

ORDINANCE NO. H- -2021

An emergency ordinance amending Article IV sections 8.3.3.1, 8.3.3.2, and 8.3.3.4 of the Sanitary Code for Thurston County, extending the expiration dates of on-site sewage system installation and repair applications and permits as a result of the emergency due to the COVID-19 pandemic.

WHEREAS, the Thurston County Board of Health adopts the following findings:

1. On March 12, 2020, the Thurston County Board of County Commissioners adopted Resolution No. 15880 declaring an emergency under chapter 38.52 RCW due to the worldwide and local outbreak of COVID-19, and most recently extended the declaration of emergency through October 31, 2021 in Resolution No. 15987.
2. On April 30, 2020, the Thurston County Board of Health adopted Ordinance H-4-2020, finding that it was necessary to modify certain requirements of the Sanitary Code for Thurston County in order to alleviate impacts to people, property, and infrastructure, resulting from the COVID-19 pandemic.
3. The provisions of Ordinance H-4-2020 provided waivers and extensions related to permits and approvals until September 30, 2020.
4. On October 13, 2020, the Thurston County Board of Health adopted Ordinance H-9-2020 extending many of these provisions until March 31, 2021.
5. The COVID-19 emergency declarations at the federal, state and county levels remain in place, and the COVID-19 pandemic continues to impact the community.
6. To address the continuing impacts of the COVID-19 pandemic, some of the extensions approved in Ordinance H-4-2020 and extended in Ordinance H-9-2020, should be further extended until September 30, 2021.
7. The Thurston County Board of Health has the authority to enact local rules and regulations as are necessary in order to preserve, promote and improve the public health pursuant to RCW 70.05.060, and to adopt emergency provisions pursuant to Article I, section 4.2 of the Sanitary Code for Thurston County.
8. It is necessary for provisions of the Sanitary Code to be waived or revised as set forth in this Ordinance to preserve, promote and improve the public health, and for immediate adoption of this Ordinance without notice and hearing for the preservation of the public health, safety, or general welfare.

NOW, THEREFORE, the THURSTON COUNTY BOARD OF HEALTH hereby ordains as follows:

SECTION 1. Section 4 of Ordinance H-9-2020 and Article IV, sec. 8.3.3.1 of the Sanitary Code for Thurston County are amended to read as follows:

8.3.3.1 For any proposal other than a repair, a valid, unexpired OSSA shall expire one year after the date of application. This period may be extended for a single one year period without charge, if specifically requested in writing by the applicant prior to the expiration date. A revision to a design or site plan shall not change the OSSA expiration date for any proposal including a repair.

Any OSSA expiring between March 12, 2020 and September 30, 2021 shall be automatically extended to September 30, 2021 without any need to request an extension.

SECTION 2. Section 5 of Ordinance H-9-2020 and Article IV, sec. 8.3.3.2 of the Sanitary Code for Thurston County are amended to read as follows:

8.3.3.2 For a proposal other than a repair, a valid, unexpired OSSP shall expire three years after the date of the conditional site approval. If a building permit is obtained during the three year period of validity for the OSSP, the OSSP will be valid for three years or as long as the building permit is valid, whichever is greater, but in no case shall the validity of an OSSP exceed five (5) years from the date of the conditional site approval. A revision to a design or site plan shall not change the OSSP expiration date for any proposal including a repair.

Any OSSP expiring between March 12, 2020 and September 30, 2021 shall be automatically extended to September 30, 2021 without any need to request an extension.

SECTION 3. Section 6 of Ordinance H-9-2020 and Article IV, sec. 8.3.3.4 of the Sanitary Code for Thurston County are amended to read as follows:

8.3.3.4 For a repair, the OSSA and OSSP shall expire one year after the date of application. An extension of one year may be authorized by the Health Officer if requested prior to the expiration date of the OSSA or OSSP and if there are extenuating circumstances, such as difficult site conditions, abnormal rainfall, or difficulty in developing an operation and maintenance manual. If an extension is granted, the requirements that applied at the time of the application will be the applicable

standards. Expired OSSA and OSSP shall not be renewed or extended.

For a repair, an OSSA and OSSP expiring from March 12, 2020 to September 30, 2021 shall be automatically extended to September 30, 2021 without any need to request an extension.

SECTION 4 SEVERABILITY. If any provision of this Ordinance or its application to any person or circumstance is, for any reason, declared invalid, illegal or unconstitutional in whole or in part, the remainder of this ordinance or the application of the provision to other persons or circumstances shall not be affected.

SECTION 5. EFFECTIVE DATE. This ordinance shall be effective April 1, 2021 and expire September 30, 2021.

Adopted: _____

ATTEST:

BOARD OF HEALTH
Thurston County, Washington


Clerk of the Board

Tye Menser, Chair

APPROVED AS TO FORM:

JON TUNHEIM
PROSECUTING ATTORNEY

Carolina Mejia, Vice-chair



Jane Futterman
Sr. Deputy Prosecuting Attorney

Gary Edwards, Commissioner