

Title 11 – Utilities
Chapter 6 – Private Water and Sewer Systems

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Repealed or Superseded:

Health and Sanitation Code, Ord. 90 (2/6/92), BIA (2/18/92) (Chapter 1 “Definitions,” Chapter 2 “Domestic Water Sources” and Chapter 3 “Sewage Disposal Facilities”).

Swinomish Indian Tribal Community Utility Ordinance, Ord. 65, Art. V & VII (10/10/89), Enacting Res. 89-10-95, BIA (10/23/89).

11.06.010 Definitions.

- (A) **“Board of Health”** means the Chair of the Swinomish Senate and the Chair of Vice-Chair of the Health, Education, and Social Services Committee.
- (B) **“Health Administrator”** means the Director of the Swinomish Tribal Health Program or his/her authorized representative(s).
- (C) **“Manager”** means the manager of the Utility Authority established under the terms of this Title.
- (D) **“Planning Department”** means the Office of Planning and Community Development of the Swinomish Indian Tribal Community.
- (E) **“Public Health Service Recommended Standards”** means official publications of the U.S. Public Health Service.
- (F) **“Sanitarian”** means the Indian Health Service Environmental Health professional stationed at the Northwest Washington Service Unit.
- (G) **“Sewage Disposal System”** means any individual or community installation constructed for the purpose of treatment and disposal of human wastes, including but not limited to: septic tanks, drain fields, service lines, sewer mains, interceptor lines, and interior plumbing.

- (H) **“Water Supply and Distribution”** means any individual or community installation constructed for the purpose of providing potable water to a residence, place of business or other facility, including but not limited to: distribution mains, service lines, wells, and interior plumbing.

[History] Ord. 195 (11/5/03); Ord. 90 (2/6/92).

Subchapter I – Connecting to the Public Sewer

11-06.020 Runoff.

- (A) **Surface and Groundwater.** No drain of any kind that carries surface or groundwater runoff shall be connected to the public sewer.
- (B) **Buildings.** No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or ground water to a building sewer or building drain that in turn is connected directly or indirectly to a public sanitary sewer.

[History] Ord. 195 (11/5/03); Ord. 65 (10/10/89).

11-06.030 Connection to Public Sewer.

- (A) **Inside Area Served by Authority.** Owners of real property or the beneficial owners of real property within the area served by the public sewage disposal system shall connect any toilets on their property to the public sewer when the nearest property line on their lot is within 200 feet of a sewer line.
- (B) **Outside Area Served by Authority.** Owners of real property or the beneficial owners of real property that is not within an area served by the public sewage disposal system or where a property line is not within 200 feet of a public sewer shall construct a private sewage disposal system.

[History] Ord. 195 (11/5/03); Ord. 65 (10/10/89).

11-06.040 Construction and Repair.

- (A) Any building or structure hereafter constructed or made available for human occupation and use for any purpose shall, when required by this Section, be connected to a public sewer of the Authority before the completion of the construction of such building or structure or before any occupancy or use thereof, or (in the event that a public sewer capable of serving that building or structure has not been completed by the Authority prior to the construction or occupancy of such buildings or structure) within sixty (60) days after written notification from the Authority as aforesaid, whichever event first occurs.

- (B) Any needed repair to a building sewer or connection to a public sewer shall be made within sixty (60) days after the date of mailing or personal service of a notice by the manager to the owner of the property served notifying such owner to make such repair. In the event of any emergency, the Authority may establish a shorter period of time for the repair to be made or, if the owner cannot be located or does not promptly make such repairs, the Authority may make the repairs at the expense and risk of the owner.
- (C) If any connection to a public sewer, or if any needed repair to a building sewer or connection to a public sewer, shall not be made within the time and in the manner provided in this Section, the Authority may forthwith apply to the Tribal Court for an order causing such connection or repair to be made by the Authority. Such order may be issued only after proper notice served to the owner stating that there will be a hearing before the Court on the matter. If the owner cannot be located, this notice may be affixed to the building in question.
- (D) Upon making the necessary connection or repair, the Authority shall certify the amount of the cost of making such connection or repairs and may also file a declaration of lien with the Planning Department, the Auditor of Skagit County, and/or with the Puget Sound Agency, Bureau of Indian Affairs, Department of the Interior. Upon such filing, the cost, together with a penalty of fifteen percent (15%) of the cost plus interest at one percent (1%) per month, upon the one hundred fifteen percent (115%) amount, compounded annually shall become a lien against the property.

[History] Ord. 195 (11/5/03); Ord. 65 (10/10/89).

11-06.050 New Construction.

- (A) **Conditions.** As a condition to receiving a permit for new construction, the permittee shall agree to:
 - (1) Connect to the public sewer as soon as the same becomes available for connection;
 - (2) Participate in, support, and become a part of any Reservation Utility Improvement District that shall be formed to serve the property or any part thereof; and
 - (3) Pay any and all charges associated with the extension of the sewer system to the property or any part thereof.
- (B) **Writing.** The applicant's agreement to the above conditions shall be written and signed.

[History] Ord. 195 (11/5/03); Ord. 65 (10/10/89).

11-06.060 Building Sewers and Connections: Permits.

- (A) No person other than an authorized representative of the Authority shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Manager.
- (B) There shall be three classes of building sewer permits: (1) Residential; (2) Commercial; and (3) Industrial. In each case, the owner or his or her agent shall make application on a special permit form furnished by the Authority. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Manager. A permit and inspection fee shall be paid to the Authority at the time the application is filed.
- (C) All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Authority from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

[History] Ord. 195 (11/5/03); Ord. 65 (10/10/89).

11-06.070 Building Sewers and Connections: Engineering.

- (A) A separate and independent building sewer shall be provided for every building unless otherwise approved by the Manager prior to construction of such building sewer.
- (B) Old building sewers, including septic tank lines, may be used in connection with new buildings only when they are found, on examination and test by the Manager, to meet all requirements of this Chapter.
- (C) The size, slope, alignment, and materials of a building sewer, and the methods to be used in excavating, placing the pipe, jointing, testing, and backfilling the trench, shall all conform to the specifications of the Authority.
- (D) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the public sewer at the owner's expense.
- (E) The connection of the building sewer into the public sewer shall conform to the specifications promulgated or adopted by the Authority. All such connections shall be gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Manager before installation.

- (F) The applicant for the building sewer permit shall notify the Manager when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Manager or his/her representative.
- (G) All excavations for building sewer installations shall be adequately guarded with barricades and lights to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Manager or his or her representative.

[History] Ord. 195 (11/5/03); Ord. 65 (10/10/89).

11-06.080 Building Sewers and Connections: Disconnection.

No structure may be disconnected from a building sewer and no building sewer may be disconnected from a public sewer for any reason without prior written notification to, and approval of, the Manager or his or her representative.

[History] Ord. 195 (11/5/03); Ord. 65 (10/10/89).

11-06.090 Proscribed Discharge.

- (A) No person shall discharge or cause to be discharged any storm water, surface water, roof runoff, subsurface drainage, cooling water or industrial process waters to any sanitary sewer.
- (B) Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:
 - (1) Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150 F.°);
 - (2) Any water or waste that may contain more than 30 parts per million (30 ppm), by weight, of fat, oil or grease;
 - (3) Any gasoline, benzene, naphtha, fuel oil, lube oil or other flammable or explosive liquid, solid or gas;
 - (4) Any organic garbage that has not been properly shredded;
 - (5) Any solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewer works including but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, or paunch manure;

- (6) Any waters or wastes having a pH lower than 5.5 or higher than 9.0, or having any other corrosive property capable of causing damage or hazard to the structures, equipment or personnel of the Authority;
- (7) Any waters or wastes containing toxic or poisonous substances in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters or at the disposal site of the sewage treatment plant;
- (8) Any waters or wastes containing suspended solids of such character and quantity, or of such excessive organic loads, that unusual attention or expense is required to handle such materials at the sewage treatment plant;
or
- (9) Any noxious or malodorous gas or substance capable of creating a public nuisance.

[History] Ord. 195 (11/5/03); Ord. 65 (10/10/89).

11-06.100 Grease, Oil, and Sand Separators.

- (A) Grease, oil and sand solids separators shall be provided when, in the opinion of the Manager, they are necessary for the handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients. Such separators shall be of a type and capacity approved by the Manager and shall be so located as to be readily and easily accessible for cleaning and inspection. Grease and oil separators shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers that, when bolted in place, shall be gastight and watertight.
- (B) Where installed, all grease, oil and sand solids separators shall be maintained by the owner, at his or her expense, for continuously efficient operation at all times. A record of such maintenance shall be furnished to the Manager upon request.

[History] Ord. 195 (11/5/03); Ord. 65 (10/10/89).

11-06.110 Discharge Subject to Review.

The introduction into the public sewer of any waters or wastes with the following characteristics shall be subject to the review and approval of the Manager:

- (A) A five-day B.O.D. greater than 300 parts per million (300 ppm) by weight;
- (B) More than 250 parts per million (250 ppm) by weight of suspended solids;

- (C) Any quantity of a substance having the characteristics described in Section 11-06.090(B).
- (D) Any average daily flow greater than two percent (2%) of the average daily sewage flow of the Authority; or
- (E) Any other substance or practice that is prohibited or regulated by the rules and regulations of the Authority as presently existing or hereafter amended.

[History] Ord. 195 (11/5/03); Ord. 65 (10/10/89).

11-06.120 Preliminary Treatment.

- (A) Where necessary in the opinion of the Manager, the owner shall provide, at his or her expense, such preliminary treatment as may be necessary to:
 - (1) Reduce the B.O.D. to 300 million parts by weight, and the suspended solids to 250 parts per million by weight;
 - (2) Reduce objectionable characteristics or constituents to within the maximum limits provided for in Section 11-06.090(B);
 - (3) Control the quantities and rates of discharge of such water or wastes; or
 - (4) Comply with any other restrictions imposed by the Authority.
- (B) Plans, specifications and other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Manager and the appropriate federal agencies when required by law, and no person shall commence construction of such facilities until such person obtains approval from the Manager in writing. Any expenses incurred by the Authority in reviewing such plans, specifications and information shall be paid by the property owner or his or her representative before the Authority shall issue its approval.
- (C) Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense.

[History] Ord. 195 (11/5/03); Ord. 65 (10/10/89).

11-06.130 Control Manhole.

When required by the Manager, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when

required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Manager. The manhole shall be installed and maintained by the owner at his or her expense so as to be safe and accessible at all times.

[History] Ord. 195 (11/5/03); Ord. 65 (10/10/89).

11-06.140 Measurements, Tests, and Analyses.

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in Section 11-06.090(B) and Section 11-06.110 shall be determined in accordance with "Standard Methods for the Examination of Water and Wastewater," and shall be determined at the control manhole provided for in Section 11-06.130, or upon suitable samples taken at such control manhole. In the event that no special manhole has been required, the control manhole shall be the nearest downstream manhole in the public sewer from the point at which the building sewer is connected.

[History] Ord. 195 (11/5/03); Ord. 65 (10/10/89).

11-06.150 Industrial Waste.

Nothing in this Chapter shall be construed as preventing any special agreement or arrangement between the Authority and the producer of any industrial waste whereby industrial waste of unusual strength or character may be accepted by the Authority for treatment, subject to payment by the producer.

[History] Ord. 195 (11/5/03); Ord. 65 (10/10/89).

11-06.160 Other Restrictions and Requirements.

The Authority shall adopt other restrictions and requirements for the use of the public sewers as in its judgment are wise and prudent for the system.

[History] Ord. 195 (11/5/03); Ord. 65 (10/10/89).

Subchapter II – Private Sewers

11-06.170 General Requirements.

Except as hereinafter provided in this Chapter, it shall be unlawful to construct or maintain any privy, septic tank, cesspool or other facility intended or used for the disposal of sewage.

[History] Ord. 195 (11/5/03); Ord. 65 (10/10/89).

11-06.180 Discharge Permits Required.

It shall be unlawful for any person to discharge sewage, industrial wastes, or other polluted waters without a permit upon any property or into any watercourse within the exterior boundaries of the reservation or in any area under the jurisdiction of the Authority.

[History] Ord. 195 (11/5/03); Ord. 65 (10/10/89).

11-06.190 Connection to Public Sewer.

- (A) Where a public sanitary sewer is not available for use as provided in Section 11-06.030, the building sewer shall be connected to a private sewage disposal system, which must comply with the terms and conditions of this Section.
- (B) At such time as a public sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer in compliance with this Chapter. Such connection shall be made within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

[History] Ord. 195 (11/5/03); Ord. 90 (2/6/92); Ord. 65 (10/10/89).

11-06.200 Permit for New Construction.

- (A) No person shall construct, alter, extend or connect to an individual septic tank, lagoon, cesspool system or community sewage system unless he or she holds a valid permit issued by the Health Administrator for the specific construction.
- (B) Applications for permits shall be in writing, be signed by the applicant and include the following:
 - (1) Name, address and phone number of the applicant.
 - (2) Location of the proposed construction.
 - (3) Plans and specifications for the proposed facilities.
 - (4) Location of the water supplies, piping, existing facilities, buildings or proposed buildings and wells.
 - (5) Results of soil percolation tests and location of test holes and date of testing.
- (C) The Health Administrator may require the applicant to submit additional information that he or she may deem necessary.

- (D) Applications shall be reviewed by: (1) the Planning Department; and (2) the Health Administrator; in consultation with the Sanitarian, who shall make written recommendations before granting the construction permit.
- (E) The applicant shall pay a permit and inspection fee to the Tribe at the time the application is filed.

[History] Ord. 195 (11/5/03); Ord. 90 (2/6/92); Ord. 65 (10/10/89).

11-06.210 Comprehensive Plan.

All new construction shall comply with the Comprehensive Plan, Zoning Code, other applicable provisions of the Swinomish Tribal Code, and any rules and regulations promulgated thereunder.

[History] Ord. 195 (11/5/03); Ord. 90 (2/6/92).

11-06.220 Inspection.

All new connections shall be inspected and approved by the Health Administrator or Sanitarian before being placed into service.

[History] Ord. 195 (11/5/03); Ord. 90 (2/6/92).

11-06.230 Public Health Service Standards.

- (A) The type, capacities, location, and layout of a private sewage disposal system shall comply with all Public Health Service Recommended Standards. No septic tank or cesspool shall be permitted to discharge to any wetlands, water body, or water course.
- (B) It shall be a violation of this Chapter for any person to construct, operate or maintain a sewage disposal system on the Reservation that fails to meet the Public Health Service recommended standards on file with the Health Administrator. This section shall not prohibit the use of gray water disposal systems as approved by the Health Administrator and Health Sanitarian.

[History] Ord. 195 (11/5/03); Ord. 90 (2/6/92); Ord. 65 (10/10/89).

11-06.240 Operations and Maintenance.

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all time, at no expense to the Tribe.

[History] Ord. 195 (11/5/03); Ord. 65 (10/10/89).

11-06.250 Additional Requirements.

No statement contained in this Chapter shall be construed to interfere with any additional requirements that may be imposed by the Health Administrator.

[History] Ord. 195 (11/5/03); Ord. 65 (10/10/89).

11-06.260 Disposal of Privy and Septic Tank Contents.

Materials from any individual sewage disposal system shall be collected, transported, and disposed of in a manner approved by the Health Administrator. Permits for septic tank pumper operators shall be required by the Planning Department and shall be renewed on an annual basis. However, a county pumping permit shall be considered adequate.

[History] Ord. 195 (11/5/03); Ord. 90 (2/6/92).

11-06.270 Time Allowed for Corrections of Violations.

Any violation of this Chapter must be corrected within forty-eight (48) hours.

[History] Ord. 195 (11/5/03); Ord. 90 (2/6/92).

Subchapter III – Private Water Supply

11-06.280 Connection to Community Water Systems.

The Health Administrator or the Planning Director shall refuse to grant a permit for construction of an individual water system where adequate community water system distribution lines are within 200 feet of the property line of the premise to be served.

[History] Ord. 195 (11/5/03); Ord. 90 (2/6/92).

11-06.290 Public Health Service Standards.

It shall be a violation of this Chapter for any person to construct, operate, or maintain a domestic water source on the Reservation that is not adequately protected against contamination and in compliance with the Public Health Service recommended standards on file with the Planning Department.

[History] Ord. 195 (11/5/03); Ord. 90 (2/6/92).

11-06.300 Construction Permit.

- (A) **Required.** It shall be a violation of this Chapter for any person to construct, alter or extend a water supply and distribution system on the Reservation without a

valid permit issued by the Health Administrator for the specific construction.

- (B) **Applications.** Application for permits shall be in writing, signed by the applicant, and include the following:
- (1) Name, address and phone number of the applicant;
 - (2) Location of the proposed construction; and
 - (3) Plans and specifications for the proposed facilities;
- (C) **Review.** Applications shall be reviewed by the Health Administrator in consultation with the Sanitarian. The Health Administrator and Sanitarian shall make written recommendations before approving the construction.

[History] Ord. 195 (11/5/03); Ord. 90 (2/6/92).

11-06.310 Zoning Permit.

All construction shall also be subject to the provisions of Title 20, Land Use and Zoning, of the Swinomish Tribal Code, including zoning permits where applicable. Approval of the Planning Department will be required before construction permits can be issued.

[History] Ord. 195 (11/5/03); Ord. 90 (2/6/92).

11-06.320 Inspection.

All water supply and distribution construction shall be inspected and approved by the Health Administrator or Sanitarian before being placed in service.

[History] Ord. 195 (11/5/03); Ord. 90 (2/6/92).

11-06.330 Hazardous Installations Prohibited.

No person shall install or maintain fixtures, equipment or devices that provide a cross-connection or allow backflow into a community or individual water supply. Public Health Service recommended standards, which are on file with the Planning Department shall be followed.

[History] Ord. 195 (11/5/03); Ord. 90 (2/6/92).

Subchapter IV -- Sewer and Water Line Contractors

11-06.340 License Required.

For the purpose of assuring safe and high quality construction of building sewers, water lines, and connections to the public sewers and water lines of the Authority, and of affording satisfactory protection to the sewer or water line users of the Authority, no person, other than the owner of the property involved, may construct, install, repair, reconstruct, excavate or connect to the public sewers or water lines of the Authority any building sewer or water line, unless he or she is a side sewer or water line contractor holding a valid license from the Authority.

[History] Ord. 195 (11/5/03); Ord. 65 (10/10/89).

11-06.350 Application.

The Authority shall issue building sewer or water line contractor licenses based on information contained on the application and obtained from other reliable sources relating to the experience, ability to perform the necessary work, and reputation of the applicant. All applicants for the license shall complete an application furnished by the Authority that shall require the applicant to furnish information relating to his or her experience, ability to perform building sewer or water line work, and personal, financial, and previous work references. The application may be in the form of a contract whereby the applicant shall agree to abide by the building sewer and side sewer or water line contractor requirements of this Title.

[History] Ord. 195 (11/5/03); Ord. 65 (10/10/89).

11-06.360 Bond and Insurance.

- (A) Every applicant for a license must:
- (1) Deposit with the Authority a surety bond in favor of the Authority in the amount of five thousand dollars (\$5,000.00) with a surety or sureties thereon approved by the Authority and conditioned on the applicant's performance of the obligations of the application or contract (if the application is in contract form) and the resolutions and requirements of the Authority relating to building sewers or water line contractors, and
 - (2) Provide satisfactory proof that the applicant currently carries the following insurance coverage:
 - (a) Public liability insurance in an amount not less than fifty thousand dollars (\$50,000.00) for injuries and accidental death to any one

person, and an amount not less than one hundred thousand dollars (\$100,000.00) for any one accident; and

(b) Property damage and fire insurance in an amount not less than twenty-five thousand dollars (\$25,000.00).

(B) As long as a side sewer or water line contractor has a license, he or she shall maintain such bond and insurance, and such additional limits as may be required from time to time, and shall furnish proof thereof to the Authority whenever required by the Manager.

[History] Ord. 195 (11/5/03); Ord. 65 (10/10/89).

11-06.370 Responsibilities.

Every licensed building sewer or water line contractor shall:

- (A) Post a valid building sewer or water line permit at the site of the work prior to commencing the work relating thereto;
- (B) Contract for work using only the standard form of building sewer or water line contract approved by the Authority, executed in duplicate or more copies, which shall provide:
 - (1) A clear description, including a sketch, of the work to be performed and the materials to be used; and
 - (2) A statement that workmanship and materials shall be guaranteed for a period of one (1) year after installation and acceptance thereof; and
- (C) Adhere at all times to the current requirements of the Authority for building sewer or water line contractors, including such reasonable requirements relating to construction, installation, reconstruction and repair the Manager may impose from time to time.

[History] Ord. 195 (11/5/03); Ord. 65 (10/10/89).

11-06.380 License Revocation, Suspension.

- (A) The license of a building sewer or water line contractor may be revoked or temporarily suspended by the Manager until the next meeting of the Commission for any one (1) of the following causes:
 - (1) Fraud or misrepresentation in applying for or maintaining the license;
 - (2) Failure to observe the rules and regulations of the Authority relating to

building sewers or water line contractors;

- (3) Failure to pay for labor or materials used in the construction of building sewers or water lines;
 - (4) Fraud or misrepresentation to the owner, occupant or agent or representative thereof for the purpose of obtaining a contract for the construction of a building sewer or water line, or during the course of work done pursuant to such a contract, and including the failure to adhere to the standard building sewer or water line contract;
 - (5) Failure to correct work or pay any default covered by the guarantee in the standard building sewer or water line contract;
 - (6) Failure to pay for work performed by the Manager or Authority, or caused to be performed thereby, for which the contractor may be liable; or
 - (7) Failure to maintain, or, when requested, prove, the maintenance of the surety bond and insurance required by this Chapter.
- (B) Prior to the meeting of the Commission at which action or revocation of a license will be taken, the contractor shall be notified and shall be afforded an opportunity to be heard by the Commission at that meeting. If the license is revoked or suspended, the contractor must forthwith cease any building sewer or water line construction work being performed within the jurisdiction of the Authority.

[History] Ord. 195 (11/5/03); Ord. 65 (10/10/89).

11-06.390 License Renewal.

The building sewer or water line contractor's license may be renewed annually by application as aforesaid and satisfaction of the requirements of this Chapter.

[History] Ord. 195 (11/5/03); Ord. 65 (10/10/89).