

RESOLUTION NO. _____

A RESOLUTION amending Title 13 of the Mason County Code to revise Chapter 13.31, the Belfair Sanitary Sewer Code

WHEREAS, the Board of County Commissioners (Board) of Mason County (County) approved the wastewater treatment and water reclamation system project (Project) for the Belfair Urban Growth Area (UGA); and

WHEREAS, the Project is intended to build a safe, efficient and environmentally friendly sewer system within key areas of the Belfair UGA. This system will use flat plate membrane technology, which is seen as a pivotal element vital to the health of Hood Canal; and

WHEREAS, the Project is important for future economic development in the Belfair UGA both from near term construction activity and long-term employment associated with improved infrastructure; and

WHEREAS, Hood Canal supports a vibrant commercial shellfish industry, as well as recreational shell-fishing opportunities that attract many tourists year-round; however, in Lower Hood Canal, where Belfair is located, water quality has deteriorated due to high levels of fecal coliform bacteria and increased nutrient loading; and

WHEREAS, septic systems have been identified as one of the causes of nitrogen pollution in Hood Canal; and

WHEREAS, the Board acknowledges that wastewater facilities are needed to provide a sustainable approach to water management that protects Hood Canal and treats wastewater to Class A standards for water reuse. On a long-term basis the Project will be the backbone for urban infrastructure in Belfair as mandated by the Growth Management Act; and

WHEREAS, the Board declares that the primary means of sewage collection and disposal in the Belfair UGA area shall be through construction and connection to the County's permanent sewer collection system and treatment facilities; and

WHEREAS, the Board adopted Ordinance No. 91-07, which required that all developed parcels of property located within 500 feet of the sewer alignment for the Belfair wastewater and reclamation facilities pipeline shall connect to the facilities as soon as sewer service is available; and

WHEREAS, the Board has established the County Sewer Hook-up Program to assist property owners in Belfair with the construction and financing related to connection to the Belfair sewer facilities; and

WHEREAS, in recognition of the remaining value of existing septic systems that will have to be disconnected, grant funding has been used to offset the capital facilities

charges that would otherwise be charged to existing structures within the Phase 1 area that are connected by December 31, 2011 and existing structures within the Phase 2 area for which a capacity reservation is acquired by July 31, 2012; and

WHEREAS, the Board intends that all sewer systems owned and operated by the County shall be constructed and maintained in accordance with uniform standards; and

WHEREAS, the Board amended Title 13 of the Mason County Code on August 2, 2011 to adopt a new Chapter 13.31, entitled "Belfair Sanitary Sewer Code" to provide uniform regulations for the construction, connection and operation of the Belfair sewer system facilities; and

WHEREAS, the provisions of Chapter 13.31 adopted on August 2, 2011 were designed to serve as interim sewer regulations, necessary to begin initial connections but intended to be replaced by final sewer regulations before the end of 2011; and

WHEREAS, final sewer regulations are needed in order to add monthly charges to fund the operating, capital, and debt service costs of the Belfair sewer system, and the final sewer regulations should also incorporate a variety of other changes to the interim regulations; and

WHEREAS, the Board now desires to adopt a revised Chapter 13.31 to replace the interim sewer regulations;

NOW THEREFORE, BE IT RESOLVED, that the Board of Mason County Commissioners hereby amends Title 13 of the Mason County Code, "Utilities", by adopting a revised Chapter 13.31, entitled "Belfair Sanitary Sewer Code", to read as set forth on Exhibit 1, attached hereto and incorporated by reference.

PASSED this _____ day of _____, 2011.

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON

Lynda Ring Erickson, Chairperson

Tim Sheldon, Commissioner

Steve Bloomfield, Commissioner

ATTEST:

Shannon Goudy, Clerk of the Board

APPROVED AS TO FORM:

Chief Deputy Prosecuting Attorney
Tim Whitehead, WSBA #37621

cc: Elected Officials
Dept. Heads

DRAFT

DRAFT AS OF 11/17/2011

RESOLUTION

CHAPTER 13.31 BELFAIR SANITARY SEWER CODE

Sections:

- 13.31.010 Purpose and intent.
- 13.31.020 Definitions.
- 13.31.030 Connections to public sewer required.
- 13.31.040 Administration.
- 13.31.050 Permits.
- 13.31.060 Permit fees, connection charges (CFC), ERUs.
- 13.31.070 County Sewer Hook-up Program.
- 13.31.080 ERU updates, capacity charges, strength charges.
- 13.31.090 Billing.
- 13.31.100 Unlawful use of public sewer system.
- 13.31.110 Enforcement.
- 13.31.120 Phase Description - Figure C

13.31.010 Purpose and intent.

A. Purpose. The purpose of this Chapter is to establish a sanitary sewage code for the Belfair Urban Growth Area. It is the intent and purpose of the board of county commissioners that sewer systems under its responsibility be constructed and maintained in accordance with uniform standards.

B. Uniformity. The board further declares that the primary means of sewage collection and disposal in the Belfair Urban Growth Area sewer service area shall be through the construction and extension of permanent sanitary sewers and connection of all sewage disposal systems to permanent sewer collection systems and sewage treatment facilities. The construction of sewer systems shall be in accordance with any applicable wastewater facility plan, or engineering report, rules and regulations governing the use of utilities for development and with all other rules, regulations and requirements as may be prescribed from time to time by the respective agencies of Mason County and the state of Washington.

C. Other applicable codes. In the event that federal, state or other applicable laws impose a standard or regulation that is in conflict with any provision of this code or any standard or regulations that the county may adopt pursuant to this code, then the most restrictive standard shall prevail.

13.31.020 Definitions.

A. Adoption. The words, terms and phrases used in this chapter shall have the same meanings as provided in Section 13.28.020 of this title, entitled "Definitions" for the North Bay - Case Inlet Sanitary Sewer Utility Administrative Code, which is adopted and incorporated by reference herein. For purposes of this chapter, any reference to

North Bay - Case Inlet in Section 13.28.020 shall be replaced with "Belfair Urban Growth Area".

B. Amendments. For purposes of this chapter, the definitions in Section 13.28.020 applicable to the Belfair Urban Growth Area are amended, deleted or supplemented as follows:

1. "Connection charges" means charges assessed by the "county" against a property owner for connection to "public sewer facilities" owned by the "county". Throughout this chapter, the terms "connection charges" and "Capital Facilities Charges ("CFC") mean the same thing and may be used interchangeably.
2. "County Sewer Hook-up Program" means the county program where owners of existing developed properties in Phase 1 may elect to contract with the county to install any lateral side sewer lines necessary to connect their property to the public sewer system and disconnect their septic systems. Under the program, the property owners shall be responsible for the costs of this service.
3. "Department" means the Mason County department of Utilities and Waste Management.
4. "Director" means the director of the department of Utilities and Waste Management.
5. Phase 1 means the geographic area identified and depicted on Figure C as Phase 1 referenced in Section 13.31.120.
6. Phase 2 means the geographic area identified and depicted on Figure C as Phase 2 referenced in Section 13.31.120.
7. "Residential equivalent unit (R.E.)" as defined in Section 13.28.020 shall be deleted and not apply to this chapter. The term "Equivalent Residential Units" (ERU) shall be used in this chapter, and unless otherwise defined elsewhere, means a measure of the estimated average volume of sewage flowing from a given parcel into the sewer system in relation to the estimated flow from an average single-family residential account.
8. "Standard water consumption" means the amount of annual water consumption defined as one ERU. The standard water consumption shall mean one hundred fifty five (155) gallons per day, equivalent to seven thousand five hundred sixty four (7,564) cubic feet of water per year.

13.31.030 Connections to public sewer required.

A. New development must connect. Pursuant to Mason County Ordinance No. 91-07 and MCC 17.03.030, every new building or structure located on property within 500 feet of the sewer alignment for the Belfair Wastewater and Reclamation Facilities pipeline shall be connected to public sewer facilities as soon as sewer service is available.

B. Existing structures or buildings must connect. Pursuant to Mason County Ordinance No. 91-07 and MCC 17.03.030, every existing structure or building located on property within 500 feet of the sewer alignment for the Belfair Wastewater and Reclamation Facilities pipeline shall connect to the public sewer facilities as soon as sewer service is available. Such connection shall be consistent with MCC 17.03.030 and occur if: (a) they are served by or have historically been served by septic systems; (b) they receive water service or rely on well water for non-irrigation purposes; or (c) they generate stormwater that fails to meet state standards for stormwater quality. If any provisions of this section conflict with MCC 17.03.030, then the most restrictive provisions shall apply.

C. Exemption. The director may exempt a property owner from the connection requirement of this section if the property owner provides evidence that the property generates only Class A stormwater and has a Department of Ecology discharge permit.

D. Permanent connections, construction standards. All connections to the public sewer facilities of the county shall be made in a permanent and sanitary manner in accordance with the provisions of this chapter and shall be sufficient to carry all wastewater of every kind from the building or structure into the public sewer. All connections to public sewer facilities shall be made in the manner prescribed in Article 5, Construction of Sanitary Sewer Systems of the North Bay/Case Inlet (Mason County) sanitary sewer administrative code, or in the discretion of the director, with other standards necessary for the Belfair Urban Growth Area.

E. Disconnection of septic system. All property owners that connect to the public sewer system shall disconnect and decommission their septic systems at the time of connection to the public sewer facilities in a manner consistent with all laws, rules and regulations.

13.31.040 Administration.

A. Administering department. The department of utilities and waste management has been established as a department within the government of the county. This department is under the management of the director of utilities and waste management. This department has the responsibility for the construction, maintenance and operation of the public sewer facilities, which are owned by the county, serving the Belfair Urban Growth Area.

B. Authority. The department of utilities and waste management shall construct, operate and maintain the public sewer system facilities servicing the Belfair Urban Growth Area, including collection systems and water reclamation facilities, for the collection, treatment, and beneficial use of wastewater.

C. Sewer fund. The county shall by separate resolution or ordinance create a sewer utility fund to properly account for any and all revenues received for the use of sewers as set forth in this chapter. All expenses for administration, development, construction, operation, maintenance and repair of the Belfair wastewater and water reclamation facilities and sewer system shall be charged to such fund.

D. Review, inspection and construction of sewer facilities. Prior to the construction, installation and operation of any public sewer facility or any private sewer facility governed by the provision of this chapter, property owners or their agents who are responsible for the construction shall be required to obtain a building permit and pay all required fees and charges.

E. Defects. The department may require the party or entity responsible for the construction to demonstrate satisfactory completion of all sewer lines installed by or on behalf of the owner. If defects are discovered by the county, the party responsible for the construction shall undertake and will be responsible for incurring all costs for repairing all defects.

F. Inspection.

1. For approval of the permit required by this chapter, the director or his/her designee shall be authorized to enter upon easement premises served by any building sewer or grinder pump installation or connected with any public sewer at all reasonable hours to ascertain, inspect or make necessary tests to determine whether the provisions of local, state and federal laws relative to sewerage have been complied with. In the event entry is refused, necessary steps shall be taken to make application for a search warrant to accomplish the appropriate inspection. Provided, however, if a search warrant cannot be obtained and the director has reason to believe that a violation of applicable provisions of local, state or federal laws relative to sewerage may exist, the department shall have the right to terminate the connection of the property to the public sewer facilities.
2. If such sewer, or its attachments, are in conflict with the provisions of any law or resolution in regard thereto, the property owner or his/her her agent shall be notified to cause such sewer or its attachments to be so altered, repaired or reconstructed at the owner's expense, so as to make them conform to the requirements of the laws and resolutions within a reasonable time limit established by the director from the time of receipt of such notice.
3. Every employee of the department being authorized to enter upon private property to inspect or have charge or maintaining the public sewer facilities of the department shall be furnished with means of identification and shall carry such identification at all times when engaged upon the duties of his/her position and produce and exhibit the same upon request.

13.31.050 Permits.

A. Permits required. No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer facilities or appurtenance thereof or construct any sewer disposal system without first obtaining a written permit from the department or other responsible agency. This article covers both permits for gravity sewer connections and grinder pump installation for the service area.

B. Building sewer permits. There shall be two classes of building sewer permits: (a) for residential, single-family service; and (b) for nonresidential service. In either case, the property owner or his/her agent shall make application on a form furnished by the county. A building sewer permit shall be required of any owner of the lots, parcel of real estate or structure(s) either required or electing to make a connection to a public sewer or make a modification, repair, disconnection, inspection or addition to an existing building sewer. The appropriate permit and plan check fee shall be paid to the county at the time the application is filed. Upon acquisition of the building permit and payment of the connection fee, the owner shall receive a "blue card" authorizing construction and connection.

C. Sewer permit - Term. A building sewer permit is valid for twelve months from the date of issuance. The sewer permit may be extended an additional twelve months without securing a variance. If after twenty-four months, the sewer permit expires but the owner still wishes to connect owner's property to a sewer, the owner must obtain a new permit and pay the county another full permit fee unless circumstances, in the judgment of the director, warrant a variance. If a sewer permit is cancelled by the owner, the full permit fee shall be forfeited.

D. Building sewer permit requirements. A building sewer permit shall be obtained in the following manner:

1. Permits shall be issued only upon proper application to the Mason County department of community development.
2. A permit which authorizes work in a public right-of-way or easement dedicated to Mason County or the connection with or opening into any public sewer other than through the normal opening of a wye, tee or side sewer stub shall be issued to a licensed contractor.
3. A permit which authorizes building sewer work may be issued to the owner of the property. For building sewer as defined in Section 13.28.020 of this code, the owner may perform only that portion of the connection located on private property and not in public right-of-way or easement dedicated to the county.
4. Sewer permits shall not be transferable. Except as provided in 13.31.070, County Sewer Hook-Up Program, no person shall lay any pipe pursuant to any other person's or contractor's permit.
5. A sewer permit shall be issued prior to commencement of construction and only after all applicable charges and fees have been paid to the department by the owner or developer.
6. No sewer permit allowing connection to the public sewer shall be issued before the main sewer is accepted by the director, and the property owner so notified. An interim approval allowing building sewer construction without connection to a non-operational sewer may be issued at the discretion of the director.
7. The permit card must be posted on the job prior to commencing the work and must be readily accessible to the director.

13.31.060 Permit fees, CFCs, ERUs, monthly sewer charge.

A. Permit fees & costs.

1. At the time of application for a building permit, or if an applicant seeks to connect to the sewer system, the applicant shall apply for a sewer connection permit (blue card) and shall pay to the county a permit fee established by resolution of the board together with connection charges and/or other applicable charges (including grinder pump charges), if any, required by this chapter. If the permit is not issued, the permit fee, grinder pump charge and connection charges shall be refunded.
2. All costs and expenses incidental to the installation and connection to the sanitary sewer system whether it be gravity or grinder pump connection, shall be borne by the owner, including costs associated with decommissioning any existing septic tank. If sewer service by grinder pump is allowed by the director, owners shall purchase the required grinder pump from the county. The cost to the owner shall be that paid by the county for the grinder pump, including tax. Owners shall be required to provide right-of-entry documents for those properties served with a grinder pump.
3. A re-inspection fee of \$35 per additional visit shall be charged when more than one inspection is required in order for the County to ascertain that the property is properly connected to the public sewer system and the septic system disconnected.

B. Connection charge/Capital Facilities Charge (CFC) - intent. Consistent with RCW 36.94.140, and subject to the exceptions stated in this section, the intent of the CFC is to recover the full cost of capacity, which is defined as the projected total capital cost of the sewer system at full build-out, net of grants and property owner capital contributions (such as Utility Local Improvement District assessments or the value of sewer infrastructure paid for by developers and donated to the system), divided by the number of ERUs projected to be served by the system at full build-out. The calculation of the CFC shall only include capital costs to develop or expand the system, not to renovate or repair an existing system. The estimated full cost of capacity is expected to be updated periodically in order to reflect updated cost and ERU growth projections and to incorporate accrued interest for up to ten years for infrastructure already built.

C. Connection charge/CFC required. A connection charge/CFC shall be paid to the county before any structure is connected to public sewer facilities. No sewer permit shall be issued prior to the application for a building permit. No building permit shall be issued until all connection charges have been paid in full, except as otherwise provided in this chapter. The CFC shall be the fixed dollar amount set forth in 13.31.060.G per ERU for a given parcel, unless one of the exceptions described in 13.31.060.H applies, in which case the CFC shall be the applicable amount set forth in 13.31.060.H.

D. Residential ERUs.

1. The amount of annual water consumption defined as an ERU shall be referred to as the standard water consumption. The standard water consumption shall be one hundred fifty five (155) gallons per day, equivalent to seven thousand five hundred sixty four (7,564) cubic feet of water per year.
2. Subject to the exceptions stated in this section, each free-standing single-family residential structure shall be charged one (1) ERU for sewer service.
3. Subject to the exceptions stated in this section, if more than one free-standing single-family residential structure is located on one tax parcel, each structure shall count as one (1) ERU.
4. Multi-family uses are defined as two or more dwelling units in one structure. The number of ERUs for a multi-family structure shall be defined as the number of dwelling units multiplied by 0.7.
5. Where a legally permitted home occupation takes place within a residence, the structure shall be treated as a residential use for the purposes of determining ERUs, and not as a commercial use.
6. Where an ancillary structure is substantially dependent on a primary residence for normal residential functions (such as a detached garage apartment without separate kitchen facilities), the Director or his designee may consider the ancillary structure to be part of the primary residence for the purpose of determining ERUs.
7. Where a single-family structure of 400 square feet or less (exterior dimensions) is located on a parcel with another residential or commercial structure, the single-family structure of 400 square feet or less shall be counted as a multi-family dwelling unit. Where common ownership and a shared water meter exist, the Director or his designee may consider adjacent parcels to be functionally equivalent to one parcel for the purpose of determining the applicability of this provision.
8. A manufactured housing community, as defined in RCW 59.20.030, may elect to have its residential structures treated as a group, even if the manufactured homes are located on separate parcels and/or have separate water meters. If the manufactured housing community elects to be treated as a group, upon written notice of such election, it shall be billed as a single customer, and its residential structures shall be counted as multi-family dwelling units. If the manufactured housing community as a whole becomes delinquent, as defined by MCC 13.31.090.C, the Director may revoke the group status, and upon written notice of such determination, each manufactured home will be counted and billed as a single-family residential structure going forward.

E. Commercial ERUs.

1. The minimum number of ERUs for commercial accounts shall be one (1) ERU for each sewered structure. Where a given commercial structure has

multiple tenants with separate plumbing fixtures, the minimum number of ERUs shall be one (1) for each tenant.

2. For a multiple-tenant commercial structure in which all tenants share common plumbing fixtures (such as an office building with shared restrooms and shared kitchen facilities), the minimum number of ERUs is defined as 0.5 multiplied by the number of tenants. For a multiple-tenant commercial structure in which some tenants have separate plumbing fixtures and other tenants rely entirely on shared plumbing fixtures, the minimum number of ERUs is defined as the number of tenants with any separate plumbing fixtures, plus 0.5 multiplied by the number of tenants relying entirely on shared plumbing fixtures.
3. Where water consumption data can be obtained, the number of ERUs for an account shall be defined as the greater of (a) the minimum ERUs for that account, or (b) the account's total water consumption for the previous year divided by the standard water consumption for single-family residential accounts, rounded off to the nearest 1/10th of an ERU.
4. If actual monthly water consumption for a commercial account is not available, the number of ERUs for a commercial account shall be based on the type of business(es) occupying the parcel, applying the categories shown in Figure A (below). The estimates in Figure A (below) may be updated as necessary to reflect actual experience with similar types of businesses in Belfair or updated guidelines from state or federal governments, professional associations, or other utilities about standard water consumption by property use. If Figure A is updated, the updated version will be published on the County web site.
5. When the categories in Figure A (below) are used to estimate the commercial ERUs for a given commercial or mixed use parcel with more than one sewer structure or more than one tenant, the number of ERUs shall be the sum of the estimated ERUs for each tenant within each sewer structure. Commercial tenants relying entirely on shared plumbing fixtures shall be calculated as 0.5 times the number of ERUs shown in Figure A (below), with the total for the entire account rounded off to the nearest 1/10th of an ERU.
6. For mixed use parcels with both commercial and residential uses, where water consumption data is available, the number of commercial ERUs shall be the greater of: (a) the minimum number of commercial ERUs; or (b) the number of ERUs determined from the total water consumption for the entire parcel minus the number of residential ERUs.
7. If a commercial account relies on a well for drinking water in place of being connected to a municipal water system, the categories in Figure A (below) shall be used to estimate its ERUs. If a commercial account relies partly on a well and partly on the municipal water system, metered water consumption shall be the basis of the ERU calculation for those structures connected to the municipal water system, and there shall be additional

ERUs calculated from structures receiving drinking water from a well, using Figure A (below). If a well is used only for irrigation water, no ERUs will be assigned to water from that well.

F. Figure A – Estimated Commercial ERUs by Property Use (to be used only when water usage data is not available):

Estimated Commercial ERUs by Property Use

Type of Use	ERU Assumption if Water Usage Data is Not Available
Service Station	1 ERU; convenience store (small retail) is additional 1 ERU
Church (with kitchen)	1.44 ERUs per 100 people
Restaurant (with seating)	1 ERU per 12 seats
Restaurant (to-go only)	2 ERUs
Espresso Drive-through	1 ERU
Hotel	100 gallons per day (gpd) per room (restaurant or banquet facilities are counted separately)
Large Office	2 ERUs
Small Office	1 ERU
Doctor Office	500 gpd per 1,000 square feet
Dentist Office	750 gpd per 1,000 square feet
Auto Service	40 gpd per service bay
Small Retail	1 ERU
General Retail	100 gpd per 1,000 square feet
Grocery Store (with deli/meat/produce)	100 gpd per 1,000 square feet
Salon	1 ERU plus 25 gpd
Laundromat	1 ERU per washer
Daycare	10 gpd per person
Animal Grooming	30 gpd per person, add 50 gpd per tub/stall
Animal Boarding	30 gpd per person, add 5 gpd per stall
Sources: Washington Dept. of Health, Criteria for Sewer Works Design King County Metro Equivalencies Clark County Washington, Commercial Flow Calculation California EPA, Wastewater Treatment Facilities Construction Revenue Program Guidelines New York State, Design Standard for Wastewater Treatment Works	

All ERU calculations are rounded off to the nearest 1/10th of an ERU. The rounding applies to the total account, not to individual tenants or structures within a given account.

G. CFC Schedule. The CFC schedule shall be as follows:

1. From July 1, 2011 through December 31, 2012, the CFC shall be \$5,000 per ERU.

2. From January 1, 2013 through December 31, 2013, the CFC shall be \$6,000 per ERU.
3. From January 1, 2014 through December 31, 2014, the CFC shall be \$7,900 per ERU.
4. From January 1, 2015 through December 31, 2015, the CFC shall be \$10,200 per ERU.
5. From January 1, 2016 through December 31, 2016, the CFC shall be \$13,000 per ERU.
6. After December 31, 2016, the CFC shall be \$16,300 per ERU.

H. Exceptions to CFC amounts. Exceptions to the CFC amounts established in 13.31.060.G are as follows:

1. From July 1, 2011 through December 31, 2011, the CFC to connect existing structures located in Phase 1 to public sewer facilities shall be \$3,000 per ERU. Thereafter, the CFC amount for these structures shall be as established in 13.31.060.G.
2. From July 1, 2011 through July 31, 2012, owners of existing developed property located in Phase 2 may elect to pay a CFC of \$3,000 for no more than one ERU per parcel in advance of the availability of sewer service to Phase 2. This procedure is referred to as acquiring a "capacity reservation". The capacity reservation shall entitle the property owner to connect one ERU from that parcel to public sewer facilities when service becomes available. If a capacity reservation is not acquired by July 31, 2012, the CFC amount for these properties shall be as established in 13.31.060.G. If a property with more than one ERU has purchased a capacity reservation for one ERU, the CFC for the additional ERUs shall be required to be paid at then-current rates before the property is connected to public sewer facilities.
3. The county shall charge any parcel that has a capacity reservation for one ERU a capital service charge of \$25 per month. If the capital service charge is delinquent for 60 days beyond the due date, the property owner will receive a notice warning of the impending loss of the capacity reservation. If the capital service charge remains delinquent for 120 days beyond the due date, the capacity reservation shall be terminated. Upon termination, the parcel's connection to the public sewer facilities shall require the payment of a CFC at then-current rates established by 13.31.060.G, provided that the county shall provide the property with a \$3,000 credit against the future CFC to be applied at the time of connection.

I. Monthly Sewer Charges. The monthly sewer charge shall be \$96.00 per ERU. The charge for the first and last month of service shall be pro-rated to the number of days of service received within that month.

13.31.070 County Sewer Hook-up Program.

A. Program. Under the County Sewer Hook-up Program ("Program"), owners of existing developed properties in Phase 1 may elect to contract with the County to install any side sewer lines necessary to connect the property to the sewer system, and disconnect the septic system. The property owner shall be responsible for the cost of this service. The County shall provide an estimate of the cost before performing the service. The cost of connecting a given property may vary depending on the characteristics of the site.

B. Financing. The cost of connection services under the program may be financed over a 10-year period at 5% interest.

C. CFC financing. The property owners electing to participate in the program may also finance up to one-half of their CFC (or \$1,500) over a 10-year period at 5% interest.

D. Monthly bill. The interest and principal on the financed portion of the CFC and the connection services will be added to the monthly sewer bill of the account until the balance due and owing is paid in full.

E. Prepayment. Customers may elect to pay off the outstanding principal balance of their debt under the County Sewer Hook-up Program at any time without penalty.

F. Program contract. Property owners who elect to participate in the Program shall be required to execute agreements providing for such participation in a form required by the director.

13.31.080 ERU updates, capacity charges, strength charges.

A. Updating ERU estimates.

1. The number of ERUs used to calculate the monthly sewer charges for a given commercial or mixed use parcel will be updated on an annual basis, and based upon the most recent data available on water consumption.
2. If updated water consumption data is not available, historical metered water consumption data shall take precedence over the estimated ERUs in 13.31.060.F - Figure A, as the basis of ERU calculations; provided that the property use or intensity of development has not changed. In general, absent a change in property use or intensity of development, the source of data of the commercial ERU calculation is intended to be, in priority order: (1) immediate past year's metered water consumption; (2) historical metered water consumption; and (3) 13.31.060.F - Figure A.
3. When property redevelopment or changes in tenant use increases the number of ERUs estimated for a given parcel, the property owner shall pay a CFC consisting of the number of incremental ERUs multiplied by the then-current CFC per ERU.

B. Capacity charges.

1. Regardless of whether there has been property redevelopment or changes in tenant use, if the most recent annual water consumption information for a given commercial or mixed use parcel is higher than the water consumption determined by the number of ERUs for which CFCs have been paid, and if the increase is at least the standard amount of water consumption currently defined as one ERU, then the county may calculate an additional monthly charge equivalent to a CFC on the incremental ERUs. This additional monthly charge shall be referred to as a "capacity charge."
2. Property owners may at any time elect to buy additional ERUs of capacity rights (thus foregoing the capacity charge) by paying a CFC at then-current rates for the incremental number of ERUs.
3. If the county adjusts the standard water consumption used to define one ERU, a "re-basing factor" will be calculated and applied to the original number of ERUs of CFCs paid in order to create an adjusted number of ERUs of CFCs paid for each property. The re-basing factor will be the old standard water consumption divided by the new standard water consumption. For the purpose of implementing the capacity charge, the number of ERUs for which a given property owner has purchased capacity rights shall be defined as the greater of (a) the number of ERUs of capacity rights after applying the adjustment factor, or (b) the number of ERUs of CFCs actually paid.
4. Once a property has been connected to the sewer, refunds of CFCs may be given only if there have been technical errors in the original ERU calculation, and not for changes in water consumption.

C. Adjustments to Water Consumption Data.

1. If a property owner elects to install a deduct meter or an irrigation-only meter as approved by the director at the property owner's own expense that measures irrigation-only use, the irrigation water shall be subtracted from the annual water consumption upon which the ERUs are calculated.
2. Until January 1, 2014, if a property owner requests an adjustment in the calculation of annual water consumption due to seasonal irrigation, and if the parcel does not experience a summer seasonal peak in indoor water consumption for that parcel, the county may, in its discretion, substitute the average off-peak water consumption for the measured peak-month consumption when calculating the ERUs. Unless usage patterns show otherwise, the peak season is assumed to be June-August. After January 1, 2014, only deduct meters or irrigation-only meters will serve as the basis for adjusting water consumption for irrigation.
3. In relying on the immediate past year's metered water consumption as the basis of ERUs for a given parcel, the intent is to estimate the relative sewage flows from that parcel for the upcoming year. To that end, the

county may extrapolate from partial year data or use historical data when it appears that the recorded water use data for the immediate past year is anomalous or incorrect. This extrapolation is intended to address situations where there might have been leaks, stolen water, meter malfunctions, or capital improvements during the year that will reduce water consumption for the upcoming year.

4. For commercial laundry facilities, the director may adjust the water consumption data used for calculating ERUs to account for the percentage of water used in the washing machines that evaporates in the dryers rather than being discharged to the sewer. This adjustment shall be based on the best available research for the washing machines in use by the facility.

D. Strength Charges.

1. Based on the property use, commercial accounts or mixed-use accounts shall be classified as domestic strength or high strength, using the estimates in Figure B (below). Residential accounts are estimated to have between 175-250 parts per million (ppm) of both biological oxygen demand (BOD) and total suspended solids (TSS). For commercial accounts or mixed-use accounts, "domestic strength" shall mean a concentration of BOD and TSS that is less than or equal to 500 ppm for both BOD and TSS. "High strength" shall mean a concentration of either BOD or TSS that is more than 500 ppm for either BOD or TSS.
2. If a parcel has multiple tenants, and some of the tenants are high strength, the strength charge shall be prorated in proportion to the number of ERUs estimated for each tenant. The sewer bill shall identify the strength charge and high-strength ERUs separately.
3. A business customer may appeal its strength classification to the county by paying for and providing to the county sampling and lab testing to determine site-specific BOD and TSS loadings. The sampling and testing shall be controlled and executed by the county at the time determined by the county, at the customer's cost and expense. If the testing shows the sewage from the site to be below the high-strength threshold for both BOD and TSS, then the strength charges shall be eliminated from future sewer bills, unless the department determines in the future that circumstances have changed on the property to warrant strength charges.
4. Upon receipt of a strength classification appeal, the county shall notify the property owner of the estimated cost of the appeal. The property owner appealing the strength classification shall pay the estimated appeal cost. Upon such payment, the county will conduct the testing and make a determination about the strength classification based on site-specific data. If the county determines that the property in question is a domestic strength account, then any strength charges paid prior to the date of the appeal will be refunded to the date of the appeal, and future strength charges will not be applied for a period not to exceed 12 months.

E. Figure B - Strength categories by property use:

Strength Categories by Property Use

Type of Use	BOD (ppm)	TSS (ppm)	Strength Category
Residential (varies with average water usage per capita)	175-250	175-250	Domestic
Auto steam cleaning	1,150	1,250	High
Bakery, wholesale	1,000	600	High
Bars without dining facilities	200	200	Domestic
Car wash	20	150	Domestic
Department and retail store	150	150	Domestic
Hospital and convalescent	250	100	Domestic
Hotel with dining facilities	500	600	High
Hotel/motel without dining	310	120	Domestic
Industrial laundry	370	680	High
Laundromat	150	110	Domestic
Laundry, commercial	450	240	Domestic
Grocery store with garbage grinders	800	800	High
Mortuary	800	800	High
Professional office	130	80	Domestic
Repair shop and service station	180	280	Domestic
Restaurant	1,000	600	High
School or college	130	100	Domestic
Definitions BOD: Biological Oxygen Demand. TSS: Total Suspended Solids. Ppm: parts per million. Domestic strength: Both BOD and TSS <= 500 ppm. High strength: Either BOD or TSS > 500 ppm.			
Source of BOD and TSS estimates by type of business: California EPA, Wastewater Treatment Facilities Construction Revenue Program Guidelines			

13.31.090 Billing.

A. Definition of Accounts – Sewer accounts shall be defined primarily by the tax parcel for which sewer service is to be provided. Where a given parcel has more than one water meter, the Director or his designee may elect to treat the parcel as having more than one sewer account for billing purposes; however, the ultimate responsibility for paying all sewer charges still rests with the property owner. Where a given property owner owns more than one adjacent parcel, then the Director or his designee may treat the commonly-owned parcels as one sewer account for convenience in billing.

B. Billing - Billings shall be mailed prior to the tenth day of every month. Sewer user charges shall be due and payable before the first day of the next monthly billing period for which charges are made.

C. Delinquent charges and liens. Delinquent charges and liens shall be as set forth as those described in Article 9, Enforcement of the North Bay/Case Inlet sanitary sewer utility administrative code.

D. Billings - To whom mailed. Billings may be mailed to the owner of the property, or his/her tenant, insofar as the county may reasonably ascertain the same. Failure to receive such bills shall not relieve and person liable therefore from the obligation to pay the same, nor the property receiving such service, or capable of receiving such service, from such lien therefore as may thereafter attach to the property in the manner provided by law. A fee of ten dollars shall be charged for any change in tenant, renter, ownership, or billing address.

E. When payments are due. Account holders begin paying the monthly sewer rate when they pay the CFC and sewer service is available. Phase 2 property owners who elect to purchase capacity reservations begin paying the monthly capital service charge when they pay the CFC. Monthly sewer charges are to be paid in advance of service, notwithstanding the fact that the amount of the charge may be based on historical data. Likewise, capital service charges for Phase 2 capacity reservations are to be paid at the beginning of the month for which they apply.

F. Seasonal disconnections prohibited. Seasonal disconnections are prohibited. If a property disconnects its sewer service, then in order to be re-connected to public sewer facilities, the property owner shall pay the then-current CFC per 13.31.060.G and all other applicable county fees and charges for a new sewer service.

G. Payment priority. Payments received by the county shall be applied in the following order: (1) interest charged for delinquent accounts; (2) late penalties for delinquent accounts; (3) monthly charges, including the monthly sewer charge, capital service connection charges, strength charges, and capacity rental charges; (4) interest on the outstanding County Sewer Hook-up Program debt; and (5) outstanding principal from the County Sewer Hook-up Program.

13.31.100 - Unlawful use of public sewer system. All prohibited uses and unlawful acts relating to public sanitary sewers, as established by Article 8 of the North Bay/Case Inlet (Mason County) sanitary sewer administrative code, shall apply to this chapter.

13.31.110 - Enforcement. Enforcement of this chapter shall be according to Article 9 of the North Bay/Case Inlet (Mason County) sanitary sewer administrative code.

13.31.120 - Phase Description. Phases 1 and 2 are the geographic areas identified and depicted on Figure C attached hereto and incorporated herein in full by this reference.