering standards of the City.

It shall be the responsibility of the contractor or owner to provide the City with an as-built drawing of all repair work including any changes made in the routing or materials of any side sewer or service lateral sewer or the relocation, deletion, or addition of any clean outs.

Section 25. New Section. Section 13.20.145, “Service lateral.” of the Mountlake Terrace Municipal Code is hereby added as follows:

13.20.145 Service lateral.

If in affecting the repair or maintenance of a side sewer or service lateral the contractor shall first notify the City, and if during such hours that the City offices are closed, notify Public Works on call personnel that such uncovering is required. Any contractor performing such work on any side sewer or service lateral shall be subject to the requirements set forth in Chapter 13.20 MTMC as now or hereinafter amended.

Section 26. Amendment. Section 13.20.180, “Construction standards.” of the Mountlake Terrace Municipal Code is hereby amended to read as follows:

13.20.180 Construction standards.

All service laterals and side sewers shall be constructed in compliance with city standards.

Section 27. Repealed. Section 13.20.190, “City Manager – Right to enter premises.” of the Mountlake Terrace Municipal Code is hereby repealed.

13.20.190 Repealed.

Section 28. Amendment. Section 13.20.210, “Violation – Penalties.” of the Mountlake Terrace Municipal Code is hereby amended to read as follows:

13.20.210 Violation – Penalties.

Violations of any provision of this chapter shall be subject to the penalties as set forth in MTMC 13.05.390.

Section 29. New Section. Section 13.20.220, “Inspections – Side sewer or sewer service lateral.” of the Mountlake Terrace Municipal Code is hereby added as follows:

13.20.220 Inspections – Side sewer or sewer service lateral.

The City shall be notified as to when the side sewer or sewer service lateral will be ready for inspection and no closure of any ditch, hole, or opening shall be performed until the inspector or the person acting under the authority of the City Manager has approved such installation or repair for cover. In those cases where a repair was of an emergency nature, done during the hours the City offices were closed, the ditch, hole, or opening shall be left open and properly protected by barricades or some other means until permit is obtained and repair approved.

Section 30. New Section. Section 13.20.230, “Restoration.” of the Mountlake Terrace Municipal Code is hereby added as follows:

13.20.230 Restoration.

It shall be the contractor’s responsibility that care be taken in the removing of sod, shrubs, flowers, etc., so that these items can be replaced and the area left in as good or better condition than prior to the starting of the repair.

Section 31. New Section. Section 13.20.240, “Removal of trees and shrubs.” of the Mountlake Terrace Municipal Code is hereby added as follows:

13.20.240 Removal of trees and shrubs.

If during or after the installation or repair, it is found that the problem was created by a tree, shrub, or some other growth, it shall be the responsibility of the property owner, upon notification by the City, to remove said tree, shrub, or growth to prevent reoccurrence. If the owner fails to do so, and damage results to property owned by others, or if the main sewer line is plugged or damaged as a result of such failure, the owner shall be in violation of this chapter and shall be subject to the penalties set forth in Chapter 13.05 MTMC.

Section 32. Removal. Section 13.20.200, “Unlawful activities.” of the Mountlake Terrace Municipal Code is hereby removed.

Section 33. Repealed and Reserved. Chapter 13.25, “Sanitary Side Sewers” of the Mountlake Terrace Municipal Code is hereby repealed and reserved.

Chapter 13.25 Repealed and Reserved.

Section 34. Corrections. The City Clerk and codifiers of the ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of

scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 35. Conflict. All ordinances, and parts of ordinances of the City of Mountlake Terrace in conflict herewith, be and the same are hereby repealed.

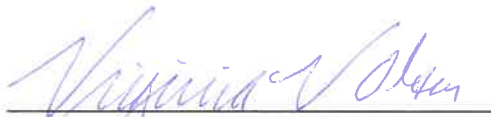
Section 36. Severability. If any section, sentence, clause or phrase of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any section, sentence, clause or phrase of this Ordinance.

Section 37. Publication and Effective Date. This Ordinance, or a summary thereof consistent of the title, shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after its adoption and publication as required by law.

PASSED by the City Council of the City of Mountlake Terrace this 4th day of November, 2019, and signed in authentication of its passage this 4th day of November, 2019.



Mayor Kyoko Matsumoto Wright

ATTEST: 

City Clerk

APPROVED AS TO FORM: 

Gregory G. Schrag, City Attorney