

ORDINANCE NO. 2014-941

AN ORDINANCE OF THE CITY OF DEER PARK, WASHINGTON, AMENDING CHAPTER 13.04 OF THE DEER PARK MUNICIPAL CODE TO REVISE AND UPDATE WATER SERVICE REGULATIONS IN THE CITY; CONTAINING A SEVERABILITY CLAUSE; AND SETTING AN EFFECTIVE DATE.

WHEREAS, Chapter 13.04 of the Deer Park Municipal Code (“DPMC”) sets forth the water system utility code for the City of Deer Park (“City”); and

WHEREAS, most of the regulations regarding water service in Chapter 13.04 DPMC have been in effect, without revision or amendment, since the adoption of Ordinance No. 561 in 1989; and

WHEREAS, the City staff have conducted a comprehensive evaluation of Chapter 13.04 DPMC and determined that said Chapter should be amended in its entirety to clarify, revise, and update the rules and regulations, including penalties, related to water service in the City; and

WHEREAS, the City Council now desires to amend Chapter 13.04 DPMC, as set forth herein, to protect the health, safety and welfare of citizens of the City; now, therefore,

THE CITY COUNCIL OF THE CITY OF DEER PARK, WASHINGTON DO ORDAIN
AS FOLLOWS:

Section 1. Chapter 13.04 of the Deer Park Municipal Code is hereby amended to read as follows:

Chapter 13.04
WATER SERVICE REGULATIONS

Sections:

- 13.04.010** Water utility established.
- 13.04.015** Scope and Intent.
- 13.04.020** Definitions.
- 13.04.030** Administration
- 13.04.035** Water fund.
- 13.04.040** Purchase of water - Applications.
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- 13.04.060** Water meter.
- 13.04.070** Repealed.
- 13.04.080** Separate service connections required.
- 13.04.085** Temporary water service connections.
- 13.04.090** Pipe installation and maintenance.
- 13.04.100** Stop cocks – Laying of pipe – Inspection.
- 13.04.110** Unused or outdated service connections.
- 13.04.120** Permit required for resale of water – Penalty.
- 13.04.130** Account collections – Service termination – Liens.
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- 13.04.160** Tampering with shut-off.
- 13.04.170** Damaging or interfering with connection – Penalty.
- 13.04.180** Connection charges.
- 13.04.190** Turn-on charge – Collection.
- 13.04.200** Water rates designated.
- 13.04.210** Faulty meter – Determination of charges.
- 13.04.220** Two connections on one service.
- 13.04.230** Charge to Premises not connected.
- 13.04.240** Repealed.
- 13.04.250** Repealed.
- 13.04.260** Service begun or resumed only after payment in full.
- 13.04.270** Mayor authority.
- 13.04.275** Service Premises inspections.
- 13.04.280** Damaging or interfering with the Water System.
- 13.04.285** Fire Protection Services.
- 13.04.290** Water outside City limits.
- 13.04.300** Private water system – Abandonment – Connection with City Water System.
- 13.04.310** No protest agreement required – Future annexation.
- 13.04.320** City council – Rules and regulations.
- 13.04.330** Violation – Penalty.

13.04.010 Water utility established.

There is established a water utility of the City which shall be known as the water department of the City for the purpose of supplying water within the City and such areas outside the City as provided for in this chapter.

13.04.015 Scope and Intent.

This code is enacted under the police power of the City of Deer Park to protect and preserve the public health, safety and welfare. Its provisions shall be liberally construed to accomplish this purpose. It is the specific intent of this code to place the obligation of compliance upon the Owner/Operator. Nothing contained in this code is intended to be or shall be construed to create or form the basis for liability on the part of the City of Deer Park, its water utility, officers, employees or agents for any injury or damage resulting from the failure of the Owner/Operator of any private system to comply with the provisions of this code, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this code by the City of Deer Park, its utility, officers, employees or agents. The City Council may establish water rate relief measures for specific customer classes as authorized by state law.

13.04.020 Definitions.

As used in this chapter, the following terms shall have the meanings set out in this section:

A. "Applicant" means the Owner/Operator of Premises proposed to receive water service from the Department and who shall also be the Customer responsible for the payment of bills, fees, and charges for water service to the subject Premises. An authorized agent of the Owner/Operator may submit an application for service on behalf of the Owner/Operator, but, unless specifically set forth herein, such agent shall not include a tenant or other occupant not associated with or controlled by the Owner/Operator of Premises proposed to receive water service.

B. "Base Rate" means the monthly charge for service from the Department to recover costs incurred by the Utility such as administrative, meter reading, billing, collection and distribution. Base Rate does not include charges for water consumption quantity as registered through the required meter.

C. "City" means the City of Deer Park, Washington.

D. "Commercial Services" means a Customer class of water services serving buildings, uses, and facilities including, but not limited to, commercial retail, hotel/motel, offices, triplexes, apartments, condominiums, mobile or manufactured home parks, trailer parks, manufacturing/industrial and educational.

E. "Customer" means any Owner/Operator of Premises that receives water or water service from the Department and who is responsible for paying all rates, costs, fees, and charges for such service pursuant to one or more rate classifications, contracts, or schedules. Except as

specifically set forth herein, a Customer shall not include a tenant or other occupant not controlled by or affiliated with the Owner/Operator at the Premises receiving water service.

F. "Department" means the City water department.

G. "Director" means the Community Services Director of the City or his or her authorized designee.

H. "Domestic Service" means an approved residential connection to a City Water Main, consisting of a water service tap and a Service Lateral, intended for the full range of uses, including both inside plumbed uses and outside watering uses.

I. "Fire Protection Service" or "Fire Service" means an approved connection to a City Water Main, consisting of a water service tap and Service Lateral, intended exclusively for use by an emergency fire suppression system, such as fire sprinklers, or fire hose lines.

J. "Irrigation Service" means an approved connection to a City Water Main, consisting of a water service tap, a Service Lateral, and an irrigation meter, intended exclusively for outside watering use of landscaped or planted areas, and used exclusively in conjunction with Commercial Services.

K. "Owner/Operator" means the Person or Persons with an ownership interest in the subject Premises or any Person or Persons controlled by or affiliated with the owner responsible for operating the Premises served by a water service connection. Except as specifically set forth herein, the Owner/Operator shall not include a tenant or other occupant of the Premises that is not controlled by or affiliated with the true owner of the Premises receiving water service.

L. "Person" means any individual, firm, association, society, corporation or group.

M. "Point of Delivery" means the point at which water service is delivered to the Owner/Operator's property line or service line of the Premises. Point of Delivery is generally established as the Owner/Operator's shut-off valve or property line, whichever is closer to the Water Main.

N. "Premises" means a residence, building, lot, parcel, apartment complex, condominium, trailer court, hotel/motel, office, multi-family residence, garage, shop, structure, mobile or manufactured home park, group of adjacent buildings, or other property utilized by or under an Owner/Operator with respect to use or supply of water and responsibility for payment therefore.

O. "Quantity Charge" also known as "Overage Fee" means the charges for the water quantity used by a water utility Customer during a billing period as recorded by a water meter to recover costs of the water utility.

P. "Residential Service" means a Customer class of water services to single family residences in the City, including duplexes or other residential buildings with less than three units.

Q. "Service Lateral" means a water pipe beginning at the City's Water Main and extending to the Customer's Point of Delivery.

R. "Utility" means the City of Deer Park water utility or Department.

S. "Utility Clerk" means the City Clerk-Treasurer or his or her designee.

T. "Water Distribution Main" or "Water Main" means a City utility-owned water pipe to which one or more water services may be connected.

U. "Water Service Area" means that area identified in the City comprehensive water plan, including all revisions and addendums thereto, as being able to receive water service at appropriate standards of pressure and flow, given the current status of system improvements.

V. "Water System" means that water and the water system in which it is carried from the City's water supply source.

13.04.030 Administration.

Except as specifically provided for herein, the Director shall administer, implement, and enforce the provisions of this chapter. Any powers granted to, or duties imposed upon, the Director may be delegated by the Director to other City personnel.

13.04.035 Water fund.

There is created, in the treasury of the City, a fund to be known and designated as the "water fund." All moneys due the City for water service of any kind or as penalties for violation of the provisions of this chapter or of any other ordinance by the City relating to the municipally owned water system or Utility of the City shall be paid to the Utility Clerk, who shall ensure receipt and deposit into the water fund. The water fund shall not be commingled with any other fund or funds of the City and shall be disbursed only upon checks drawn by the order of the City Council against the fund.

13.04.040 Purchase of water -Application.

A. No Person shall make any connection with the Water System or add to an existing connection any additional unit or units or extensions of any type without first obtaining a permit or other approval as herein required.

B. Any Applicant desiring to purchase water or obtain a permit for water service to Premises from the City shall make application therefor on a printed form to be furnished by the Department for that purpose. The application shall be signed by the Applicant and filed with the Department at the Department's offices located at City Hall. An application may be submitted by an authorized agent of the Applicant, but shall include the signature of the Owner/Operator of the Premises proposed to be served. Such application shall contain a description of the Premises

where such water service is desired, the class of service applied for, and such other information as may be required by the Director. The City has the right to refuse water service to anyone.

C. Upon approval of an application for water service, the Applicant shall become a Utility Customer. The Customer shall be responsible for making payment for all water used or supplied by the City to the subject Premises.

D. The City shall have the right to charge and collect the charges, rates and fees for service provided for in this chapter, including any resolution incorporated by reference herein, and to change or modify said charges, rates and fees at any time by ordinance or resolution of the City Council without notice.

E. All bills or invoices for water service shall be charged against the Premises where supplied, or the Owner/Operator thereof, and the Owner/Operator of such Premises shall be held liable for the payment of such water, together with such penalties as may accrue against the same by reason of any provisions of this chapter and service to such Premises shall be refused until payment thereof is made. No change of ownership, business or occupancy shall effect the application of this subsection. An Owner/Operator's account shall be charged \$50.00 for failure to notify the Utility Clerk within five days of when any change in occupancy, including vacation, of the Premises by an occupant or tenant.

F. All Owner/Operators of leased Premises shall notify the City that the Premises receiving water service are leased Premises and may be occupied, from time to time, by an occupant other than the Owner/Operator of the Premises. In the event an Owner/Operator of leased Premises fails or refuses to pay the fees and charges for water service to the leased Premises, such that the fees and charges are delinquent, the occupant of the Premises shall be notified, in writing, of the Owner/Operator's delinquency and entitled to make payment to the Department on account of the Owner/Operator to prevent termination of utility services to the Premises. The occupant of leases Premises shall only be required to pay the then current balance for services rendered to the Premises, to prevent service termination, and not the entire past due balance accrued by the Owner/Operator (if any).

G. Any application, permit, contract or agreement for the sale of water or the provision of water service to Premises shall be subject to all the provisions of this chapter, as existing or hereafter amended, as well as any ordinance, resolution, rule or regulation of the City or Department that may exist with respect to water service in the City, or that may be hereafter adopted or amended.

H. No employee of the Department shall perform any work whatsoever on any Customer's pipelines, fixtures or plumbing.

13.04.050 Voluntary water shut off.

A. Any Owner/Occupant desiring that water service to Premises be temporarily shut off must make such request in writing to the Utility Clerk, and such request shall be signed by the Owner/Operator or the Owner/Operator's duly authorized agent. The Owner/Operator shall

advise the City whether the Premises for which the temporary shut off is requested are occupied by a tenant or other occupant not affiliated with or controlled by the Owner/Operator. If so occupied, the Owner/Operator shall obtain and include the written consent of the tenant or occupant in the notice to the Department. Said notice shall be given to the Utility Clerk not less than two (2) business days prior to the date on which the Owner/Operator desires the water service to the Premises to be shut off. The Owner/Operator shall be held responsible for any and all water service charges accruing until the expiration of two business days after notice is given to the Department, unless water service is actually shut off within such two day timeframe. The water service shall not be turned on or restored to the Premises until all fees and charges required by this chapter, including any resolution incorporated herein, are paid in full.

B. Voluntary discontinuance of water service may be requested by the Owner/Occupant, of Premises connected to or receiving City water service, which request shall be in writing and signed by the Owner/Operator or his, her or its duly authorized agent. The request shall be submitted to the Utility Clerk no less than ten (10) business days prior to the requested date of discontinuance, and shall state the estimated duration of the proposed discontinuance. The Owner/Operator shall advise the City whether the Premises for which the voluntary discontinuance is requested are occupied by a tenant or other occupant that is not affiliated with or controlled by the Owner/Operator. If so occupied, the Owner/Operator shall obtain and include the written consent of the tenant or occupant in the notice to the Department. Charges for water service shall be assessed as specified in section 13.04.200 DPMC, as existing or hereafter amended, for the term of any voluntary discontinuance selected by the Owner/Operator. Provided, however, any service remaining discontinued or otherwise unutilized for a period in excess of three years from the date of discontinuance shall be deemed abandoned, pursuant to section 13.04.110 DPMC, as existing or hereafter amended, and subject to provisions of this chapter setting forth the requirements and procedures for service turn on or reconnection.

13.04.060 Water meter.

Except as otherwise specified in this chapter, or unless specifically excluded or exempted by the Director, all water use and service shall be through an approved meter, as herein provided:

A. Every meter shall be furnished at the expense of the Owner/Operator and actual installation of all meters shall be made under the direction of the City and the cost of installation of the same and the cost of any meter furnished and sold by the City shall be paid by the Owner/Operator on which Premises the meter is to be installed.

B. All charges for any meter or meters repaired by the City shall be due and payable after work has been completed and a statement of cost made, and the same paid and invoiced with the next regular utility billing cycle to such Premises. Failure to timely pay any fees or costs owing to the City as set forth in the invoice or bill may result in discontinuation of water service to the Premises.

C. All meters shall remain under the control of the City while water is being served to the Premises through the meter. Defective meters shall be repaired or replaced within thirty

(30) days of receipt of notice of the defect provided in writing to the Utility Clerk. The Owner/Operator shall be responsible for payment of all costs associated with any meter repair or replacement performed by or on behalf of the City.

D. All meters shall be of standard size and design and approved by the Director. All new water meter installations shall utilize "remote" type meters as defined and approved by the Director.

E. Meters shall, at all times, be accessible to the City, and where it is necessary for the Owner/Operator of any Premises to place the same under lock and key, a key shall be furnished to the City.

F. The City personnel may access, at any reasonable time, any water meter location for the purpose of examining the water meter, meter reading, or making tests of the water meter. A meter serving Premises may be removed for examination or test by the City whenever deemed reasonably necessary by the City. Upon refusal by any Owner/Operator to allow any meter to be tested, the City shall have the right to shut off water service to the Premises served and such service shall not be turned on or restored until a water meter test is authorized by the Owner/Operator.

G. Meters, when installed, shall be removed only by an authorized employee of Department under the direction of the Director.

H. Every meter shall be housed in a frostproof meter box of minimum City standards or within a crawl space, basement or interior of any structure or Premises and of a size and specification required for the Premises or use and provided by the City.

I. Any Owner/Operator, including authorized agent thereof, shall have the right to require the City test the meter serving the Owner/Operator's building, lot, or Premises and request a written report showing results of the test. When a an Owner/Operator requests a meter test, the Owner/Operator shall be required to deposit with the City an amount designated from time to time by resolution of the City Council to compensate the City for the cost of removing, testing and replacing the meter before such test may be commenced. In the event the meter is found to over-register water usage to Premises by more than two percent, the Owner/Operator shall not be assessed a charge for the meter test and the advance deposit shall be refunded to the Owner/Operator. In all other cases, the deposit will be retained to cover the cost of the meter test. The Owner/Operator shall be billed for any costs or expenses incurred by the City to conduct the meter test that are not covered by the deposit.

J. When a meter has been found to over-register by more than two percent, past water bills may be adjusted by refund or a credit may be assessed for a period of not more than the three previous months on the basis of the percentage of over-registration shown in the test. Any water supplied to the Premises while the meter is removed, either at the Owner/Operator's request or at the option of the City, shall be paid for on an estimated basis unless a substitute meter is installed in its place.

13.04.070 Repealed.

13.04.080 Separate service connections required.

Every separate parcel supplied with Domestic Service from the Water System shall have a separate service connection or Service Lateral to a City Water Distribution Main.

13.04.085 Temporary water service connections.

A. A single water service may be supplied to Premises on a temporary basis during:

1. The construction of a building on the subject Premises;
2. During the construction of a standard Water Main to serve the Premises;
3. For an office facility for the development of a single or multiple amount of lots or parcels; or
4. An inspection of the Premises.

B. With the exception of temporary service for inspections, an application for temporary service shall only be approved upon payment of all fees and assessments required by this chapter. For temporary service for inspections, applications for temporary service shall be approved upon payment of the designated 48-hour water turn-on/off fee, which fee shall be established by resolution of the City Council from time to time. Each application shall state fully the type and size of service desired, the circumstances which require service by temporary means, and the duration for which temporary service is necessary. The maximum length of time any temporary connection may continue until transferred into a permanent connection is 24 months from date of approval. A temporary service connection for purposes of inspection shall not extend more than 48 hours.

C. All connections made to the Water System shall be completed per standards as established and/or enforced by the City.

D. In addition to the connection charges as established by the chapter, all costs necessary to complete the initial tap to the Water Main for the temporary service, and costs associated with the removal, shall be paid by the Applicant.

E. Upon completion of any work for which the temporary service was necessary:

1. The Owner/Operator of any single Premises being served shall immediately apply for permanent service to the Premises and the temporary service shall be removed.
2. The Owner/Operator or developer of a project may, in writing, elect to transfer his or her original connection fees collected towards the costs incurred for a new application for service for the same Premises, or location of the original service.

13.04.090 Pipe installation and maintenance.

All Service Laterals extending from the City Water Main to the Point of Delivery or property line of any Premises, including a service cock to be placed one foot inside the curb line, shall be installed and maintained by the City. The City's liability is limited to furnishing a main clamp, a corporation cock, a stop cock and shut-off box and sufficient pipe to run to the Point of Delivery or property line, not to exceed 60 feet. In the event 60 feet of service pipe is insufficient to reach the Point of Delivery or property line, the additional pipe required to reach the Point of Delivery or property line shall be installed by the City, but the cost of installation of such additional service pipe shall be paid by the Owner/Operator of the Premises served. The City will maintain services from the Water Distribution Main in streets which are being graded, paved or repaved, or where Water Distribution Mains are being changed, and will have such access on private property as shall be necessary to maintain such services during the work, and shall, as soon as practicable, upon the completion of such work, reconnect the pipes in the street to the Owner/Operator maintained service pipes. The Owner/Operator of the Premises served must install and maintain, at the Owner/Operator's own expense, all service pipes extending from the stop cock and shut-off box and all plumbing within the Owner/Operator's Premises.

13.04.100 Stop cocks – Laying of pipe – Inspection.

Every service pipe to Premises shall be provided with a ball valve, easily accessible and placed inside the foundation wall beyond damage from frost, and so situated that the water can be conveniently shut off. In addition, a ball valve shall be located downstream of the water meter, so the meter can be easily removed for repairs or testing. All service water pipes shall be of galvanized iron, or copper. All service pipes within the property lines of any Premises shall hereafter be laid to a depth of five feet below the surface of the ground. All water pipes laid inside the property line on any Premises shall be left exposed in the trench until inspected by the Director, or authorized designee, and when they have passed inspection shall be properly covered by the Premises Owner/Operator.

13.04.110 Unused or outdated service connections.

When new Premises are to be erected on the site of old ones and it is desired by the Owner/Operator to increase the size of, or to change the location of, the previously existing service connections to the former Premises, or where a service connection to any Premises is abandoned or no longer used for a period of three years, the City may cut off or remove such service connections, after which, should a service connection be required to said Premises, a new service connection shall be placed only upon the Owner/Operator, including authorized agent thereof, making application and paying for a new tap in the manner provided in this chapter, regardless if the service was physically disconnected or not.

13.04.120 Permit required for resale of water – Penalty.

A. No Owner/Operator or other tenant or occupant of Premises supplied with water from the City Water Main shall furnish water to any other Person or Premises without first having obtained a written permit to do so from the Director. No permit shall be issued until the Person desiring to use the water has obtained and filed with the Utility Clerk the written consent of the Owner/Operator of the Premises from which the water is to be taken, stating the location of such Premises by street, lot and block number, and the location and number of the Person or Premises to be supplied with water, and stating the purpose for which the water is to be used. Upon a proper permit from the Owner/Operator, as above provided of the Premises from which the water is to be taken, the Director may issue a temporary permit allowing water to be supplied to such Person or Premises.

B. Any Owner/Occupant allowing water to be taken from the Premises owned or occupied by them by any Person without compliance with the provisions of this section shall be subject to a penalty of double the amount of the regular Base Rate charge for each month water is taken, and a penalty fee as established from time to time by resolution of the City Council for each month water is taken, and the Director may order the service disconnected until such fine and penalty are paid.

13.04.130 Account collections – Service termination – Liens.

Utility billings, collections, service terminations, and liens shall be administered pursuant to the provisions set forth in Chapter 13.16 DPMC, as the same exists now or may be hereafter amended.

13.04.140 City not liable for interruptions.

A. The City shall not be liable for damages in the event a supply of water to any Person or Premises shall be interrupted or fail for any cause whatsoever, nor shall such interruption or failure be held to constitute a breach of any application, permit, contract or agreement on the part of the City to supply water to any Person or Premises, or in any way to relieve the Applicant or Customer from performing the obligations of the application, permit, contract or agreement to make payment for such water service.

B. The City reserves the right, at any time, to order the water shut off to any Premises connected to a Water Distribution Main without notice for repairs, extensions, or other necessary purposes, and Persons having boilers supplied with City water are cautioned against danger of explosion or collapse. The City shall not be liable for any damage that may occur on account of the water being shut off or interrupted for any of the above purposes, or on account of the breaking of any pipe, line, or fixture extending from a City Water Main. Any Owner/Operators that have any machinery, material, process or plant that requires a constant supply of water should install, upon their own Premises, such water storage facilities as will prevent any damage in the event the City water supply or Water System may, for any reason, be shut off, interrupted, or discontinued.

13.04.150 Special shut-off.

When water service to any Premises is to be shut off for any reason specified in this chapter, or in the rules adopted by and on file with the Department, such supply shall, when possible, be shut off at the curb cock and shall not be turned on or restored again until the provisions of this chapter and/or the rules of the Department (if any) have been complied with by the Owner/Operator of any affected Premises. Once the water has been shut off at the curb cock, in the event such water supply should it be turned on or restored without the consent of the Department, the supply shall be cut off by the City at the Water Main. When such Water Main is located on, under, or within a paved City street, the rates and charge incurred by the City for cutting the water off and turning it on again at the Water Main shall be assessed to the Owner/Operator or other person responsible for the unauthorized service restoration necessitating disconnection from the Water Main.

13.04.160 Tampering with shut-off.

It is unlawful for any Person to open or shut any street cock or in any way tamper with or injure any meter, valve or service pipe connecting any Premises with the City water supply, or to tap or in any manner tamper with any fire line, unless such Person is a regular employee of the Department or some other department of the City and has authority to do so.

13.04.170 Damaging or interfering with connection – Penalty.

Any Person found to be guilty of violating any provision of this chapter, including but not limited to:

- A. Breaking or defacing the seal of any water meter; or
- B. Obstructing, altering, injuring or preventing the action of any meter or other instrument used to measure or register the quantity of water supplied to any Premises; or
- C. Making any connection by means of a pipe, or otherwise, with any Water Main, Service Lateral, or pipe used for the delivery of water to any Premises in such manner as to take water from the Water Main, Service Lateral, or pipe without its passage through the meter or other instrument provided for registering the amount or quantity of water consumed, or use any water obtained; or
- D. Making any connection or reconnection with such Water Main, Service Lateral, or pipe, or turn on or off, or in any manner interfere with any valve or stop cock, or other appliance connected therewith; or
- E. Preventing by erection of any device or construction, or by any other means, free access to any meter or any other instrument for registering or measuring the amount of water consumed, or interfering with, obstructing, or preventing by any means whatever the reading or inspection of such meter or other instrument by any of the officers or authorized employees of the Department; or
- F. Receiving water that has been lawfully turned off pursuant to this chapter;

shall be subject to the penalties set forth in section 13.04.330 DPMC, and shall, in addition thereto, pay for any and all damages or costs incurred by the unlawful or unauthorized act.

13.04.180 Connection charges.

A. At the time of making an application for water service, the Applicant shall pay a connection charge or fee as established by resolution of the City Council from time to time.

B. When the connection is to be made in, or requires removal and replacement of, asphalt, cement, or hard top surface street, there shall be an additional charge assessed to the Applicant consisting of the City's actual cost (including labor, materials, and equipment) for each connection over and above the connection fee or charge required to be paid pursuant to subsection A of this section.

C. Each connection charge for a connection larger than a two-inch service line shall be calculated or assessed to include the basic connection fee or charge required to be paid pursuant to subsection A of this section, plus the actual costs incurred by the City (including labor, materials, and equipment) to make the connection.

13.04.190 Turn-on charge – Collection.

A. A turn-on fee or charge, designated and set forth by resolution of the City Council from time to time, shall be assessed to the Customer for turning on the water supply to any Premises and, as provided in this chapter, no turn-on shall be made by any Person other than the City.

B. The Utility Clerk shall collect the turn-on fee or charge on the Customer's next bill, and if the application is signed other than by the Owner/Operator and is accepted by the Utility Clerk, the Utility Clerk shall collect such charges as may be owing the City for those Premises from the Applicant or signor if not acting on behalf of or with permission by the Owner/Operator.

13.04.200 Water rates designated.

A. The City shall establish each rate classification for water service in the City by ordinance. The classifications for which separate water service rates will be established include Commercial Service, Domestic Service, Fire Service, and Irrigation Service. The City may add to, change, eliminate, or amend any of the classifications of water service from time to time as necessary or desired.

B. The City shall establish, by resolution of the City Council from time to time, the Base Rates, fees, and charges for providing Utility service to Persons or Premises (including taxes, penalties, and Quantity Charges), conducting inspections, issuing permits, processing applications, making service connections or disconnections, administering accounts (including

billing and collection), performing installation or maintenance, and any other costs, fees, and charges associated with the provision of water service in the City.

C. The City shall charge a fixed temporary shut off fee, established by resolution of the City Council from time to time, for temporary shut off of water service to any Premises at the request of the Owner/Operator, including authorized agent, which shut off period may extend for a period of between three and six months. At the end of the sixth month, the Owner/Operator may request, and after payment of any then-due and owing or additional fees to the City, to continue the period of temporary shut off for an additional three to six month period. If the City is not contacted by the Owner/Operator at the end of any stated temporary shut off period and advised of the Owner/Operator's intent to resume service or continue the shut off, or if selected by the Owner/Operator, the Owner/Operator's account will be charged a monthly fee as set forth in subsection D, of this section. The temporary shut off fee is intended to cover utility charges incurred by the City during the period of non-use. The fixed temporary shut off fee does not include the administrative costs of shutting the water service off, or turning the water service back on, which shall be assessed in addition to the fixed fee to any Owner/Operator requesting temporary shut off of water service. The fixed temporary shut off fee shall be paid in full at the time of request for the shut off together with the administrative fee for shutting off the water. All administrative fees associated with turning the water back on shall be paid in full prior to turning water service back on to the Premises.

D. The City shall charge a fixed fee for any voluntary discontinuance of water service to any Premises at the request of the Owner/Operator thereof, which shut off period may extend for period between six months and three years. The voluntary discontinuance fee is that portion of each monthly utility bill or statement that is for repayment of financial obligations of the City for utility improvements, plus applicable taxes. Such fee shall be terminated upon receipt of an application, signed by the Owner/Operator of the Premises, requesting abandonment of the service connection. Such service shall then be subject to provisions of Section 13.04.110 DPMC.

E. Bulk water shall be sold at the price designated by resolution from time to time, per 1,000 gallons, only after the issuance of a written permit for such water by the Director or the Utility Clerk. Bulk water sales shall occur through the City bulk water station or through City-owned construction meters under policies of the Utility.

F. The City shall charge a water start-up fee, designated by resolution from time to time, for all Owner/Operators requesting temporary shut-off.

G. Irrigation Service, for use by Commercial Customers, shall be provided through an irrigation meter installed in accordance with the City design and construction standards. Irrigation Service shall be billed at the Base Rate and Quantity Charge set by resolution of the City Council from time to time.

H. All water service supplied or utilized for construction purposes will be charged to the Premises at the Base Rates and Quantity Charges established by resolution of the City Council from time to time. A meter will be provided by the Department after a deposit is paid by

the Owner/Operator, and will be read during the regular utility billing cycle. Any delinquent and unpaid charges shall become a lien upon the Premises supplied and be collected and enforced in the same manner as other delinquent and unpaid charges for water service to Premises.

13.04.210 Faulty meter – Determination of charges.

If, from any cause, a meter fails to register correctly, the charge to the Owner/Operator shall be assessed at the Base Rate, or in the same amount, as the corresponding period of the prior year. If the meter has not been in use for a year, or if for any other reason the Base Rate for the corresponding period of the previous year cannot be justly applied, the Base Rate shall be equitably adjusted by the Director. For Commercial Service, where rates are collected monthly, the current monthly bill shall be based upon a daily average from the date the meter is reset until the regular reading date for the full month.

13.04.220 Two connections on one service.

Separate Premises served by a single meter shall be allowed on existing services of this type only. All new service connections shall have an individual or separate meter for each service connection. Where two or more Premises are supplied through a single service connection to the City Water Main and the rate to any one or more of such Premises shall become delinquent, the water supply may be shut off at the curb such that the supply to all Premises served by the connection is cut off until the delinquent rate or rates and penalties are paid. The Director may, in his or her sole discretion, order that a separate connection with the Water Main be made to any separate Premises on which such rate or rates shall be delinquent.

13.04.230 Charge to Premises not connected.

In the event any Premises connected to a Water Main are used to supply water to Premises that are not directly connected to a Water Main, the rates, fees, or charges assessed to the Owner/Operator of the Premises not directly connected shall be assessed at the same rate, fee, or charge established and assessed to Owner/Operators of Premises connected directly to the City Water Main.

13.04.240 Repealed.

13.04.250 Repealed.

13.04.260 Service begun or resumed only after payment in full.

A. Water use or service to Premises shall not be established, or turned on after being shut off, pursuant to this chapter, until any and all delinquent charges, fees, fines, penalties, or other claims of the City against the Premises thereby served are paid in full by the Owner/Operator.

B. Service rates and charges for repairs performed by the City may be made payable by the Owner/Operator of the Premises served in advance. The Department may require that payment be made in advance, or that satisfactory security be given for the payment of any and all rates for water supplied by the City to any Premises, or for any repairs, or installation; and if such payment not be made or security given by the Owner/Operator within the time specified by the Department, the water may be shut off to such Premises and shall not be turned on or reconnected until the payment is made or security furnished by the Owner/Operator thereof.

13.04.270 Mayor authority.

The mayor, or his or her designee, shall have authority to decide any matters which may arise and which are not provided for by any of the provisions of this chapter. In such a case, the decision of the mayor, or his or her designee, shall be final and binding.

13.04.275 Service Premises inspections.

A. Employees or agents of the City shall have access to all parts of any Premises for inspection where water may be delivered from a Water Main. The purpose of the inspection is to discover leaky pipes, fixtures, cross connections, or other conditions causing waste, potential contamination, or unauthorized use of City water, and to serve or cause to be served upon the Owner/Operator of any Premises in or on which leaky pipes, fixtures, or other conditions causing or permitting the contamination, waste, or illegal use of City water are found to exist, a written or printed notice, specifying the faulty pipes, fixtures, or other conditions found.

B. Written notice of any faulty or unauthorized condition shall require that such faulty pipes, fixtures, cross connections or other conditions be properly repaired, corrected, or eliminated by the Owner/Operator, at the Owner/Operator's sole cost and expense, within the time period established by the City after service of such notice.

C. For issues arising related to observed cross connections, the provisions of Chapter 13.06 DPMC, as existing or hereafter amended, shall govern, and the City shall have the right to require the installation of a cross connection control device or devices on any service it deems necessary in order to prevent the possibility of contamination of the Water System in accordance with federal, state, or local health requirements, including the City's adopted cross connection control regulations set forth in Chapter 13.06 DPMC, as existing or hereafter amended. The City shall also have the right to review and inspect the plumbing arrangement of proposed or existing buildings or improvements on Premises, and to require certain changes to protect the Water System. No provision of this chapter shall relieve the Owner/Operator of the responsibility to design and construct all private water facilities and plumbing arrangements in full conformance with applicable health and plumbing codes.

D. No Owner/Operator having charge of any Premises shall refuse or prevent the City, including authorized agent or contractor thereof, from accessing and/or inspecting any Premises as authorized by this Chapter, or any other federal, state, or local code or regulation, including Chapter 13.06 DPMC, as existing or hereafter amended. For any violation of this

section, the Owner/Operator may be assessed an access refusal fee, and failure to pay such fee may result in immediate termination of water service to the Premises at the City stop cock.

E. In the event any leaky or faulty pipes or fixtures, or other conditions, identified in a written notice served by the Department on the Owner/Operator or Premises, are not properly repaired or corrected within the time frame specified in the notice, the water service to the Premises shall be shut off and so remain until such repairs are made or conditions corrected to the satisfaction of the Director, and all applicable fees and charges set forth in the City fee resolution related to such condition, including shut off and turn on of water service, assessed to the Owner/Operator are paid in full.

13.04.280 Damaging or interfering with the Water System.

A. It is unlawful for any Person or Persons to obstruct the free access to any fire hydrant by placing around, thereon or within 15 feet thereof, any substance, stone, brick, lumber, dirt or rubbish or other material so as to impact clear access to operate the device by City forces or members of the emergency service provider.

B. It is unlawful for any Person or Persons to willfully disturb, obstruct, break, deface, or damage any fire hydrant, water meter, gate valve, water pipe or other waterworks appurtenance together with the buildings, grounds and improvements thereon belonging to and connected with the Water System of the City in any manner whatsoever.

C. It is unlawful for any Person or Persons, except when duly authorized by the City or a member of the fire district or department, to open, operate, close, turn on, turn off, interfere with, attach any pipe or hose to, or connect anything with, any fire hydrant.

D. It is unlawful for any Person or Persons to throw or otherwise introduce garbage, trash, debris, refuse or any substance into any City reservoir or to place or throw any deleterious matter in or upon any part of the City's wellhead protection area, water supply, or Water System.

13.04.285 Fire Protection Services.

A. Fire Protection Service connections and devices shall be installed with an approved backflow assembly device including a metered bypass. All installations of fire protection or backflow assembly devices shall be made using or including a water flow alarm, which alarm shall be approved by the City and the Chief of the Fire District or Fire Department, or their authorized designee, agent or contractor. Provided, however, a water flow alarm is not required for residential fire sprinkler systems, such as flow through or combination type, when the Residential Service is metered and the system is approved by the local fire department or district and the City. Except as specifically set forth herein, it is unlawful for any Person to make connection to any unmetered pipe used for Fire Service purposes, or any tank connected therewith, or to use water provided through any Fire Service source, line, pipes, tanks or other fixtures therewith connected for any purpose except the extinguishing of fire on land or Premises or with prior test notice provided in advance to the fire department or district for fire drills,

sprinkler system or Fire Service main tests. It shall not be unlawful for an Owner/Operator to make connection to or use an approved residential flow through system or combination type system that is metered. Upon inspection by the City or Department, if any Fire Service connection or device is found to be in violation of this section the Owner/Operator may have their water service to the Premises immediately shut off or disconnected, and shall not be entitled to restore service to the Premises except upon correction of the unlawful condition, and payment in full of all applicable fees, charges, and penalties assessed by the City pursuant to resolution of the City Council, which fees include shut off and turn on fees.

B. It is unlawful for any Person to install a Fire Service line without first obtaining a permit to do so from the City. The Utility connection fee for said permit shall be assessed as set forth in resolution of the City Council from time to time. All fees shall be paid to the City prior to issuance of the permit for connection.

13.04.290 Water outside City limits.

A. No water shall be sold or furnished to Premises outside the City limits except by specific authorization of the City Council, and only when such request is encompassed within or consistent with the Water Service Area and the City Urban Growth Boundary. The Owner/Operator of any Premises located outside the City limits applying for water service from the City shall execute a Water Service Agreement with the City, which agreement shall specify any terms, conditions, and requirements as the City Council shall see fit to provide water service to the Premises. The Owner/Operator shall execute the agreement prior to commencement of water service to the Premises. Failure of an Owner/Operator to abide by such terms, conditions or requirements of the agreement may result in immediate termination of water service to the Premises.

B. All Base Rates, fees, costs, and other charges for providing water service to Premises outside the City limits shall be set forth in a resolution of the City Council from time to time. The Base Rate for service outside the City limits shall include or be subject to a fifty percent increase over the Base Rate for service within the City limits. All fees, costs, and charges for furnishing water outside the City shall be paid for in advance by the Owner/Operator and the City shall not be called upon to furnish any labor or material or any other cost of the connection to the Water System.

C. All services outside the City limits shall be subject to the ordinances, resolutions, rules and regulations of the City, as existing or hereafter adopted or amended.

13.04.300 Private water system – Abandonment – Connection with City Water System.

A. The Owner/Operator of developable lands or Premises located in the City who makes application for a short plat or preliminary plat that requires water availability from the City shall extend, at the Owner/Operator's sole cost and expense, the Water System to serve the proposed development and future developable lands, provided the City permits such extension.

B. The Owner/Operator of lands or Premises located within the City and within 200 feet of a City water line, undertaking new residential or nonresidential construction, shall connect the newly constructed Premises to the Water System upon approval of the construction and connection by the City. The Owner/Operator shall make payment of all fees, costs, and charges assessed by the City, as set forth by resolution of the City Council from time to time, for any such connection prior to commencement of water service to the Premises.

C. The Owner/Operator of lands or Premises located within the City limits upon which a private well or wells are located, and who applies or is required to connect to the City Water System, shall work with the City to seek authorization from the Washington State Department of Ecology to transfer any water rights associated with the well or wells from the Owner/Operator to the City. The Owner/Operator of permitted water rights may seek compensation from the City, as transferee, under mutually agreed upon terms. Any such compensation paid by the City shall be based upon the then-current value of the water, as determined by the City, made available to the City pursuant to such a transfer. Regardless as to whether the Department of Ecology authorizes a proposed transfer of water rights, the well or wells shall be decommissioned in accordance with Washington State Department of Ecology requirements prior to connection to the City Water System.

D. The Owner/Operator of lands or Premises located within the City's Water Service Area that apply to connect to the City Water System shall sign a service agreement prohibiting the installation of an irrigation well or wells on their Premises or land for which service is provided.

13.04.310 No protest agreement required – Future annexation.

In the event that an application is made for water service from a Water Distribution Main to serve a lot, parcel, or Premises lying outside the City limits, and if that lot, parcel, or Premises can be conveniently served by an existing Water Distribution Main, the Owner/Operator of that lot, parcel, or Premises shall be required to execute a "no protest" agreement with the City thereby authorizing or not interfering with any future annexation of the lot, parcel, or Premises to the City before a water connection is authorized or made to serve the lot, parcel, or Premises.

13.04.320 City Council – Rules and regulations.

To provide for efficient administration, the City Council may, from time to time, make or adopt such rules and regulations by ordinance or resolution as it deems necessary for the proper management of the Department and operation of the Utility. In addition to this chapter and existing ordinances and resolutions incorporated herein or related hereto, the City Council may, from time to time, adopt additional ordinances and/or resolutions affecting this chapter or the services provided by the City or Department hereunder, and which may provide for or include, but not be limited to, regulating water outside of the City, billing and collection, penalties for delinquencies, shut-offs for nonpayment of water charges, meter testing, charges for installation, maintenance or repair, and such other rules and regulations to promote compliance with and enforcement of this chapter, all of which shall be considered part of the Owner/Operator's application, permit, contract or agreement with the City to receive water service from the City.

13.04.330 Violation – Penalty.

Unless otherwise specifically set forth in this chapter, any Person who violates any of the provisions of this chapter shall be guilty of a civil infraction, and shall be subject to a monetary penalty of up to \$500.00. Each day of a continuing violation shall subject the Person to a separate fine of up to \$500.00 per day.

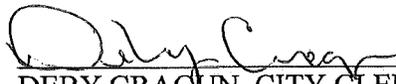
Section 2. Severability. If any section, sentence, clause, or phrase of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, clause, or phrase of this Ordinance.

Section 3. Effective Date. This Ordinance shall take effect and be in full force five (5) days after this ordinance or a summary thereof consisting of the title is published.

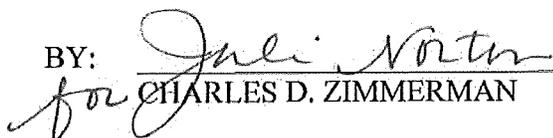
APPROVED:


MAYOR ROBERT WHISMAN

ATTEST/AUTHENTICATED:


DEBY CRAGUN, CITY CLERK/TREASURER

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

BY: 
for CHARLES D. ZIMMERMAN

FILED WITH THE CITY CLERK : 14 March 2014
PASSED BY THE CITY COUNCIL : 02 April 2014
PUBLISHED : 09 April 2014
EFFECTIVE DATE : 16 April 2014
ORDINANCE NO. : 2014-941

SUMMARY OF ORDINANCE NO. 2014-941

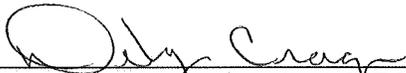
of the City of Deer Park, Washington

On the 2nd day of April, 2014, the City Council of the City of Deer Park, Washington, passed Ordinance No. 2014-941. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF DEER PARK, WASHINGTON, AMENDING CHAPTER 13.04 OF THE DEER PARK MUNICIPAL CODE TO REVISE AND UPDATE WATER SERVICE REGULATIONS IN THE CITY; CONTAINING A SEVERABILITY CLAUSE; AND SETTING AN EFFECTIVE DATE.

The full text of this Ordinance will be mailed upon request.

DATED this 3rd day of April, 2014.



CITY CLERK, DEBY CRAGUN