

ORDINANCE NO. 104

CITY OF LACEY

AN ORDINANCE OF THE CITY OF LACEY, WASHINGTON, DECLARING AND FIXING RATES FOR WATER SERVICE AND WATER CONNECTIONS, ESTABLISHING RULES AND REGULATIONS FOR WATER SERVICE, PROVIDING FOR THE PENALTIES AND LIENS AND ENFORCEMENT THEREOF IN CASE OF FAILURE TO MAKE SUCH CONNECTIONS OR TO PAY SUCH RATES OR CHARGES OR TO ABIDE BY SUCH RULES OR REGULATIONS AND DECLARING THE EFFECTIVE DATE OF THIS ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY:

Section 1. RATES AND CHARGES AND RULES AND REGULATIONS FOR THE USE OF WATER ARE HEREBY FIXED AND ESTABLISHED AS FOLLOWS:

A. SERVICE CHARGES - NEW ACCOUNTS: At least a minimum of one month will be charged for when a customer opens a new account and thereafter requests discontinuance of the service in less than thirty days. A \$10.00 deposit shall be made with each new account opened and shall be refunded on closing the account or applied against the unpaid balance on the account. Upon satisfactory payment of the water bills for one year, water customers may make application for a refund of this deposit. The establishment of a good credit record with the Water Department of the City of Lacey by the individual customer may be transferred to a new location. If by reason of a delinquent account, a water customer suffers a "shut-off" of his water service, the City Council may reimpose a deposit equal to an average two-month water bill which may, at the discretion of the Council, be refunded at the end of an additional year's satisfactory payment of the water bill.

B. STANDARD SERVICE CONNECTION: The construction of a standard new service connection by the City of Lacey for water shall include all labor, pipe and fittings up to the property

line. The charges for the labor and materials, including the meter, for a standard service connection shall be as follows:

<u>Type of Service</u>	<u>Meter Size</u>	<u>Connection Charge</u>
Single Residence	5/8 x 3/4"	\$150.00
Commercial	5/8 x 3/4"	150.00
Commercial	3/4"	175.00
Commercial	1"	200.00
Commercial	1-1/4"	225.00
Commercial	1-1/2"	250.00
Commercial	2"	300.00
Commercial	3"	550.00
Commercial	4"	750.00

Over 4" Meter--as set by contract with the City

Where the customer already has a connection and requests an additional connection or a new connection, the charge shall be the cost of the labor and material plus fifteen (15%) per cent.

On connections for sprinkling only, the charge shall be the cost of the material and labor plus fifteen (15%) per cent.

No water connection shall be made until the person desiring the same has signed an application at the office of the City of Lacey Water Department and paid the charges imposed herein.

C. CONTROL OF CONNECTION: The City shall own, operate, control and maintain all pipe fittings and connections running up to the property line but shall not be responsible beyond the property line. The owner of the property served shall be responsible for maintenance of all pipe and fittings from the property line to his premises, including the protection of his plumbing from damage by freezing, provided, however, that any payment or partial payment that may be made by the applicant according to the rates herein shall not in any manner affect the City's ownership to said pipe, fittings and meter or its right to handle the same in any manner deemed advisable.

Any connection through which services are discontinued for one year shall, at the discretion of the Water Department of the City of Lacey, be considered abandoned and a new connection shall be applied for when renewal of service is requested.

D. TEMPORARY SHUT-OFFS: Service calls for temporary shut-off because of trouble in the lines not owned by the City shall be charged for at the rate of \$5.00 per hour per man, time to include travel to and from consumer's premises, with a minimum charge of \$5.00 during the hours of 8:00 a.m. to 4:00 p.m. on Mondays to Saturdays, inclusive, except holidays, and \$7.50 per hour per man with a minimum charge of \$7.50 on holidays, Sundays and after the hour of 4:00 p.m., and before the hour of 8:00 a.m. on all days of the week.

E. METERS, INSTALLATION, REMOVAL, OWNERSHIP AND REPAIR: The City shall have and be given the right to replace or place a meter on a service and to remove the service at any time and when so doing, the meter shall remain the property of the City of Lacey. If any meter is out of order or repair, an average charge based on the previous three-month use shall be charged. When any customer whose water service is metered makes a complaint that the water bill for any period has been excessive, the Water Department shall, upon request, have the meter re-read and the water service pipe and plumbing fixtures on the premises inspected for leaks. Should the customer then request that the meter be tested for accuracy, he shall then make a deposit as prescribed below with the City Treasurer. The customer shall have the privilege of being present when such test is made.

In case the test discloses an error of more than three percent of water consumed in favor of the City, the deposit shall be refunded to the customer, a correctly registering meter shall be installed and the customer's account shall be credited with the excess consumption on the three previous readings. When the test discloses an error of three percent or less in favor of the City, the meter shall be adjusted or an accurate meter shall be installed and the amount deposited will be retained by the Water Department to cover part of the cost of such test.

Before making a test of any water meter, the person requesting such a test shall, at the time of request, make a deposit with the City Treasurer of the amount charged for such test which shall cover a part of the cost thereof and be as follows:

<u>Size of Meter</u>	<u>Charge</u>
5/8"	\$5.00 ✓
3/4"	6.00
1"	7.00
1-1/2"	9.00
2"	12.00
3"	15.00
4"	18.00
6"	27.00
8"	36.00
10"	45.00
12"	80.00

F. DESTROYED METERS: Whenever any meter is lost, destroyed, stolen or burned, the value of the same must be returned to the City of Lacey.

G. LIENS FOR WATER SERVICE: The City shall have a lien for delinquent and unpaid water charges against the premises for which the water has been furnished, provided that the owners of a delinquent mortgage on said premises may give written notice to the Water Department to cut off services to said

premises and from and after the giving of such notice and the payment or tender of the then delinquent and unpaid charges against said premises for such services and the cut-off charge, the City shall have no lien on the premises for such services thereafter furnished, nor shall the owner or the owner of the delinquent mortgage on the premises be held for the payment thereof, provided, further, that such liens not be for more than four months' charges due or to become due nor for any charges which have been due for more than four months. Nothing herein, however, shall be construed as impairing any vested rights or liens which have accrued to the City prior to the passage of this ordinance. The lien as herein provided may be enforced by cutting off the service until the delinquent and unpaid charges are paid.

H. WATER SHUT-OFF: Each house or service shall have a separate curb-cock at the meter and a separate shut-off within the building or basement or on the premises. Said shut-off shall be equipped with a stop and waste valve. Said stop and waste valve shall be the property of the owner of the premises and be for the protection of the plumbing on the premises. It shall be the duty of all persons who wish the water cut off to notify the City at the Water Department office in the City Hall and order the water turned off and in the event no such notice is given, water will be charged from the time same is turned on until the time that it was ordered turned off.

I. UNLAWFUL WATER CONNECTIONS AND OBSTRUCTIONS OF ANY METER OR ACCESS THERETO: It shall be unlawful for any person other than the duly authorized employee of the City to:

(a) break or deface the seal of any water meters; or

(b) obstruct, alter, injure or prevent action of any meter or other instrument used to measure or register the quantity of water supplied to consumer; or

(c) make any connection by means of a pipe with any main or pipe used for the delivery of water to the consumer thereof in such manner as to take water from said main or pipe without its passage through the meter or other instrument which has been installed for the registering of the quantity of water so obtained; or

(d) make any connection or reconnection with the City water main or pipe or a pipe on property where the City is rendering service or to turn on or off or in any manner interfere with the valves, stop-cock or other appliances connected therewith; or

(e) prevent by the direction of any device or construction or by other means free access to any meter or instrument for measuring or registering the amount of water consumed, or to prevent by any means the reading or inspecting of such meter or instrument.

Such unauthorized person shall be guilty of a misdemeanor and shall be punished therefor as in this ordinance provided.

J. PAYMENT OF CHARGES, PENALTIES AND DISCONTINUANCE OF SERVICES: All bills for water services shall be due and

payable by the tenth of the month following the date of billing, which date of billing shall be the day as postmarked on said billing and mailed by the City of Lacey. All bills remaining unpaid after the tenth of the month following the date of billing are to be considered delinquent and a ten per cent penalty shall be added to such billing. All bills shall be net billing and services shall be discontinued if not paid within fifteen days of date of delinquency.

After being shut off for a delinquency, service shall not be resumed until charges have all been paid plus a turn-on fee of \$10.00.

K. SPRINKLING SEASON: The sprinkling hours and use of water for other than domestic purposes shall be under the jurisdiction of the Water Department of the City of Lacey and shall be subject to change from time to time if the need arises. The failure to adhere to all rules established by the Water Department of the City of Lacey in regard to restricted use of water shall be cause to discontinue service. All cases where service has been discontinued for violation of such rule shall not have service resumed until a service charge of \$5.00 has been paid.

L. WATER RATES - UNMETERED: For all connections to said municipal water system of the City of Lacey, whether inside or outside the corporate boundaries of the City of Lacey, the following rates for water shall be paid, to-wit:

<u>TYPE</u>	<u>COST PER MONTH</u>
Residential	\$ 4.00
Multiple Unit Dwellings	3.50 per housing unit
Commercial	
(1) Heavy Water Use-- water essential to operation of business; i. e. restaurants	20.00
(2) Medium Water Use-- water not essential to operation of business-- 5 to 20 employees	7.50
(3) Light Water Use-- water not essential to operation of business-- under 5 employees	5.00
Schools	45.00

M. FIRE HYDRANT RENTAL RATES: For all fire hydrants connected to said municipal water system of the City of Lacey, whether inside the City Limits or outside the City Limits, there shall be a fire hydrant rental fee of \$20.00 per hydrant per year.

N. WATER RATES--METERED: For all connections to the system, whether inside or outside the corporate limits of the City of Lacey, the minimum monthly charges and the allowable consumption in units of one hundred (100) cubic feet for different sized meters shall be as follows:

<u>Type of Service</u>	<u>Meter Size</u>	<u>Cubic Ft. Water Included in Minimum Charge</u>	<u>Monthly Minimum</u>
Single Residence	5/8 x 3/4"	500	\$ 3.75
Multiple Unit Dwellings	-	300	2.75
Commercial	5/8 x 3/4"	500	4.00
Commercial	3/4"	500	6.00
Commercial	1"	500	7.50

See Ord 121

See Ord 121

<u>Type of Service</u>	<u>Meter Size</u>	<u>Cubic Ft. Water Included in Minimum Charge</u>	<u>Monthly Minimum</u>
Commercial	1-1/4"	500	\$ 9.00
Commercial	1-1/2"	500	12.50
Commercial	2"	500	14.50
Commercial	3"	500	28.00
Commercial	4"	500	42.00

Over 4" Meter -- as set by contract with the City

The rate for consumption over the minimum shall be @ \$.20 per 100 cubic feet. ^{EXCEPT - 10} All meters will be read to the nearest one hundred cubic feet and the consumption and billing will be in units of one hundred cubic feet each.

See Ord 121 →

Where the size of the connection is different from that of the meter on such connection, the size of the meter shall be based on the standard safe operating capacity in gallons per minute, as follows:

<u>Meter Size</u>	<u>Safe Operating Capacity</u> <u>GPM</u>
5/8"	20
3/4"	30
1"	50
1-1/2"	100
2"	160
3"	300
3" Compound	320
3" Current	400
4" Disk	500
4" Compound	500
4" Current	700
6" Disk	1000
6" Compound	1000
6" Current	1600

Water included in the minimum bill shall be included in the consumption to determine the ranges for application of rates but shall not be charged for in computing the charges for water used.

Whenever unusual circumstances temporarily require an unmetered service, the minimum charge shall be applied on the basis of the size of the service connection.

A minimum charge and rate for water applies to each building connected to the service on a domestic or combination domestic and commercial service and on each meter where more than one is used.

Where all commercial or industrial buildings connected to a single service are used in the same business under a single management, billing shall be made as for a single building.

Where more than one service supplies the premises, the consumption of water for each meter shall be computed separately.

Where drinking fountains, toilets, urinals or other fixtures are placed for the benefit of the public, said fixture shall be supplied with water through a meter only and water shall be charged for at the regular meter rates as prescribed in this section.

O. METERED SERVICE--CONNECTION CHARGES: No charge will be made for the first or original connection of a meter on any water service to premises served by said water system that are in existence on January 1, 1969, Provided, That, all connections of new services created after January 1, 1969, shall pay the metered connection as set out in Section I-B.

P. METERED SERVICE--OWNERSHIP OF METERS: All meters provided and installed on water service connections by and at the expense of the Water Department shall be and remain the property of the City while in service and shall be removed only by the Water Department.

Q. METERED SERVICE--METER SIZE CHANGE:

(1) Whenever the owner of any premises

within the water system desires to increase or decrease the size of a meter larger than 5/8", an application shall be made to the Water Department and upon approval, an exchange will be made at the expense of the owner, less credit for the depreciated value of the meter removed; provided that the customer is entitled to such credit. A turn-on charge of \$5.00 provided in Section I-R shall apply in all cases except as provided in Section I-J.

(2) Whenever excessive consumption periodically overloads the capacity of a meter used to supply service to any premises, the Water Department shall notify the owner of the premises of this fact. After receipt of full information from the owner regarding the premises' maximum requirements, the Water Department will advise what size meter is necessary to give proper service without damage to the meter. The estimate of cost of covering such change will also be furnished by the Water Department upon request from the owner without charge. If the owner does not make the required deposit for the installation of the larger meter within thirty (30) days from the date of the notice, then the Water Department may install the proper sized meter, charging the total cost as special service or in the alternative, may discontinue the service.

R. APPLICATION FOR TURN-ON AFTER TURN-OFF --FEE:

When it is desired to have the water turned on after it has been turned off for any reason (except as provided in Section I-J and except turn-on and turn-offs regarding separate connections for lawn sprinkling systems), a written application for turn-on shall be made under the same conditions as set forth above, except that the customer shall be charged with a fee of \$5.00 for such turn-on.

All unpaid water service charges and penalties against the premises shall be paid at time of application for turn-on or a satisfactory arrangement shall be made for payment thereof before water is supplied to the premises.

S. SPECIAL TURN-OFF SERVICE--FEE: When a verbal or written request is made which may be responded to during regular working hours for an emergency turn-off or temporary discontinuance of water service to any premises for the convenience of the occupant or owner, the response thereto shall be classed as special service and a charge shall be made therefor in the sum of \$5.00 per call. Such service outside of regular working hours shall be at the rate of \$7.50 per call.

T. RESPONSIBILITY FOR WATER SERVICE CHARGES--DISCLAIMOR BY OWNER OF PREMISES: When an owner disclaims responsibility for water service charges against his premises for any reason, he shall file for approval a duly executed waiver of responsibility with the Water Department on the forms provided for that purpose and pay all existing water charges against the property. The Water Department may, at its option, continue water service to the occupant of said premises provided that the provisions prescribed in the following section are complied with.

U. WHEN DEPOSIT REQUIRED FOR TURN-ON: When an application for turn-on is made and the owner has disclaimed responsibility in the manner provided by Chapter 135, Laws of Washington, 1933, the applicant shall be required to make a cash deposit in advance in the amount which shall be based upon estimator water bills for four months' service but shall not be less

than \$10.00. The money so deposited may be applied upon the amounts due for water service when the customer may be required to renew the deposit or the water service shall be turned off. Deposits shall be refunded to the customer when no unpaid or delinquent charges exist after water service has been discontinued to the customer.

V. UNAUTHORIZED TURN-ON--DISCONNECTION OF SERVICE:

It shall be unlawful for any person except duly authorized employees of the Water Department or other authorized persons to turn on the water supply to any premises after a turn-off is made at the curb-cock or valve by the Water Department. The water service piped to any premises supplied with water turned on by an unauthorized person after said water supply has been turned off by the Water Department for a cause shall be disconnected in the water main in the street and shall not be connected again until violations of these rules and regulations have been corrected and all charges and penalties, including the expense incurred by disconnecting and reconnecting the service pipe, are paid or a satisfactory arrangement for payment is made with the Water Department.

W. UNLAWFUL FOR ANY CONSUMER TO PERMIT USE FOR OTHER PREMISES:

It shall be unlawful for any person who has water connections to add any or let water off the premises for which the connection is made or to supply water for sprinkling water or for any other purpose whatsoever to any other premises other than the ones for which the connection is made or water service is charged for.

Section II. DAMAGING OR INTERFERRING WITH WATER

SYSTEM: It shall be unlawful for any person to wilfully disturb,

break, or deface or damage any fire hydrant, water meter, gate valve or water pipe or other water works appliance, together with the buildings, grounds and improvements thereon or in any other manner interfere with the proper operation of any part belonging to or connected with the water system of the City of Lacey in any manner whatsoever.

It shall be unlawful for any person to store, maintain or keep any goods, merchandise, material or rubbish within a distance of five feet from any water meter, curb-cock, gate valve or other appliance in use on any water service connection or water main.

Violations of this section shall be prosecuted as prescribed in Section X.

Section III. WASTING WATER PROHIBITED: It shall be unlawful for any person to allow water to be wasted at any point beyond the curb-cock or meter by imperfect, faulty or leaking stop-cocks, valves, pipes, closets, faucets or other fixtures and appliances or to use water closets without self-closing valves or to allow any fixtures or appliances to run open for lack of repairs, to permit freezing or to use water for any other purpose other than that set forth in the application upon which charges for water are based, or to use water in violation of the rules and regulations as set forth herein.

Section IV. SPRINKLING DURING FIRES PROHIBITED: It shall be unlawful for any person knowingly to use water for lawn or garden sprinkling and irrigating purposes on any premises during the progress of a fire on conflagration within the City Limits.

Section V. EMERGENCY INTERRUPTION OF SERVICE:

In case of emergency or whenever the public health, safety or the equitable distribution of water so demands, the Mayor may direct the Water Department to change, reduce or limit the time for, or temporarily discontinue the use of, water. Water service may be temporarily disconnected for purposes of making repairs, extensions or doing other necessary work. Before so changing, reducing, limiting or discontinuing the use of water, the Water Department shall, insofar as practicable, notify all water consumers affected. The City shall not be responsible for any damage resulting from interruption change or failure of the water supply.

Section VI. CONSTRUCTION WORK IN STREETS--MOVING WATER LINES--DAMAGE--SEWER LINE LOCATION: All persons, firms, corporations and municipal departments handling street work; such as grading, filling, paving, trenching for sewers, culverts, conduits, etc., shall give the Water Department at least eight (8) days' written notice in advance in case it becomes necessary during the progress of the work to remove, displace, adjust or change any water mains, pipes, fittings, meters, gate valves, or other water works appurtenances that may interfere with the progress of the work.

Damage to any part of the water distribution system shall make the person, firm, corporation or municipal department responsible, liable to the Water Department for the cost of necessary repairs and replacements.

In no case shall sanitary sewers or sewer laterals be constructed and laid parallel and within five feet horizontally from any water main or water service pipe.

Section VII. CROSS-CONNECTIONS AND PRIVATE SUPPLY:

It shall be unlawful for any person to install a cross-connection between any private water supply within or adjacent to any premises and the public water supply system of the City. Any such cross-connection or inner connection now existing or hereafter installed is hereby declared a nuisance and may be abated at once without notice by the City Council by disconnecting such cross-connections or by cutting off the supply of water from the City distribution system to the premises supplied.

No system to supply water for human consumption shall be constructed or installed in violation of Revised Code of Washington, Chapter 70.54.

Service of the City water supply system to any premises upon which a private water supply system is used or maintained contrary to the provisions of this Section may be discontinued or refused.

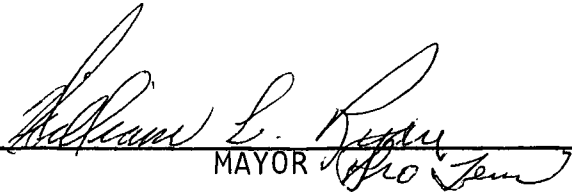
Section VIII. PAYMENT FOR WATER SERVICES: The City Treasurer shall collect all the rates and charges herein provided for and accruing from time to time and all such sums when collected shall be paid by the Treasurer into the fund entitled, "Water Revenue Fund." Said funds shall be used in accordance with the provisions of City of Lacey Ordinance No. 102.

Section IX. SEVERABILITY: If any section or provision of this ordinance shall be held to be invalid, the remaining sections and provisions thereof shall not be affected thereby.

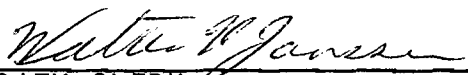
Section X. VIOLATIONS - PENALTIES: Any person, firm or corporation wilfully violating any of the provisions of this ordinance shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine in any sum not exceeding \$300.00 or by imprisonment in jail for a period not exceeding ninety (90) days or by both such fine and imprisonment.

Section XI. EFFECTIVE DATE: This ordinance shall be effective five (5) days after its passage and publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, at a regular meeting held this 19th day of December, 1968.


MAYOR

ATTEST:


CITY CLERK

APPROVED AS TO FORM:


CITY ATTORNEY

Published: Dec. 25, 1968