

ORDINANCE NO. 2062

AN ORDINANCE OF THE CITY OF KIRKLAND, WASHINGTON RELATING TO THE KIRKLAND WATER SEWER SYSTEMS, REGULATING THE USE, CONSTRUCTION, INSTALLATION, AND MAINTENANCE OF SERVICE LINES FOR WATER AND SEWER ESTABLISHING CHARGES FOR WATER AND SEWER CONNECTION, ESTABLISHING RATES FOR WATER AND SEWER SERVICE, PROVIDING FOR THE COLLECTION OF THE CHARGES FOR SEWER AND WATER SERVICE, DEFINING OFFENSES, PRESCRIBING PENALTIES THEREFORE, AND REPEALING ORDINANCE NOS. 457, 569, 684, 804, 825, 893, 877, 1100, 1112 and 1123.

The City Council of the City of Kirkland do ordain as follows:

Section 1. Definitions:

1.01 City Manager--Shall mean the City Manager, the Director of Public Services, the Superintendent of Water and Sewer Department, the Director of Administration and Finance or any authorized agent, deputy or other person acting under the authority of the City Manager.

1.02 Person--Shall mean any individual firm, company, association, society, corporation or group.

1.03 Applicant--Shall mean the owner or authorized agent of the property to be served and said applicant shall be the responsible person for the payment of bills for sanitary sewer service or water service.

1.04 Department of Administration and Finance--The person or persons designated by the City Manager to collect water and sewer rates and charges.

1.05 Service Line--That portion of the pipe line connecting the main or trunk line and the premises served which lies within the public right-of-way or within a dedicated utility easement. The service line shall be installed, owned, and maintained by the City of Kirkland. Service line does not include that portion of the pipe line extending across the served premises or other private property which portion is to be built, owned and maintained by the customer, subject however, to inspection and regulation by the City of Kirkland.

1.06 Apartments and Establishment--For the purpose of this Ordinance, the terms apartment and establishment shall each mean that portion of a building, whether a room or combination of rooms which taken together are used or held by the owner or person, entitled to possession as a separate unit.

Section 2. Application for Service.

2.01 The City of Kirkland will require prospective customers to sign an application for water service or sewer service. The application must be made in writing or on a standard form at the office of the Public Service Department. The Application shall set forth:

1. Signature of applicant.
2. Owner of premises to be served.
3. Location of premises
4. Address of party paying bills.
5. The size of service pipe required.
6. Purpose for which service is to be used.

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

2.03 Whenever new construction is required, the application and fee must be submitted at least 20 days before the applicant's requested completion date.

2.04 The installation of any water or sewer service line is dependent upon the available water or sewer trunk facilities and the water sewer department is not required to install a water service line or a sewer service line in areas not served by the existing water or sewer trunk system or where the system is inadequate to handle the increased demand that would result from the applicant's proposed use.

2.05 If application for service is accepted by the City, 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 charges, rates and fees promptly.

2.06 No person receiving water or sewer service from the City water sewer system shall be entitled to the use thereof for any purpose other than that stated in the application, nor to grant service in anyway to other persons or premises.

Section 3. Service Installation.

3.01 The owner of each lot or parcel of real property within the area served by the sewer system of the City of Kirkland upon which such lot or parcels of property there shall be situated any building or structure for human habitation or use for any purpose, shall at his expense, install suitable toilet facilities therein and connect the same directly with the proper public sewer in accordance with the provisions and specification of Ordinance no. 874 of the City of Kirkland within 60 days after the date of official notice to do so, provided that said public sewer is within 200 feet of the property line.

3.02 Each lot or parcel of real property required by this Ordinance or by any other ordinance of the City of Kirkland or any law of the State of Washington to be connected with the sewer system of the City of Kirkland shall be subject to a monthly sewer charge as herein established whether such lot or parcel of real property is actually connected to the sewer system or not.

3.03 All water service lines shall be placed not less than 18 inches below the surface of the ground.

3.04 All sewer service lines shall not normally be placed less than 12 inches below the surface of the ground nor less than 5 feet horizontally from a water pipe line. Wherever because of prevailing conditions, a sewer service pipe line is placed less than 12 inches below the surface of the ground, cast iron pipe shall be used.

3.05 Water Service Installation Fee:

Whenever any connection is made to the Kirkland Water System, the following installation fee shall be paid.

3.05.010 Basic Fee:

The basic water installation fee to be paid to the City of Kirkland shall be composed of (A) An installation charge and (B) A connection charge as follows:

A. Installation Charge:

For a 3/4 inch service and meter--\$150.00

For a one inch service and meter--\$200.00

B. Connection Charge: \$150.00

3.05.020 Adjustments in Basic Fee:

A. Whenever an installation requires a service and meter in excess of one inch or a service line in excess of 60 feet in length, the installation charge shall be the sum of:

- i. 125% actual labor cost.
- ii. 110% actual material cost.
- iii. 100% actual equipment rental cost.

B. Upon approval of the City Manager, when a developer of a multiple user installation has at his own expense made an extension of the water main, the connection charge, for connecting to or tapping into the extension built by said developer may be reduced to \$100 per lot or residence, and, when served by individual water meters, per apartment or establishment.

3.05.030 Exemption:

Any meter installed for the sole purpose of an exempt meter, relating to the calculation for sewer rates, shall not be subject to a connection charge (B).

3.05.040 Installation Work:

All water services shall be installed by the City of Kirkland unless some other method has been approved by the City Manager acting through the Director of Public Services.

3.06 Sewer Installation Fee:

Whenever any connection is made to the Kirkland Sewer System, the following installation fees shall be paid:

3.06.010 Basic Fee:

<u>INSIDE CITY</u>	<u>OUTSIDE CITY</u>
Sewer Permit fee--\$25	\$25
Stub in--\$150	\$150
Trunkage Fee--\$225	\$275

3.06.020 Adjustment in Basic Fee:

Upon approval of the City Manager, when a developer of a multiple user installation has at his own expense made an extension to the sewer main or trunk line, an "in Lieu connection fee" of \$200 for connecting into the extension constructed by said developer may be charged in lieu of the stub in and trunkage fees.

3.06.030 Inspection Fee:

The \$25 permit shall be paid in all cases and a permit shall be required for each new account or customer added to the sewer system.

Section 4. General Rules and Conditions of Service.

4.01 The Water sewer Department will use all reasonable means to provide an adequate and continuous water service for all customers, but in case the water service is interrupted or reduced for any cause, the City shall not be liable for any injury or damages resulting therefrom and any such interruptions or reductions in service shall not give rise to any cause of action for a breach of agreement for service.

4.02 The City makes no commitments as to the volume of water available, pressure per square inch of continuity of service, and will not be liable for injuries or damages due to insufficient volume, inadequate pressure or interruption of service.

4.03 It shall be the duty of each customer to eliminate waste of water supply by repairing, or causing to be repaired, any defective or leaking pipe or plumbing fixture. No person shall use more water for irrigation or other uses than is reasonably necessary.

4.04 In case of shortage of water, the Department may give preference in furnishing water to customers, in order to most efficiently safeguard the safety and health of the general public or to provide for the public convenience, it may forbid, restrict, or regulate the use of water for irrigation, cooling, or other uses, may make such regulations effective throughout the City, in districts thereof, or may make such regulations effective as to particular classes of customers, rationing may be imposed during any shortage of water, either in lieu of or in addition to other measures hereby authorized.

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

4.06 The City of Kirkland shall, whenever it finds it to be necessary for the purpose of making repairs, or improvements to the system, have the right to suspend temporarily the delivery of water. In all such cases, as reasonable notice thereof as circumstances will permit, will be given to the customer. Such repairs and improvements will be made as rapidly as may be practicable and at such times as will cause the least inconvenience to the customer.

4.07 The City of Kirkland, only, shall install, own, maintain, and operate the water service lines and the sewer service lines. The service line shall include the service cock or meter. In cases where a meter may be located a considerable distance from the main, the customer shall maintain the service pipe for the entire distance from the normally designated location of the service cock or meter to the point of ultimate water usage or consumption.

Section 5. Billing Procedures.

5.01 Charges for water and sewer services (as well as all other utility services) furnished by the City of Kirkland shall be billed to the owner of the property to which the services are rendered, provided that when the owner and tenant in possession, in writing, file with the City of Kirkland, a request that the billing be sent to the tenant, the City Manager acting through the Director of Administration and Finance, may, at his discretion, grant such a request, subject to such reasonable conditions as he finds are appropriate.

5.02 All charges for water and sewer services furnished by the City of Kirkland (as well as all other utility services) shall be due and payable to the City of Kirkland on the date shown on the face of the bill. Charges for said services remaining unpaid at the close of business on the 30th day following the billing date, shall be considered delinquent and automatically subject to an additional charge, as a penalty, of 10%. If the delinquent charges and penalties are still unpaid at the close of business on the 40th day following said billing date, the services shall be discontinued and the water supply shall be turned off at the meter. The water service shall not be turned back on until all charges and penalties together with the fee of \$10 shall have been paid.

5.03 All charges for water service installations and sewer installations and all monthly service rates provided for in this ordinance or as it may be hereafter amended, together with penalties and interest thereon, when unpaid and delinquent, shall be a lien upon the property to which the water or sewer service is rendered superior to all other liens and encumbrances whatsoever except for general taxes and local special assessments. Enforcement of such lien or liens shall be in the manner provided by law.

5.04 Discontinuance of service for any cause stated in this Section shall not release the customer from his obligation to the City for payment of bills or charges. In addition, the City may require the customer to make deposit of \$15.00 before water service is restored to such property.

5.05 Bi-Monthly Billing:

All charges for water services and for sewer services shall be billed to the customer by the City of Kirkland on a bi-monthly billing cycle. Actual water consumption will be charged to the date of the meter reading. All service charges will be from the beginning of one month to the end of the following month. All bills shall be paid to the Department of Administration and Finance.

Section 6. Monthly service and Consumption Rates:

The monthly service rates to be paid to the City of Kirkland by customers of the water sewer system, are established as follows:

6.01 Basic Water Rate--Residential

- 6.01.010 Single Family residents--\$4.00 per month
- 6.01.020 Multi-family residents including duplexes--\$2.00 per month per unit or apartment.
- 6.01.030 The single family basic monthly rate shall include 400 cubic feet of water consumed.
- 6.01.040 The basic rate shall be charged whether the premises are occupied or vacant.

6.02 Basic Water Rate--Non residential (including commercial establishments, manufacturing establishments, schools and churches):

<u>METER SIZE</u>	<u>BASIC RATE</u>
5/8 X 3/4 inch meter	\$4.00
1 inch meter	\$6.00
1 1/2 inch meter	\$8.00
2 inch meter	\$10.00
3 inch meter	\$20.00
4 inch meter	\$30.00
5 inch meter	\$45.00
6 inch meter	\$60.00
8 inch meter	\$100.00

6.03 Water Consumption Charge:

In addition to the basic monthly rate, the charge for water consumed during the billing period (bi-monthly) shall be:

- 6.03.010 For the first 5000 cubic feet of water consumed: \$.25 per 100 cubic feet.
- 6.03.020 5001 Cubic Feet to 15,000 cubic feet of water consumed: \$.22 per 100 cubic feet.
- 6.03.030 Over 15,00 cubic feet of water consumed: \$.17 per 100 cubic feet.
- 6.03.040 Where the basic rate includes some water consumption (single family residential customers) the consumption rate shall be calculated on water consumed in excess of the amount included in the basic rate.

6.04 Reduction for Lost Water:

All water lost from any size meter unknown to the owner and proved to be a failure in the pumping, may be charged out at wholesale plus 10% and the owner's bill credited for the balance.

6.05 Water Service for Fire Protection Only:

All water lines installed on private property for fire protection only, do not require a meter and are not subject to monthly service charges provided the installation is not used for any other use or purpose and the installation was made at no expense to the City.

6.06 Monthly Sewer Rates:

The monthly sewer charge required to be paid to the City of Kirkland by customers of the sewer system, is established as follows:

6.06.010 Single family residence: \$5.50

6.06.020 Multi-Family residence including duplex: \$.60 per 100 cubic feet of water consumed provided, however, that the rate per apartment or unit shall not be less than \$4.50.

6.06.030 School Buildings:

\$.25 per student. Student enrollment shall be determined at the beginning of the school year and adjusted at the beginning of the second semester. The rate for the months, June, July and August shall be \$11 per month, provided, however, that school buildings used for summer school shall pay the per student rate on actual count of full-time students and 1/2 the student rate for part-time students in attendance at summer school. The foregoing rates for school buildings shall not apply to those school buildings where an exempt meter has been installed.

6.06.040 All other sewer customers (including school buildings where an exempt meter has been installed):

\$.60 per 100 cubic feet of water consumed up to 30,000 cubic feet of water consumption, \$.40 per 100 cubic feet of water consumed in excess of 30,000 cubic feet of water consumption provided however, that the monthly rate per customer or establishment shall be not less than \$6.60.

6.07 Exempt Meters:

Where the use of water is such that a portion of all of the water used does not flow into the sewer system, but is lost by evaporation, irrigation, sprinkling or other causes, or is used in manufacturing or in a manufactures product and the person in control provides proof of this fact and installs other measuring devices approved by the City Manager acting through the Public Service Director to measure the amount of water so used and so lost, no charge shall be made for sewer service because of water so used or lost.

Section 7. Offenses and Penalties.

7.01 It shall be unlawful for any person except when duly authorized by the administrative head of the Department or by a member of the Fire Department, to open, operate, close, turn on, turn off, interfere, attach any pipe or hose to, or to connect anything with any fire hydrant, stop valve, or stop cock, belonging to the City.

7.02 It shall be unlawful for any person to dig into any street or sidewalk for the purpose of laying, moving or repairing any water service line, water main, valve, hydrant, or cock, without having first secured permission to do so from the City Manager acting through the Director of Public Services or the Administrative head of the Water Sewer Department.

7.03 It shall be unlawful for any person to by-pass any water meter, damage or tamper with such meter with intent to prevent or alter its recording of water, tap a water line, connect to a water hydrant or in any otherway tamper with any part of the water system with the intent to secure water without paying therefore or without properly making the application or paying the deposit required by this Ordinance. In addition to the other penalties for such acts provided by this Ordinance, or any person found guilty of such acts may be denied water service for aperiod of not in excess of one year, and may be required to post a cash bond equal to five times his ordinarily anticipated bi-monthly billing as a precondition of future service.

7.04 Every person convicted of a violation of any provision of this ordinance shall be punished by a fine of not more than \$500 or by imprisonment of not more than 180 days

or by both such fine and imprisonment. Every firm or corporation convicted of a violation of any provision of this ordinance shall be punished by a fine of not more than \$500.00.

7.05 It shall be unlawful for any person to use or permit the use of Fire protection facilities installed pursuant to Section 6.05 for any purpose other than fire protection.

7.06 It shall be unlawful for any person to make any physical connection between a private water supply system and the City of Kirkland water system. It shall be unlawful for any person to make any physical connection between a private sewer connection system and the City of Kirkland sewer system. It shall be unlawful for any person having the right to possession or control of any such private system to permit or allow the physical connection of such private system to the City of Kirkland system.

7.07 Any person who violates any of the provisions of this ordinance shall be liable to the City for any expense, loss or damage occasioned by the City by reason of such violation.

Section 8. Validity

8.01 Should any section, clause or provision of this ordinance be declared by the Court to be invalid, the same shall not effect the validity of the ordinance as a whole or any part thereof other than the parts so declared invalid.

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

Section 9. Repeal

Ordinance Nos 457, 569, 864, 804, 825, 893, 877, 1100, 1112 and 1123 together with any other ordinance or parts thereof, inconsistent with the provisions of this ordinance are hereby repealed.

This Ordinance shall be in force and take effect 5 days from and after its passage and publication as required by law.

PASSED by the City Council at regular meeting on the
21st day of July, 1969.

SIGNED in authentication thereof on the 21st day of
July, 1969.



Mayor

Attest:



Director of Administration and Finance
(ex officio City Clerk)

Approved as to form:



City Attorney

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