

Appendix P

**CITY CODE CHAPTER 13.04
Water Service System**

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Chapter 13.04 - WATER SERVICE SYSTEM

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13.04.010 - Application for water service.

All applications for connection to or use of city water services shall be made on forms furnished by the city and shall be filed with the city superintendent. At a minimum, such application shall state the name of the owner(s) of the property to be served, the correct address and legal description of the property, the location of any floodways or floodplains on the property, the dimensions and locations of any buildings on the property and their distance from the water meter and floodways or floodplains, size of water service requested, size, type and cost of the backflow device to be installed, the purpose for which the water is being used, and a description and illustration of the course of water line from the point of its connection with the public line to the building(s) being served. The applicant shall supply any other requests for reasonable information as determined by the city to be necessary to process the application. The application shall be signed and notarized by the owner of the property to be served, and include a surveyor's drawing of the property. The application fee shall be established by resolution of council.

Applications may be filed by those individuals renting or leasing certain premises, but shall be considered to be in both the property owner's and tenant's name. The application shall provide that water service shall be in both the renter's and the owner's names, and the application and agreement itself must still be signed by the property owner. The owner shall remain ultimately responsible for any delinquent amounts. The city shall first seek payment from any renter or leaseholder, but shall also seek payment from the owner if it becomes delinquent.

(Ord. 385A § 1(A), 1994)

13.04.020 - Application—Contents.

Applications must state fully and truly all of the purposes for which water is intended to be used, and as a condition precedent to receiving water service, the applicant shall agree to comply with all provisions, rules and regulations of the city now existing or which may be established from time to time. The application shall further agree, as a condition precedent to receiving water service, that the city shall have the right at any time without notice to shut off or turn on water supply for repairs or testing. Applicant agrees that there shall be no fences, sheds, planters, etc., built or placed within two (2) feet of said water meter service box.

(Ord. 385A § 1(B), 1994)

13.04.030 - Water verification letter—Fee and issuance.

A water verification letter shall be required for each separate water connection. This is obtained after review and approval of the application. It shall be a violation of this chapter and subject to the immediate shut-off of service, if there is not a separate letter for each. Applications shall be referred to the water superintendent for his approval, modification or denial; provided, that all water verification letters for water connection requiring service sized greater than two (2) inches shall also be reviewed by the city council for its approval, modification or denial. Upon approval of an application, the superintendent shall issue a water plan showing the size and location of the public line, the point of connection and such other information as may be available and required. Said plan shall be revised to show the water connection upon completion of work and shall be kept as a permanent record of the city. Upon prior payment of the verification fee as established by resolution of council, the superintendent shall issue a water verification letter for all approved applications and shall inspect all construction to assure compliance with said water verification letter. The water verification letter shall be valid for two (2) years from the date of issuance; thereafter it shall be null and void. If the water service connection is not completed within that time, the property owner shall have to make a new application and pay the current fees associated therewith. It is unlawful for any person to alter or do any work on a water line other than that which is provided for in the duly issued water verification letters. The water verification fee shall be deposited in the water capital improvement fund and emergency repairs funds, as designated by resolution of council.

(Ord. 385A § 2(A), 1994)

13.04.040 - Application and payment of charges prerequisite to building permit.

The initial water service connection application shall be filed with the city and approved and all charges paid before issuance of a building permit pursuant to the city's adopted Uniform Building Code.

(Ord. 385A § 2(B), 1994)

13.04.050 - Water service installation charge.

The city shall install all water service connections from the public water main to the private property line for water service connections up to and including a three (3) inch meter. The water installation service charge shall be established by resolution of the council and shall be paid prior to the installation of the service. For water service connections requiring a four (4) inch or six (6) inch meter, the property owner shall hire its own contractor to make the connection to the city's water system at the direction of the city water superintendent. At the completion of installation, the property owner will give the city a bill of sale for the connection to the water system along with all materials, including the water meter. The water service installation charge for these installations shall be in the form of reimbursement to the city for all of its expenses associated with the installation of this water service connection, including the water superintendent's time, at a rate established by resolution of council. Before the installation may be started, the city water superintendent shall estimate the amount of reimbursement to the city and said amount shall be paid prior to commencement of the installation. Final reimbursement figures shall be determined by the city water superintendent when the installation is complete. All reimbursement charges shall be paid by the property owner before the water service connection will be turned on. Installation must be conducted by prearranged appointment only.

(Ord. 385A § 3, 1994)

13.04.060 - Water turn-on charge.

There shall be a turn-on charge for each connection or re-initiation of service. This charge shall be established by resolution of council. All new connections to water lines shall be installed in a turned-off position unless otherwise instructed by the property owner and approved by the city water superintendent. A service charge, as established by resolution of council, shall be charged if a separate trip is required to turn the water on. There shall be an additional turn-on fee for any water turn-on service thereafter.

(Ord. 385A § 4(A), 1994)

13.04.070 - Presence of customer at turn-on required.

Water service to a premises will be turned on only when the customer is present to ascertain that no damage results from burst or leaking pipes or fixtures within the premises when the turn-on is made.

(Ord. 385A § 4(B), 1994)

13.04.080 - Discontinuing service.

Should a customer desire to discontinue the use of water supplied to any premises, notice in writing signed by the owner of the property must be given to the city. If the customer is a renter or leaseholder of the premises, the customer must obtain authorization from the owner for discontinuance of service. As soon as possible, the water shall then be shut off by the city, and no one else. If a premises is being vacated or the customer is moving to another location or leaving for an extended period of time, the customer, homeowner, renter or leaseholder, shall pay the closing water bill for the premises at the time water service is discontinued. If the customer is a renter or leaseholder and payment becomes delinquent, the owner shall be responsible for the delinquent amount. No remission of rates shall be made without the written notice described in this section and the furnishing of such written notice shall be a prerequisite and incumbent upon the person requesting the shut-off.

(Ord. 385A § 4(C), 1994)

13.04.090 - Resuming service.

Should it be desired to resume water service to a premises after the service has been shut off, a written notice by the owner shall be given to the water department. After the notice, the water shall be turned on as soon as possible, provided payment in full has been rendered to the water department for all arrears and outstanding charges against the premises and the owner thereof, including a turn-on charge as established by council. (See [Section 13.04.060.](#))

(Ord. 385A § 4(D), 1994)

13.04.100 - Frequent turn-ons and shut-offs of water service.

In the case where the water is requested to be shut off to a given premises and within a period of less than thirty (30) days the water is requested to be turned on again (except in case of change of ownership), there shall be a charge as indicated above for shut-offs and turn-ons. This special charge shall be added to and considered part of the next regular water billing for the premises.

(Ord. 385A § 4(E), 1994)

13.04.110 - Water rates and assessments—Residential.

Residential water rates shall apply to all single-family residences, multiplex residential buildings, mobilehome parks and all other noncommercial customers.

A.

Residential Base Minimum Monthly Rate. The consumption and use of all water taken from the city water system for residential customers shall be metered at each individual connection to the water system. The city's charges for water use are based upon meter size and on the quantity

consumed during each monthly billing period as hereafter defined. There shall be a minimum monthly charge for each billing period and shall be established by resolution of the council.

B.

Residential Rates for Amount Over Monthly Minimum. The council shall establish by resolution the rates that will be charged for all water consumed in excess of the monthly minimum.

(Ord. 385A § 5(A), 1994)

13.04.120 - Water rates and assessments—Commercial.

Commercial water rates shall apply to all commercial and industrial customers, including, but not limited to, service stations, restaurants, grocery stores, delis, taverns, barber shops, churches, schools, manufacturing facilities and all retail sales stores and all other office buildings including county and state facilities such as post offices or fire stations.

A.

Commercial Monthly Minimum Base. The consumption and use of all water taken from the city water system for commercial customers shall be metered at each individual connection to the water system. The city's commercial charges for water used are based on meter size and the quantity consumed during each monthly billing period as hereinafter defined. The minimum monthly charge for any billing period shall be established by resolution of council.

B.

Commercial Rates for Amount Over Monthly Minimum. The council shall also establish by resolution the rates that shall be charged for all water consumed by commercial establishments in excess of the monthly minimum.

(Ord. 385A § 5(B), 1994)

13.04.130 - Additional assessments.

Each individual commercial and residential connection to the water system shall pay a monthly assessment as established by resolution of the council, in addition to the charge for water consumed. This assessment shall be charged to the property owners of all building sites within the city limits. This includes building sites within the city limits that are not connected to the city water system if the property can reasonably be connected to the city water system.

All multiplex business and residential properties connected to the city water system shall also pay an assessment as established by resolution of the council for each separate unit. This assessment shall also extend to mobilehome parks connected to the city water system for each usable pad or space in the mobilehome park.

The purpose of these assessments is to retire the city's water debt obligations and to fund water system improvements. All monies accumulated from these assessments shall be paid first into the water debt funds and required accounts until a sufficient amount of money has accumulated to make the annual debt payments. Thereafter, an amount to be set each year by council resolution during the annual budget process shall be transferred to the water emergency reserve fund. Thereafter, all monies accumulated from these assessments shall be paid into the water capital improvement fund.

(Ord. 588 § 1, 2004; Ord. 435 § 1, 1996; Ord. 385A § 5(C), 1994)

13.04.140 - Billing procedures.

A.

Billing. Water meters shall be read during the last week of each month. In case of emergency, the meter reading will occur the following month, and any excess over the monthly minimum will be billed on the next water bill. Water charges shall be assessed every month, and billing for the same shall be done on a monthly basis. Billing procedures may be changed upon notice of the city council.

The total amount on the monthly water statements shall be due and payable ten (10) days after the billing date, for the water consumed in the previous billing period. If the entire amount is not paid within twenty (20) days of the billing date, late charges in the amount set by resolution of the council, shall be added. If the entire amount due is not paid prior to the next billing date, the water superintendent shall have authority to immediately initiate proceedings to shut off the water at the premises where the charge was incurred. The water shall not be turned on again until all delinquent water charges, late fees and interest in the amounts established by resolution of council, including any expenses for collection, shutting off and turning on the water are paid. In the event of a disputed account, the owner or tenant may appeal to the city council and the city shall not proceed to cut off service until after the city council has had an opportunity to review the disputed charges and arrive at a decision. Twenty-four (24) hours notice shall be given to the owner and any tenants of the council's decision on the disputed payment.

B.

Payment of subsequent bills or partial payment of delinquent amounts shall not preclude the superintendent from proceeding to cut off water service for any delinquent amounts. All amounts shall be due and payable in full.

C.

Single Billing Form.

1.

Charges for water service may be rendered on the same billing form as charges for other utility services. All charges appearing on this billing form are considered to constitute a single billing. Any partial payment or advanced

payment applied to the billing shall apply generally in proportion to the individual parts comprising the total single billing. Payment tendered shall not apply to any single component part of the billing.

2.

All charges for water and other services which are applicable to a single premises shall appear on a single billing and be mailed to any renter or leaseholder and to the owner of the property. The component parts of such a billing shall not be segregated and placed on separate billing forms for the purpose of sending the same to more than one location.

3.

In the event a discrepancy occurs because of a leak on the customer's side of the water service meter, the overage charge may be eliminated from the account for a period of thirty (30) days from the date the city was notified of the leak. However, the overage charge will only be eliminated for a period of thirty (30) days, and the customer has exactly thirty (30) days to correct the leak. The city will only eliminate those charges from the account for the thirty (30) day period, and only if the superintendent or water department staff verifies that there is a leak and that the leak has been repaired within the thirty (30) day time frame. After thirty (30) days, the leak on the premises shall be subject to charging, and shall be included in all water usage consumed. All overage charges shall be charged according to the amount set out by resolution of the council.

D.

Maintenance of Water Accounts. All accounts for water service shall be maintained according to the rules and procedures established by the superintendent and approved by the council.

E.

Collection of Water Charges. All water charges shall be paid to the deputy clerk who shall collect, receive and provide a receipt for the same, and prepare a monthly detailed statement of receipts for the city council. All water charges received shall be deposited in the water operating fund, except those charges for which the city has specifically provided otherwise.

(Ord. 385A § 6, 1994)

13.04.150 - Damage to water system and facilities—Liability.

No person shall intentionally or otherwise cause or permit damage and/or destruction of any city water pipe, valve, service hydrant, meter, nor any other appurtenance, unit or facility which forms a part of the water system. Any person causing or responsible for damage and/or destruction of any of these facilities whatsoever shall pay all costs for repair

or replacement including any staff time and loss of service claimed and shall further be in violation of this chapter, and be guilty of a misdemeanor.

(Ord. 385A § 7(A), 1994)

13.04.160 - Illegal taking of water— Misdemeanor.

Any person or persons who takes or uses water from the water system without having previously contracted for the same as provided for by the city shall be in violation of this chapter and be guilty of a misdemeanor.

(Ord. 385A § 7(B), 1994)

13.04.170 - Lien for delinquent water charges.

The water department elects to claim and does claim a lien in the manner provided by RCW 35.21.290 and RCW 35.21.300, as now or hereafter amended, for all delinquent and unpaid charges for water and special charges against the premises to which the same has been furnished. This shall not preclude the city from seeking other remedies provided by law. Provided, however, if the owner of said premises shall request shut off of services, accompanied by payment or tender of payment of the then delinquent and unpaid charges for such service against the premises along with any cut-off charge, then the owner shall not be responsible for any charges that shall accrue from that date forward, and the city shall have no lien for charges for any service provided thereafter. All such liens shall not be for more than four (4) months of service, unless such limitation is waived. Enforcement of this lien provision may also be made by cutting off service until the delinquent and unpaid charges are paid.

(Ord. 385A § 7(C), 1994)

13.04.180 - Illegal turn-on—Misdemeanor.

Any person turning water service on to any premises after it has been shut off by the city shall be deemed in violation of this chapter, and be guilty of a misdemeanor. In such case, the water will be shut off, locked and will not be turned on again until all charges including penalties shall have been paid.

(Ord. 385A § 7(D), 1994)

13.04.190 - Delinquent charges—Service shut-off.

If payment for water charges shall become delinquent by more than twenty (20) days, upon proper notice and compliances with RCW 35.21.290 and 35.21.300, the water service may be shut off to the subject premises until all arrears have been paid, together with a penalty including any expenses incurred for processing, inspecting, shutting off and turning on the service, in the amounts set forth by resolution of council.

(Ord. 385A § 7(E), 1994)

13.04.200 - Right of entry for inspection.

The city water superintendent or his designee shall have free access at all reasonable hours onto the premises to which city water service is rendered for the purpose of inspecting and testing the same and also for the purpose of exercising the right of water shut-off, or performing emergency repairs.

(Ord. 385A § 8, 1994)

13.04.210 - Authority to shut off water.

The city reserves the right in case of emergency to shut off the water distribution system, in the mains, service pipes or any premises at any time and without notice; and in nonemergency cases, upon twenty-four (24) hours' notice, by posting. The water department will endeavor to notify customers where practicable but shall not accept responsibility nor liability for injury to persons or the safety of boilers, hot water tanks, appliances or other device on the premises of any water consumer due to the shut off.

(Ord. 385A § 9, 1994)

13.04.220 - Imposition of water use restrictions.

The council shall have the right to forbid and/or establish certain specific hours for lawns and garden sprinkling and other nonessential uses of water within the whole or specified parts of the city when there is an actual or impending water shortage, extreme pressure loss in the distribution system or for any other reasonable cause. The council may at any time determine such rules and/or restrictions to be necessary, and after notification by posting thereof, may enforce the same. Any violation shall be a misdemeanor. Upon notice of violation of any such rule or restriction, the water may be shut off to the premises of the violator without further notice and shall not be turned on again until the owner or occupant of the premises has agreed to comply with the rules and/or restrictions and has paid to the city all charges for service. Any such consumption of water shall be charged at double the water rate established by council.

(Ord. 385A § 10, 1994)

13.04.230 - Unauthorized use of water.

No consumer shall use water on a continuing basis for any purpose other than that stated on the application filed with the city, and should other or additional service be desired, then a new application must be filed conforming in all respects to the requirements of a new original application. No water consumer shall allow water to be taken or used from his premises by any other person or persons, and no water shall be furnished to consumers where pipes, faucets, toilets or other fixtures are leaking or defective. Such an unauthorized

use of water shall be cause for the city to shut off water service to the property and appropriate measures shall immediately be taken to prevent further unauthorized use. In addition to any other penalties, the water consumed through unauthorized connections shall be charged double the normal rates set forth herein from the date of the commencement of such unauthorized use. A turn-on charge for reinstatement of service as defined herein shall also be assessed to turn the water service on again.

(Ord. 385A § 11, 1994)

13.04.240 - Extensions to system—General standards for construction, installation and connection.

All construction, installation and/or connections to the water system shall be governed by the following terms and conditions and such other terms and conditions as the city council may require:

A.

Specifications. All materials and construction methods used for extensions and additions to the city water system shall, as a minimum, conform to the most current edition of the standard specifications for road, bridge and municipal construction as prepared by the Washington State Department of Transportation and the American Public Works Association, Washington State Chapter, the AWWA standards, the UBC standards, and the technical standards in the city's water system comprehensive plan and must furthermore be first approved in writing by the city.

B.

Water Resource Capacity. The requirements for additional water service connections, when and if completed, must appear to the satisfaction of the city to be within the present and immediate foreseeable capacity of the water resource and the water department and/or present distribution system. The development shall be for a set number of water connections and no more.

C.

Application Fee. An application fee established by resolution of council shall be paid with each application for a water distribution system under this section. The fee shall be nonrefundable, which shall be applied to other costs for which the city is entitled to reimbursement according to its water regulations.

D.

Project Costs. All of the costs of the development shall be the responsibility of the developer, including, but not limited to, reimbursement to the city for all costs of the city personnel needed to complete the development. There shall be no cost incurred by the city,

E.

Locations of Water Lines—Easements.

1.

All water lines shall be installed in public streets and alleys or in easements which have been granted to and accepted by the city for such purpose, at no cost to the city. It shall be the developer's responsibility to obtain all necessary easements for the water lines.

2.

Any such easements granted to the city shall be easements for utility use in general; shall not be less than ten (10) feet in width; provided, that once such easements extend to the end of an existing public road, or extend along the alignment of any anticipated future public road, such easement shall be no less than twenty (20) feet in width.

3.

All easements must be reviewed and authorized by the city attorney and provide at a minimum:

a.

That the city may operate, maintain, demolish, reconstruct, improve or expand water facility and may use the easement for any other municipal utility purpose;

b.

That nothing may be built within the easement, nor shall it be built or activity conducted near the same so as to cause damage or interference with the city's use of the same. The city has no duty to replace or repair any facility built in the easement except parking surfaces and lawn turf.

F.

Water Meters. The consumption and use of all water taken from the city water systems shall be metered at each individual connection. Water meters shall meet the specifications of the city and shall become the property of the city water system.

G.

Fire Hydrants. Fire hydrants meeting city specifications shall be installed on all extensions of the city water system at the time such extensions are constructed. All hydrants shall be owned and maintained by the city. The location and frequency of fire hydrants shall comply with all state and local fire regulations; provided, that the fire hydrants in single-family residential zones shall be spaced not more than six hundred (600) feet apart and fire hydrants in multiple-family, commercial and industrial zones shall be spaced not more than three hundred (300) feet apart, or as required by the city water

superintendent. Upon approval of the project, all hydrants shall be dedicated to the city.

H.

Maximum Distance for Water Service Connections. The length of any water service connection owned by the city and the length of the private water lines shall be to the property line.

I.

Developer-Installed Water Service Connections. The developer may install his own water service connections, including the meter box (but excluding the meter), provided that it complies with all specifications of the state and the city. In cases of new subdivisions, the developer shall install all water service connections. Installation of service connections shall coincide with the installation of the water main. Service connections shall be shown on a water extension drawing and shall be subject to approval by the city. Service connections shall be conveyed to the city as a condition of obtaining water service.

J.

Reserved.

K.

Frontage Requirements. All lots connected to the city water system shall have frontage on a distribution main. At the time of connection, the property owner shall be required to extend the main for the full public or private road frontage of the lot on which the structure to be connected is located. If the lot does not front on a public or private road for its full width, the main shall be extended to the boundary line of the nearest adjoining lot, which may be anticipated to require future connection to the main. If it can be shown that no future extensions beyond the applicant's lot will occur, a waiver may be obtained from the city council and the applicant need only extend the main to the point of connection on his lot.

L.

Registered Engineer Required. The design and construction of water and sewer mains, which are to be connected to the city water system, shall be supervised by a registered, professional engineer of the state of Washington, at the applicant's expense. These drawings shall be reviewed by the city, and approved by council.

M.

As-Built Drawings Required. As-built drawings of the completed installation of the water facility shall be submitted by the applicant for approval by the city.

N.

Insurance Bonding and Indemnification. Any party installing, repairing, extending or modifying water lines in public right-of-way/easement, which lines are connected to or to be connected to the city's water system, must comply with the following:

1.

Prior to commencing work, a registration bond shall be posted in such amount as is required by the governmental agency having jurisdiction over the public right-of-way.

2.

Prior to commencing work, a performance bond shall be posted in such amount as is required by the city. The bond shall guarantee expeditious completion of the project in compliance with the approved plans and specifications, and shall warranty the materials and workmanship of the project for a period of one (1) year after acceptance by the city.

3.

Prior to commencing work, proof of insurance shall be submitted with property damage limits of not less than one million dollars (\$1,000,000.00) and bodily injury limits of not less than one million dollars (\$1,000,000.00) per person and two million dollars (\$2,000,000.00) per occurrence. The city shall be named as an additional insured. The city shall be provided with thirty (30) days notice before any cancellation or reduction of the insurance listed herein.

4.

Hold Harmless Indemnification. The developer agrees to hold harmless, indemnify and defend the city, its officers, agents and employees from and against any and all claims, losses or liability, for any injuries, sickness or death of persons including employees of the developer, or damage to property, arising out of any wilful misconduct or negligent act, error or omission of the developer, its officers, agents, subconsultants or employees, in connection with the services required according to this chapter, provided, however, that:

a.

The developer's obligations to indemnify, defend and hold harmless shall not extend to injuries, sickness, death or damage caused by or resulting from the sole wilful misconduct or sole negligence of the city, its officers, agents or employees; and

b.

The developer's obligations to indemnify, defend and hold harmless for injuries, sickness, death or damage caused by or resulting from the concurrent negligence or wilful misconduct of the developer and the city or of the developer and a third party other than an officer, agent, subcontractor or employee of the developer, shall apply only to the extent of the negligence or wilful misconduct of the developer.

It shall be a requirement of any extension of service that this provision survive to the life of the system installed.

O.

Variance. The city council may grant a variance from any rule, regulation or requirement of this chapter upon application for the same. Applications for such a variance shall be filed, in writing, with the city clerk, together with a filing fee established by resolution of the council. The city council shall establish a standard set of criteria to be used in review for a variance, including special hardship, unique circumstances and practical difficulties. No variance shall be granted which would be detrimental to the public health, welfare or environment, or which would be inconsistent with the long-range plans of the Gold Bar water system or any mandatory state rules or regulations. Conditions may be imposed upon the granting of a variance. Each variance shall be considered on a case-by-case basis, and shall not be construed as setting precedent for any subsequent application. A decision of the city council on a variance application shall be final subject to appeal to the Snohomish County superior court within a fourteen (14) day period thereafter.

(Ord. 385A § 12(A), 1994)

13.04.245 - Water service connections in the floodplain.

No new water service connections to any new construction sited within the one hundred (100) year floodplain or constructed on any land fill within the one hundred (100) year floodplain shall be allowed; provided that any property for which a water availability letter has already been issued shall be exempt from the provisions of this section.

(Ord. 378 § 1, 1993)

13.04.250 - Financing water service extensions by recovery contracts.

In accordance with the authority granted by RCW Chapter 35.91, and at the option of the city council, a developer or owners of real estate having constructed or desiring to construct a water facility at their own expense may be allowed to enter into a recovery contract with the city providing for partial reimbursement for the cost of the construction of

such water extension, including the cost of engineer, design, labor and materials, permits, fees, services of the city water superintendent or other staff, or other costs, all of which are reasonably incurred. Such contract shall be governed at a minimum by the terms and conditions set out in Sections [13.04.260](#) through [13.04.300](#) and any other such terms and conditions provided for by law or by discretion of the city council.

(Ord. 385A § 12(B), 1994)

13.04.260 - Recovery contracts— Prerequisites.

Such contract shall not be entered into without the entry of findings by the city council, based upon such information as is available to the water superintendent, planning commission, water department and any other source, that the following is true and correct with respect to the proposed area of a development:

That the proposed development is in an area within the city or an area the city may be reasonably expected to be annexed to the city as soon as the same is or becomes contiguous to the city and population and tax base make annexation desirable to the city.

(Ord. 385A § 12(B)(1), 1994)

13.04.270 - Recovery contracts—Assessment area and method of assessment.

A.

Assessment Area. Assessment area shall constitute all properties that border the proposed water facility or extensions thereof, including any properties that may connect to lateral or branches connecting thereto, or such other area that the city council deems appropriately benefitted by the water facility. City staff may be asked to make a recommendations to the council on the assessment area.

B.

Method of Assessment for Reimbursement. The city council may authorize use of any method of assessment or reimbursement permitted by law for local improvement district assessments which in the sole opinion of the city council would most fairly allocate the cost to each benefitted property. City staff may be asked to make a recommendation on the assessment method for reimbursement. The staff shall review for accuracy the development costs which shall include, but not be limited to, all engineering and legal costs for the projects, and all other costs reasonably incurred by the developer/ owner.

C.

Period of Assessment. The recovery contract shall require that any property survey within the assessment area that applies for connection to the extended water facility within a period not to exceed fifteen (15) years from the date of the recovery contract,

shall pay its proportionate share of the costs of the development as a condition of receiving water from the city water system. Interest at a rate established by resolution of council, shall be added to the amount of the assessment to reimburse the developer for the loss of its working capital.

D.

Payments to Developer for Recovery Contract. All moneys collected by the city under a recovery contract, less an amount established by resolution of council for each collection, shall be forwarded to the developer by regular mail at the address last indicated to the city within sixty (60) days of receipt by the city. Any money not so delivered, and which remains unclaimed, shall be held by the city for a period of three (3) years from the first attempted delivery, after which time the developer shall be deemed to have waived claim to it, and shall not longer be entitled to such funds. The funds shall be deposited in the city's current expense fund. No connection shall be made to the proposed water facility by any owner without payment for the same. The city shall be authorized to remove such unauthorized connection and dispose of any material used in the connection without liability.

E.

Recording of Recovery Contracts Required. All recovery contracts shall not be effective to owners of property not a party to the original recovery agreement unless the same are recorded with the Snohomish County auditor by the developer with certified copies filed with the city clerk.

F.

Collections After Termination of Recovery Contract. After the termination of the recovery contract, or if for any reason the developer has not collected the moneys due under the recovery contract, the collection of the same shall be made by the city for any property within the assessment area that applies for connection to the extended water facility. However, the revenue collected shall be the property of the city and shall be deposited in the city's current expense fund.

(Ord. 385A § 12(B)(2), 1994)

13.04.280 - Recovery contracts—Public hearing required.

A.

Notice Requirements. Prior to the approval of any recovery contract, the city council shall hold a public hearing to consider the matter. Owners of property to be affected shall be given notice of such public hearing at least ten (10) days, but not more than thirty (30) days in advance of the public hearing. In addition, notices shall be posted in the assessment area and at City Hall and at such other places as the city council may direct.

B.

Contents of Notice. The notice of the public hearing shall include the following information:

1. A statement that the developers constructing the water facility under the provisions of RCW Chapter 35.91 and this chapter;
2. The total area and total front footage of the property currently paying or sharing the cost of the construction;
3. The total area and front footage of the property physically capable of being served by the proposed water facility;
4. The name and address of all property owners covered in subsections (B)(1) and (2) of this section;
5. An itemized breakdown of the total cost of the completed project;
6. The cost per property owner to hookup to the water facility under the recovery contract.

C.

Developer Responsibility. The notices required under this section shall be the responsibility of the developer. The developer shall mail such notice certified mail to the most up to date and last known address of the property owners of record as listed in the Snohomish County auditor's office. Notice by mail shall be presumed complete three (3) days after mailing. The developer shall at least five (5) days prior to the public hearing, provide to the city clerk an affidavit of mailing the public hearing notices.

(Ord. 385A § 12(B)(3), 1994)

13.04.290 - Recovery contracts—Conveyance to the city.

A.

Dedication. All extensions to the city water system shall be conveyed to the city and shall be accompanied by warranty of the developer that the water facility and any appurtenances thereto are free of debt and were constructed in accordance with the city's standards and specifications.

B.

Warranty. The developer shall further warrant the labor and materials used in the construction of the system, for a period of one (1) year from the date of the conveyance to the city and shall supply the city with a maintenance guarantee bond in the amount of ten (10) percent of the value of the improvements, executed by a

surety company authorized to do business in the state of Washington and subject to the approval of the city. If prior to the expiration of one (1) year after the date of the execution of the recovery contract of both parties, any work is found to be defective, the developer shall promptly without cost to the city and in accordance with the written instructions issued by the city, either correct such defective work or if it has been rejected by the city, remove and replace it. If the developer does not comply promptly with the terms of such instruction, the city may have the defective work corrected or the rejected worker removed and replaced and all direct and indirect costs of such removal or replacement, including any professional services, shall be the responsibility of the developer, and may be withheld from the recovery contract payments.

(Ord. 385A § 12(B)(4), 1994)

13.04.300 - Recovery contracts—Miscellaneous provisions.

A.

Nothing in this section or any provision in a recovery contract, shall be construed as establishing the city as a public utility in areas not already connected to the city's water system; nor shall this section or any recovery contract, be construed as establishing express or implied rights for the property owner to connect to the city water systems without first qualifying for such connection by compliance with all applicable local and state regulations.

B.

By no implication will the existence of a contract with the city authorize the developer to extend the water service beyond the area specifically applied for; the city retains the absolute right, to reject any proposal for the extension of such water service beyond the area specifically applied for.

C.

Nothing in this section of this chapter shall be construed as requiring the city to enter into such recovery contracts or deny the ability of the city to enter into such a contract after this facility is built so long as it is done within sixty (60) days of acceptance of the facility by the city.

D.

All applications for recovery contracts shall be made on the basis that the applicant releases and waives any claim of any liability to the city, its agents, officers or employees for the establishment and enforcement of these contracts.

E.

Applicants for recovery contracts shall be in compliance with all city and state rules, regulations and requirements to be eligible for processing of recovery contracts.

F.

The decisions of the city council on any aspect of a recovery contract shall be final, subject to appeal to the Snohomish County superior court within a fourteen (14) day period after the date of the decision of the city council.

(Ord. 385A § 12(B) (5), 1994)

13.04.310 - Construction standards.

A.

Standards for New Construction. The installation of all water lines within the public right-of-way, in easements, or on right-of-way to be dedicated to the city, shall be in conformity with the long-range water utility plan of the city, and shall be constructed in conformity with the technical standards adopted and required by the city water superintendent and in conformity with the Uniform Building Code adopted by the city.

B.

Temporary and Construction Service. The temporary use of water from the city's water system shall be through an existing city fire hydrant.

1.

Application for a temporary construction service shall be authorized by the city only after review of all plans/drawings, and all bond(s) have been acquired. The fee for such an application shall be established by resolution of council. Said contractor/developer shall take all safety measures to prevent any/all cross connections to the city's water system. The water department has the right to periodically inspect the use of water on any given construction project. In the event the city determines that water is being allowed to run on the grounds or a cross connection is found, the temporary construction service shall be terminated immediately upon notification to the contractor or developer. A fine of two hundred fifty dollars (\$250.00) shall be required for each violation, plus all costs required for water quality testing.

2.

Temporary construction service shall be provided from an existing city fire hydrant, by means of a control flow gate valve attached to the fire hydrant, and by means of a commercial water meter provided by the city at a cost to the contractor/ developer. A bond shall be provided by the contractor/developer in an amount that covers the cost of the commercial water meter. The contractor/developer is required to pay for all water used through this meter at the rate established by council.

(Ord. 385A § 13, 1994)

13.04.320 - System facilities installation and ownership.

A.

The ownership of all water mains, extensions thereof, fire hydrants, services and related appurtenances located in public streets, utility easements and right-of-ways, shall be vested solely in the city. Any developer, person, firm or corporation having an interest in the construction and/or payment of such water mains, extensions, fire hydrants, services and related appurtenances shall relinquish interest upon acceptance of the facilities by the city. This shall take place prior to the department supplying water to the facilities.

B.

The city shall install all distribution mains and appurtenances within the city unless specifically agreed otherwise in writing. The city shall maintain and operate water mains, facilities and appurtenances owned by the city.

(Ord. 385A § 14, 1994)

13.04.330 - System alterations caused by improvements.

In the event it becomes necessary to relocate or alter any portion of the city's existing water system due to construction of improvements by private developers, such alterations to the water system shall be performed in a method acceptable to the city, according to all applicable local and state standards, and be paid for by the local improvement district, utility, person, firm or corporation responsible for or causing the alteration.

(Ord. 385A § 15, 1994)

13.04.340 - Customer deposits.

If the city council determines that it may be necessary to protect the city from potential revenue loss, then a deposit may be required in an amount sufficient to cover potential loss from water use. Any remaining amount of deposit shall be returned to the customer when the use of the water is disconnected and all outstanding balances have been paid to the city.

(Ord. 385A § 16, 1994)

13.04.350 - Water capital improvement fund.

There is established for the city a water capital improvement fund, which fund shall be used for budgeted water system capital improvements and emergency repairs.

(Ord. 385A § 17, 1994)

13.04.360 - Water operating fund.

There is established for the city a water operating fund, which fund shall be used for normal operating expenses and water system emergency repairs.

(Ord. 385A § 18, 1994)

13.04.370 - Water debt service fund and FmHA required account No. 1 fund.

There is established for the city a water debt service No. 1 fund, which fund shall be used to retire the obligation owing to Farmers Home Administration.

There is also established for the city a FmHA required account No. 1 fund, which fund shall accumulate one thousand five hundred dollars (\$1,500.00) per year until a total amount of fifteen thousand dollars (\$15,000.00) is contained in said fund to be held pursuant to the loan agreement for the Farmers Home Administration as contingency funds to pay the yearly payment to Farmers Home Administration in the event the water debt service No. 1 fund would have insufficient funds to pay said yearly payment.

(Ord. 385A § 19, 1994)

13.04.380 - Water emergency reserve fund.

There is established for the city a water emergency reserve fund to be used for major repairs and improvements necessitated by an emergency, including acts of God or other incidents that cause major damage to the city's water system.

Monies for this fund shall be taken from assessments imposed by GBMC Section 13.04.130 in the amount and manner specified by council resolution. Annual transfers shall be undertaken until the total amount of the water emergency fund reaches two hundred thousand dollars (\$200,000.00). Monies collected shall also be used to replenish the water emergency reserve fund should the amount in the fund be reduced below two hundred thousand dollars (\$200,000.00).

Appropriations from this fund shall be subject to council approval, unless emergency conditions do not provide sufficient time to acquire council approval, in which case the appropriation shall be subject to the approval of the mayor.

(Ord. 588 § 2, 2004: Ord. 564 § 1, 2002)

13.04.390 - Capital improvement fee.

All property owners who wish to connect to the Gold Bar water system shall pay a capital improvement fee as authorized by RCW 35.92.025 according to the amounts authorized by resolution of council. Payment of all capital improvement fees shall be made in full prior to installation of water service. If payment is not made, service will not be installed. Monies received for capital improvement charges shall be deposited into the water capital improvement fund.

(Ord. 564 § 2, 2002: Ord. 435 § 2, 1996: Ord. 385A § 21, 1994)

13.04.400 - State statutes adopted.

The rules and regulations of the State Board of Health regarding public water supplies, cross connection control regulations in Washington Administration Code, WAC 246-290.200 through WAC 246-290-696 are adopted by this reference as if set forth in full.

(Ord. 385A § 22, 1994)

13.04.410 - Disclaimer of liability.

The water department expressly notifies all of its customers of every classification that it is not responsible nor liable for any personal injury nor property damage, nor losses due to fire or conflagration by reasons of an insufficient quantity of water and/or insufficient water pressure for any reason whatsoever at the time of fires or fire alarms or at any other time. Rates established for service connections of any type are and shall always be based upon the condition that no liability of any nature whatsoever shall attach to the city by reason of failure of water quantity or water pressure.

(Ord. 385A § 23, 1994)

13.04.420 - Special water use approval required.

A special use of water fee shall be assessed against any firm, agency, company or other entity for the use of water from the city's water system fire hydrant as specified by the city superintendent. Any and all other special use of water from the water system not included elsewhere in this chapter, shall be reviewed by the superintendent prior to such use and the requirements and charges applicable to such special use of water shall then be determined by resolution of the council.

A special use of water form shall be obtained from the superintendent prior to usage of the water. Said firms, agencies, companies, etc., shall be required to record the water usage through water meter (fire hydrant style), which shall be installed by the city superintendent at a specific fire hydrant within the system. Any tampering, disconnecting or damage to the hydrant water meter, fire hydrant or the water main (due to turning off water meter/fire hydrant too fast, causing a water hammer) shall be a violation punishable according to the provisions in this chapter, including all costs incurred by the city to have the water meter repaired, the rental of a fire hydrant water meter by the city while its meter is being repaired, or all costs incurred by the city to have the repairs made to the fire hydrant and/or water main.

Furthermore, any firm, agency, company, etc., using water from a specific fire hydrant (as specified by the city's superintendent), without the use of a fire hydrant water meter, shall be in violation of this chapter and subject to the penalty provisions herein. The violator shall also be denied any further use of city water from any fire hydrant within the city water system until such time as the firm, agency, company, etc., can provide the city with a

five thousand dollar (\$5,000.00) bond, at which time the above action and fees shall be followed and paid by the firm, agency, company, etc.

(Ord. 385A § 24, 1994)

13.04.430 - Violations—Penalty.

A.

Violating any of these sections or failing to comply with any of the mandatory requirements of this chapter, unless otherwise provided for herein shall, are subject to the general penalty of [Section 1.16.010](#)

B.

Whoever willfully injures or interferes with any stopcock water meter, connecting or service pipes, main or lateral pipes, hydrants, wells, pumps or other parts of the city water system, or whoever causes or permits any unauthorized connection to the city water system, or whoever in any manner pollutes the water supply of the city, shall be deemed in violation of this chapter and be guilty of a misdemeanor. This shall not preclude the city from taking any other actions authorized by law against such a person.

(Ord. 385A, § 7(F) and (G), 1994; Ord. No. 641, § 5, 3-19-2013)