

ORDINANCE NO. 63-18

AN ORDINANCE of the City of Richland amending Richland Municipal Code Title 17: Sewers, related to maintenance of building sewers.

WHEREAS, sewage service is provided to private properties within the City of Richland through a pipeline system that includes privately owned and maintained building sewers and the City's public sewage collection system; and

WHEREAS, the connection between the privately owned and maintained building sewer and the City's sewer pipeline typically occurs within public right-of-way or an easement; and

WHEREAS, the City regularly responds to property damage claims involving sewage backing up inside customer buildings; and

WHEREAS, the pipeline blockage creating the back-up may be in either the privately owned and maintained building sewer or in the City's sewer pipeline; and

WHEREAS, on occasion, a condition within the privately owned building sewer negatively impacts the functioning of the City's pipeline, resulting in the City paying for property restoration when the cause is a private building sewer; and

WHEREAS, the City's best interests are served by amending Richland Municipal Code (RMC) Title 17 to establish the obligations of private owners regarding pipeline maintenance, repair and replacement, and to prescribe penalties for failure to properly maintain a privately owned building sewer.

NOW, THEREFORE, BE IT ORDAINED by the City of Richland as follows:

Section 1. Section 17.04.160 of the Richland Municipal Code titled Public sewer, as first enacted by Ordinance No. 77, is hereby amended to read as follows:

17.04.160 Public sewer.

"Public sewer" shall mean a sewer [providing service to two or more parcels](#), in which all owners of abutting properties have equal rights, and which is controlled by public authority.

Section 2. Section 17.16.030 of the Richland Municipal Code titled City not responsible for private building sewers, as first enacted by Ordinance No. 77, is hereby amended to read as follows:

17.16.030 City not responsible for private building sewers.

The city assumes no responsibility for the maintenance of any building sewer lines on private property or in easements or street rights-of-way. [The owner of property served by](#)

a building sewer is responsible for the building sewer's connection to the public sewer, and for the entire length of the building sewer from the public sewer to the building the line serves. Each property owner shall, at the property owner's sole expense, operate, maintain, and repair and/or replace the building sewer so that it does not cause or contribute to an obstruction in the public sewer. The owner shall perform such duties as may be required in response to notice from the City of observed obstructions in the public sewer attributable to the building sewer's condition. Where such maintenance requires excavation or replacement of existing sewer facilities, the owner shall apply for and receive appropriate permits from the City.

If one or more discharges from a building sewer result in damage, partial or complete blockage, impairment of the public sewer's conveyance capacity, or excessive City maintenance of the public sewer, the discharger responsible shall be liable for said damage, and shall take the corrective action necessary to restore the public sewer system to full and normal operations. "Excessive maintenance" of the public sewer means pipe flushing or cleaning required more frequently than once every twelve (12) months. Liability under this section is in addition to civil penalties imposed pursuant to Chapter 17.64 RMC.

Section 3. Richland Municipal Code Chapter 17.64, titled Offenses and Penalties, as first enacted by Ordinance No. 77, and last amended by Ordinance No. 34-10, is hereby amended to read as follows:

Chapter 17.64 OFFENSES AND PENALTIES

Sections:

- 17.64.010 Unlawful to damage.**
- 17.64.015 Unlawful blockage in the public sewer.**
- 17.64.020 Violations – Penalties.**
- 17.64.030 Civil liability for reimbursement.**
- 17.64.040 Notice of violation to be given.**

17.64.010 Unlawful to damage.

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the sewage works.

17.64.015 Unlawful blockage in the public sewer.

No person shall create a partial or complete blockage in the public sewer, or significantly compromise the conveyance capacity of the public sewer, by failing to adequately maintain a building sewer.

17.64.020 Violations – Penalties.

With the exception of Chapter 17.30 RMC, any person who has violated any provision of this title shall have committed a civil infraction subject to a civil penalty as set forth in RMC 10.02.050(E).

Provided, if the same violator has been found to have committed an infraction violation for the same or similar conduct two separate times, with the violations occurring at the same location and involving the same or similar sections of the Richland Municipal Code or other similar codes, the third or subsequent violation shall constitute a misdemeanor, punishable as provided in RMC 1.30.010 for criminal offenses.

Chapter 17.30 RMC contains violations and penalties for the Richland Pretreatment Act.

17.64.030 Civil liability for reimbursement.

Any person who violates any provision of this title shall be liable to the city of Richland for any expense, loss, damage, cost of inspection, or cost of correction incurred by the city of Richland by reason of such violation including any cost to the city of Richland incurred in collecting from such person said loss, damage, expense, cost of inspection or cost of correction.

17.64.040 Notice of violation to be given.

Any person found to be violating any provision of this title shall be served by the city of Richland with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations and make all necessary corrections.

Section 4. This ordinance shall take effect the day following its publication in the official newspaper of the City of Richland.

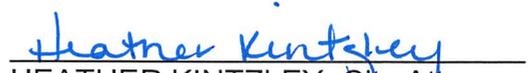
PASSED by the City Council of the City of Richland, Washington, at a regular meeting on the 18th day of December, 2018.


ROBERT J. THOMPSON
Mayor

ATTEST:


MARCIA HOPKINS, City Clerk

APPROVED AS TO FORM:


HEATHER KINTZLEY, City Attorney

Date Published: December 23, 2018