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CHAPTER 13.04WATER SYSTEMSSections:

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13.04.010 Purpose and intent. It is the purpose of this chapter to provide for regulation and management of the City water system, and to establish the authority for the acquisition, design, construction, maintenance, management and operations of water facilities, in order to provide for a uniform and integrated water system, to protect the public health, safety, and welfare, and to carry out the water system plan of the City.

Any and all persons or businesses wanting to use water from the City are required to comply with this regulation. This chapter is further intended to establish procedures for assessing fees and charges for provision of water services.

The City shall be the only purveyor of water within the city limits. The City shall establish and maintain such rates as will provide sufficient revenues to meet the needs and obligations of the water department.

13.04.015 Definitions. For the purpose of this chapter, the following words or phrases have the meaning set forth herein, except when otherwise declared or clearly apparent from the context:

"Apartment House" means a building containing three or more individual dwellings with separate kitchen facilities.

"Bulk water" means water available for purchase from the City water system which is intended for potable or other uses and is transported by truck, trailer, or other vehicles and stored in tanks or containers having a combined fill capacity greater than 50 gallons.

"Consumer" or "Customer" means an individual, firm, corporation, partnership, institution or association receiving water services from the City and who is responsible for paying all rates, costs, fees, and charges for such service. Except as specifically set forth herein, a consumer/customer shall not include a tenant or other occupant not controlled by or affiliated with the owner/operator at the premises receiving water service.

"Dwelling" means an independent living unit designed and intended for occupancy by not more than one family and having its own housekeeping and kitchen facilities, not including hotel, motel, and dormitory units.

"Hookup Fee" means a charge that is assessed against property owners seeking to connect to the water system, in order that such property owners shall bear their equitable share of the cost of past and future system improvements. Once it has been paid by a customer for a property, it will not be collected again if the service is repaired or replaced with the same size service in the future.

"Hookup" means a connection or attachment to a main line or lateral of the City water system for a customer or user of City water.

"Multi-unit Facility" means premises containing multiple units of similar character, including but not limited to, hotels, motels, RV parks, apartment houses, trailer courts, strip malls, and office buildings, in which water service to two or more units is supplied through a single water meter.

"Person" means and includes natural persons of either sex, associations, copartnerships and corporations whether acting by themselves or by a servant, agent, or employee; the singular number shall, when necessary, be held and construed to include the plural, and the masculine pronoun to include the feminine.

"Premises" means a continuous tract of land or building under a single control with respect to use of water and responsibility for payment therefor, including, but not limited to, all improvements, mobile structures and structures located on, or in, such premises.

"Service Connection" means the point of delivery of water from the City's distribution main to the customer's premises beyond which the City loses control of the water, either at the service meter, property line or edge of City's water line easement.

13.04.020 Entering premises. The City shall have the right to enter customer's premises at all reasonable times for all reasonable purposes in connection with the supply of water to the customer, and the customer will give or obtain all necessary permission so as to enable the City to install the service and care for and protect the same.

13.04.030 Service shut-off. The water may, at any time, be shut off from the mains without notice for repairs or other necessary purposes, and the City will not be responsible for any consequent damages. Water for steam boilers should not be drawn by direct pressure from the mains, but owners of boilers should always provide tanks holding an ample reserve of water for such purposes. On all services on which there are hot water tanks, boilers or heating plants proper precaution should be taken against damage or collapse of such equipment in case water is shut off at the main or at the service pipe.

13.04.040 Conformity with regulations. All applicants for the use of water must agree to conform to rules and regulations as a condition for the use of water.

It shall be mandatory that all premises containing sanitary sewer drains within the City limits which are connected to the water system shall also be connected to the City's sewer systems. The City Council may provide an exemption to this requirement for properties which do not have reasonable access to the City sewer system.

13.04.050 Application for service hook-up. Application for all water hookups must be filed with the Clerk/Treasurer on forms furnished by the City, which the applicant shall supplement with such information as deemed necessary by the City Superintendent. The applicant shall pay to the Clerk/Treasurer a non-refundable deposit amount set forth in 13.04.230 of this code. All applications shall be made by the owner of the property to be served or his authorized agent.

- A. This non-refundable deposit shall either;
  - 1. Be applied toward the hookup and installation fees if the hookup is approved and installed within 6 months of approval, or;
  - 2. Forfeited to the City if the hookup is either not approved or the hookup is approved but installation is not completed within 6 months of approval.
- B. Existing commitments for water will be honored under the terms of the exiting contracts.
- C. The City will establish a reserve of water capacity for the use of undeveloped property in the following areas, listed in order of priority:
  - 1. Inside City Limits
  - 2. Within in the Urban Growth Area
  - 3. Within the City's water retail service area but outside the Urban Growth Area boundaries.
- D. In order to provide access to clean and reliable water, to protect the area's resources, and to provide for public health and safety, rural water service may be provided to properties within the retail service area subject to the following determinations:
  - 1. The City's provision of such service is consistent with applicable laws governing water systems outside city limits;
  - 2. The water system has sufficient capacity to serve water in a safe and reliable manner.
  - 3. The service requested is consistent with adopted Stevens County plans and development regulations.
  - 4. The City has sufficient water rights to provide service.
  - 5. Service can be provided in a timely and reasonable manner.
  - 6. The service requested is of similar character to that historically provided by the City in the surrounding rural area in which it is proposed.
  - 7. The new connection is found to be beneficial and economically viable to the water system as a whole.
  - 8. Property owners must agree to sign an agreement describing the responsibilities of the parties in order to obtain such service.

13.04.080 Refusal to connect. The City may refuse to connect any premises to its pipelines or to refuse to deliver water to any consumer if by so doing it will endanger the efficiency of the City's service or its property, or if it fails to comply with criteria set forth in Section 13.04.050, or to enlarge any line, already in use, for the benefit of a proposed consumer except upon an appropriate application and approval as set forth under this chapter.

13.04.090 Meter specifications. Whenever any new water service shall be installed connecting any property or properties with the City's water system, the water department will install a meter for the purpose of regulation and measurement of such service, the owner of the property will reimburse the city for the cost of meter, meter shut-off and installation, and water will be supplied to such property through meter only; the meter and meter shut-off valve will at all times remain the property of the City, with the rights reserved to repair, remove, exchange, or otherwise maintain, handle, test, or operate the same. The water meter and/or shut-off valve may be installed upon private property, in basements, cellars, special boxes, or as the City Superintendent may deem proper, and may be connected in private water lines which run from the curb or easement line to service.

The location, dimensions and type of materials used in construction of the box surrounding and the cover over the meter shall be specified by the City Superintendent, and conform to the standards of the City. This meter box and cover therefore shall, however, be constructed (or purchased) and installed by the applicant. The meter box and cover and all pipe, valves, connections from the meter to the applicant's water system shall be the property of and maintained by the owner or occupant of the premises. The City shall have no liability therefore but may turn off the water thereto if the maintenance thereof is neglected to the degree to cause an inconvenience or hazard to the City's employees in reading the meter or to cause an unnecessary drain on the City's water system. Consumers shall keep their premises adjacent to the meter box free from all rubbish or materials of any kind which would prevent or hamper the City Superintendent or his/her designee from having access to the meter.

13.04.095 Repairs to customer's equipment. In the event that the City Superintendent determines that the maintenance of the meter box or customer's piping is neglected to the degree to cause an inconvenience, hazard, or unnecessary drain on the water system the City may, at its sole option:

- A. Send a letter by first-class mail notifying the customer of the defect in maintenance, identifying corrective measures, and setting a time-line for correction.
- B. Direct that the defects be corrected immediately by City personnel and bill the customer for costs incurred, or
- C. Turn off water service.

The City may turn off water service to any premises for non-payment of invoices for City performed repairs to customer's equipment. (Ord. 1749, 2016.)

13.04.100 Connection authority. No person other than the City Superintendent and those authorized by him/her shall tap any main or service pipe between the main and the meter, connect to the City's pipes when pipes have been disconnected, turn water on or off between the main and the meter or otherwise interfere with the City's property.

13.04.110 Reserved.

13.04.120 Inoperative meter. When any meter becomes inoperative or does not operate properly, water will be charged in accordance with the average consumption during the three months immediately prior to the failure of the meter; provided, however, allowance shall be made for weather and seasonal changes, and in the event that the three previous months would not be a fair measure of water consumption for the period in question, the period used as a measure shall either be less than the three months period or three months other than the immediately prior three months.

13.04.130 Change of service pipe. A customer desiring the size or location of a service pipe or meter changed will make written application and after inspection has been made and the application has been approved, the City Superintendent will provide an estimate of the cost of all labor, materials, and hookup fees connected with such proposed change, and thereafter upon receiving payment of estimated cost, the change will be made by the City. If the change includes an increase in the hookup size, the customer shall pay the difference between the previous hookup size and the new hookup size according to the current hookup fee schedule set forth in Section 13.04.240 of this code. After completion thereof, the actual cost of the change shall be computed and the difference from the estimated cost, if more, shall be paid by the consumer to the City. If less, paid by the City to the consumer.

13.04.140 Rate of service in freezing temperatures. No deduction of rate will be made because fixtures or pipes have been frozen, or because taps have been left open to prevent service line or lines from freezing.

13.04.150 Discontinuance of service during repairs. The City will not be required to furnish continuous water service to a consumer during the progress of street grading or public improvement which necessitates the removal, raising or lowering of the City's pipes or mains.

13.04.160 Water shortage. The City reserves the right in case of shortage of water, or for any other cause, to make any order forbidding or limiting the use of water for irrigation, sprinkling, washing of vehicles, or any other non-essential use, and may, at its discretion, make such order at any time.

13.04.170 Non-liability of City. It is expressly understood that the City will not be held to guarantee the sufficiency of its water supply for fire protection in any fire or sprinkling system; and that the City shall not be liable for failure of water through any fire or sprinkling service, whether occasioned by scarcity of water in its mains, lack of pressure from any cause, or the breaking of a valve, main or connection or the shutting off of water for repairs, new connections, or for any other cause whatsoever.

13.04.180 Owner/tenant responsibility. A. Before water shall be supplied to any property, the owner, contract vendee, or his authorized agent shall make application for the use of the water according to Section 13.04.050 of this code. In the event it become necessary to shut off the water due to nonpayment, the last known owner will be notified at the last known address. Should this result in no response or payment, the City will promptly take action to place a lien on the property and assume first payment status should the property be sold. Should the water be turned off for nonpayment, the water will not be turned on until all past due accounts have been paid. "Past due account" may be, but is not limited to past due bills, service charges, cost of postage, lien filing fees, attorney's fees, etc.

B. All City utility accounts shall be kept in the name of the owner of that real property serviced by utilities, and the owner shall be responsible for the payment of utilities provided.

C. Utility accounts may be put in the name of a residential or commercial tenant only upon written authorization by the property owner and a guarantee of payment by the property owner on a standard form as provided by the City. Provided that, if the owner is delinquent on a bill and the tenant requests services be placed in his/her name, no owner authorization or guarantee is required.

D. Utility accounts currently in the name of a tenant shall remain in that tenant's name for that specific piece of property until that tenant vacates that specific piece of property; then, at that time, the account shall be transferred to the owner's name, and the owner shall be responsible for all utilities provided to the property.

13.04.190 Change of ownership. Notice must be given in writing by owner or agent when buildings are vacated, as no allowance under claims of vacancy will be made unless the Clerk/Treasurer is properly notified. Notice must also be given on change of ownership and tenancy.

13.04.200 Charges - Delinquent notice.

A. Monthly billing.

1. Monthly bills will be mailed out by the 25th day of the month. Payment in full is due before the 10th day of the following month. If not paid by the 20<sup>th</sup> day of the month a \$12.00 late charge will be assessed to the utility bill, and appear on the next billing.

2. The next bill, showing a 30 day delinquent amount shall be stamped with a notification.

3. If the delinquent bill is not paid in full before the 10<sup>th</sup> day of the following month, a letter will then be mailed stating water services will be terminated if the delinquent utility bill is not paid in full before the 20<sup>th</sup> day of the second month.

B. 1. For all current existing account customers whose water has been shut off, prior to turning the water back on, all the penalties plus all reconnect fees, plus all attorney fees and costs and other costs of collection plus any delinquent water bill for up to four months shall be paid in full.

2. For all new account customers, prior to turning water that has been previously shut off back on, the new account customer shall pay all reconnect fees.

C. Should the total bill not be paid within 30 days after shut off, the City may, at the city's option, elect to reduce the past due water bill, not to exceed four months, to judgment. Should a judgment be court ordered, the delinquent account customer shall also be responsible for all reasonable attorney fees and cost of the lawsuit.

D. Any premises where water service has been shut off for non-payment of delinquent bill will be vacated within twenty-four (24) hours after water is shut-off. Re-entry will be permitted when outstanding bill has been resolved.

13.04.210 Reserved.

13.04.211 - Annexation - Water rights. Any and all properties annexing into the city shall connect to the City of Kettle Falls municipal water system. If the property being annexed was previously served by a private well (ground water or surface water right), it shall be required to properly decommission the private well in accordance with Chapter 13.05 KFMC. Any property owner who seeks annexation by the direct petition method, and whose property rights include an appurtenant ground or surface water right, shall be obligated to transfer any such water right, at the applicant's expense, to the City of Kettle Falls as a condition of annexation. The requirement of a water right transfer may be waived by the City Council for good cause shown.

13.04.220 Other regulations regarding charges. A. All rules and regulations prescribed by this chapter must be strictly complied with in every instance and the water must be paid for according to the following rates and schedules; and in all instances charges shall be made and collections enforced against the owner of the premises where the water connections and services are made, and neither the Clerk/Treasurer, the water department, nor any other employee of the City is authorized to make any exceptions.

B. Each dwelling including each dwelling area of a duplex shall be separately metered.

C. Except as otherwise provided in 13.04.220(d) below, each business establishment, trailer house, mobile home and apartment, even though owned by the same individual shall be separately metered; provided, however, the owner of a multi-unit facility shall have the option of placing the entire trailer court, apartment house, or other multi-unit facility as the case may be, under one or more meters, under the hookup fee schedule set forth in Section 13.04.240 of this chapter under which instances a monthly administrative fee as set forth in Section 13.04.230 shall be charged to each unit.

D. Existing water service to the National Park Service Kettle Falls facility is currently supplied through two master meters, and is characterized by a mix of residential and commercial services in an integrated water distribution system. As such, the provisions of 13.04.220(C) above do not apply. Each individual water service within the facility will be considered as a separate connection in regards to rates and regulations under this chapter, and the existing master meter configuration shall be allowed.

13.04.230 Rate schedule. The water rates for the city of Kettle Falls are as follows:

A. The service charges will be \$10.00 for service connection or name change. This charge is nonrefundable.

B. A water administrative fee is established at \$17.00 per month for in town users and \$33.00 per month for out of town users.

Single unit residence - in town	\$17.00
Multi-dwelling residence - in town - each unit	\$17.00
Single unit residence - out of town	\$33.00
Multi-dwelling residence - out of town - each unit	\$33.00
Motel/Hotel/RV Park- in town	\$17.00
Each additional unit	\$ 1.25
Motel/Hotel/RV Park - out of town	\$33.00
Each additional unit	\$ 1.25
Office Building - in town	\$17.00
Each additional unit with water service	\$ 1.25
Office Building - out of town	\$33.00
Each additional unit with water service	\$ 2.00

For periods of shut off, there will be no charge for water. A reactivation fee of \$35.00 is established for turning on water services that are shut off at customer's request. This fee does not apply to services shut off due to emergencies or temporary shut offs for scheduled repairs.

An application fee of \$10.00 is established for decommissioning individual units in a multi-unit facility under Section 13.04.055.

C. All water shall be charged out at a rate of 75 cents per thousand gallons. This rate is subject to revision as deemed necessary by the City Council.

D. Bulk water rates will be as follows:

1. Single Load from Water Department	\$5.00 per load plus current rate per 1,000 gallons
2. Bulk Water Account	\$33.00 per month (billed monthly) plus current rate per 1,000 gallons
3. Hydrant Use Fee	\$25.00

4. Hydrant Meter Deposit \$200.00

All water trucks must utilize approved backflow prevention equipment.

No bulk water charge for firefighting services.

Bulk water sales are subject to approval by the City Superintendent.

E. Water Hookup Application Deposit \$1,000.00

13.04.240 Hookup Fee Schedule. The following are fees for all connections to the city of Kettle Falls water system:

	<u>SIZE OF HOOKUP</u>	<u>IN TOWN</u>	<u>OUT OF TOWN</u>
	3/4" hookup	\$ 1,200.00	\$ 2,400.00
	1" hookup	1,500.00	3,000.00
	1 1/2" hookup	2,600.00	5,200.00
	2" hookup	4,300.00	
Industrial	4" hookup	9,600.00	
or	6" hookup	21,600.00	
Commercial	8" hookup	28,800.00	

(Ord. 1651, 2005)

If a residential developer inside city limits inserts a 4, 6, or 8 inch or larger water line there will be no hookup fee.

All out-of-town water hookups shall run with the real property even if said property is sold or otherwise transferred to a third party. An agreement between the City and the owner of said real property shall be recorded by the city with the Stevens County Auditor.

Multi-unit connections:

Hookup fees for connections to multi-unit facilities, in addition to the hookup fees indicated above, shall be as follows:

1. Trailer courts, in addition to the fee outlined above, one half the appropriate fee for 3/4 inch hookup for each trailer to be installed or connected.
2. Apartment Houses, in addition to the fee outlined above, one half the appropriate fee for 3/4 inch hookup for each dwelling unit to be connected.
3. Motels/hotels (multi-unit facilities which rent accommodations by the day or week), in addition to the fee outlined above, one tenth (1/10) of the appropriate fee for 3/4 inch hookup for each unit to be connected.

The maximum length of each line by size shall be as follows:

Rural system with no provision for fire flow;

<u>Pipe Diameter</u>	<u>Dead-ended</u>	<u>Looped</u>	<u>Max. # of hookups</u>
2 inch	300 feet	600 feet	10
4 inch	1,300 feet	No limit	Unlimited
6 inch	No limit		Unlimited

Any request for installation of 2" or larger main will have to be presented at a City Council meeting for review and approval.

13.04.250 Fire hydrants. Fire hydrants of the standard of those now maintained by the City or other fire hydrants of equal efficiency shall be maintained by the City along its main pipelines at the monthly rental for each hydrant of one dollar. Fire hydrants are to be used when directed by the Fire Chief or his assistant, for the purpose of flushing lines by the city crew, or for other uses with specific authorization by the City Superintendent. Anyone using, misusing, or operating a city-maintained fire hydrant for any other reason shall be guilty of a gross misdemeanor and punishable by a fine of five hundred dollars for each offense.

13.04.260 Damaging fixtures. It is unlawful for any reason to break, deface, or damage any water meter, pipe, fire hydrant or any other water works appliance or fixture or in any other manner interfere with the proper operation of the water system of the City.

13.04.270 Violation - Penalty. Violation of any provision of this chapter shall be a misdemeanor unless otherwise stated. Any person found guilty of the violation of any provision of this chapter shall be punishable by a fine of not less than three hundred dollars or more than five hundred dollars unless otherwise stated. Each day or part thereof a violation is allowed to exist constitutes a new and separate offense and shall be punishable accordingly.

13.04.280 Severability. If any section, sentence, clause or phrase of this chapter is for any reason held illegal, invalid or unconstitutional by the decision of any court, such decision shall not affect the validity of the remaining portions hereof. The city council hereby declares that it would have approved this ordinance and each section, subsection, sentence, clause and phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared illegal, invalid or unconstitutional. (Ord. 1735, 2014)

#### Chapter 13.05

#### WATER CROSS-CONNECTION CONTROL AND BACKFLOW PREVENTION ASSEMBLIES

##### Sections:

- 13.05.010 Purpose.
- 13.05.020 Definitions.
- 13.05.030 Conforming Regulations.
- 13.05.040 Premises Isolation.
- 13.05.050 Connection to Public Water Supply.
- 13.05.060 Inspection.
- 13.05.070 Violation - Penalty.

13.05.010 Purpose. The purpose of this ordinance is to provide a basis for implementing Washington State Department of Health regulations and to protect the public water system from contamination due to cross-connections. The installation or maintenance of any cross-connection with the public water supply of the City of Kettle Falls is prohibited except as otherwise authorized herein.

13.05.020 Definitions. 1. "Approved Backflow Preventer" means an approved backflow prevention assembly, an approved air gap, or an approved atmospheric vacuum breaker that is relied on by the City to protect the public water system. It does not refer to backflow preventers installed for other purposes.

2. "Approved Backflow Prevention Assembly" means a backflow prevention assembly model approved by the State of Washington Department of Health and the City of Kettle Falls.

3. "Backflow Assembly Tester" means a person holding a valid BAT certificate issued in accordance with Chapter 246-292 WAC.

4. "Consumer" means the owner or operator of a water system connected to a public water system through a service connection.

5. "Cross-Connection" is defined as any actual or potential connection between the public water supply and a source of contamination or pollution.

6. "Cross-Connection Control Specialist" means a person holding a valid CCS certificate issued in accordance with Chapter 246-292 WAC.