

ORDINANCE NO. H-3-2016

AN ORDINANCE imposing rates and charges on on-site sewage systems to fund implementation of the *Thurston County On-site Sewage System Management Plan Update*, adopting Article IV, section 29 and amending Article IV, section 24.1 of the Sanitary Code for Thurston County.

WHEREAS, the Board of Health adopts the following findings:

1. The Washington State Board of Health, in WAC 246-272A-0015, requires the Thurston County health officer to develop and implement a management plan for the development and management of on-site sewage systems (OSS) within Thurston County.

2. The Thurston County Board of Health approved Resolution H-2-2016 adopting the *Thurston County On-site Sewage System Management Plan Update (Plan)* on November 8, 2016.

3. To implement the Plan, RCW 70.05.190 authorizes the Board of Health to impose and collect reasonable rates and charges in an amount sufficient to pay for the actual costs of administration and operation of the Plan for collection by the county treasurer.

4. The Plan recommends that the county's on-site sewage system regulatory and oversight programs be funded by a charge on all on-site sewage systems to be collected via the property tax statements that would replace the time of transfer, septic tank reporting, and operational certificate renewal fees.

5. The Plan includes a three tiered fee structure that bases charges on the geographic location of the OSS and the work the health department anticipates is needed to implement the Plan in that area, with the highest charge in Marine Recovery Areas or other designated special areas, an intermediate charge in Puget Sound watersheds that are not special areas, and the lowest charge in the Chehalis watershed not within special areas.

6. Resolution H-2-2016 directs the Environmental Health Division to begin implementation of the Plan by preparing a funding proposal and amendments to the Sanitary Code for Thurston County for Board consideration.

7. On December 6, 2016, the Board of Health held a public hearing on the proposed resolution to adopt rates and charges. The majority of those testifying opposed the level of rates and charges and many questioned the tiered fee structure and the need to replace time of transfer, septic tank reporting and operational certificate renewal fees with a charge on the property tax statement.

8. Following the public hearing, the Board of Health directed staff to reduce the proposed annual base charge to \$10; to except from these charges any properties

subject to shellfish protection district rates and charges for an on-site sewage system operation and maintenance program; and to leave in place other fees set forth in the Sanitary Code.

9. Beginning in 2018, the Board of Health desires to provide a more stable funding source to implement the plan by establishing rates and charges with an annual automatic adjustment thereafter based on increases in the Consumer Price Index.

NOW, THEREFORE, Thurston County Board of Health hereby ordains as follows:

Section 1. Article IV, section 24.1 of the Sanitary Code for Thurston County is hereby amended to read as follows:

24.1 Any person desiring a waiver of any provision of this article with the exception section 29, or a provision of state law, rule, or regulation governing OSS under 3500 gallons per day, shall submit a waiver request on a form provided by the Health Officer along with the applicable administrative waiver fee set forth in Article I, Appendix A.

Section 2. Article IV, section 29 of the Sanitary Code for Thurston County is adopted to read as follows:

SECTION 29 ON-SITE SEWAGE SYSTEM RATES AND CHARGES

29.1. **Rates and Charges.** Beginning January 1, 2018 and each year thereafter, the following annual rates and charges shall apply to all parcels served by OSS in Thurston County, except for those properties served by OSS that are subject to shellfish protection district rates and charges for an on-site sewage system operation and maintenance program.

29.1.1 For 2018, the base amount of \$10 shall be charged per single-family residence or unit volume of sewage (UVS), plus an additional \$10 for every additional residential unit or UVS.

29.1.2 For sewage flow from sources other than a single-family residence, mobile home site in a mobile home park, food establishment or school, the number of UVS will be determined by the system design flow. Where no system design flow is established in Thurston County records, other available data acceptable to the Health Officer may be used, such as water use figures or numbers of employees or plumbing fixtures.

29.1.3 For each subsequent year after 2018, the rates and charges, including the UVS charge, shall be automatically adjusted on January 1 by the percentage increase, if any, in the April Consumer Price Index for the previous year. The maximum annual increase shall be 3.5%. "Consumer

Price Index" for the purposes of this section shall mean the Urban Wage Earners and Clerical Workers Index for the Seattle-Tacoma-Bremerton area. All adjustments to the rates and charges based on the Consumer Price Index. The annual base charges shall be posted on the county's web site prior to each January 1.

29.1.4 Senior/Disabled Exemption. The rates and charges on any parcel owned by a person who is currently granted an exemption under RCW 84.36.381 through .385 shall be reduced by 50%.

29.1.5 Delinquent charges. Delinquent charges shall bear interest at the rate of 12% per annum, computed on a monthly basis and the interest shall be collected with the rates and charges.

29.2 Collection

29.2.1 The rates and charges shall be included in Thurston County's property tax statements to be collected by the Thurston County Treasurer.

29.2.2 The rates and charges, and any interest, shall be due and payable on or before the 30th day of April and shall be delinquent after that date; however, if one-half of the rates and charges are paid on or before the 30th day of April, the remainder shall be due and payable on or before the 31st day of October and shall be delinquent after that date.

29.2.3 Delinquent rates and charges may be collected by a collection agency under contract with Thurston County or other legal means.

29.3 Owner Request for Review. Property owners who believe their property was charged an incorrect level of rates and charges may seek review of any of the following:

- A. Whether their property is served by one or more on-site sewage systems; or
- B. The number of residential units or unit volumes of sewage (UVS) determined for their property.

No other review or appeal will be allowed.

Any deadlines to request review and a timeline for determinations will be established by the Environmental Health Director and posted on the county's web site.

Applications for review shall be made to the Environmental Health Division Director on a form provided by the Department. The applicant may submit any information (maps, photographs, details) to support the adjustment requested.

The burden of proof shall be on the applicant to show that the adjustment sought should be granted.

The Director, or the Director's designee, will consider all information submitted by the applicant and any information on file with the Department regarding the property. The Director or designee may request a meeting with the applicant and Department staff to consider available information regarding the review.

The Director or designee will issue a letter of determination to the applicant. The determination is final and there shall be no further right of administrative appeal.

29.4 Corrections. If the Health Officer determines that the rates and charges charged against any property were incorrect based on an error in billing, incorrectly identified property, or the location of the OSS or its components, the rates and charges may be corrected, provided that no corrections shall be allowed more than three years after the date payment was due without delinquency.

Section 3. Severability. If any term or provision of this Ordinance, or its application to any person or circumstance, is held to be invalid, illegal or unenforceable by any court or agency of competent jurisdiction, the remainder of this Ordinance, and the application of the provision to other persons or circumstances, shall not be affected.

Section 4. Effective date. This Ordinance take effect on the date of adoption.

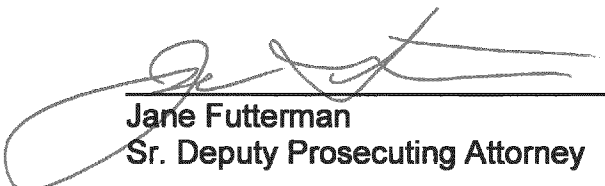
ADOPTED: December 16, 2016.

ATTEST:



Clerk of the Board

APPROVED AS TO FORM:

JON TUNHEIM
PROSECUTING ATTORNEY


Jane Futterman
Sr. Deputy Prosecuting Attorney

BOARD OF HEALTH
Thurston County, Washington


Chair


Vice-chair

Voted No
Commissioner Blake