

12/04/23  
12/18/23

ORDINANCE NO. M-4431

AN ORDINANCE relating to the water, sewer and surface water utility miscellaneous fees and regulations, amending Chapters 14.04, 14.08, 14.10, and 14.24 of the Vancouver Municipal Code; providing for savings, severability and an effective date.

WHEREAS, it is in the public interest to amend certain sections of Title 14 of the Vancouver Municipal Code to update miscellaneous fees; clarify definitions and intent; maintain consistency; correct inaccuracy; and ensure compliance with current practices; and

WHEREAS, these amendments are made pursuant to the City's police powers to promote and protect the life, health, and safety of the City's citizens and property; and

WHEREAS, with proper notice to the public, the City Council conducted a first reading of the proposed ordinance on December 4, 2023, and a public hearing concerning the Ordinance and proposed code changes on December 18, 2023.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

**SECTION 1.** Chapter 14.04 of the Vancouver Municipal Code is hereby amended to read as follows:

**Chapter 14.04**

**WATER AND SEWER USE – REGULATIONS AND CHARGES**

**Sections:**

- |                  |   |
|------------------|---|
| <b>14.04.090</b> | <b>Charges for water meter and service line installation.</b> |
| <b>14.04.100</b> | <b>Condition of water and/or sewer service.</b>               |
| <b>14.04.130</b> | <b>Effect of leakage on bills.</b>                            |
| <b>14.04.190</b> | <b>Billing procedure and conditions.</b>                      |

**14.04.210 Water service – User charges.**

**14.04.280 Procedure for extending mains.**

**14.04.090 Charges for water meter and service line installation.**

If any street or alley is to be improved, the service lines to all adjacent tracts, lots or parcels of land, either vacant or occupied, shall be installed prior to such improvement at the property owner’s expense.

A. Effective January 1, ~~2022~~ 2024, rates for meter and service installation shall be as follows:

<b>Meter/Service Diameter</b>	<b>Meter and Service</b>	<b>Service Only</b>	<b>Meter Only</b>
5/8 x 3/4 with 1" service	<del>\$2,325.00</del> <u>\$4,735.00</u>	<del>\$2,245.00</del> \$4,600.00	\$135.00
1 inch	<del>\$2,375.00</del> <u>\$4,780.00</u>	<del>\$2,245.00</del> <u>\$4,600.00</u>	\$180.00
1-1/2 inch <u>with 2" service</u>	<del>\$3,740.00</del> <u>\$8,150.00</u>	<del>\$3,650.00</del> \$7,700.00	\$450.00
2 inches	<del>\$4,110.00</del> <u>\$8,160.00</u>	<del>\$3,650.00</del> <u>\$7,700.00</u>	\$460.00
3 inches	Note 1	Note 1	<del>\$2,700.00</del> <u>\$1,300.00</u>
4 inches	Note 1	Note 1	<del>\$3,200.00</del> <u>\$1,400.00</u>
6 inches	Note 1	Note 1	<del>\$4,900.00</del> <u>\$2,200.00</u>
8 inches <del>and larger</del>	Note 1	Note 1	<del>Note 2</del> <u>\$2,800.00</u>
<u>10 inches</u>	<u>Note 1</u>	<u>Note 1</u>	<u>\$3,800.00</u>
<u>12 inches</u>	<u>Note 1</u>	<u>Note 1</u>	<u>\$4,700.00</u>

**Note 1.** The city does not install service larger than two inches. For larger services the customer is responsible for submitting drawings for city approval and for installation of the service.

~~**Note 2.** Prices available upon request.~~

B. *Meter and Service Relocates.* Effective January 1, ~~2022~~ 2024, rates for relocation of water service shall be as follows:

Service relocates 10 feet and less	<del>\$310.00</del> <u>\$1,100.00</u>
Service relocates over 10 feet	<del>\$1,370.00</del> <u>New service</u> <u>rate, VMC</u> <u>14,04.090(A)</u>
Meter box raise/ <del>raise yoke fee</del> <u>(in dirt)</u>	<del>\$150.00</del> <u>\$500.00</u>
<u>Meter box raise (in concrete)</u>	<u>\$1,200.00</u>
<u>Raise yoke fee</u>	<u>\$900.00</u>
One-inch yoke replacement fee	<del>\$300.00</del> <u>\$1,200.00</u>

The city does not perform half-street restoration work. If the service installation or relocation requires half-street restoration, the applicant shall hire a contractor approved by the city to work within the right-of-way, obtain a right-of-way permit, and complete all work themselves (including service installation or relocation). The service installation or relocation and the half-street restoration work must be complete prior to the city setting the water meter.

C. Effective January 1, 2023, and January 1st of each year thereafter, the fees set by subsections **A** and **B** of this section shall be adjusted annually pursuant to the methodology set forth in VMC **3.08.100**. The adjusted fee for each rate category shall be rounded to the nearest \$5.00. This annual adjustment shall not apply to the “meter only” fees. (Ord. M-4376 § 5, 2022; Ord. M-4363 § 4, 2022; Ord. M-4359 § 1, 2021; Ord. M-4257 § 2, 2018; Ord. M-

4184 § 1, 2016; Ord. M-3755 § 4, 2006; Ord. M-2481 § 2, 1984; Ord. M-1167 § 4, 1970; Ord. M-578, 1961; Ord. M-144 § 8-A, 1954)

#### **14.04.100 Conditions of water and/or sewer service.**

A. *Accounts to be in name of the fee owner.* Effective October 1, 2006, all accounts for water/sewer/stormwater shall be kept in the name of the fee owner of the property or premises served; provided, that:

1. Rental tenants whose accounts are in their own names as of October 1, 2006, may retain their existing accounts in their names until they change service address or their accounts are otherwise terminated;
2. Tenants may put service in their own names pursuant to VMC 14.04.192 through 14.04.195;
3. As provided by RCW 35.21.217, the fee owner may request to have duplicate bills mailed to a tenant, lessee, contract buyer, or agent; provided, that:
  - a. This shall not relieve the fee owner from liability for charges incurred; and
  - b. Current contact information for the fee owner and for the tenant, lessee, contract buyer, or agent must be provided to the city, on forms approved by the city, in order for a customer/owner to have bills mailed to a tenant, lessee, or agent; and
  - c. Duplicate bills mailed to different address shall be assessed a duplicate billing charge, sufficient to recover all costs of processing and mailing; and
4. Nothing in this section shall prevent a tenant from paying a utility charge which has been billed to a fee owner.

B. *Ownership of Lines.* The department shall install, own and maintain all water service lines from the main to and including the meter. Water service lines from the main to and including the meter box may be installed by the customer's contractor, subject to payment of fees, inspection and approval by the city. Customer lines from the meter to the building or premises shall be installed, owned and maintained by the customer. Insofar as is possible, customer lines leading to such service lines shall be installed so that they will not be under any concrete walk or driveway or other obstruction.

C. *Individual Service Required.* Each service line or sewer lateral shall be connected to only one house or building or a multi-tenant commercial building and for only one consumer insofar as practicable; provided,

that the owner of a multifamily building may at their option supply such building from a single connection, in which case the billing provisions of VMC 14.04.190 shall apply. Any meters that are inter-tied within the customer's system shall be combined into one account; separate accounts for inter-tied meters will not be allowed.

D. *Installation on Private Property.* Service lines and meters shall not be installed on private property except where the department finds that service can be afforded in no other practical way, in which case an easement granted to the city shall be secured from the legal owner.

E. *Charge for Installation of Larger Service Line or Relocation of Existing Service Line.* Whenever a customer desires to have a service line changed to a larger size, the customer shall pay all charges and fees applicable for installation of such larger size line and meter. Whenever a customer desires to have an existing service line relocated without a change in size of service the customer shall pay the costs as required in VMC 14.04.210(G). In either case, the work shall be done by the department at the customer's expense as provided in VMC 14.04.090. In all cases, the customer shall pay the costs thereof in advance.

F. *Transferring Customer Line.* Whenever a service line is relaid or changed in position for any reason by the department, the customer shall immediately upon notice and at the customer's own expense transfer the customer line to the newly laid or newly positioned service line.

G. *Customer Responsible for Installation and Maintenance.*

1. The water customer to be served by the department's mains shall install and maintain, at the customer's own expense, all water pipe, fixtures, and plumbing on the customer's premises and shall own and maintain the customer line to the meter.
2. The sewer customer to be served by the department's mains shall install and maintain, at the customer's own expense, the sewer lateral from the premises to the public sewer main and shall own and maintain the sewer lateral from the premises to the public sewer main.
3. The customer or authorized agent shall be responsible for obtaining all building and right of way use permits required for work performed either on the premises or within public rights-of-way; provided, that the city may reimburse the customer for the cost of repair of that portion of the sewer lateral within dedicated public right-of-way, if damage to the sewer lateral was the result of deficiencies caused by acts or omissions of the city or third parties hired by the city not acting as agents of the customer, and specifically excluding damage to the sewer lateral resulting from deficiencies caused by acts of God, root intrusion from the customer's trees or any other act or omission of the customer or customer's agent(s) or

contractor(s). A claim for such reimbursement shall be submitted to the city within 10 days of the incurrence of such costs and shall meet all of the following criteria:

- a. Eligible costs shall include only those actual expenses paid by the customer for any required city permits or to a licensed, bonded contractor.
- b. Only that portion of costs for repair work done within the dedicated right-of-way shall be eligible.
- c. The customer shall submit copies of the itemized invoices from the contractor. Such invoices shall indicate the type and cause or suspected cause of such damage.
- d. The amount of the reimbursement shall not exceed the estimated cost for installation of a new sewer lateral from the public sewer to the property line.
- e. All work shall be in conformance with city codes, ordinances and standards, including obtaining all necessary permits, inspections and approvals.
- f. The director shall investigate all claims submitted for reimbursement and shall determine the validity of such claims and the amount of reimbursement, if any, which is due the customer.

H. *Specifications for Customer Lines and Sewer Laterals.* All customer lines shall be laid to a depth of two feet below the surface of the ground and shall be equipped with a readily accessible valve for each house or building so that the customer may at any time shut off the entire water supply. Customer lines larger than two inches shall be equipped with an accessible gate valve controlling the full supply on the premises.

All sewer laterals shall be installed in accordance with the department's standard details and with Chapter 17.20 VMC. When a property is connected to public sewer each sewer lateral shall be provided with a cleanout to within six inches of finish grade at the property line, except that when a cleanout is provided at a distance not to exceed 30 feet from the property line, no additional cleanout will be required at the property line.

I. *Installation of Service Lines and Sewer Laterals.* All installations performed within public rights-of-way shall be performed by a licensed contractor acting as the owner's agent. The contractor shall be responsible for obtaining all necessary permits for work within the right-of-way. All installation shall be performed in accordance with the department's standard details.

J. *Liability for Leakage or Stoppage.* Under no condition shall the department be held responsible or liable for any partial or complete stopping of flow, any leakage, or damage to any customer's pipeline, fixtures, sewer lateral, plumbing, premises or contents therein, served by the water/sewer utility.

K. *Approval of New, Relaid Lines.* Approval of all new, relaid or relocated customer lines must be secured from the department before water will be turned into the service.

L. *Temporary Water Use from Hydrants.* Temporary use of water from fire hydrants may be authorized by the director. “Temporary water use from hydrants” is defined as use of water from a fire hydrant where an established service point or permanent water meter is not available. The director shall approve a written policy that will include, but not be limited to, when temporary water use from hydrants will be permitted, the appropriate deposit for the renting of a temporary meter, conditions of forfeiture of water meter deposit, rental fees for the temporary meter, and fees for temporary water use from hydrants. Persons requesting temporary water use from hydrants shall apply for a temporary water use permit on forms prescribed by the city at the city of Vancouver utilities administration offices. Such permits shall be subject to conditions of use set forth therein, and subject to the written policy of the director, including provisions for cross connection control and other measures prescribed by the director to ensure the public safety and health and water conservation. This subsection shall not apply to authorized fire-fighting agencies.

M. *Temporary Service.* Where water service is desired from a permanent service line for a period of less than three years, upon approval of the director, it shall be considered temporary service, except that permanent buildings or establishments where service is discontinued because of change of occupancy shall not be considered as coming under this regulation.

N. *Tap and Line for Temporary Service.* When a new tap and service line is required for a temporary service, the department shall collect, at the time application is made, an amount covering the estimated installation cost as provided in VMC [14.04.090](#). The installation cost shall include all labor and material necessary for connection and disconnection and shall not be less than the regular charge for a new service.

O. *Advance Payment for Temporary Service.* In all cases of temporary service, the department shall collect in advance the minimum charge for one month for the size of meter in use and in no case shall the charge be less than this amount. Temporary services shall be billed at the rate applicable to the current use of the premises.

P. *Transfer of Temporary to Permanent Status.* Temporary service may be transferred to permanent service status upon payment of system development charges effective as of the date of transfer to permanent status as assessed by VMC [14.04.235](#).

Q. *Existing Service Out of Use.* When any existing service line of two inches or less has been out of use for three years or more, the same shall be considered out of service and shall not be used again for water service purposes, unless the department determines that the existing service line is acceptable. (Ord. M-4359 § 1, 2021;

Ord. M-4022 § 4, 2012; Ord. M-3755 § 5, 2006; Ord. M-3543, 2004; Ord. M-2486 § 1, 1984; Ord. M-1167 § 5, 1970; Ord. M-810 § 7, 1966; Ord. M-604, 1962; Ord. M-144 § 9, 1954)

#### **14.04.130 Effect of leakage on bills.**

When any customer in any given billing period because of a broken water pipe on their premises, has used according to their meter, an amount of water which is more than double the average amount of water which had been used on such premises in similar period in prior years, the customer may apply to the city in writing for an adjustment under this section. If the customer reports that there are broken water pipes on their premises which have caused the high consumption of water and if repairs are verified by inspections by the city, the city shall thereupon reduce the bill in question to the average amount billed to such property for similar periods in previous years plus, for the excess over such average caused by such breakage, a special rate of only \$0.20 per 100 cubic feet. In cases where repairs are not visible, proof of repairs must be supplied. A given piece of property shall be entitled to the benefits of this section one time in a 12-month period unless it appears that continued waste of water is due to a continued negligent failure to repair. Reductions shall not be permitted on account of leaking toilets, plumbing fixtures, or unexplained usage and shall not exceed two bills.

The department may discontinue service to any premises if the owner, customer or consumer refuses to make repairs necessary to avoid waste of water. If reasonable efforts to contact the customer or consumer at the premises are not successful, and it is observable that water is being lost through leakage, the department at its option may terminate water service and shall post a written notice in a conspicuous location on the premises, documenting the reason for such termination of service. (Ord. M-4359 § 1, 2021; Ord. M-4022 § 5, 2012; Ord. M-3755 § 6, 2006; Ord. M-1421 § 1, 1973)

#### **14.04.190 Billing procedure and conditions.**

A. *Billing Period.* Bills for metered water service shall be rendered according to the registration of the meter at regular intervals and shall be due and payable upon mailing. Bills shall clearly state when they will be considered delinquent; provided, that no bill shall be considered delinquent until at least 15 days after mailing.

B. *Reading Meters.* Residential meters shall be read as nearly as possible at regular intervals, unless otherwise arranged by the department. There shall be no special vacation rate or reduction made on any water bill because of part-time or restricted use. If a meter is pulled and the account is closed at the customer's request or



if the account has been inactive for more than five years, upon installation of a new meter, all new meter installation fees shall apply.

C. *Billing When Meter Unread.* On metered service where the meter has not been read, the bill rendered shall be an average bill for the preceding year or applicable portion of year.

D. *Billing for Special Periods.* Opening and closing bills and bills for water service for periods less than the regular intervals shall be calculated on a pro rata basis.

E. *Bills for Special Services.* All bills for service charges, material and labor furnished, contributions to extensions and other authorized charges, shall be due and payable immediately upon presentation. If such bills are not paid, the department may refuse to furnish water service, and may shut off and discontinue service already being supplied until all bills are paid, and this without prejudice to its right to collect all amounts theretofore due.

F. *Separate Billing for Separate Meters.* When one customer is served by more than one meter on separate service lines, the meter minimum for each meter and the surcharge for water supplied may be calculated and billed separately.

G. *Responsibility for Joint Use.* When more than one consumer, whether a family, business, or other person, receives water through one meter on a single service line, in one building, and it is found impractical by the department to separate the water piping for each consumer, the customer shall be solely responsible and shall pay the total bill for such joint water service.

H. *Joint Consumer Responsibility.* All service to joint consumers shall be on the basis that if it becomes necessary to enforce these rules and regulations against any or all joint consumers that the department shall have the right to shut off the entire supply to all the joint consumers. Separate meters shall be installed and separate bills rendered to each consumer if the customer separates the piping and installs individual supply pipes from the property line.

I. *Separate Billings Required.* When two or more houses, buildings or other premises occupied by separate consumers are supplied from a single service connection, the customer shall immediately, upon notice from the department, separate each customer's lines and connect up individually to meters at the property line, and if separate services are not established within a reasonable time thereafter, the department may shut off the water and refuse further service to all such consumers.

J. *Billing Before Lines Are Separated.* Until the joint consumer lines are separated, computation of the total bill shall be made by multiplying the quantity in each bracket of the rate schedule by the number of consumers

on one meter. The minimum charge shall be the regular minimum charge multiplied by the number of consumers served.

K. *Customer Emergency Assistance.*

1. *Eligibility.* Upon satisfactory proof, emergency assistance may be issued to each household for which:

- a. A member of the household is billed by the city for water services;
- b. The household has been verified by the city or the city's agent:
  - i. To have an annual income that, when combined with the annual income of all household members, meets the eligibility standards for the Low Income Home Energy Assistance Program (LIHEAP) authorized by the Low Income Home Energy Assistance Act of 1981, the Omnibus Budget Reconciliation Act of 1981, the Energy Policy Act of 2005, Public Law 109-58; and
  - ii. To not receive subsidized housing assistance;

~~c. The household has received notice from the city that payment or payment arrangements must be made to prevent disconnection;~~

~~c.~~ c. The household is served with city water service at a residential, single-family account.

2. *Emergency Credit – Maximum.* Upon verification of eligibility, the household may receive an emergency credit of a maximum of \$400.00 of the ~~delinquent~~ outstanding bill(s) for the service address; provided, that the household may only receive such credit once in a 24-calendar-month period. The household emergency credit maximum may be adjusted not more than once per calendar year by the director to address the impacts of future rate increases.

3. *Administrative Rules and Procedures.* Pursuant to VMC 14.04.020 and this section, the director of public works jointly with the director of financial and management services shall promulgate administrative rules and procedures not inconsistent with this section to implement the customer emergency assistance program. (Ord. M-4359 § 1, 2021; Ord. M-4327 § 1, 2021; Ord. M-4022 § 12, 2012; Ord. M-3978 § 1, 2011; Ord. M-3755 § 11, 2006; Ord. M-1167 § 8, 1970; Ord. M-810 § 11, 1966; Ord. M-772 § 2, 1965; Ord. M-604, 1962; Ord. M-144 § 17, 1954)

**14.04.210 Water service – User charges.***A. Base Charge, All Customer Classes.*

1. For all water customers, each customer shall pay a monthly base charge as follows:

Effective January 1, 2022

<u>Meter Size</u>		<u>Base Charge</u>	
		<u>Inside City Limits</u>	<u>Outside City Limits</u>
a. 5/8 x 3/4 inch and under	per month	10.09	15.14
b. 3/4 inch	per month	13.39	20.09
c. 1 inch	per month	20.45	30.68
d. 1-1/2 inch	per month	38.02	57.02
e. 2 inch	per month	58.92	88.38
f. 3 inch	per month	108.01	162.02
g. 4 inch	per month	177.96	266.94
h. 6 inch	per month	353.14	529.70
i. 8 inch	per month	563.28	844.93
j. 10 inch	per month	843.30	1,264.95
k. 12 inch	per month	1,638.61	2,457.92

Effective January 1, 2023

<u>Meter Size</u>		<u>Base Charge</u>	<u>Base Charge</u>
		<u>Inside City Limits</u>	<u>Outside City Limits</u> <u>(1.483 x Inside)</u>
a. 5/8 x 3/4 inch and under	per month	10.54	15.63
b. 3/4 inch	per month	13.99	20.75
c. 1 inch	per month	21.37	31.69
d. 1-1/2 inch	per month	39.73	58.92
e. 2 inch	per month	61.57	91.31
f. 3 inch	per month	112.87	167.39
g. 4 inch	per month	185.97	275.79
h. 6 inch	per month	369.03	547.27
i. 8 inch	per month	588.63	872.94
j. 10 inch	per month	881.25	1,306.89
k. 12 inch	per month	1,712.35	2,539.42

Effective January 1, 2024

<u>Meter Size</u>		<u>Base Charge</u>	<u>Base Charge</u>
		<u>Inside City Limits</u>	<u>Outside City Limits</u> <u>(1.466 x Inside)</u>
a. 5/8 x 3/4 inch and under	per month	11.01	16.14
b. 3/4 inch	per month	14.62	21.43
c. 1 inch	per month	22.33	32.74
d. 1-1/2 inch	per month	41.52	60.87
e. 2 inch	per month	64.34	94.32
f. 3 inch	per month	117.95	172.93
g. 4 inch	per month	194.34	284.90
h. 6 inch	per month	385.64	565.35
i. 8 inch	per month	615.12	901.77
j. 10 inch	per month	920.91	1,350.05
k. 12 inch	per month	1,789.41	2,623.28

2. The monthly base charge set in subsection (A)(1) of this section does not include any charge for consumption of water.

3. The monthly base charge for any single-family residential customer shall not exceed the charge set in (b) above.

B. *Volume Charge (Uniform Volume).*

1. In addition to the monthly base charge in subsection (A)(1) of this section, each customer shall pay the following additional charge on his/her bill, based upon the amount of water consumed per each billing period:

Effective January 1, 2022

<b>Customer Class</b>	<b>Inside City Limits</b>	<b>Outside City Limits</b>
Single-Family:	2.85/CCF	4.28/CCF
Multifamily:	2.45/CCF	3.68/CCF
Nonprofit Shelters:	0.63/CCF	0.94/CCF
Commercial <sup>1</sup> and Industrial <sup>1</sup> :	2.45/CCF	3.68/CCF
Government <sup>1</sup> :	2.18/CCF	3.27/CCF

Effective January 1, 2023

<b>Customer Class</b>	<b>Inside City Limits</b>	<b>Outside City Limits (1.483 x Inside)</b>
Single-Family:	2.98/CCF	4.42/CCF
Multifamily:	2.56/CCF	3.80/CCF
Nonprofit Shelters:	0.66/CCF	0.98/CCF
Commercial <sup>1</sup> and Industrial <sup>1</sup> :	2.56/CCF	3.80/CCF

<b>Customer Class</b>	<b>Inside City Limits</b>	<b>Outside City Limits (1.483 x Inside)</b>
Government <sup>1</sup> :	2.28/CCF	3.38/CCF
Effective January 1, 2024		

<b>Customer Class</b>	<b>Inside City Limits</b>	<b>Outside City Limits (1.466 x Inside)</b>
Single-Family:	3.11/CCF	4.56/CCF
Multifamily:	2.68/CCF	3.93/CCF
Nonprofit Shelters:	0.69/CCF	1.01/CCF
Commercial <sup>1</sup> and Industrial <sup>1</sup> :	2.68/CCF	3.93/CCF
Government <sup>1</sup> :	2.38/CCF	3.49/CCF

- 1 **Note:** As this use is classified under VMC Title 20.
2. All volume charges are computed per 100 cubic feet (CCF).
3. “Single-family customer” class shall include single dwelling unit with one meter, mobile homes either on individual lots or in mobile home parks. This also includes ADUs that take water and sewer service from service connections separate from the primary residence. This definition is for utility billing purposes only.
4. “Multifamily customer” class shall apply to customers with two or more living units per meter. This also includes ADUs that share water or sewer service from service connections for the primary residence. This definition is for utility billing purposes only.
5. *Nonprofit Shelter.* For the purpose of applying the rates as set forth in subsection (B)(1) of this section, the term “nonprofit shelters” shall be defined to mean a facility operated by a nonprofit

organization that provides clients with on-site food, beds or shelter for free or at significantly below market rates.

C. *Charges for Cutting Off and Restoring Service.*

1. *Service Cut-Off.*

- a. *Cutting Off Service for Nonpayment.* There shall be a \$40.00 charge to cut off service for nonpayment. There shall be no additional charge for restoring service after such cut-off.
- b. *Emergencies – Cut-Off.* No cut-off charge shall be made if service is cut off to meet an actual emergency.
- c. *Customer Request.* No cut-off charge shall be made if service is cut off at customer’s request for the first such request. Each additional request shall be a \$25.00 charge during regular office hours and \$125.00 outside of regular office hours.

2. *Restoring Service.*

- a. For starting or restoring service at the customer’s request, there shall be a charge of \$25.00 if requested during regular office hours, and a fee of \$125.00 for each such request outside of regular office hours.
- b. *Altered Service.* If the meter or service has been altered without the written authorization of the director, the charge shall be \$15.00 additional to all other charges in this section.
- c. *Multiple Cut-Off/Restoration Requests.* For customers who require more than one trip to the service address to cut off or restore service at their request, there shall be a fee of \$25.00 per each additional trip during regular office hours.

D. *Testing Meters – Customer’s Request.* ~~Schedule of~~ The first meter test will be no charge to the customer, an additional meter tests requested by the customer within a twelve-month period will be charged per schedule of meter test charges for test of a meter at the request of a customer where meter is found not defective:

1 inch and under	\$50.00
1-1/2 inch	\$60.00



2 inch	\$60.00
3 inch	\$80.00
4 inches or more	At cost
Meter resets	\$50.00

Meters tested and found to be defective will be replaced at no cost to the customer for testing or for replacement.

E. *Testing Meters – Other Than at Customer’s Request.* The city reserves the right to test meters at any time. No charge will be made to the customer for meters tested pursuant to this subsection.

F. Temporary water use from hydrant fees shall be set by the director pursuant to [VMC 14.04.100\(L\)](#). (Ord. M-4391 § 1, 2022; Ord. M-4359 § 1, 2021; Ord. M-4315 § 1, 2020; Ord. M-4239 § 10, 2018; Ord. M-4193 § 4, 2017; Ord. M-4184 § 2, 2016; Ord. M-4143 § 2, 2015; Ord. M-4099 § 1, 2014; Ord. M-4032 § 1, 2012; Ord. M-4022 § 19, 2012; Ord. M-4007 § 1, 2011; Ord. M-3899 § 1, 2008; Ord. M-3755 § 16, 2006; Ord. M-3689 § 1, 2005; Ord. M-3651 § 1, 2004; Ord. M-3398, 1998; Ord. M-3337, 1997; Ord. M-3096 § 1, 1993; Ord. M-3061 § 1, 1993; Ord. M-2920 § 1, 1990; Ord. M-2913 § 1, 1990; Ord. M-2848 § 1, 1989; Ord. M-2659 § 2, 1986; Ord. M-2520 § 2, 1985; Ord. M-2278 § 1, 1982; Ord. M-2256 §§ 1-4, 1981; Ord. M-2166 § 1, 1980; Ord. M-2144 §§ 1-8, 1980)

#### **14.04.280 Procedure for extending mains.**

A. *Size of Main Extensions.* All sewer and water main extensions installed whether within or without the corporate limits of the city shall be eight inches in diameter or larger unless otherwise authorized by the director; provided, the director may require the main extensions to be larger than eight inches if it appears that the water and/or sewer needs of the area will require larger mains within the expected life of the main.

B. *Design Criteria.* Proposed water and sewer lines must be designed in accordance with master plan sizes, elevations, alignments, and capacities as found necessary by city staff for overall system development and network extensions.

C. *Development Extension Criteria.* Developing properties must at a minimum extend utility lines to the site, across the property frontage, and through the property, to allow connection and also to allow extensions for the

development of adjacent parcels. Additional off-site work may be required at the department's discretion to provide an off-site sewer line extension, or looped water main for water quality, fire protection, or system redundancy purposes. All development main extensions must be made from existing public mains.

D. *City Participation Criteria.* The director will consider requests for project participation under the conditions of VMC 14.04.235(~~GF~~) whereby SDC credits may be granted. In addition to SDC credits, the director may instead, under the same criteria as for SDC credits, authorize the contribution of city-supplied materials.

E. *Customer Expense.* All new mains and all new extensions of mains required to serve new customers shall be laid at the expense of the customers. The cost of such mains shall be assessed either by the formation of a local improvement district under Chapter 35.50 RCW, as applicable, or in lieu of formation of such district such new customers may pay to the city in cash the actual costs of the pipes, valves and fittings to be installed and the actual costs of the mains to be installed, according to the records which shall be kept by the city.

Anyone later desiring to connect a house or building to a main which has been constructed or extended by the city by means other than by formation of a local improvement district may do so only upon payment to the city, in addition to normal connection charges, of a "main line fee." Said fee shall have been computed by the director upon completion of construction of the main by dividing the cost thereof by the number of parcels of property and considering the ~~lineal~~ linear feet of each such parcel which in ~~his~~ their opinion could connect thereto either at the time of construction or later. Said fee shall be filed in the office of the department of public works and be a public record. When applicable, the "main line fee" must be paid in cash prior to connection to the main. The cost for each customer shall be ratable and computed in proportion to the whole cost according to the entire number of continuous ~~lineal~~ linear feet of frontage owned by the customer which abuts upon the street, alley or easement in which the main lies or by some other equitable method selected by the director.

F. *Terms of Payment.* The charge mentioned in subsection E of this section is in addition to any other new tap, service line, or connection charge and either must be paid in full in cash or by LID warrants before such customer shall receive water service.

G. *Requirement to Install Larger Main.* If in the judgment of the city it is to the best interests of the city and of the general locality where a new main is contemplated to install a larger main than that needed by the owners immediately abutting upon the street, alley or easement in which the main is to be placed, the city may require installation of such larger main and shall with the director's approval pay the increased difference in cost between installation of the smaller and of the larger main or supply the pipe or apply SDC credits.

H. *Development Agreement.* The city may enter into a development agreement pursuant to RCW 36.70B.170 under which a developer will construct water or sewer facilities to serve an area in which the development is located and the expense of such facilities may be reimbursed by the city through system development charge (SDC) credits pursuant to VMC 14.04.235. Anyone later desiring to connect to and use facilities constructed pursuant to such a development agreement may do so only upon payment to the city of normal connection charges. This must be paid in full in cash before such customer shall receive water or sewer service.

I. *Supervision of Connection.* The department shall not connect to or provide service to any main or pipe unless that pipe was installed under the supervision of the department engineer and approved in writing with the consent of the state health department.

J. *Conditions for Approval.* The director shall not grant such approval if the main or pipe be of inferior material or improperly constructed or likely to produce future difficulties for the department through complaints of insufficient supply or pressure, leakage or waste.

K. *Meter Accessibility.* The department shall not connect to or provide service to any main unless that pipe was installed in a public road or alley in such manner that each and every meter shall be easily accessible to the meter reader.

L. *Quality of System.* In the interest of development of desirable districts the department shall not supply nor connect to its own or by private line any recorded or unrecorded subdivision or part thereof hereafter laid out, inside or outside the city limits, unless the plat or plan of same is substantially equal in standard to that adopted by the city of Vancouver of suburban areas.

M. *Negotiating Contract.* If the foregoing regulations are complied with, and not otherwise, the department may negotiate the terms of a contract (to be approved by the city attorney and accepted by the council) for the supply of water through lines owned by others. Such supply may be at wholesale rates through a single meter or through individual service meters owned by the city. Such contract shall specify that the prevailing schedule or rate shall apply. If the supply is through individual meters, a percentage of the annual total of bills for water sold through such a system may under such contract be paid annually in one sum to the owners thereof to amortize the purchase of the system.

N. *Easement Requirements.* When public sanitary sewer and water mains are extended outside of public rights-of-way to serve new development, the mains shall be extended in easements dedicated to the city of Vancouver. The minimum easement width for a single utility main is 15 feet. Two utilities require a minimum 20-foot-wide easement. Obstructions, including fences and other structures, shall not be placed over grantee's facilities or in, upon, or over the property within such an easement without the prior written consent of the city

of Vancouver. An access easement shall also be dedicated to the city of Vancouver to provide proper access to the sewer and water easement location and infrastructure for maintenance. The development shall be responsible for constructing maintenance access roads to and through the easements in accordance with the department's standard details. (Ord. M-4359 § 1, 2021; Ord. M-4082 § 5, 2014; Ord. M-4022 § 28, 2012; Ord. M-3332 § 1, 1997; Ord. M-981 § 1; Ord. M-810 § 15, 1966; Ord. M-298, 1956; Ord. M-144 § 22, 1954)

**SECTION 2.** Chapter 14.08 of the Vancouver Municipal Code is hereby amended to read as follows:

**Chapter 14.08**  
**CONNECTION TO PUBLIC SEWERS**

**Sections:**

**14.08.050                 Separate connections by tee- or wye-branch required.**

**14.08.050                 Separate connections by tee- or wye-branch required.**

It is unlawful for any person to make or cause to be made any individual connection to a city sewer unless such connection is made by means of a tee- or wye-branch, using city-approved methods and materials. Every main building shall be separately connected to ~~or with~~ the public sewer unless otherwise approved by the director. Each unit within a main building that is of separate ownership shall be separately connected to the public sewer unless otherwise approved by the director. A private garage, out-building or accessory dwelling unit located on the same property may have its plumbing connected to or with the plumbing of the main building if approved by the director. (Ord. M-4359 § 2, 2021; Ord. M-4022 § 33, 2012; Ord. C-432 § 5, 1951)

**SECTION 3.** Chapter 14.10 of the Vancouver Municipal Code is hereby amended to read as follows:

**Chapter 14.10**  
**PRETREATMENT ORDINANCE**

**Sections:**

**14.10.040                 Definitions.**

**14.10.050                 Prohibited Discharge Standards.**

- 14.10.080**            **Local Limits.**
- 14.10.300**            **Baseline Monitoring Reports.**
- 14.10.430**            **Certification Statements.**
- 14.10.840**            **User Charges and Fees.**
- 14.10.850**            **High Strength User Charges and Fees.**

**14.10.040**        **Definitions.**

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated.

~~A.~~— Act or “the Act.” The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, [33 U.S.C. Section 1251](#) et seq.

~~B.~~— *AKART*: All Known, Available, and Reasonable methods of prevention, control, and Treatment. AKART shall represent the most current methodology that may reasonably be required for preventing, controlling, or abating the pollutants associated with a discharge. The concept of AKART applies to both point and nonpoint sources of pollution. The term “best management practices” is considered a subset of the AKART requirement.

~~C.~~— *Approval Authority*. The Washington State Department of Ecology, Water Quality Program Manager.

~~D.~~— *Authorized or Duly Authorized Representative of the User*.

1. If the User is a corporation:
  - a. The president, secretary, treasurer, or a vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or
  - b. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control

mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

2. If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
3. If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
4. The individuals described in paragraph ~~Section 14.10.040(D)~~(1-3), above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Director.

~~E.~~ *Biochemical Oxygen Demand or BOD.* The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/L).

~~F.~~ *Best Management Practices or BMPs.* Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 14.10.050(A) and (B) of this Ordinance and 40CFR Part 403.5(a)(1) and (b). BMPs may also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

~~G.~~ *Bypass.* The intentional diversion of wastestreams from any portion of an Industrial User's treatment facility.

~~H.~~ *Categorical Pretreatment Standard or Categorical Standard.* Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. Section 1317) which apply to a specific category of Users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

~~I.~~ *Categorical Industrial User or CIU.* An Industrial User subject to a Categorical Pretreatment Standard or Categorical Standard.

~~J.~~ *City.* The City of Vancouver, the City Council of Vancouver, or the Director of Public Works, as appropriate.

~~K.~~ *Control Authority.* The City of Vancouver.

~~L.~~ *Control Document.* A wastewater discharge permit or any other formal written wastewater discharge authorization or prohibition issued by the Director.

~~M.~~ *Composite Sample.* A representative composite of samples of a waste stream taken throughout the period of a calendar day or equivalent representative 24-hour period when discharges are produced by a regulated activity. Composite samplers must interface with a flow metering device to produce a representative “flow proportionate” composite sample unless the Director has determined that flow proportionate samples are not required or the analyte is not amenable to composite sampling (pH, temperature, oil, etc.).

~~N.~~ *Daily Limit or Daily Maximum Limit.* The maximum allowable discharge of a pollutant over a calendar day or equivalent representative 24-hour period. Where daily limits are expressed in units of mass, the daily discharge is calculated by multiplying the daily average concentration and total flow volumes in the same 24-hour period by a conversion factor to get the desired units. Where daily limits are expressed in terms of a concentration, the daily discharge is the composite sample value, or flow weighted average if more than one discrete sample was collected. Where flow weighting is infeasible, the daily average is the arithmetic average of all samples if analyzed separately, or the sample value if samples are composited prior to analysis.

~~O.~~ *Director.* The person designated by the City to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this Ordinance. The term also means a duly authorized representative of the Director.

~~P.~~ *Discharge.* Is the same as Indirect Discharge.

*Disruption.* A discharge which causes (either by itself or in combination with other discharges) a deleterious impact on the structure, function, operation, or maintenance of the POTW, including an increase in maintenance or risk of harm to persons.

~~Q.~~ *Domestic User or Residential User.* Any Person who contributes, causes, or allows the contribution of wastewater to the City POTW that the City determines is of similar volume and/or chemical make-up to that of a residential dwelling unit. Discharges from a residential dwelling unit typically include kitchen wastes, human wastes, and housekeeping cleaning materials in volumes and/or concentrations normally discharged from these classes of Users and typically include up to 100 gallons per capita per day, 0.2 pounds of BOD per capita per day, and 0.17 pounds of TSS per capita per day.

~~R.~~ *Environmental Protection Agency or EPA.* The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official.

~~S.~~ *Existing Source.* Any source of discharges subject to Categorical Standards and discharging prior to the promulgation of those Standards or otherwise not meeting the definition of a “New Source” in this Section.

~~T.~~ *Grab Sample.* A sample which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

~~U.~~ *High Strength User.* Any User who, in any given month, discharges non-domestic wastewater which is found to contain a monthly average of more than five hundred (500) pounds per day ~~each~~ of BOD ~~and~~ or five hundred (500) pounds per day of total suspended solids (TSS). Food service establishments that properly implement Best Management Practices (BMPs), and any User classified as an Electronics Customer in VMC 14.04.230, will not be considered a High Strength User.

~~V.~~ *Indirect Discharge or Discharge.* The introduction of pollutants into the POTW from any User or non-domestic source subject to this Ordinance or other State or Federal regulations.

~~W.~~ *Industrial User.* Is the same as User.

~~X.~~ *Industrial Waste.* Any solid, liquid, or gaseous waste resulting from any industrial, manufacturing, trade, health service, educational institution, business, laboratory, research establishments or facility, or from the development, recovery, or processing of natural resources, excluding domestic waste; any non-domestic waste.

~~Y.~~ *Industrial Wastewater.* Wastewater, non-domestic wastewater, process wastewater or any liquid wastestream resulting from any industrial, manufacturing, trade, or business process; or from the development, recovery, or processing of natural resources.

~~Z.~~ *Instantaneous Limit.* The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of a discrete sample. For analytes for which Users must take a grab sample for compliance purposes, this standard is the same as the daily maximum limit. For all other pollutants the instantaneous limit shall be twice the daily maximum limit. For analytes for which Users must take a composite sample for compliance purposes, this standard is twice the daily maximum limit.

~~AA.~~ *Interference.* A discharge which causes (either by itself or in combination with other discharges) a violation of the City’s NPDES permit(s) or prevents the intended sewage sludge use or disposal by inhibiting or disrupting the POTW, including its collection systems, pump stations, and wastewater and sludge treatment



processes. For example, a discharge from a User which causes a blockage resulting in a discharge at a point not authorized under the City's NPDES permit(s).

~~BB~~. *Local Limits*. Effluent limitations developed for Users by the Director to specifically protect the POTW from the potential of Pass Through, Interference, and intended biosolids uses. Such limits shall be based on the POTW's site-specific flow and loading capacities, receiving water considerations, and reasonable treatment expectations for non-domestic wastewater.

~~CC~~. *Minor Industrial User or MIU*. Any Industrial User that does not otherwise qualify as a Significant Industrial User of the POTW and is identified by the Director as having the potential to discharge wastewater that, when taken into account with the wastewaters of other Industrial Users, may have a significant impact on the POTW; or is classified as such by the Director.

~~DD~~. *Medical Waste*. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

~~EE~~. *Monthly Average*. The arithmetic mean of the effluent sample results collected during a calendar month or specified 30-day period. Where composite samples are required, grab samples taken for process control or by the Control Authority are not to be included in a monthly average.

~~FF~~. *Monthly Average Limit*. The limit to be applied to the monthly average to determine compliance with the requirements of this Ordinance.

~~GG~~. *New Source*.

1. Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act, which will be applicable to such source if such standards are thereafter promulgated in accordance with that Section, provided that:
  - a. The building, structure, facility, or installation is constructed at a site at which no other source is located;
  - b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
  - c. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining

whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

2. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of (b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

3. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

a. Begun, or caused to begin, as part of a continuous onsite construction program,

i. Any placement, assembly, or installation of facilities or equipment; or

ii. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities that is necessary for the placement, assembly, or installation of new source facilities or equipment; or

b. Entered into a binding contractual obligation for the purchase of facilities or equipment, which are intended to be used in its operation within a reasonable time. Options to purchase or contracts, which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

~~HH~~ *Non-Discharging Categorical Industrial Users or NDCIU's*. Any Person that generates wastewater subject to a Categorical Standard that does not discharge those wastewaters subject to the Categorical Standard to the POTW. NDCIU's are considered a potential source of indirect discharge.

~~H~~ *Non-Contact Cooling Water*. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product. Non-Contact Cooling Water may contain protective additives.

~~HH~~ *Pass Through*. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's NPDES permit(s), including an increase in the magnitude or duration of a violation.

~~KK~~. *Person*. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.

~~LL~~. *pH*. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in standard units. pH is an expression of the intensity of the alkaline or acid condition of a liquid. The pH may range from 0 to 14, where 0 is most acid and 14 most alkaline.

~~MM~~. *Pollutant*. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, Carbonaceous Oxygen Demand, toxicity, or odor).

~~NN~~. *Pretreatment*. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard.

~~OO~~. *Pretreatment Facilities*. Wastewater treatment equipment, unit, device, facility or portions thereof designed for providing pretreatment of wastewater.

~~PP~~. *Pretreatment Requirements*. Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.

~~QQ~~. *Pretreatment Standards or Standards*. Pretreatment Standards shall mean discharge prohibitions (Section 14.10.050), Categorical Pretreatment Standards (Section 14.10.060), State Pretreatment Standards (Section 14.10.070), local limits (Section 14.10.080), and site specific limits based on potential for vapor toxicity, explosion, sewer corrosion, or other detrimental effects to the POTW.

~~RR~~. *Publicly Owned Treatment Works or POTW*. A treatment works, as defined by Section 212 of the Act (33 U.S.C. Section 1292), which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.

~~SS~~. *Residential User*. Is the same as a Domestic User.

~~TT~~. *Septage*. "Is the same as Septic Tank Waste.

~~UU.~~ *Septic Tank Waste or Septage.* Sewage and typically associated solids from domestic activities pumped from a septic tank serving one or more private residences. The Director may also consider wastes from chemical toilets, campers, trailers, or cesspools to be septic tank waste so long as they are absent chemicals at concentrations which might inhibit biological activity at the POTW.

~~VV.~~ *Sewage.* Human excrement and gray water (from household showers, toilets, kitchens, clothes and dish washing, and related domestic activities).

~~WW.~~ *Significant Industrial User or SIU.* Except as provided in paragraph (3) ~~below of Section~~ 14.10.040(WW), a Significant Industrial User is:

1. A User subject to Categorical Pretreatment Standards; or
2. A User that:
  - a. Discharges an average of twenty five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, non-contact cooling, and boiler blowdown wastewater);
  - b. Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
  - c. Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or requirement.
3. Upon a finding that a User meeting the criteria of paragraph 2 above ~~in Section 14.10.040(WWXX)(2)~~ has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or requirement, the City may at any time, on its own initiative or in response to a petition received from a User, and in accordance with procedures in 40 CFR 403.8(f) (6), determine that such User should not be considered a Significant Industrial User.

~~XX.~~ *Slug Load or Slug Discharge.* Any discharge of a non routine, episodic nature, including but not limited to an accidental spill or a non customary batch discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, local limits or permit conditions. This includes discharges at a flow rate or concentration which could cause a violation of the prohibited discharge Standards of Section 14.10.050 of this Ordinance.

~~YY.~~ *Standards.* Is the same as Pretreatment Standards.

~~ZZ~~. *Storm Water*. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

~~AAA~~. *Total Suspended Solids or TSS*. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

~~BBB~~. *User or Industrial User*. Any Person that does not qualify as a Domestic User and is a source, or potential source, of indirect discharge.

~~CCC~~. *Wastewater*. Any combination of liquid and water carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

~~DDD~~. *Wastewater Treatment Plant or Treatment Plant*. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste. (Ord. M-3970 §2, 2010)

#### **14.10.050 Prohibited Discharge Standards.**

A. *General Prohibitions*. No User or Domestic User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes Pass Through, ~~or~~ Interference or Disruption. These general prohibitions apply to all Users and Domestic Users of the POTW whether or not they are subject to Categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or requirements.

B. *Specific Prohibitions*. No User shall introduce or cause to be introduced into the POTW any of the following pollutants, substances, or wastewater:

1. Pollutants which either alone or by interaction may create a fire or explosive hazard in the POTW, a public nuisance or hazard to life, or prevent entry into the sewers for their maintenance and repair or are in any way injurious to the operation of the system or operating personnel. This includes waste streams with a closed cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in [40 CFR Part 261.21](#).
2. Wastewater having a pH less than 5.5 or more than 10.0, or otherwise having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel. Discharges outside this pH range may be authorized by a permit issued by the City pursuant to a finding that the system is specifically designed to accommodate a discharge of that pH.

3. Solid or viscous substances in amounts which may cause obstruction to the flow in the sanitary sewer or other Interference with the operation of the sanitary sewer system or POTW. In no case shall solids greater than 1/4 inch (0.64 cm) in any dimension be discharged. Specifically prohibited substances in amounts that produce interference include, but are not limited to: grease, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dusts, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.
4. Pollutants, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW.
5. Wastewater having a temperature which will interfere with the biological activity in the POTW, has detrimental effects on the collection system, or prevents entry into the sanitary sewer. In no case shall wastewater be discharged which causes the wastewater temperature at the treatment plant to exceed 104 degrees F (40 degrees C).
6. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Pass Through or Interference.
7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
8. Trucked or hauled pollutants, except at discharge points designated by the Director in accordance with Section [14.10.140](#) of this Ordinance.
9. The following are prohibited unless approved by the Director under extraordinary circumstances, such as lack of direct discharge alternatives due to combined sewer service or need to augment sewage flows due to septic conditions (as required under WAC [173-216-050](#)):
  - a. Non-contact cooling water in significant volumes;
  - b. Stormwater, or other direct inflow sources; and
  - c. Wastewaters significantly affecting system hydraulic loading, which do not require treatment or would not be afforded a significant degree of treatment by the POTW.

10. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sanitary sewers for maintenance or repair.
11. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the City's NPDES permit(s).
12. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations.
13. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water, and unpolluted water, unless specifically authorized by the Director.
14. Sludges, screenings, or other residues from the pretreatment of industrial wastes.
15. Medical wastes, except as specifically authorized by the Director.
16. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.
17. Detergents, surface active agents, or other substances which may cause excessive foaming in the POTW.
18. Fats, oils, or greases of animal or vegetable origin in amounts that may cause obstructions or maintenance problems in the sanitary sewer system or in the POTW, or Total Petroleum Hydrocarbon (non-polar oil and grease) concentrations that exceed fifty (50) mg/L.
19. Wastewater causing any single reading over ten percent (10%) of the lower explosive limit based on an explosivity meter reading at the point of discharge into the POTW or at any point in the POTW.
20. Any substance which will cause the POTW to violate its NPDES and/or other disposal system permit(s).
21. Any dangerous, extremely hazardous, or hazardous wastes as defined in rules or regulations published by the Washington State Department of Ecology or by EPA, except as specifically approved by the Director.

22. Any persistent pesticide and/or pesticides regulated by the Federal Insecticide Fungicide Rodenticide Act (FIFRA) as amended.

23. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction, to injure or create Interference with any wastewater treatment process, constitute a hazard to humans or animals, or to exceed the limitation set forth in Categorical Pretreatment Standards, or State or local Standards.

24. Any substance which may cause the POTW's effluent or treatment residues, sludges, or scums, to be unsuitable for reclamation and reuse or which causes Interference with the reclamation process. In no case shall a substance be discharged to the POTW that will cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; or with any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act; or with the Clean Air Act, the Toxic Substances Control Act, or State Standards applicable to the sludge management method being used.

25. Any slug load as defined in this Ordinance, or any pollutant, including oxygen demanding pollutants, released in a single extraordinary discharge episode or such volume or strength as to cause Interference to the POTW; or released with a flow rate exceeding the permitted peak flow, or ten percent (10%) of the capacity of the available trunk sewer, whichever is greater.

Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW. (Ord. M-3970 §2, 2010)

#### **14.10.080 Local Limits.**

A. The Director may establish and periodically modify local limits pursuant to [40 CFR Part 403.5\(c\)](#) based upon the POTW's site-specific flow and loading capacities, receiving water considerations, and reasonable treatment expectations for non-domestic wastewater using a method approved by the Approval Authority.

B. Unless the Director determines that the public health or safety require an earlier implementation, any modification the Director establishes to the local limits in Table 14.10.080-1 shall not go into effect until thirty days after reasonable notice of the changes is provided to the public and Persons known to the City who may discharge wastewater containing analytes subject to such local limits.



C. The pollutant limits in Table 14.10.080-1 are established to protect against Pass Through and Interference and reflect the application of reasonable treatment technology. No Significant Industrial User or Categorical Industrial User shall discharge wastewater in excess of the daily maximum limits shown in Table 14.10.080-1 unless authorized in writing by the Director. The Director may also apply the pollutant limits in Table 14.10.080-1 to other Users through the issuance of a control document.

D. The local limits shown in Table 14.10.080-1 apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. The Director may impose mass limits in addition to, or in place of, concentration based limits.

E. Significant Industrial Users and Categorical Industrial Users shall also be subject to “instantaneous limits” (as determined by a grab sample) of equal to twice the “daily maximum” concentration limit identified in Table 14.10.080-1 for any pollutant for which a composite sample is required in a permit. This provision is not applicable to SIU’s and CIU’s without the permit requirement to collect a composite sample for the analyte in question.

Table 14.10.080-1: Initial Local Limits (Subject to Director Modification)

<b>Analyte</b>	<b>Daily Maximum Concentration Limit</b>	<b>Instantaneous Concentration Limit</b>
Arsenic	0.22 mg/L	0.44 mg/L
Cadmium	0.14 mg/L	0.28 mg/L
Chromium	7.22 mg/L	14.44 mg/L
Chromium (hexavalent)	4.28 mg/L	8.56 mg/L
Copper	3.67 mg/L	7.34 mg/L
Cyanide	0.47 mg/L	0.94 mg/L

<b>Analyte</b>	<b>Daily Maximum Concentration Limit</b>	<b>Instantaneous Concentration Limit</b>
Lead	0.44 mg/L	0.88 mg/L
Mercury	0.008 mg/L	0.016 mg/L
Molybdenum	0.42 mg/L	0.84 mg/L
Nickel	0.90 mg/L	1.80 mg/L
Selenium	0.31 mg/L	0.62 mg/L
Silver	1.13 mg/L	2.26 mg/L
Thallium	0.53 mg/L	1.06 mg/L
Zinc	1.64 mg/L	3.28 mg/L

F. No User shall discharge wastewater in excess of the daily maximum limits shown in Table 14.10.080-2 unless authorized in writing by the Director. The standard limits in Table 14.10.080-2 apply at the point where the wastewater is discharged to the POTW.

Table 14.10.080-2: Standard Limits

<b>Analyte</b>	<b>Daily Maximum Concentration Limit</b>
Hydrocarbon based oil and grease	50 mg/L
Minimum pH	5.5 standard units

Analyte	Daily Maximum Concentration Limit
Maximum pH	10.0 standard units

G. A High Strength User is defined in VMC 14.10.040 ~~any User who, in any given month, discharges wastewater found to contain a monthly average of more than five hundred (500) pounds per day each of Biochemical Oxygen Demand and five hundred (500) pounds per day of Total Suspended Solids. It shall be the responsibility of each User with the potential to meet the definition of a High Strength User to notify the Control Authority and apply for a permit. High Strength Users must apply for a permit and shall be subject to charges as determined by the Director and as amended and under the authority of this Ordinance up to any maximum loading limit established by permit.~~

H. The Director shall use the individual permit process to establish ceiling limits for compatible pollutants and appropriate discharge limits for all other pollutants not listed in Section 14.10.080. This includes pollutants subject to regulation under RCRA, volatile or semi-volatile organic compounds, halogenated or brominated compounds, poly-aromatic hydrocarbons, polymers, surfactants, pesticide active ingredients, and any other pollutant identified by the Director.

I. The Director may establish and require Best Management Practices for any category of User or type of industrial process which creates a non-domestic waste stream. Such requirements may be applied either in lieu of or in addition to the local limits of Section 14.10.080. BMPs may also include alternative limits which may be applied at the end of a specific process or treatment step instead of at the combined effluent. (Ord. M-3970 §2, 2010)

### **14.10.300 Baseline Monitoring Reports.**

A. When Categorical Standards for an industry category are published (promulgated), Users that perform that process and either currently discharge or are scheduled to discharge wastewater from the process to the POTW, must submit a “baseline monitoring report” to the Director. This report must contain the information listed in Section 14.10.300(C). The report is due within one hundred eighty (180) days after the effective date of a Categorical Pretreatment Standard, unless the final administrative decision on a category determination comes later.

B. Users that wish to begin discharging wastewater to the POTW from operations subject to Categorical Pretreatment Standards after EPA has published the Standards (called New Sources), shall submit a “baseline

monitoring report” to the Director containing the information listed in Section 14.10.300(C). However, for New Sources, the report must be provided at least one hundred twenty (120) days before desiring to discharge. New Sources shall describe the method of pretreatment they intend to use to meet applicable Categorical Pretreatment Standards. Because monitoring data will not be available for proposed facilities, New Sources instead must provide estimates of the anticipated flow rates and quantity of pollutants to be discharged.

C. The baseline monitoring report shall include the following information:

1. All information required in Section 14.10.190(A)(1) through Section 14.10.190(A)(8).
2. Additional conditions for Existing Sources measuring pollutants.
  - a. Users shall take a minimum of one representative sample to compile the data for the baseline monitoring report.
  - b. Users shall take samples immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If the User mixes other wastewaters with the regulated wastewater prior to pretreatment, the User must provide the flows and concentrations necessary to apply the combined wastestream formula of Section 14.10.060(C) and 40 CFR Part 403.6(e). Where the User wants an alternate concentration or mass limit, and it is allowed by federal rules at 40 CFR Part 403.6(e), the User shall propose the adjusted limit and provide supporting data to the Control Authority.
  - c. Sampling and analysis shall be performed in accordance with Section 14.10.400 (sample collection), and Section 14.10.390 (sample analysis).
  - d. The Director may allow the report to use only historical data if the data is good enough to allow the evaluation of whether (and which) industrial pretreatment measures are needed.
  - e. The baseline monitoring report shall indicate the time, date, and place of sampling, methods of analysis. The User shall certify that the sampling and analysis presented is representative of normal work cycles and expected pollutant discharges to the POTW.
3. *Compliance Certification.* A statement, reviewed by the User’s authorized representative as defined in Section 14.10.040(D) and certified by a qualified professional indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment steps are required to meet the Pretreatment Standards and requirements.

4. *Compliance Schedule.* While New Sources must install the treatment required to meet the Pretreatment Standards prior to operation, Existing Sources may be granted a compliance schedule where they must provide additional pretreatment and/or O&M to meet the Pretreatment Standards. In such cases, the User shall propose the shortest schedule by which they can provide the additional pretreatment and/or O&M. The completion date which the User proposes in this schedule may not be later than the compliance date established for the applicable Pretreatment Standard. Any compliance schedule authorized pursuant to this Section must also meet the requirements set out in Section 14.10.310 of this Ordinance.

5. *Signature and Report Certification.* All baseline monitoring reports must be certified in accordance with Section 14.10.430(A) of this Ordinance and signed by an authorized representative as defined by Section 14.10.040(D). (Ord. M-3970 §2, 2010)

#### **14.10.430 Certification Statements.**

A. The following certification statement must be signed by an authorized representative as defined by Section 14.10.040(D) and included when submitting:

1. A permit (re-)application in accordance with Section 14.10.200;
2. A baseline monitoring report under Section 14.10.300;
3. A report on compliance with the Categorical Pretreatment Standard deadlines under Section 14.10.320; or
4. A periodic compliance report required by Section 14.10.330(A) through Section 14.10.330(D).

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

(Ord. M-3970 §2, 2010)

#### **14.10.840 User Charges and Fees.**

Users shall be subject to appropriate charges and fees as determined by the Director and as provided in VMC 14.04 as amended.

A. Sanitary sewer use service charges are hereby established and imposed upon each User of the POTW for discharge of industrial wastewater. Said charges are based upon the cost to the City of maintaining, and further improving facilities at the Wastewater Treatment Plant(s) to meet all regulations for the secondary treatment of industrial wastewater and also take into consideration the cost of service to such customers, the quantity, quality and times of delivery of such industrial wastewater, the history of capital contributions to the POTW by such Users, and the present need of the POTW relating to industrial wastewater.

B. Users not meeting the definition of a High Strength User shall pay, for that month, a sanitary sewer use fee equal to that of a ~~e~~Commercial, ~~or i~~Industrial, Government, or Electronics customer as imposed by VMC 14.04 as amended.

C. If the entire water supply that generates the industrial wastewater is separated from the water supply that generates the domestic sewage, or waters not discharging to the POTW, the industrial wastewater charge shall be based upon the metered volume of water used for industrial activities. If the process that generates industrial wastewater is not separately supplied or separately metered, then the industrial wastewater charge shall be based upon either the metered volume of water used from public and/or private supplies or the measured volume of total wastewater, with appropriate allowances for the volume of domestic sewage and allowance for other waters not discharged to the POTW. The domestic sewage allowance shall be based on one thousand cubic feet (1,000 ft<sup>3</sup>) per month for each nine (9) employees using the sanitary sewer facilities. The domestic sewage allowance should be subject to such charge as is contemplated for general commercial customers by VMC 14.04 as amended. The rates of charge and methods of determining wastewater strength are set forth in this Part. The Director shall approve flow measurement methods necessary for assessment of such charges. (Ord. M-3970 §2, 2010)

#### **14.10.850 High Strength User Charges and Fees.**

Users meeting the definition of a High Strength User shall be subject to appropriate charges and fees as determined by the Director.

A. A monthly sanitary sewer charge for flow is levied on each High Strength User discharging directly to the POTW. This charge is at a rate as determined by the Director and is based upon the measured volume of total wastewater discharged to the POTW or metered water consumption.

B. Rates for strength of ~~industrial~~ non-domestic wastewater from High Strength Users are established as determined by the Director for each pound of BOD and each pound of TSS discharged to the POTW ~~suspended solids as determined by the Director.~~

C. ~~Industrial w~~Wastewater samples taken for the purpose of determining charges are to be taken by authorized representatives of the Director or as otherwise determined by the Director. The samples taken shall be twenty-four (24) hour composite samples, obtained through flow-proportioned composite samples, where feasible. Charges shall ~~apply as specified in Section 14.10.850(B), as determined on the basis of at least one be based on analysis of~~ twenty-four (24) hour flow proportioned or timed samples, ~~analysis to be obtained twice-per month and such analyses averaged for each month; provided, a new average for strength of industrial-wastewater may be computed, regardless of previous averages, when changes in preliminary treatment or industrial process changes have been made which are expected to significantly change the average strength of the wastewater.~~ Results from a minimum of two samples shall be averaged for each month. Charges shall be based on the average of results for the month.

D. Sampling procedures and methods to determine the mean wastewater strength for the purpose of determining charges shall be conducted by or under the direction of the Director. Samples shall involve a twenty-four (24) hour flow-proportioning or timed sampling device, where feasible, and be in accordance with methods as prescribed in Section 14.10.390 and Section 14.10.400 of this Ordinance. Sampling shall be conducted at sampling manholes or other locations adjudged by the Director to be suitable points from which samples would be representative, either singly or with other samples, of the industrial wastewater to be sampled. Samples shall be analyzed by an accredited laboratory as required by Chapter 173-50 WAC. (Ord. M-3970 §2, 2010)

**SECTION 4.** Chapter 14.24 of the Vancouver Municipal Code is hereby amended to read as follows:

## **Chapter 14.24**

### **EROSION CONTROL**

#### **Sections:**

**14.24.060 Specific compliance requirements.**

**14.24.060 Specific compliance requirements.**

A. *Inspection.* Prior to commencement of land disturbing activities, ~~the City shall be contacted to obtain a~~ City site erosion control inspection shall be scheduled and approved utilizing the City's inspection scheduling system. ~~Contacting the City to obtain~~ Scheduling the site inspection is the responsibility of the property owner on whose parcel the land-disturbing activity occurs and the person undertaking such activities. In addition, if the land-disturbing activity involves a city-issued permit, the permit holder, and the general contractor are also responsible for meeting this requirement.

B. *Preserve Vegetation/Mark Clearing Limits.* Retain the duff layer, native top soil, and natural vegetation in an undisturbed state to the maximum degree practicable. Prior to beginning land disturbing activities, including clearing and grading, clearly mark all clearing limits for critical areas and their buffers, and trees that are to be preserved within the construction area. Clearing limits for critical areas and their buffers, and for tree, vegetation, and soil conservation, shall be in compliance with all applicable requirements set forth in relevant chapters of the Vancouver Municipal Code.

C. *Construction Access Route.* Construction vehicle access shall be limited to one route, unless additional access is approved by the Director. Access points shall be installed as required by the Stormwater Manual and the General Requirements to minimize the tracking of sediment, mud or debris onto paved surfaces, public and private roads.

D. *Sediment Removal from Roadways, Paved and Impervious Surfaces.* If sediment, mud or debris is transported onto a road, paved or impervious surface, the roads, paved and impervious surfaces shall be cleaned thoroughly at the end of each workday or more often if necessary. Significant soil deposits shall be removed from roads, paved and impervious surfaces by shoveling and sweeping and shall be transported to a controlled sediment disposal area. Street washing is not allowed unless approved by the Director and only after sediment is removed in the manner described above.

E. *Stabilization of Denuded Areas.* All exposed soils shall be stabilized in a timely manner, by suitable application of BMPs, including but not limited to sod or other vegetation, plastic covering, mulching or crushed aggregate on areas to be paved. All exposed and disturbed soils shall be stabilized by the appropriate BMP. During the period from October 1st to April 30th no soil shall be exposed for more than two days. From May 1st to September 30 no soil shall be exposed more than seven days. All BMPs shall be selected, designed and maintained in accordance with the Stormwater Manual and the General Requirements.



F. *Protection of Water Bodies and Adjacent Properties including Right-of-Way.* Water bodies, adjacent properties, and right-of-way shall be protected from sediment deposition by appropriate use of vegetative filter strips, sediment barriers or filters, dikes or mulching or by a combination of these measures and other appropriate BMPs.

G. *Sediment Traps or Ponds.* Stormwater runoff from disturbed areas shall pass through a sediment pond, sediment trap or other approved BMP system.

H. *Storm Drain Inlet Protection.* All storm drain inlets shall be protected by approved BMPs which shall be operable, properly installed, and maintained according to the Stormwater Manual and the General Requirements.

I. *Stormwater Facility Protection.* Permanent stormwater facilities shall be isolated and protected from sedimentation by approved BMPs which shall be operable, properly installed and maintained according to the Stormwater Manual and the General Requirements. Permanent facilities may be approved by the Director for temporary use during construction in compliance with the Stormwater Manual. Temporary erosion ponds shall be placed, operated, and maintained as specified in the General Requirements and approved plans.

J. *Protect Low Impact Development BMPs.* Protect LID BMPs from compaction and sedimentation.

K. *Maintenance.* All erosion prevention and sediment control BMPs shall be regularly inspected and maintained to ensure continued performance of their intended function. A log of erosion prevention and sediment control BMP maintenance shall be provided and kept as a permanent record. The maintenance log shall be kept in a designated on-site location. Construction sites shall be inspected at least once a week and after each rainfall event.

L. *Removal of Temporary BMPs.* All temporary erosion and sediment control BMPs shall be removed within thirty (30) days after final site stabilization. Disturbed soil areas resulting from BMP removal shall be properly stabilized.

M. *Certified Erosion and Sediment Control Lead (CESCL).* All land-disturbing activities shall be supervised by an individual who shall have successfully completed formal training in erosion and sediment control by a recognized organization acceptable to the Washington State Department of Ecology. A certification of successful completion of such training shall be submitted at the pre-construction conference. This certification requirement shall not apply to single-family homeowners acting as their own contractor and engaging in development or land-disturbing activity on their own property.

N. *Underground Utility Construction.* For construction of underground utility lines, excavated material shall be properly managed in accordance with the Stormwater Manual and shall be subject to the following additional requirements:

1. The length of trench opened at one time shall be minimized.
2. Trenches shall be topped and maintained with clean rock until paving occurs.
3. Trench dewatering devices shall discharge into an approved, operating, and properly maintained BMP.

O. *Financial Liability.* Performance bonding or other appropriate financial instruments, may be required for all development, redevelopment projects that include the creation or addition of five thousand square feet, or greater, of new impervious surface area, and/or land-disturbing activity of one acre or greater.

P. *Construction Stormwater Pollution Prevention.* Compliance with Minimum Requirement #2, Construction Stormwater Pollution Prevention Plan, shall be achieved for an individual site of land-disturbing activities if the site is covered under the Washington State Department of Ecology's General NPDES Permit for Stormwater Discharges Associated with Construction Activities and is fully implementing the requirements of that permit.

Q. If the BMPs applied to a site are insufficient to prevent sediment from reaching water bodies, adjacent properties or public right-of-way, then the Director shall require additional BMPs. (Ord. M-4179 §27, 2016; Ord. M-3920 §2, 2009)

**SECTION 5.** Savings. Those ordinances or parts of ordinances which are amended by this ordinance shall remain in full force and effect until the effective date of this ordinance.

**SECTION 6.** Severability. If any clause, sentence, paragraph, section, or part of this ordinance or the application thereof to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid, such order or judgment shall be confined in its operation to the controversy in which it was rendered and shall not effect or invalidate the remainder of any parts thereof to any person or circumstances and to this end the provisions of each clause, sentence, paragraph, section or part of this law are hereby declared to be severable.

**SECTION 7.** Effective date. This Ordinance shall become effective as of January 1, 2024, following the date of final adoption.

DATE OF FINAL PASSAGE by the Vancouver City Council: December 18, 2023

SIGNED this 18th day of December, 2023.

DocuSigned by:  
*Anne McEnerny-Ogle*  
6C89D9089EC5424...  
Anne McEnerny-Ogle, Mayor

Attest:  
DocuSigned by:  
*Natasha Ramras*  
BCF6734E40E94AE...  
Natasha Ramras, City Clerk

Approved as to form:

DocuSigned by:  
*Jonathan Young*  
9A7DC2E31F694A2...  
Jonathan Young, City Attorney

SUMMARY

ORDINANCE NO. M-4431

AN ORDINANCE relating to the water, sewer and surface water utility miscellaneous fees and regulations, amending Chapters 14.04, 14.08, 14.10, and 14.24 of the Vancouver Municipal Code; providing for savings, severability and an effective date.

The full text of this Ordinance will be mailed upon request. Contact Raelyn McJilton, Records Officer at 360-487-8711, or via [www.cityofvancouver.us](http://www.cityofvancouver.us) (Go to City Government and Public Records).