

ORDINANCE NO. H-4-2020

An emergency ordinance suspending, waiving, and amending certain provisions of Articles I, II, IV, and VII of the Sanitary Code for Thurston County, extending the expiration or providing for automatic renewal of certain permits and approvals, and modifying hearing procedures as a result of the emergency due to the COVID-19 outbreak.

WHEREAS, the Thurston County Board of Health adopts the following findings:

1. On March 12, 2020, the Thurston County Board of County Commissioners adopted Resolution No. 15880 declaring an emergency under chapter 38.52 RCW due to the worldwide and local outbreak of COVID-19.
2. On March 16, 2020, Governor Jay Inslee issued emergency proclamation 20-13 due to the COVID-19 emergency prohibiting on-site consumption of food at food service establishments, and prohibiting the operation of theaters, gyms, fitness centers, barbershops, salons, and other venues where people congregate. The order also prohibited the operation of other retail stores unless they implement sanitation and social distancing measures established by the U.S. Centers for Disease Control.
3. On March 19, 2020, the Board of County Commissioners closed county offices to public access. Most county public health services continue to be available with services provided electronically or by telephone.
4. Environmental Health programs are functioning through online access, and permitting and inspections services remain available.
5. On March 23, 2020, Governor Jay Inslee issued emergency proclamation 20-25 prohibiting non-essential businesses from conducting business, and ordering all people in Washington from leaving their homes except to conduct essential activities and to perform essential services. The Governor's order is extended until at least May 4, 2020.
6. While Thurston County Environmental Health services provide essential services that continue to be available to the public, many Thurston County businesses are closed or are operating in limited capacity, and many Thurston County residents are experiencing reduced employment or unemployment as a result of the COVID-19 pandemic and necessary emergency measures.
7. In order to alleviate certain impacts to people, property, and infrastructure, resulting from the state of emergency, certain requirements of the Sanitary Code

for Thurston County should be modified to allow additional time to complete permitted work and renew permits and approvals, and hearing processes should be modified.

8. The Thurston County Board of Health has the authority to enact local rules and regulations as are necessary in order to preserve, promote and improve the public health pursuant to RCW 70.05.060 and to adopt emergency provisions pursuant to Article I, section 4.2 of the Sanitary Code for Thurston County.
9. It is necessary for provisions of the Sanitary Code to be waived or revised as set forth in this Ordinance to preserve, promote and improve the public health, and for immediate adoption of this Ordinance without notice and hearing for the preservation of the public health, safety, or general welfare.

NOW, THEREFORE, the THURSTON COUNTY BOARD OF HEALTH hereby ordains as follows:

SECTION 1. Article I, sec. 4.2 of the Sanitary Code for Thurston County is amended for the period March 12, 2020 to September 30, 2020 to suspend the last sentence which reads, "Any emergency provision shall not remain in effect for longer than forty-five (45) calendar days after its adoption."

SECTION 2. Article I, sec. 15 of the Sanitary Code for Thurston County is amended to read as follows:

SECTION 15 TIME COMPUTATIONS. Any time period established in this Code shall be computed by excluding the first day from which the time period begins and counting the last day. If Thurston County offices are not open on the last day, the time period runs until the next day that Thurston County offices are open. For the purpose of this section, except for Saturdays, Sundays and legal holidays established in RCW 1.16.050, County offices are open on any day that County services are available by phone, email or through alternative arrangements during emergency closure of the County offices to public access. The health officer or hearing officer may extend any time period as appropriate to circumstances that arise during the COVID-19 emergency.

SECTION 3. During the COVID-19 emergency, any requirement of the Sanitary Code for Thurston County to conduct a hearing in a physical location or for the physical presence or attendance of any person at a hearing shall be suspended. Hearings may be conducted telephonically, by other electronic means, or, at the health officer's discretion, in any manner that provides for participation with appropriate social distancing and sanitation measures.

SECTION 4. Food establishment permits issued under Article II, section 5.2(c) of the Sanitary Code for Thurston County expiring from March 12, 2020 to July 31, 2020 shall be automatically extended to September 30, 2020 without any additional fee. This section shall not apply to temporary food establishment permits.

SECTION 5. Article IV, sec. 8.3.3.1 of the Sanitary Code for Thurston County is amended to read as follows:

8.3.3.1 For any proposal other than a repair, a valid, unexpired OSSA shall expire one year after the date of application. This period may be extended for a single one year period without charge, if specifically requested in writing by the applicant prior to the expiration date. A revision to a design or site plan shall not change the OSSA expiration date for any proposal including a repair.

An OSSA expiring from March 12, 2020 to September 30, 2020 shall be automatically extended for one year. The requirement that the extension must be specifically requested in writing prior to the expiration date is suspended from March 12, 2020 to September 30, 2020.

Any OSSA for which the extended expiration date expires between March 12, 2020 and September 30, 2020 shall be automatically extended to September 30, 2020.

SECTION 6. Article IV, sec. 8.3.3.2 of the Sanitary Code for Thurston County is amended to read as follows:

8.3.3.2 For a proposal other than a repair, a valid, unexpired OSSP shall expire three years after the date of the conditional site approval. If a building permit is obtained during the three year period of validity for the OSSP, the OSSP will be valid for three years or as long as the building permit is valid, whichever is greater, but in no case shall the validity of an OSSP exceed five (5) years from the date of the conditional site approval. A revision to a design or site plan shall not change the OSSP expiration date for any proposal including a repair.

Any OSSP expiring between March 12, 2020 and September 30, 2020 shall be automatically extended to September 30, 2020.

SECTION 7. Article IV, sec. 8.3.3.4 of the Sanitary Code for Thurston County is amended to read as follows:

8.3.3.4 For a repair, the OSSA and OSSP shall expire one year after the date of application. An extension of one year may be authorized by the Health Officer if requested prior to the expiration date of the OSSA or OSSP and if there are extenuating circumstances, such as difficult site conditions, abnormal rainfall, or difficulty in developing an operation and maintenance manual. If an extension is granted, the requirements that applied at the time of the application will be the applicable standards. Expired OSSA and OSSP shall not be renewed or extended.

For a repair, an OSSA and OSSP expiring from March 12, 2020 to September 30, 2020 shall be automatically extended for one year without any need to request an extension.

SECTION 8. Any operational certificate requiring renewal in accordance with Article IV, sec. 16.4 of the Sanitary Code for Thurston County between March 12, 2020 and September 30, 2020 shall be automatically adjusted to a renewal date of September 30, 2020 or a date thereafter established by the Health Officer. The Health Officer will send renewal notices with the adjusted date.

SECTION 9. Article IV, sec. 16.8.4 of the Sanitary Code for Thurston County is amended to read as follows:

16.8.4 An inspection report that meets the requirements of this section will remain valid for one (1) year unless any condition reported in the report or sketch is known by the owner or OSS professional to have materially changed.

Until September 30, 2020, an inspection and pumping report that indicates system performance will be valid for an inspection performed March 1, 2019 or thereafter.

SECTION 10. Article VII, sec. 5.3 of the Sanitary Code for Thurston County is amended to read as follows:

5.3 **Operating Permit Renewal** Operating permits shall be renewed on an annual basis. If an annual permit is not renewed prior to April 1st, a late fee will be charged as specified in Appendix A of Article I of this Code. Water recreation facilities which continue to operate past April

15th without a valid permit shall be ordered CLOSED by the health officer until such time as a permit is applied for and obtained.

For the year 2020, the late fee specified in Appendix A of Article I is waived and shall not be charged.

SECTION 11 SEVERABILITY. If any provision of this Ordinance or its application to any person or circumstance is, for any reason, declared invalid, illegal or unconstitutional in whole or in part, the remainder of this ordinance or the application of the provision to other persons or circumstances shall not be affected.

SECTION 12. EFFECTIVE DATE. This ordinance shall take effect immediately upon adoption and shall expire December 31, 2020.

Adopted: April 30, 2020

ATTEST:

Lydia Hodgkinson
Clerk of the Board

BOARD OF HEALTH
Thurston County, Washington

Tye Menser
Tye Menser, Chair

APPROVED AS TO FORM:

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PROSECUTING ATTORNEY

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