

**BREMERTON-KITSAP COUNTY BOARD OF HEALTH
ORDINANCE 1999-13**

MARINA SEWAGE REGULATIONS

SECTION I. AUTHORITY AND PURPOSE

These marina sewage regulations are promulgated under the authority of Chapters 70.05 and 70.46 Revised Code of Washington (RCW) to protect the public health, safety, and welfare of the citizens of Kitsap County. These rules and regulations govern the collection and disposal of sewage waste generated by vessels and floating structures in Kitsap County. Its provisions shall be liberally construed for the accomplishment of these purposes.

It is expressly the purpose of these rules and regulations to provide for and promote the health of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of these rules and regulations.

Nothing contained in this ordinance is intended to be, nor shall be construed to create or form the basis for any liability on the part of the Health District or its officers, employees or agents, for any injury or damage resulting from the failure of any person subject to these rules and regulations to comply with these rules and regulations, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of these rules and regulations on the part of the Health District.

SECTION II. APPLICABILITY AND SCOPE

This ordinance applies to marinas in Kitsap County and the control of sewage generated by vessels and floating structures located in marinas in Kitsap County and elsewhere on the surface waters within Kitsap County.

This ordinance is not intended to conflict with or replace 33 CFR, Chapter 1, Part 159, "Marine Sanitation Devices", or Section 312 of the Federal Water Pollution Control Act, 33 U.S.C. 1322, as amended.

SECTION III. DEFINITIONS

When used in this regulation, the following terms have the meanings given below:

Approved: A written statement of acceptability, in terms of the requirements in this regulation, issued by the local Health Officer.

Board of Health: The Bremerton-Kitsap County Board of Health.

Boat: Any watercraft, vehicle, or object used or capable of being used as a means of transportation or movement on or under water except a seaplane. This term means the same as “vessel” under this ordinance. This term does not include military boats.

Dump Station: A device that receives sewage from a portable toilet.

Fecal Coliform Bacteria: A group of bacteria present in the intestines of warm-blooded animals. Fecal coliform bacteria is routinely used and accepted as an indicator organism for the presence of human and/or animal fecal material during water sampling events.

Floating Structure: A floating entity, with or without accommodations built thereon, which is not used primarily as a means of transportation on water, but which serves purposes or provides services typically associated with a structure or other improvement to real property. The term “floating structure” refers to a structure securely and substantially moored in such a manner that its lines cannot be inadvertently or accidentally cast off, is unlikely to break away from its mooring, and cannot be moved away from the mooring without special effort including the use of tools. The term “floating structure” includes, but is not limited to, each entity used as a residence, place of business or office, hotel or motel, restaurant or lounge, clubhouse, meeting facility, storage or parking facility, mining platform, dredge, dragline, or similar facility or entity represented as such. Floating structures are expressly excluded from the definition of the term “vessel” provided in this section. Incidental movement upon water or resting partially or entirely on the bottom, shall not, in and of itself, preclude an entity from classification as a floating structure.

Health District: The Bremerton-Kitsap County Health District.

Health Officer: The Health Officer or the Health Officer's representative, of the Bremerton-Kitsap County Health District.

Holding Tank: All types of fixed receptacles used on boats or vessels to collect sewage from boat toilet fixtures.

Liveaboard: Any vessel used primarily as a residence for a minimum of 21 days during any 30-day period in Kitsap County, and not used primary as a means of transportation. This term has the same meaning as “houseboat” under this ordinance and 33 U.S.C. 1322(f)(1)(B).

Marina: A public or private facility which provides dry or wet boat moorage and which may also provide boat launching, boat storage, sale of supplies, or service for pleasure or commercial boats or vessels.

Marina Operator: A person who is in control or who has control of a marina.

Marine Sanitation Device or MSD: A U.S. Coast Guard approved Type I, II, or III device used to treat or retain in a holding tank, all boat toilet fixture waste generated from a boat or vessel.

Moored: Secured or tied-up to a dock, pile, float, buoy, or at anchor.

On-Site Sewage Disposal System: An integrated arrangement of components for a residence, building, industrial establishment, marina, or other places not connected to a public sewer system which conveys, stores, treats, and/or provides subsurface soil treatment and disposal on the property where it originates or upon adjacent or nearby property. An on-site sewage disposal system includes piping, treatment devices, other accessories, and soil underlying the disposal component of the primary and reserve areas. On-site sewage disposal systems are regulated under Bremerton-Kitsap County Board of Health Ordinance 1996-8, “Rules and Regulations Governing On-Site Sewage Systems”, as hereafter amended.

Owner: Includes but not limited to individuals, corporations, entities, operators, lessees, renters or any other responsible person in control or having control of real or personal property.

Person: An individual, firm, association, co-partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.

Portable Toilet: A device consisting of a lid, seat, containment vessel, and support structure that is specifically designed to receive, retain, and discharge human waste and that is capable of being removed from a vessel by hand.

Pumpout: A stationary or portable pumping or suction device that removes waste from a boat or vessel holding tank and transfers it to an approved sanitary sewer or shoreside holding tank for disposal.

Sewage: Any urine, feces, and the water carrying human wastes.

Surface Water: All lakes, rivers, ponds, streams, inland waters, salt waters and all other water and water courses within the jurisdiction of the State of Washington.

Type I Marine Sanitation Device: A device as defined in 33 CFR, Chapter 1, Part 159, “Marine Sanitation Devices”. It is a device that, under the test conditions described in 33 CFR, Chapter 1, Part 159, produces an effluent having a fecal coliform bacteria count not greater than 1,000 per 100 milliliters and no visible floating solids.

Type II Marine Sanitation Device: A device as defined in 33 CFR, Chapter 1, Part 159, “Marine Sanitation Devices”. It is a device that, under the test conditions described in 33 CFR, Chapter 1, Part 159, produces an effluent having a fecal coliform bacteria count not greater than 200 per 100 milliliters and suspended solids not greater than 150 milligrams per liter.

Type III Marine Sanitation Device: A device as defined in 33 CFR, Chapter 1, Part 159, “Marine Sanitation Devices”. It is a device that is designed to prevent the overboard discharge of treated or untreated sewage or any waste derived from sewage. This term includes holding tanks, and recirculating and incinerating Marine Sanitation Devices certified to a no discharge standard.

Vessel: Every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters. This term means the same as “boat” under this ordinance. This term does not include military vessels.

Vessel or Floating Structure Operator: A person in the actual physical control of a vessel or floating structure upon the waters of Kitsap County, or a person who exercises control over or who steers a vessel or floating structure being operated or towed by another vessel upon the waters of Kitsap County.

SECTION IV. MARINA ADVISORY COMMITTEE

A Marina Advisory Committee (Committee) may be created by the Bremerton-Kitsap County Board of Health (Board of Health) and established for the purpose of providing the Health District with recommendations for the effectiveness of this ordinance.

A. Members.

The Committee shall be appointed by the Board of Health. The Health Officer or his or her designee shall submit recommendations for appointments to the Board of Health for approval. Members of the Committee shall be residents of Kitsap County who possess outstanding reputations for civic pride, interest, integrity, responsibility, and business or professional ability. Appointments shall be made on the basis of education and/or experience in marina management, boat waste management, or marine resource preservation and protection. Committee members may include marina owners or operators, government agency and tribal representatives, liveaboard residents, recreational boaters and shoreline residents.

B. Authority.

The Committee shall have the authority to make recommendations to the Board of Health concerning conditions, limitations or restrictions for boat sewage management, marine sanitation requirements, and marina sewage facility standards or guidelines established pursuant to this ordinance. The Committee shall have the authority to make recommendations on all amendments and addenda to this ordinance.

SECTION V. MARINA SEWAGE COLLECTION DEVICE DOCUMENTATION

A. Documentation Required.

1. All marina owners or operators in Kitsap County shall be required to provide documentation to the Health Officer identifying the estimated number of boats with Type III marine sanitation devices (MSDs), the number of pumpout and portable toilet dump stations required, and the volume of holding tanks for boat sewage pumpout storage as required in Appendix A and B in this ordinance.
2. All marinas in Kitsap County shall be required to submit the documentation required in this section within one (1) year after the effective date of this ordinance.

3. Following the submittal of the information required in Section V.A.1., all marina owners or operators shall be required to revise this documentation if there are changes in the estimated number of vessels with Type III marine sanitation devices (MSDs) requiring a change in the number of pumpout and portable toilet dump stations required in Appendix A. The marina owner or operator must submit this revised documentation to the Health Officer.

B. Documentation Submittal.

1. Any person operating or desiring to operate a marina must submit the documentation required in this section to the Health Officer in a format prescribed by, and according to requirements provided by, the Health Officer. Submittal shall not be complete until the Health Officer has received a copy of the documentation, signed by the marina owner or operator.
2. Procedures for Submittal.
 - a. The documentation required in this section shall be in a format prescribed by the Health Officer.
 - b. If the documentation is factually incomplete, the Health Officer may reject the submittal without prejudice.
 - c. The marina owner or operator shall allow the Health Officer entry at reasonable times as necessary to evaluate marina facilities described in the documentation. The Health Officer's approval of the documentation is conditional on the completion of this inspection or inspections necessary for the Health Officer to determine compliance with this ordinance.

SECTION VI. MARINA SEWAGE FACILITY REQUIREMENTS

A. Generally.

Marina owners and operators shall provide marina sewage disposal facilities or services and shall instruct all marina users the manner in which sewage is to be collected and disposed.

B. Marina Sewage Facility Standards.

1. Applicability. New, existing, or expanded marinas shall provide accessible and operable boat sewage collection and disposal systems and related signage as required in this ordinance. The marina owner or operator must demonstrate to the Health District that the boat sewage collection and disposal system utilized at the marina meets the standards set forth in this section. Standards are included herein for sewage pumpout and dump station facilities, shoreside restrooms, sanitary barges or skiffs, liveboards, and signage.

2. Pumpout Facilities.

- a. Marina owners or operators shall provide, at minimum, pumpouts in numbers as specified in Appendix A of this ordinance. Marina owners or operators shall be required to implement the requirements in Appendix A of this ordinance within three (3) years after the effective date of this ordinance.
- b. The pumpout facility or facilities shall be located to allow convenient and easy access to all users of the marina under all tidal conditions, unless otherwise approved by the Health Officer.
- c. Marina owners or operators shall properly maintain the pumpout facility in operating condition and have appropriate signage as specified by the Health Officer and as required in Section VI.B.8.
- d. Pumpout facilities may be either portable or stationary.
- e. Sewage collected from pumpout facilities must be discharged directly to the sanitary sewer system, if available. Where connection to a sanitary sewer system is not available, a sewage holding tank or other sewage disposal system approved by the Health Officer must be used. An on-site sewage disposal system shall not be used to dispose of sewage collected from pumpout facilities.
- f. Marina owners or operators must use a Health District certified pumper to inspect and pump out the pumpout holding tank as required.
- g. If a pumpout is required under this ordinance, the sewage pumpout holding tank shall be sized as specified in Appendix B of this ordinance.

3. Dump Stations.

- a. In addition to providing adequate pumpout facilities described above, marina owners or operators shall provide, at minimum, dump stations in numbers as specified in Appendix A of this ordinance. Marina owners or operators shall be required to implement the requirements in Appendix A of this ordinance within three (3) years after the effective date of this ordinance.
- b. The dump station(s) shall be located to allow convenient and easy access.
- c. Marina owners or operators shall properly maintain the dump station in operating condition and have appropriate signage as specified by the Health Officer in Section VI.B.8.
- d. An on-site disposal sewage system shall not be used to dispose of sewage collected from dump stations.

4. Shoreside Restroom Facilities.
 - a. Marinas with fifty (50) or more moorage slips shall provide shoreside restroom facilities available twenty-four (24) hours a day for use by marina tenants. Marina owners or operators shall be required to implement this requirement within one (1) year after the effective date of this ordinance.
 - b. Marina owners or operators shall maintain restroom facilities in operating condition.
 - c. Shoreside restroom facilities may consist of portable restrooms.
5. Sanitary Barges or Skiffs.
 - a. Marina owners or operators may utilize a sanitary barge or skiff to meet applicable requirements in Sections VI.B.2., 3., and 4.
 - b. The sanitary barge or skiff must have, at a minimum, the number of pumpout and dump station facilities as specified in Appendix A of this ordinance. Marina owners or operators shall be required to implement the requirements in Appendix A of this ordinance within three (3) years after the effective date of this ordinance.
 - c. The sewage control facilities on the sanitary barge or skiff shall be located to allow convenient and easy access under all tidal conditions, unless otherwise approved by the Health Officer, to all users of the marina.
 - d. Marina owners or operators shall properly maintain the facilities in operating condition and have appropriate signage as specified by the Health Officer in Section VI.B.8.
 - e. An on-site sewage disposal system shall not be used to dispose of sewage collected from a sanitary barge or skiff.
 - f. Marina owners or operators must use a Health District certified pumper to inspect and pump out any pumpout holding tank as required on a sanitary barge or skiff.
 - g. If a pumpout is required under this ordinance, the sewage pumpout holding tank on the sanitary barge or skiff shall be sized as specified in Appendix B.
6. Liveboards. If vacuum, gravity, or pressure sewerage laterals and inlet interface valves are available and provided slipside at the marina, liveboard owners or operators must connect the boat to the laterals immediately following approval to moor at the marina from the marina owner or operator. Marina owners or operators shall verify that the liveboard is properly connected to the laterals. Slipside connections shall be equipped with back-flow prevention devices. All pumps and appurtenances are to be provided by the liveboard owner or operator.
7. Other Facilities. Other sewage control facilities or devices that meet the intent of this ordinance must be evaluated and approved by the Health Officer prior to use.

8. Signage.

- a. All marina owners and operators who provide pumpouts or dump stations shall install and maintain permanent fixed all-weather signage instructing users of the marina about use of these sewage collection devices. The term “users” includes all long-term annual/seasonal marina users and short-term weekly and transient (guest) users. Signage must identify the device, be located near the device, and include easy-to-understand use instructions.
- b. In addition to requirements in Section VI.B.8.a., the signage for pumpouts shall instruct users to:
 - (1) Flush pumpout lines after each use into the pumpout;
 - (2) Not use the pumpout to pump bilge water;
 - (3) Report pumpout malfunctions to the marina operator immediately; and
 - (4) Report any and all sewage spills to the marina owner or operator immediately.
- c. All marina owners and operators without pumpouts or dump stations shall install and maintain permanent fixed all-weather signage identifying the location of the nearest public pumpout and dump station facilities. Signage must be kept current and be readily visible to all marina users. The Health District shall either identify the required wording or shall approve the wording developed by the marina owner or operator.
- d. Marina owners or operators shall be required to implement the signage requirements in Sections VI.B.8.a., b., and c. within one (1) year after the effective date of this ordinance.

SECTION VII. MARINE SANITATION REQUIREMENTS

A. Vessel Owners and Operators.

1. Vessels.

- a. Applicability. This section applies to all vessels, including liveaboard vessels, moored or operating within marinas in Kitsap County and elsewhere on the surface waters within Kitsap County.
- b. Requirements.
 - (1) All vessels shall comply with local, state, and federal rules and regulations pertaining to the discharge of sewage from vessels, including United States Coast Guard (USCG) regulations for Type I, II, or III Marine Sanitation Devices (MSDs).

- (2) Vessel owners and operators shall not discharge untreated sewage into the waters of Kitsap County.
- (3) All vessels equipped with a permanently-installed toilet shall be equipped with a working USCG-approved Type I, II, or III MSD.
- (4) Any vessel which is plumbed so that a toilet may be flushed directly into the water or so that a holding tank may be emptied into the water shall, while the vessel is in the marina, set the valve or other mechanism directing the sewage so as to prevent direct discharge.
- (5) Any vessel that uses a portable toilet or sewage holding device, such as a porta-potty, may be emptied only into a portable toilet dump station or other approved waste reception facility.

2. Floating Structures.

- a. Applicability. This section applies to all floating structures moored within marinas in Kitsap County and moored or underway elsewhere on the surface waters within Kitsap County.
- b. Requirements.
 - (1) Every floating structure that has an enclosed living space with berthing (sleeping) facilities, or working space with toilet facilities, must be permanently plumbed to shoreside sewage disposal facilities.
 - (2) Sewage shall not be discharged from any floating structure and no structure shall be plumbed so as to permit the direct discharge of treated or untreated sewage into the waters of Kitsap County. A floating structure on which a USCG-approved MSD has been installed must remove the MSD and be permanently plumbed to shoreside sewage disposal facilities within one (1) year after the effective date of this ordinance.

SECTION VIII. ADMINISTRATION AND ENFORCEMENT

A. Right of Entry.

1. Whenever necessary to make an inspection to enforce or determine compliance with the provisions of this ordinance, or whenever the Health Officer has cause to believe that a violation of this ordinance has been or is being committed, the Health Officer or his/her duly authorized inspector may enter any marina, or marina building, structure, or premises, or any vessel or floating structure at reasonable times to inspect the same.
2. If entry is refused, the Health Officer shall have recourse to the remedies provided by law to secure entry, including but not limited to search warrants.

B. Penalties.

1. Any person violating any provision of this ordinance has committed a civil infraction. Each such violation shall constitute a separate infraction for each and every day or portion thereof, during which such violation is committed or continued. Notices of civil infraction shall be issued and prosecuted in accordance with Chapter 7.80 RCW.
2. Any person discharging untreated sewage into the waters of Kitsap County from any vessel shall be guilty of a misdemeanor. Upon conviction, the person shall be subject to a fine of not more than \$1,000, or imprisonment in the county jail not to exceed ninety (90) days, or to both.
3. Any person discharging untreated or treated sewage into the waters of Kitsap County from a floating structure shall be guilty of a misdemeanor. Upon conviction, the person shall be subject to a fine of not more than \$1,000, or imprisonment in the county jail not to exceed ninety (90) days, or to both.
4. Any owner or operator of a floating structure which is plumbed so as to permit the direct discharge of treated or untreated sewage into the waters of Kitsap County, or which is not permanently plumbed to shoreside sewage disposal facilities within one (1) year after the effective date of this ordinance, as set forth in Section VII.A.2., shall be guilty of a misdemeanor. Upon conviction, the person shall be subject to a fine of not more than \$1,000, or imprisonment in the county jail not to exceed ninety (90) days, or to both.
5. Any person who fails, neglects, or refuses to obey a final order of the Health Officer to correct a violation as set forth in Section VIII.C.7., or who fails, neglects, or refuses to comply with a written assurance of discontinuance pursuant to Section VIII.D. is guilty of a misdemeanor, and upon conviction, shall be subject to a fine of not more than \$1,000, or imprisonment in the county jail not to exceed ninety (90) days, or to both. The Health District may also seek relief under Section VIII.C.7.
6. Notwithstanding the existence or use of any other remedy, the Health Officer may seek legal or equitable relief to enjoin any acts or practices or abate any conditions that constitute or will constitute a violation of this ordinance, or rules and regulations adopted under them.

C. Notice and Order to Correct Violation.

1. Issuance. Whenever an authorized representative of the Health District determines that a violation of this ordinance has occurred or is occurring, he/she may issue a written notice and order to correct violation to the owner or operator or to any person causing, allowing or participating in the violation.
2. Content. The notice and order to correct violation shall contain:
 - a. The name and address of the owner or operator or other persons to whom the notice and order to correct violation is directed;

- b. The street address or description sufficient for identification of the building, structure, premises, land, vessel, or floating structure upon or within which the violation has occurred or is occurring;
 - c. A description of the violation and a reference to that provision of the regulation which has been violated;
 - d. A statement of the action required to be taken to correct the violation and a date or time by which correction is to be completed; and
 - e. A statement that a monetary penalty in an amount per day for each violation shall be assessed against the person to whom the notice and order to correct violation is directed for each and every day, or portion of a day, on which the violation continues following the date set for correction.
3. Service of Order. The notice and order to correct violation shall be served upon the person to whom it is directed, either personally or by mailing a copy of the order to correct violations by first-class U.S. mail, postage prepaid, or certified mail, postage prepaid, return receipt requested, to such person at his/her last known address. Proof of service shall be made at the time of service by a written declaration under penalty of perjury executed by the persons effecting the service, declaring the time and date of service and the manner by which service was made.
4. Extension. Upon written request received prior to the correction date or time, the authorized representative may extend the date set for corrections for good cause. The authorized Health District representative may consider substantial completion of the necessary correction or unforeseeable circumstances that render completion impossible by the date established as a good cause.
5. Appeal Procedure.
 - a. Appeal of Health District Action – Health Officer Administration Hearing. Any person aggrieved by the contents of a notice and order to correct violation, or by any inspection or enforcement action conducted by the Health District under this regulation, may request, in writing, a hearing before the Health Officer or his or her designee. The appellant shall submit specific statements in writing of the reason why error is assigned to the decision of the Health District. Such request shall be presented to the Health Officer within ten (10) business days of the action appealed; except in the case of a suspension, the request for a hearing must be made within five (5) business days. Upon receipt of such request together with hearing fees, the Health Officer shall notify the person of the time, date, and place of such hearing, which shall be set at a mutually convenient time not less than five (5) business days nor more than fifteen (15) business days from the date the request was received. The Health Officer will issue a decision upholding or reversing the Health District’s action. The Health Officer may require additional actions as part of the decision.

b. Appeal from Administrative Hearing.

- (1) Any person aggrieved by the findings or required actions of an administrative hearing shall have the right to appeal the matter by requesting a hearing before the Board of Health. Such notice of appeal shall be in writing and presented to the Health Officer within five (5) business days of the findings and actions from the administrative hearing. The appellant shall submit specific statements in writing of the reason why error is assigned to the decision of the Health Officer, and which shall be accompanied by a fee as established in the current Health District fee schedule. The appellant and the Health Officer may submit additional information to the Board of Health for review.
 - (2) Notice of appeal shall operate as a stay of the required action pending outcome of the Board of Health hearing except in those cases where the Health Officer determines that failure to take the required action constitutes an imminent health hazard. If a stay is not granted, the Health Officer shall so notify the appellant, in writing, at the time of notification of the hearing time, date, and place. The Health Officer must set forth, in writing, the reasons for denial of the stay.
 - (3) Upon receipt of a timely written notice of appeal together with the hearing fee, the Health Officer shall set a time, date, and place for the requested hearing before the Board of Health and shall give the appellant written notice thereof. Such hearing shall be set at a mutually convenient time not less than five (5) business days or more than thirty (30) business days from the date the appeal was received by the Health Officer.
 - (4) Any decision of the Board of Health shall be final unless timely review is sought by filing an action in any court of competent jurisdiction, as provided by the laws of this State.
6. Supplemental Order to Correct Violation. The Health Officer may at any time add to, rescind in part, or otherwise modify a notice and order to correct violation. The supplemental order shall be governed by the same procedures applicable to all notice and order to correct violations procedures contained in this ordinance.
7. Enforcement of Final Order. If, after any order duly issued by the Health Officer has become final, the person to whom such order is directed fails, neglects, or refuses to obey such order, the Health Officer may:
- a. Cause such person to be prosecuted under this ordinance; and/or
 - b. Institute any appropriate action to collect a civil or criminal penalty assessed under this ordinance; and/or
 - c. Pursue any other appropriate remedy at law or equity.

D. Written Assurance of Discontinuance.

The Health Officer may accept a written assurance of discontinuance of any act in violation of this regulation from any person who has engaged in such act. Failure to comply with the assurance of discontinuance shall be a further violation of this ordinance.

E. Variances.

1. **Applicability.** Any person who owns or operates a marina, vessel, or floating structure may apply to the Health Officer for a variance from any section of this ordinance. The application shall be accompanied by such information as the Health Officer may require. The Health Officer may grant such variance, but only after due notice (or a public hearing) if it finds that:
 - a. The sewage collection and disposal practices do not endanger public health, safety or the environment.
 - b. Compliance with the regulation from which variance is sought would produce hardship without equal or greater benefits to the public.
 - c. Because of special circumstances applicable to the applicant's property, including size, shape, topography, or tide conditions, the strict application of this ordinance is found to deprive the applicant of rights and privileges enjoyed by other owners/operators in the vicinity.
 - d. The special circumstances referred to in Section VIII.E.1.c. above are not the result of the actions of the current or previous owner/operator.
 - e. No other practicable or reasonable alternative exists. A practicable alternative is one that is available and capable of being carried out after taking into consideration cost, existing technology, and logistics in light of overall project purposes, and better reducing or eliminating sewage impacts to health and the environment. It may include equipment or facilities not owned by the applicant that could have reasonably been or be obtained, utilized, expanded, or managed in order to manage, reduce, or eliminate sewage. A reasonable alternative is one that could feasibly attain or approximate compliance, but would better reduce or eliminate sewage impacts to health and the environment.
2. **Application.**
 - a. An application for a variance, or for the renewal thereof, submitted to the Health Officer shall be approved or disapproved by the Health Officer within ninety (90) calendar days of receipt unless the applicant and the Health Officer agree to a continuance.
 - b. Notice shall be given by mailing a notice of the variance application to persons who have written to the Health Officer asking to be notified of all variance requests.

3. Granting Requirements.

- a. No variance shall be granted pursuant to this section until the Health Officer has considered the relative interests of the applicant, other owners of property likely to be affected by the sewage collection and disposal practices, and the general public.
- b. Any variance or renewal shall be granted within the requirements of this section and for time period and conditions consistent with the reasons therefore, and within the following limitations:
 - (1) If the variance is granted on the grounds that there is no practicable means known or available for the adequate prevention, abatement or control of pollution involved, it shall be only until the necessary means for prevention, abatement or control become known and available and subject to the taking of any substitute or alternative measures that the Health Officer may prescribe.
 - (2) The Health Officer may grant a variance conditioned by a timetable if:
 - (A) Compliance with this regulation will require spreading of costs over a considerable time period; and
 - (B) The timetable is for a period that is needed to comply with this regulation.

4. Renewal. Any variance granted pursuant to this section may be renewed by the Health Officer on terms and conditions and for periods that would be appropriate on initial granting of a variance. No renewal shall be granted except on written application. Any such application shall be made at least sixty (60) calendar days prior to the expiration of the variance.

F. Inspections.

- 1. Inspections. The Health Officer may conduct inspections of marinas to determine compliance with this ordinance. These inspections shall be in addition to the inspections necessary to confirm compliance with the documentation regarding marina sewage collection devices required in Section V. Findings shall be noted and kept on file. A copy of the inspection report or summary shall be furnished to the marina owner or operator by the Health Officer.
- 2. Inspection Fees. The Health Officer may establish and collect reasonable fees for inspections of marinas. Fees are to be used to defray Health District expenses. Inspection fees shall be as established in the most recent fee schedule established by the Health District.

SECTION IX. REPEALER

If any resolution, code, words, rules or regulations of the Bremerton-Kitsap County Health District is in conflict with this regulation, they are hereby repealed to the extent necessary to give this ordinance full force and effect.

SECTION X. ADDENDUM INCORPORATION

The Health Officer shall have the authority to adopt or incorporate any addenda to this ordinance, in accordance with due process of law.

SECTION XI. SEVERABILITY

Should any section, paragraph, phrase, sentence or clause of this ordinance be declared invalid or unconstitutional for any reason, the remainder of this ordinance shall not be affected thereby.

SECTION XII. EFFECTIVE DATE

The effective date of this ordinance shall be November 3, 1999.

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BREMERTON-KITSAP COUNTY BOARD OF HEALTH
ORDINANCE 1999-13

APPENDIX A

**REQUIREMENTS FOR DETERMINING NUMBER OF
BOAT SEWAGE COLLECTION DEVICES REQUIRED AT MARINAS**

- Use Step 1 to determine the estimated number of boats with Type III MSD holding tanks or portable toilets. Note that two different options are available to determine the estimated number of boats by overall length.
 - Use Step 2 to determine the number of pumpout or portable toilet dump stations required.
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STEP 1: Determine estimated number of boats with Type III MSD holding tanks or portable toilets. If number of boats with Type III MSD holding tanks and portable toilets is known, skip to Step 2.

- A. Determine total number of boats by overall length of boat if occupied or length of slip if unoccupied. It is also allowable to count the length of all slips, whether the slip is occupied or unoccupied. The method used to calculate the number of boats by overall length shall be indicated in the documentation. Include all slips: annual/seasonal boats, weekly and transient (guest) boats and boathouse units. Use length categories below. Count separately all liveboards and floating structures.

Boat Length Categories:

- Less than 16 feet
 - 16 to 26 feet
 - 26 to 40 feet
 - Over 40 feet
- B. To determine the estimated number of boats with Type III holding tanks and portable toilets, use the average percentage by category as follows:

TABLE 1

| Boat Length | Type III Holding Tanks | Portable Toilets |
|-------------------|------------------------|------------------|
| Less than 16 feet | 0% | 0% |
| 16 to 26 feet | 0% | 25% |
| 26 to 40 feet | 75% | 0% |
| Over 40 feet | 100% | 0% |

APPENDIX A (continued)

Note: Using the variance procedures set forth in Section VIII.E., any marina owner or operator may request adjustments to certain boat categories to account for predominantly small, large boat, or sailboat marinas or moorages that have boats with marine toilets or portable toilets.

STEP 2: Determine number of boat sewage collection devices required to include boat pumpout (stationary or portable) and portable toilet dump stations. Only the higher of the two numbers calculated in Tables 2 and 4 shall apply.

A. Annual/Seasonal and Transient Boats

Note: Using the variance procedures in Section VIII.E., any marina owner or operator may request adjustments to the number of pumpouts required to account for any dockside sewage connections, alternative technologies, or other facilities.

TABLE 2

| Number of Boats with Holding Tanks | Number of Boat Pumpouts Required |
|---|--|
| Less than 25 | None |
| 25 – 299 | 1 |
| 300 – 600 | 2 |
| More than 600 | 3, plus 1 for every additional 300 boats |

TABLE 3

| Estimated Number of Boats with Portable Toilets | Number of Boat Dump Stations Required |
|--|--|
| Less than 25 | None |
| 25 – 299 | 1 |
| 300 – 600 | 2 |
| More than 600 | 3, plus 1 for every additional 300 boats |

APPENDIX A (continued)

B. Liveboards

Note: Using the variance procedures set forth in Section VIII.E., any marina owner or operator may request adjustments to the number of pumpouts required to account for any dockside sewage connections, alternative technologies, or other facilities. No additional pumpouts will be required if all liveboards in a marina contract with a mobile pumpout service to regularly service the liveboards moored in the marina. Note, floating structures must not be counted as liveboards. Floating structures with an enclosed living space with berthing (sleeping) facilities, or working space with toilet facilities, must be permanently plumbed to shoreside sewage disposal facilities.

TABLE 4

| Number of Liveboards with Holding Tanks | Number of Boat Pumpouts Required |
|--|---|
| 1 – 24 | 1 |
| 25 – 50 | 2 |
| Over 50 | 3, plus 1 for each additional 25 boats |

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APPENDIX B

**REQUIREMENTS FOR DETERMINING VOLUME OF HOLDING TANKS FOR
BOAT SEWAGE PUMPOUT STORAGE AT MARINAS**

| Boats with Holding Tanks | Holding Tank Volume (gallons) |
|-------------------------------------|--|
| 1 – 20 boats | 300 gals. |
| 21 – 40 boats | 600 gals. |
| 41 – 60 boats | 900 gals. |
| 61 – 80 boats | 1,200 gals. |
| 81 – 100 boats | 1,500 gals. |
| 100+ boats | 2,000 gals. |

Note: Table refers to pumpout holding tank volume(s) for the entire marina. Table does not refer to individual boat holding tank volumes.

swwq16/wq/marinas/bwcregfinal.doc