

ORDINANCE NO. 2004

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DAYTON,
WASHINGTON AMENDING CHAPTER 4-5 OF THE DAYTON
MUNICIPAL CODE TO CLARIFY THE CITY'S RESPONSIBILITY FOR
SIDE SEWER LINES; AND PROVIDING FOR SUMMARY
PUBLICATION BY ORDINANCE TITLE ONLY**

WHEREAS, the City Council of the City of Dayton had determined that it is necessary to supplement and clarify Dayton Municipal Code 4-5.80 concerning the City's responsibilities relating to private and side sewers.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF DAYTON,
WASHINGTON, DO HEREBY ORDAIN AS FOLLOWS:**

Section 1. Ordinance No. 1432, Section 20, and Chapter 4-5 of the Dayton Municipal Code are hereby amended as follows:

Section 4-5.80, which currently reads as follows:

4-5.80 – City not responsible for private or side sewers.

The city assumes no responsibility for the maintenance or repair of any building sewers on private property.

Is hereby amended to read as follows:

4-5.80 – City not responsible for private or side sewers.

The city assumes no responsibility for the maintenance of any building sewer lines on private property or in easements or street rights-of-way. The owner of property served by a building sewer is responsible for the building sewer's connection to the public sewer, and for the entire length of the building sewer from the public sewer to the building the line serves. Each property owner shall, at the property owner's sole expense, operate, maintain, and repair and/or replace the building sewer so that it does not cause or contribute to an obstruction in the public sewer. The owner shall perform such duties as may be required in response to notice from the city of observed obstructions in the public sewer attributable to the building sewer's condition. Where such maintenance requires excavation or replacement of existing sewer facilities, the owner shall apply for and receive appropriate permits from the city.

If one or more discharges from a building sewer result in damage, partial or complete blockage, impairment of the public sewer's conveyance capacity, or excessive city maintenance of the public sewer, the discharger responsible shall be liable for said damage, and shall take the corrective action necessary to restore the public sewer system to full and normal operations. "Excessive maintenance" of the public sewer means pipe flushing or cleaning required more frequently than once every 12 months. Liability under

this section is in addition to civil penalties imposed pursuant to Section 4-5.112 of this chapter.

Section 2. Except as expressly set forth herein, all other provisions of Ordinance 1432 remain unchanged.

Section 3. Should any section, paragraph, sentence, clause, or phrase of this Ordinance be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

Section 4. A summary thereof of this Ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect and be in full force five (5) days after the date of publication.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF DAYTON, WASHINGTON, AT A REGULAR MEETING THIS 12th DAY OF September, 2023.

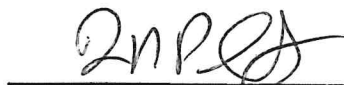
City of Dayton


By: Zac Weatherford

Attest:


Debra M. Hays, City Clerk Treasurer

Approved as to form:
Menke Jackson Beyer, LLP


By: Quinn N. Plant, City Attorney

ORDINANCE SUMMARY BY TITLE ONLY FOR PUBLICATION PURPOSES
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Section 1. Amendment.

Section 2. Severability.

Section 3. Summary Publication.

The full text of Ordinance 2004 adopted the 12th day of September, 2023 is available for examination at the City Administrator/Clerk-Treasurer's Office, 111 S. 1st St., Dayton, WA during normal business hours, Monday – Friday, 7:00 a.m. to 4:00 p.m. Full text of the Ordinance shall be mailed upon request.

By: /s/ Zac Weatherford, Mayor

Attest: /s/ Debra Hays, City Clerk Treasurer

Approved as to form: /s/ Quinn Plant, City Attorney

Published: 10/12/2023

The Times: