

ORDINANCE NO. 569

AN ORDINANCE RELATED TO THE MUNICIPAL WATER SUPPLY SYSTEM IN THE CITY OF KIRKLAND, REGULATING THE USE OF WATER; PROVIDING FOR THE SALE OF SAME; FIXING THE PRICE THEREOF AND PROVIDING A MEDIUM OF COLLECTING RATES THEREFOR AND PROVIDING PENALTY FOR VIOLATION OF THE ORDINANCE; AND REPEALING ORDINANCES NO. 222 AND 441.

THE CITY COUNCIL OF THE CITY OF KIRKLAND DOES ORDAIN AS FOLLOWS:

Section 1. DEFINITION OF TERMS:

1. City of Kirkland - The official governing body of the City of Kirkland including the Mayor and City Council exercising control and operation of the Kirkland Municipal Water System.
2. Water Superintendent - The official, appointed by the City of Kirkland to superintend the construction, maintenance and operation of the City of Kirkland Municipal Water System.
3. Water Collector - The person or persons designated by the City of Kirkland to collect water rates.

The word person wherever used in this ordinance shall be held to mean and include natural persons of either sex and also associations, co-partnerships and corporations whether acting for or by themselves or through or by a servant, agent or employee; the singular number shall be held and construed to include the plural and the masculine pronoun to include the feminine.

Section 2. APPLICATION FOR SERVICE:

The City of Kirkland will require prospective customer to sign an application for water service. The application must be made in writing on a standard form at the office of the Water Department.

The application shall set forth:

- a. Signature of applicant.
- b. Owner of premises to be served.
- c. Location of premises.
- d. Address of party paying bills.
- e. The size of service pipe required.
- f. Purpose for which water is used.

The application is merely a written request for service and does not in itself bind the City of Kirkland to serve.

The City of Kirkland reserves the right to serve water upon any premises regardless of classification through either metered or flat rate service.

Section 3. CONTRACTS:

1. In case the premises of the application for water service are connected for service as a result of his application being accepted, the application given in writing shall be considered as a contract in which the applicant agrees to abide by such rates, rules and regulations as are in effect at the time of signing the application or as may be adopted thereafter by the City of Kirkland, and to pay all bills promptly.

2. When a customers requirements for water are unusual or large or necessitate considerable special or reserve equipment or special consideration, the City of Kirkland may require a contract for an extended period and may also require the person or customer to furnish security satisfactory to the City of Kirkland to protect the City against loss and to guarantee the performance of the provisions of the contract.

3. Except for special contracts which specify the length of time to which the contract rate shall be extended, all rates, rules and regulations are subject to change or modification by the City of Kirkland without notice.

4. Each customer about to vacate any premises, supplied with water service by the City of Kirkland shall give notice of his intended removal at least two (2) days prior thereto; specifying the date, and hour service is desired dis-continued, otherwise, he will be responsible for all water supplied to such premises until the City of Kirkland Water Department shall have notice of such removal. No remission of rates will be made for a period of less than twenty (20) days from the date such notice is given.

5. No person supplied with water from the City mains will be entitled to use it for any other purpose than stated in the application, or supply in any way other persons, or premises.

6. The City of Kirkland reserves the right to make special contracts, the provisions and conditions of which may be different from or have exceptions to the regular published schedules. Such special contracts shall be in writing and signed by proper customer and the City of Kirkland.

Section 4. WATER CHARGED TO PREMISES:

All charges for furnishing water within or without the city limits of the City of Kirkland, shall be chargeable to the premises where water is supplied. Whenever any charge for furnishing water to any premises shall not be paid within 25 days after the same becomes due and payable, the superintendent in charge of the City of Kirkland water system shall discontinue the service of water to such premises and water shall not again be furnished thereto until all outstanding obligations for water supplied to such premises shall have been paid in full. Whenever disconnection is made for non-payment of bills, the Water department will charge one dollar (\$1.00) for the cost of re-connecting.

All water services charged on the bases of a flat rate service, are due and payable in advance on the first day of each calendar month. If paid not later than the tenth day of said calendar month the charge shall be at the rate set forth in this ordinance. If said service charge is made later than the fifteenth day of said calendar month, an additional twenty-five cents (25¢) will be required for delinquent payment.

Section 5. CONSENT OF CITY OF KIRKLAND FOR PRIVATE CONNECTIONS:

1. It shall be a violation of these rules and regulations for any person or persons to attach to or detach from any water main or service pipe, or water connections through which water is supplied by the City of Kirkland, or to interfere in any manner with such pipe or connection without first obtaining the written consent of the Water Superintendent.

2. It shall be a violation of these rules and regulations for any person to use or tamper with, any valve, curb stop, etc., which is the property of the City of Kirkland, for the purpose of turning water

on or off, and the City of Kirkland shall hold any person responsible for the cost of repairing any damage to any of the City of Kirkland's property caused by such usage or tampering. The City of Kirkland shall require every property owner to install his own valve in his own pipe line for the control of service to his premises.

3. Use of Fire Hydrants - It shall be a violation of these rules and regulations for any person or persons to cut, alter, change, remove, disconnect or connect with or in any manner interfere, meddle or tamper with any fire hydrant owned or used by the City of Kirkland, provided, that the provisions of this section shall not apply to the Kirkland Fire Department, and/or the City of Kirkland Street Department. Other Departments of the City of Kirkland may be allowed to connect to said fire hydrants, but before doing so must obtain a written permit therefor from the Water Superintendent and must use a spanner or regulation wrench in connection therewith.

4. Access to Premises for Inspection - Employees of the City of Kirkland Water Department shall have free access at proper hours of the day to all parts of the building and premises in which water is being delivered from the city mains for the purpose of inspecting the condition of the pipes and fixtures and the manner in which the water is being used.

Section 6. CHANGE OF OCCUPANCY OR DISCONTINUANCE OF SERVICE:

At the time specified by the customer that he expects to vacate the premises where service is supplied or that he desires services to be discontinued, the meter will be read and a bill rendered, which is payable immediately. In no case will the bill be less than the proportionate share of the monthly minimum provided for in the schedule applying to the class or classes of service furnished pro rated on the basis of the number of days in the period in question to the number of days in the month, the month being considered 30 days.

If, at the customer's request, the water is shut off and turned on, or vice versa, more than once in a meter reading month, a minimum

charge of \$1.00 will be made for the labor involved by service men and office clerks, except that this shall not apply to change of occupancy of tenants.

Section 7. RESPONSIBILITY AND SERVICE PREFERENCE:

1. The City of Kirkland shall not be liable for any loss or damage of any nature whatsoever caused by any defect in the customer's line, plumbing or equipment, and the City of Kirkland may, without further notice, discontinue service to any customer when a defective condition of plumbing or equipment upon the premises of the customer results, or is likely to result, in interference with proper service or is likely to cause contamination of the water. The City of Kirkland does not assume the duty of inspecting the customer's line, plumbing and equipment, and shall not be responsible therefor and will not be liable for failure of customer to receive service on account of defective plumbing or apparatus on the customer's premises, or for excessive consumption.

2. The City of Kirkland will not permit any physical connection between a private water supply and the City of Kirkland's distribution system or supply line.

3. The City of Kirkland will exercise reasonable diligence and care to furnish and deliver a continuous and sufficient supply of pure water to the customer, and to avoid any shortage or interruption of delivery of same. The City of Kirkland will not be liable for high or low pressure conditions, chemical or bacteriological conditions, interruption or shortage or insufficiency of supply, or any loss or damage occasioned thereby. The use of water upon the premises of the customer is at the risk of the customer, and the responsibility of the City of Kirkland shall cease at the point of delivery of water. Unless otherwise specified in agreement, the point of delivery shall be the point where the City of Kirkland's service line attaches to the customer's line.

4. The City of Kirkland, whenever it shall find it necessary for the purpose of making repairs or improvements to its system, shall

have the right to suspend temporarily the delivery of water, but in all such cases, as reasonable notice thereof as circumstances will permit will be given to the customers, and the making of such repairs and improvements will be prosecuted as rapidly as may be practicable, and if practicable, at such time as will cause the least inconvenience to the customers.

5. In case of shortage of supply, the City of Kirkland reserves the right to give preference in the matter of furnishing service to customers, as in the judgment of its representatives shall be for the best interests of the City, from the standpoint of public convenience and necessity.

Section 8. WATER MAIN EXTENSIONS:

Extensions to water mains will be made only upon proper petitions to the City of Kirkland. The City of Kirkland shall have the right to reject such petitions or enter into contract with the petitioners under such conditions as the City of Kirkland may elect or do the work force account, using water revenue to pay the cost of said extension.

Ordinarily, a water main extension will be constructed within the city if the estimated annual revenue will equal or exceed 12% of the cost of construction.

Mains and service lines outside the City of Kirkland, must be installed and maintained at the customer or customers expense, excepting however the City of Kirkland will maintain all service lines connected to residences immediately adjacent to present existing city owned pipe lines.

Every service pipe shall be provided with a stop-cock and service box at a suitable location, either on or off the premises to be served which shall be accessible to employees of the City of Kirkland Water Department only. Where curbs and walks are in place, or where space has been provided for future curbs and walks, the stop cock and service box shall be located in said space or between said walk and curb.

There shall be a short piece of pipe and a union placed in the stop-cock or meter, as the case may be, so the service can be extended to the premise or place of consumption.

Section 9. METERS:

After the effective date of this act, all premises or customers served by the Kirkland Water Department shall be metered. All meters and meter boxes shall be paid for by the property owner and shall belong to the property and cannot be moved except by the City. The City of Kirkland shall have full control of all meters.

Where a meter is used to measure the total of water used, as in apartment houses, residential courts, water districts, etc., the City of Kirkland will not furnish or read auxiliary or sub-meters used for the customer's convenience.

The City of Kirkland will keep an accurate account on its books of the reading of meters, and such account, so kept, shall be offered at all times, places and courts as prima facia evidence of the use of water service by the customer, and shall be the basis on which all bills are calculated.

Should any meter fail to register correctly the use of that part of the water service which said meter should properly register, said service shall be estimated by the City of Kirkland from a corresponding period.

The City of Kirkland will, upon written request, test any customer's meter, and where circumstances require, adjust for wrong charges for a period not to exceed three months previous.

When a customer requests a meter test within one year after date of installation of the meter, or more often than once in one year thereafter, a deposit of \$3.00 to cover the cost of the test may be required of the customer.

The amount so deposited will be returned to the customer if the meter is found upon test to over-register more than 2 percent under conditions of normal operation.

A customer shall have the right to require the City of Kirkland to conduct the test in his presence, or if he so desires, in the presence of an expert or other representative appointed by him.

All meters will be tested before installation, and no meter will be placed in service or allowed to remain in service which is known to have an error in registration in excess of 2 per cent under conditions of normal operation.

Meters will be read monthly and the bills rendered will be based on consumption to the nearest ten (10) cubic feet.

For the purpose of making charges, all meters serving the customer's premises will be considered separately, and the readings will not be combined, except that where the City of Kirkland, for operating necessity, elects to install two or more meters instead of one at a central location to service the customer's premises, then the readings of two or more meters will be combined for the purpose of making charges.

The location of the meter or meters used in measuring the customer's use of water must be in a place satisfactory to the City of Kirkland before service will be supplied. Ordinarily the meter will be installed outside of buildings and between the property line and curb. Where meters are at present or may be installed within a building, the City of Kirkland will not be held responsible for damage from water seepage through the wall, nor for damage from leaking meter, pipe or fittings.

No rent or other charge whatever shall be made by the customer against the City of Kirkland for placing or maintaining meters upon the customer's premises.

If a meter under-registers the amount of water due to tampering with the meter, and/or piping, or in any other way causing under-registration, the service may be discontinued, and will not be reconnected until the customer has made adjustment for the loss of revenue and given satisfactory assurance that there will be no more tampering to cause under-registration.

If a meter is damaged by hot water from the customer's line, the customer will be required to pay for the cost of repairs and for the loss of revenue occasioned by the damage, and further, the customer shall immediately make the necessary corrections in his own water lines to prevent further damage to the City of Kirkland's meters.

Meter readings are to be averaged during any period when it will be impossible or impracticable to read any meter on the regular reading date.

Section 10. WATER SERVICE TO CITY OF KIRKLAND, GOVERNMENT:

This schedule applies to the use of water by the Governmental Departments of the City of Kirkland, and shall consist of a flat rate charge for the following services:

- a. City Hall - - - - - \$ 10.00 per month
- b. City Shed - - - - - \$100.00 per year
- c. Restrooms - - - - - \$100.00 per year
- d. Parks - - - - - \$180.00 per year
- e. Sewer Plant - - - - - 2.00 per month
- f. Municipal Hydrants - - - - - 1200.00 per year
- g. Ferry Concession - - - - - 100.00 per year

Section 11. METER RATES:

The following schedule of rates shall apply to customers inside the corporate boundary lines of the City of Kirkland:

- First 1000 cubic feet or less - - - - - \$1.75
- Next 10,000 cubic feet per 100 cubic feet - .10
- All water over 11,000 cubic ft. per 100 cubic feet - .05

These prices pertain to $\frac{1}{2}$ and $\frac{3}{4}$ meters only.

The following minimum rates on meters will be charged:

1 " meter - - - - -	\$ 2.00
1 $\frac{1}{4}$ " meter - - - - -	2.25
1 $\frac{1}{2}$ " meter - - - - -	2.50
2 " meter - - - - -	4.00
3 " meter - - - - -	6.00
4 " meter - - - - -	10.00
5 " meter - - - - -	14.00
6 " meter - - - - -	25.00

Apartment Rates on $\frac{1}{2}$ and $\frac{3}{4}$ Meters:

- Duplex - - - - - \$3.00 Minimum
- Apartments - - - - - \$3.00 plus 50¢ for each unit
- Cabin Courts - - - - - \$3.00 plus 50¢ for each unit

For larger meters add difference between standard rates and $\frac{1}{2}$ and $\frac{3}{4}$ to \$3.00 Minimum.

Outside of the corporate boundary lines of the City of Kirkland the following rates will prevail:

First 1000 cubic feet or less - - - - -	2.25 -\$2.75
Next 10,000 cubic feet per 100 cubic feet	.15¢
Over 11,000 cubic feet per 100 cubic feet	.07½¢

*Amended
Ord. 571*

These prices pertain to $\frac{1}{2}$ and $\frac{3}{4}$ meters only.

The following minimum rates on meters will be charged:

1 " meter - - - - -	\$ 3.00
1¼" meter - - - - -	3.25
1½" meter - - - - -	3.50
2 " meter - - - - -	5.00
3 " meter - - - - -	7.50
4 " meter - - - - -	12.00
5 " meter - - - - -	18.00
6 " meter - - - - -	30.00

Apartment Rates on $\frac{1}{2}$ and $\frac{3}{4}$ Meters:

- Duplex - - - - - \$4.00 Minimum
- Apartments - - - - - \$4.00 plus 50¢ for each unit
- Cabin Courts - - - - - \$4.00 plus 50¢ for each unit

For larger meters add difference between standard rates and on $\frac{1}{2}$ and $\frac{3}{4}$ to \$4.00 Minimum.

Section 12. CONNECTION CHARGES:

1. All service charges for connecting to mains shall be billed at cost plus ten (10%) per cent for overhead.
2. If service requires cutting and replacing pavement, customer or applicant shall pay an additional cost of \$10.00 for replacing pavement.
3. Charges outside the city limits of Kirkland for the same services as listed shall be 25% higher.

Section 13. TEMPORARY SERVICE INSIDE CITY LIMITS:

1. For irrigating a vacant plot of ground a minimum yearly charge of \$8.00 payable in advance will be made for each service so used, excepting however if in the judgment of the Water Superintendent more than 6000 cubic feet of water will be required for said plot of ground for any one year, the Water Superintendent shall install a meter to accurately measure the water consumed.

2. Circus or Carnival - \$2.00 per day.

3. Building construction service - \$5.00 per month.

4. The above mentioned service charges shall be 25% higher outside of the city limits of Kirkland.

Section 14.

The City of Kirkland shall have authority to decide any question which may arise and which is not fully covered by any of the provisions of this ordinance, and its decision in such cases shall be final.

The right is reserved by the city to amend or to add to these rules and regulations, or to change water rates as experience may show to be necessary or expedient.

Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by fine in any sum not exceeding \$100.00, or by imprisonment in the City Jail for not more than 30 days, or by both fine and imprisonment.

Ordinances No. 222 and No. 441 are hereby repealed.

Any ordinance or parts of ordinances herein repealed which are reenacted in form or substance in this ordinance, shall not be construed as new enactments, but as continuances and amendments of such ordinances or parts of ordinances.

All rights of action under existing ordinances which this ordinance in any way supersedes or repeals, whether action has been commenced thereon or not, shall proceed without being in any manner affected by the passage of this ordinance.

Section 15.

This ordinance shall be in force and take effect five days from and after its passage by the council, its approval by the Mayor and its publication according to law.

Introduced the 21st day of February, 1949.

PASSED AND APPROVED the 7th day of March, 1949.

Harry M. Everett
Harry M. Everett, Mayor

Attest:

Clyde J. Trent
City Clerk

Approved as to Form:

Charles W. Johnson Jr
City Attorney

I hereby certify that the foregoing is a true and correct copy of the original as filed in the office of the City Clerk on this 7th day of March, 1949.
Clyde J. Trent, City Clerk