

ORDINANCE #431

AN ORDINANCE ESTABLISHING AN ONSITE WASTEWATER DISPOSAL SYSTEM INSPECTION PROGRAM.

WHEREAS, the Town of Yacolt does not have a public sewer system, rather the community depends upon individual onsite systems to treat wastewater; and

WHEREAS, onsite wastewater disposal systems ("onsite systems") may be appropriate for rural areas but are not appropriate for densely developed areas such as Yacolt; and

WHEREAS, the discharge from onsite systems within the densely developed Yacolt area risks contaminating groundwater—the community's drinking water supply; and

WHEREAS, the Southwest Washington Health District (now the Clark County Health Department) designated Yacolt as an *area of special concern*, under WAC 246-272, Regulation 92-01 and Resolution 93-42, recognizing that failing onsite systems risk contaminating the community's drinking water supply; and

WHEREAS, owners of onsite systems in an *area of special concern* are required to inspect and maintain their wastewater disposal systems in accordance with a program administered by the Clark County Health Department, which calls for the inspection of each onsite system in Yacolt every four years; and

WHEREAS, the results of studies indicate that more frequent inspections of onsite systems will provide additional protection to keep the drinking water supply and local surface waters from being threatened by improperly treated septage and that such inspections are reasonably necessary for the health, welfare and safety of the community; and

WHEREAS, the Town of Yacolt desires to make efforts to safeguard the community's drinking water supply and, thereby, protect public health; and

WHEREAS, the Town of Yacolt recognizes that a rigorous program providing for frequent and thorough inspection of onsite systems is a proven means to reduce the risk of groundwater contamination;

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF YACOLT:

Section 1: *Onsite Wastewater Disposal System Inspection Program.* A program providing for the thorough and frequent inspection of onsite systems throughout the Town of Yacolt's jurisdiction is established.

Section 2: *Program Administration.* Clark Public Utilities is designated to administer the onsite system inspection program. The operation of the program will be set forth in an interlocal agreement to be agreed upon by the parties. Parties to the agreement will include the Town of Yacolt, Clark Public Utilities, and the Clark County Health Department.

Section 3: *Inspection of Onsite System Components.* Components of an onsite system that require inspection will be identified by the Clark County Health Department and inspected according to Clark County Health Department requirements. Existing Aerobic Treatment Units or ATUs (as detailed in Schedule A), future ATUs as permitted or required by the Clark County Health Department, and other alternative onsite systems as permitted or required by the Clark County Health Department will be inspected and sampled according to Clark County Health Department requirements. Inspections of ATUs will be conducted under a separate program that is not administered by Clark Public Utilities; however, the results of ATU inspections will be submitted to Clark Public Utilities, consistent with Section 6.

Section 4: *Inspection Frequency.* All new onsite systems will be inspected after the first six months of operation and may require re-inspection annually thereafter as determined necessary by the program administrator dependent upon the condition of the onsite system and other factors deemed relevant by the program administrator. Existing onsite systems will be first inspected under this new Inspection Program twelve months after Clark Public Utilities has installed inspection ports and risers on onsite systems within the town and may require re-inspection annually thereafter as determined necessary by the program administrator dependent upon the age and condition of the onsite system and other factors deemed relevant by the program administrator. It is the intent of the parties to this agreement that in no event shall any system be inspected less than every twenty-four months.

Section 5: *Inspection Responsibility.* Clark Public Utilities will be responsible for having each onsite system inspected by a licensed inspector in a timely fashion. Clark Public Utilities may contract with one or more inspectors to conduct onsite system inspections. The selected contractor(s) will prepare a one-month prospective work schedule. This schedule will identify all properties upon which work will be performed during that month. The schedule will be submitted to the project manager and the Town of Yacolt one week before the month in which the work will be performed. In the event that a property owner does not grant permission to Clark Public Utilities to install inspection ports and risers on the onsite system serving that property and to conduct onsite system inspections, it will be the responsibility of the property owner to have an inspector, properly licensed by the Clark County Health Department, conduct an inspection of the onsite system, with the inspection to be performed consistent with the provisions under Sections 3, 4 and 6.

Section 6: *Inspection Results Notification.* The onsite system inspector will inform the property owner and Clark Public Utilities of the results of each inspection. Clark Public Utilities will inform the Town of Yacolt and the Clark County Health Department of the results of the inspection. This notification will be made as soon as feasible, given the inspection workload at the time, but in no event more than thirty days after the inspection is completed.

Section 7: *Remedial Action.* In the event any onsite system problems are identified as a result of an inspection, the Clark County Health Department will inform the property owner in writing of the remedial action that must be taken to correct the identified problems within seven days after the Clark County Health Department received the results of an inspection. The property owner will take remedial action immediately upon receiving the notice of correction, or within fifteen to ninety days, depending upon the health risks associated with the problem, as determined by the Clark County Health Department, which time period will be set forth in the written notice of correction. The Clark County Health Department is responsible for overseeing that any identified wastewater management problems are corrected in a timely fashion so as not to threaten the public safety, health and welfare. The Town of Yacolt and Clark Public Utilities will assist the Clark County Health Department in encouraging the property owner to take swift actions to correct the wastewater management deficiencies. The failure on the part of the Clark County Health Department, the Town of Yacolt or Clark Public Utilities to strictly adhere to these timelines is not a defense to the property owner's failure to correct any identified problems in a notice of correction. The parties to this agreement may enforce the remediation requirements envisioned by this Ordinance in any legal manner allowed under Washington law, including, but not limited to, bringing a public health nuisance action under Ordinance 390, now or as it may be amended, or seeking an injunction or restraining order against any property owner who fails to timely complete the required remedial action.

Section 8: *Record Keeping.* Clark Public Utilities will maintain an ongoing record of the characteristics, condition, and status of each onsite system, using an electronic database, and track the overall progress of the program.

Section 9: *Inspection Fee.* Each owner of an onsite system, except owners of ATUs and owners who have not granted permission for Clark Public Utilities to conduct onsite system inspections, will pay a monthly onsite system inspection fee of \$3.50. Clark Public Utilities will collect the fee on behalf of the Town of Yacolt. The fee will be a separate charge on the monthly bill for water consumption. Payment of the fee will be due on same date that the water bill is due. Late payments will be assessed a late charge of \$0.35 per month. Late charges will be in addition to all other remedies available to the Town of Yacolt under Washington State, federal or local law or regulation. Fee revenues will be retained by Clark Public Utilities in exchange for administering the onsite system inspection program, under the terms of the agreement provided under Section 2.

Section 10: Penalties. In addition to any other rights, remedies or causes of action available under law, the Town of Yacolt may fine a property owner up to \$1,000 for failing to inspect an onsite system consistent with Sections 3, 4 and 6, when it is the property owner's responsibility to inspect the system, or failing to correct an onsite system's problems within the time specified by the Health Department.

The ordinance shall take effect immediately upon adoption and publication according to law.

Passed by the Town Council of the Town of Yacolt, Washington this 15th day of March, 2004.

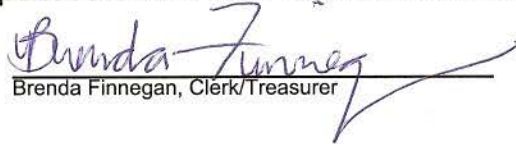
AYES Stewart, Tindall-Ellis, Smith, Mason, Weldon

NAYS None

ABSENT None

MAYOR  ATTEST 

I hereby certify that this is a true and correct copy of Ordinance #431 as read before the Council and passed on the date herein mentioned and passed according to law.

ATTEST 
Brenda Finnegan, Clerk/Treasurer

SCHEDULE A

Fifteen existing Aerobic Treatment Units (ATUs) as of February 18, 2004:

303 E. Wilson Street as of this date being a portion of Tax Serial No. 067322-002, being Book 48 of Surveys, Page 108, Lot 1 in Section 2, Township 4 North, Range 3 East of the Willamette Meridian.

305 E. Wilson Street as of this date being a portion of Tax Serial No. 067322-004, being Book 48 of Surveys, Page 108, Lot 2 in Section 2, Township 4 North, Range 3 East of the Willamette Meridian.

307 E. Wilson Street as of this date being a portion of Tax Serial No. 067322-006, being Book 48 of Surveys, Page 108, Lot 3 in Section 2, Township 4 North, Range 3 East of the Willamette Meridian.

309 E. Wilson Street as of this date being a portion of Tax Serial No. 067322-008, being Book 48 of Surveys, Page 108, Lot 4 in Section 2, Township 4 North, Range 3 East of the Willamette Meridian.

401 E. Wilson Street as of this date being a portion of Tax Serial No. 067322-010, being Book 48 of Surveys, Page 108, Lot 5 in Section 2, Township 4 North, Range 3 East of the Willamette Meridian.

403 E. Wilson Street as of this date being a portion of Tax Serial No. 067322-012, being Book 48 of Surveys, Page 108, Lot 6 in Section 2, Township 4 North, Range 3 East of the Willamette Meridian.

405 E. Wilson Street as of this date being a portion of Tax Serial No. 067322-014, being Book 48 of Surveys, Page 108, Lot 7 in Section 2, Township 4 North, Range 3 East of the Willamette Meridian.

406 E. Wilson Street as of this date being a portion of Tax Serial No. 067322-018, being Book 48 of Surveys, Page 108, Lot 9 in Section 2, Township 4 North, Range 3 East of the Willamette Meridian.

404 E. Wilson Street as of this date being a portion of Tax Serial No. 067322-020, being Book 48 of Surveys, Page 108, Lot 10 in Section 2, Township 4 North, Range 3 East of the Willamette Meridian.

402 E. Wilson Street as of this date being a portion of Tax Serial No. 067322-022, being Book 48 of Surveys, Page 108, Lot 11 in Section 2, Township 4 North, Range 3 East of the Willamette Meridian.

310 E. Wilson Street as of this date being a portion of Tax Serial No. 067322-024, being Book 48 of Surveys, Page 108, Lot 12 in Section 2, Township 4 North, Range 3 East of the Willamette Meridian.

308 E. Wilson Street as of this date being a portion of Tax Serial No. 067322-026, being Book 48 of Surveys, Page 108, Lot 13 in Section 2, Township 4 North, Range 3 East of the Willamette Meridian.

306 E. Wilson Street as of this date being a portion of Tax Serial No. 067322-028, being Book 48 of Surveys, Page 108, Lot 14 in Section 2, Township 4 North, Range 3 East of the Willamette Meridian.

304 E. Wilson Street as of this date being a portion of Tax Serial No. 067322-030, being Book 48 of Surveys, Page 108, Lot 15 in Section 2, Township 4 North Range 3 East of the Willamette Meridian.

302 E. Wilson Street as of this date being a portion of Tax Serial No. 067322-032, being Book 48 of Surveys, Page 108, Lot 16 in Section 2, Township 4 North, Range 3 East of the Willamette Meridian.