

Side-Sewer Policy Resolution

The Public Works Board's Construction Loan Program can be used to repair or replace sewer side service connections on privately owned property if it can be demonstrated that the work done on the private property will enhance conservation or more efficient use of stormwater or sewer systems, and the borrower has in place a mechanism to meet the charge back provisions of RCW 35.67.360.

The applicant, *at time of loan agreement or at contract execution*, must have in place an ordinance or resolution declaring a finding of enhanced conservation or efficient use, and taken the necessary measures to implement that mechanism. (Policy amended in May 2004 from original adoption in April 1996).

The following are excerpts from various communities' policies that work as charge back mechanisms:

"NOW, THEREFORE, BE IT RESOLVED by the XYZ City Council as follows:

Declaration of Public Interest and Intent to Recover Costs. It is the public policy of the City of XYZ that its sewer system be developed and maintained so that it is reliable and provides effective service to the citizens of the City of XYZ that insures the public health and safety and preserves the quality of Lake ABC by minimizing the potential for sewer spills and back-ups onto private property and into the lake, and it expressly finds that the repair or replacement of side-sewers on private property in conjunction with the Lake Line Sewer Replacement Project will benefit the public sewer system and that the public benefit will be expressly served thereby. The City further declares that a payback mechanism is in place through rate revenue collected from customers of the sewer utility to recover the costs attributed to the replacement of side sewers on private property."

"Recovery Contracts"

Applicability: The provisions of this chapter shall apply to all recovery contracts authorized by Chapter 35.91 RCW for construction of storm, sanitary or combination sewers, pumping stations and disposal plants, water mains, hydrants, reservoirs or appurtenances, hereafter called "water or sewer facilities."

A. Subsequent to the recording of a recovery contract, the City shall not permit connection of any property within the benefit area to any sewer or water facility constructed pursuant to the recovery contract unless the share of the cost of such facility as required by the recorded agreement is first paid to the City.

B. Upon receipt of any such fees, the City shall deduct an administrative fee as set forth in the recovery contract and remit the balance to the party entitled to the fee pursuant to the agreement. In the event that through error the City fails to collect a required recovery fee prior to approval of connection to a sewer or water facility, the City shall make diligent efforts to collect such fee, but shall under no circumstances be obligated to make payment to the party entitled to reimbursement or in any way be liable to such party, unless such recovery fee has actually been paid to the City.

The above are just examples. Each community will have a different methodology by which they get reimbursed for side-sewer work. For more information or assistance on developing appropriate policy language for your community, we recommend that you contact your association:

CITIES: www.awcnet.org

COUNTIES: <http://www.wacounties.org/wsac/>

PUDS: www.wpuda.org

WATER/SEWER DISTRICTS: www.waswd.org

For all: www.MRSC.org (Municipal Research and Services Center)