

Title 13

WATER AND SEWERS

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Chapter 13.04

WATER SYSTEM

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13.04.005 Connection mandatory. The City of Ephrata municipal water system is the water system for the city of Ephrata and connection to the system for water service is mandatory. No other purveyor of water service, potable or otherwise, shall be permitted to provide water service within the city. The City may allow certain government or public institutions to provide irrigation service to publicly owned lands, provided:

- a. There is no interconnection between the City's water system and the new irrigation system;
- b. That the new irrigation system is regularly available for inspection by Ephrata Public Works;
- c. That the City determines the new irrigation system is not detrimental to the City's existing water system.

(Ord. 90-10, 1990, Ord 94-11, 1994, Ord. 96-40, 1996, Ord. 06-31, 2006).

13.04.007 Application for service.

(a) It is the intent of the city that all utility deliveries, whether water, sewer, garbage or some combination thereof, shall be deliveries of services and/or utilities to the property served. All such delivery of utilities and/or services shall be a claim against the property and a claim against the owner of that property served/or furnished utilities and/or services. It shall be the responsibility of each property owner served by city utilities to determine the extent of utility services and deliveries being made and/or furnished to the owner's property. It shall be the responsibility the property owner to pay all claims, charges, penalties and/or costs imposed by the city for the furnishing and/or delivery of utilities and/or services to the owner's property. The property owner's responsibility shall exist independent of any claim of lien the city may have or make pursuant to any statute, rule or regulation. The fact the owner has directed or allowed the billings for utilities furnished and/or services delivered to the owner's property to be delivered to a tenant or other third person does not in any way reduce or extinguish the property owner's responsibility for water, sewer and/or garbage billings, charges, costs or penalties imposed by the city. All delinquent charges for water, sewer, garbage or some combination thereof, shall bear interest at the maximum rate allowed by law.

(b) All applications for residential water service shall be made by the property owner of the property to be delivered water service, and responsibility for billing payment shall be borne by the property owner. All charges for water service will be sent directly to the property address unless the property owner directs otherwise. No charge will be made for meter reading for closing accounts, except as provided in this chapter.

(c) Applications for industrial and commercial water service may be by the property owner, lessee or other consumer.

(d) Upon a failure to pay the charges for water service, the amount thereof shall become a lien against the real property furnished the service as provided by law. (Ord. 90-11, 1990)

(e) All utility accounts are due and payable when received. All utility accounts shall become past due by the twentieth (20th) day after they are issued. If any portion of a utility billing in arrears remains unpaid following the tenth (10th) day

after the month it is issued, a late fee of ten dollars (\$10) shall be added to said utility billing. For the purposes of this section “arrears” shall be 30 days or more delinquent. When received all utility billings shall be applied to the utility accounts servicing the property in question in this order: street light utility, garbage, sewer and water.

(Ord. 99-6, 1999, Ord. 00-17, 2000)

13.04.010 Installation.

(a) All services shall be installed by a licensed contractor with approval of the Water Distribution Manager/Building Official and be built to the 2005 Community Street and Utility Standards at the expense of the property owner. (Ord. 96-30, 1996)

(b) Upon acceptance of service connection by the city for the installed service, said service shall be the property of the city. The property owner shall be responsible for connection and maintenance from the service to its use.

(c) Where street or alley patching is required for the installation of water service, the property owner shall:

(1) Provide 3" depth asphalt patch within 30 days of completion of service or approved time frame as allowed by the Public Works Director.

(Ord. 94-11, 1994, Ord 96-30, 1996, Ord 97-26, 1997, Ord. 06-31, 2006)

13.04.020 Repair of service equipment. The water pipes, connections and other apparatus within the premises to be delivered water service must be kept in good repair and protected from freezing at the expense of the owner, who will be responsible for all damages resulting from leaks or breaks; but no person, except under direction of the city, shall be allowed to dig into any street or sidewalk for the purpose of laying, moving or repairing any service. (Ord. 1110 §4, 1984; Ord. 716 §2, 1965)

13.04.030 Connection compliance with chapter required. The water distribution manager shall specify how connections shall be made until all rules contained in this chapter for the same shall have been complied with. (Ord. 716, 1963, Ord. 96-30, 1996).

13.04.032 Main Connection Charges - General.

(a) There shall be two types of water utilities referred to:

(1) Sub-divider (Developer) - installed water utilities; or

(2) Publicly funded installed water utilities. These shall be maintained and repaired by the city. All costs and expense of connecting the service line to the water main and installing the meter shall be borne by the property owner requesting water services.

(b) Where water utilities have been installed at the expense of the sub-divider or private owners through or adjacent to property not within the boundaries of the subdivision for which water was required, the sub-divider may request to enter into

a reimbursement agreement with the city as provided by state law. If such an agreement is entered into, the city shall not permit other property owners to connect to that sub-divider installed main without payment of the compensation set forth in that agreement for the term of that agreement.

(c) Where water utilities have been installed with public funds through or adjacent to platted areas, the property through which the water mains are extended or which are adjacent thereto shall be permitted a connection to the city main only after payment has been made to the city in accordance with the schedules established in this chapter.

(d) Where water utilities have been installed with public funds through or adjacent to unplatted areas, the platter of those unplatted areas shall be required, as part of the platting procedure, to reimburse the city for that portion of the water main through or adjacent to the property to be platted. That reimbursement shall be in accordance with the schedules established in this chapter.
(Ord. 98-1, 1998)

- 13.04.034 Main Connection Charges - Service by Reservoir Five. Connections to water mains serviced by Reservoir Five between contours 1680' through 1450' in Section 9, Township 21, Range 26 EWM and any adjoining property served from that reservoir shall pay an additional connection charge of two thousand eight hundred twenty three dollars and ninety-four cents (\$2,823.94) for each residential lot to be subdivided or served by a water connection. Non-residential lots shall be charged a rate based on equivalent residential units (ERU) of water consumption by the use to be located on the property; provided, that in no event shall the lot be charged less than one ERU.
(Ord. 98-1, 1998, Ord 01-05, 2001)
- 13.04.040 Permission required for service to additional premises. It is unlawful for any person whose premises are supplied with water to furnish water to additional premises unless such person first makes application in writing to do so and permission is granted by the city council. (Ord. 716 §4, 1965)
- 13.04.050 Double charge for unauthorized service. When additional premises are connected or furnished with water without the application prescribed in Section 13.03.040, such premises may be charged at double the rate for the time they are in use, and service may be shut off by the City and a charge of thirty dollars (\$30.00) made for shutting off and turning on the service. In the event that water is turned off as provided in this section the same shall not be turned on again until after all charges against the premisses have been paid in full. (Ord. 96-30, 1996)
- 13.04.060 Service connection removal. When it is desired by the property owner to change the location of the old service connection a new service shall be placed only upon the owner making application and paying for a new tap at the actual cost involved.

Where a service connection to any premises is abandoned for twenty-four months, or if the service is no longer in use, the city may shut off and remove the service connection, after which, should a service connection be required to the premises, a new service shall be placed only upon the owner making application and paying for a new tap at the actual cost involved. (Ord. 1110 §6, 1984; Ord. 716 §6, 1965. Ord. 99-04)

Until such time as a water service connection is removed either by owner request or city action on an abandoned connection, the property shall incur a minimum connection charge each month as set forth in section 110. To qualify for the minimum connection charge, the property owner must request discontinuance of service in writing to the City Clerk. (Ord. 99-04)

- 13.04.070 Service reinstallation after discontinuance. When service has been discontinued from any premises, upon the application of the owner thereof, or for nonpayment of water charges, or for any other causes, it is unlawful for any person to again connect the premises with water until all arrearage for the premises have been paid, and application made for reinstallation of service, and other cause or causes corrected to the satisfaction of the city. (Ord. 1110 §7, 1984; Ord. 716 §7, 1965)
- 13.04.080 Shut off by city. The city reserves the right at any time, without notice, to shut off the water supply for repairs, extensions, emergencies or any other reason, and the city shall not be responsible for any damage, such as bursting of boilers supplied by direct pressure; the breaking of any pipes or fixtures, stoppages or interruption of water supply or any other damage, resulting from the shutting off of the water. (Ord. 716 §8, 1965)
- 13.04.090 Meters required. All water shall be furnished through meters which may be sealed by the water department personnel. (Ord. 716 §9, 1965)
- 13.04.100 Meter location. Whenever it is possible and practicable, all meters shall be installed in the parking strip of the property served and no branch pipe shall be taken off the service between the meter and the street. (Ord. 716 §10, 1965)
- 13.04.110 Water rate schedule.
A. The charge for basic and additional water use per month shall be as follows:

1. Residential Class:

Size of Meter	Monthly Charge inside City Limits	Monthly Charge Within UGA
5/8"x3/8" to 1"	\$31.35 per living unit	\$37.38 per living unit
2"	\$37.38 per living unit	\$45.78 per living unit
3"	\$45.78 per living unit	\$56.64 per living unit
4"	\$56.64 per living unit	\$74.76 per living unit
6"	\$79.56 per living unit	\$98.88 per living unit
8" or larger	\$103.75 per living unit	\$129.06 per living unit

	Inside City Limits	Within UGA
Water Charge	\$.55/1,000 gallons	\$.65/1,000 gallons

2. Multi-Family Class:

Size of Meter	Monthly Charge Inside City Limits	Monthly Charge Within UGA
5/8"x3/8" to 1"	\$31.35 per living unit	\$37.38 per living unit
2"	\$37.38 per living unit	\$45.78 per living unit
3"	\$45.78 per living unit	\$56.64 per living unit
4"	\$56.64 per living unit	\$74.76 per living unit
6"	\$79.56 per living unit	\$98.88 per living unit
8" or larger	\$103.75 per living unit	\$129.06 per living unit

	Inside City Limits	Within UGA
Water Charge	\$.46/1,000 gallons	\$.54/1,000 gallons

3. Commercial Class: See Section C & D

Size of Meter	Monthly Charge Inside City Limits	Charge Within UGA
5/8" x 3/8" to 1"	\$42.60 per unit	\$50.52 per unit
2"	\$51.78 per unit	\$63.36 per unit
3"	\$64.62 per unit	\$79.86 per unit
4"	\$86.58 per unit	\$107.34 per unit
6"	\$115.92 per unit	\$144.00 per unit
8" or larger	\$152.58 per unit	\$189.84 per unit

	Inside City Limits	Within UGA
Water Charge	\$.58/1,000 gallons	\$.68/1,000 gallons

4. Irrigation Class:

- a) To be charged the rate assessed in this class, the customer shall install a separate meter to determine the amount of water actually being used for irrigation purposes.
- b) In the event that a temporary water shortage exists as determined by the City Public Works Department, the city may temporarily interrupt delivery of water for irrigation purposes under this subsection. (Ord. 96-30, 1996).

Size of Meter	Monthly Charge Inside City Limits	Monthly Charge Within UGA
5/8" x 3/8" to 1"	\$28.80 per meter	\$34.02 per meter
2"	\$35.46 per meter	\$43.32 per meter
3"	\$44.82 per meter	\$55.32 per meter
4"	\$60.18 per meter	\$75.36 per meter
6"	\$82.14 per meter	\$102.00 per meter
8" or larger	\$108.78 per meter	\$135.36 per meter

	Inside City Limits	Within UGA
Water Charge	\$.77/1,000 gallons	\$.77/1,000 gallons

5. Industrial Water Rates:

To receive the rates listed within this section, both the following two conditions must be fulfilled:

- 1) The structure is located within one of the following zones: I-1, I-2, AA, AC, AF, AI-1, AI-2, AU
- 2) The structure's operations must be predominately industrial in nature; activities that are primarily the processing of materials or the manufacture, assembly, service, repair, storage, packaging, warehousing, or transportation of materials, goods or equipment generally for an external market.

Size of Meter	Monthly Charge Inside City Limits	Monthly Charge Within UGA
5/8" x 3/8" to 1"	\$72.00 per meter	\$99.60 per meter
2"	\$84.00 per meter	\$117.00 per meter
3"	\$102.00 per meter	\$143.10 per meter
4"	\$126.00 per meter	\$177.90 per meter
6"	\$174.00 per meter	\$247.50 per meter
8" or larger	\$228.00 per meter	\$325.80 per meter

	Inside City Limits	Within UGA
Water Charge	\$.45/1,000 gallons	\$.66/1,000 gallons

6. Reclaimed Water Class

Size of Meter	Monthly Charge inside City Limits	Monthly Charge Within UGA
5/8" x 3/8" to 1"	\$20.36 per meter	\$24.30 per meter
2"	\$24.30 per meter	\$29.76 per meter
3"	\$34.33 per meter	\$36.82 per meter
4"	\$39.19 per meter	\$48.60 per meter
6"	\$51.61 per meter	\$64.27 per meter
8" or larger	\$77.81 per meter	\$83.89 per meter

	Inside City Limits	Within UGA
Water Charge	\$.36/1,000 gallons	\$.43/1,000 gallons
Water Charge from Pumping Station	\$.75/1,000 gallons	

(Ord. 96-30, 1996, 97-2, 1997, Ord. 97-26, 1997, Ord. 02-06, 2002, Ord 06-26, Ord. 07-07; Ord 08-08, 2008; Ord. 08-10, 2008; Ord 11-21, 2011)

- B. Minimum charge for water connection without active utility service, including garden and irrigation meters (Ord. 99-4, 1999) \$5 per month
- C. Each business establishment in a building served by an individual or a common meter shall pay the minimum charge, plus excess. (Ord. 97-26, 1997)
- D. Each motel or hotel shall pay the minimum monthly charge, plus \$8.00 for each additional hotel or motel room. (Ord 97-2, 1997, Ord. 97-26, 1997, Ord 02-06, 2002)

13.04.112 Connection Fee.

(a) No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any portion of the water system or appurtenance thereof without first making application and receiving written permission from the City Public Works office. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the city.

(b) The applicant for the plumbing permit shall notify the building official when the building water is ready for inspection and connection to the public water system. The connection shall be made under supervision of the city building official or his representative.

(c) Any person found to have violated any provision of this section shall be liable to the city in a civil penalty in the sum of five hundred dollars. (\$500.00).

(d) Potable Water meters, 2” and less, shall be provided and installed by city personnel. All meters for reclaimed water shall be provided and installed by owner. (Ord 11-17, 2011)

(e) Water meters larger than 2" shall be provided and installed by owner.

(f) A connection fee in the following sums shall be remitted with a permit application:

Size of Service	Building Connection Fee for Inside City Limits	Building Connection Fee Within U.G.A.	Reclaimed Water Connection Fee
1"	1,500	2,600	0
2"	2,700	4,700	600
3"	3,500	7,000	875
4"	4,500	9,000	1125
6"	7,000	14,000	1750
8"	9,000	18,000	2250
10"	12,000	24,000	3000
12" or larger	16,000	32,000	4000

(Ord. 96-30, 1996: Ord. 96-30, 1996, Ord. 97-26, 1997, Ord. 06-31, 2006, Ord. 08-08, 2008; Ord. 11-17, 2011)

(g) Water Connection Fee Waiver for Low-Income Housing.

(1) For purposes of this subsection, “low-income housing” is defined as follows: Individuals or families with a gross annual income less than eighty (80%) percent of the median income for working families in Grant County.

(2) This subsection only applies to “private or public nonprofit organizations” defined as follows: Nonprofit corporations established solely for the purpose of providing low-income housing, recognized under the United States Internal Revenue Code as qualified recipients of tax deductible charitable contributions and limited to those

organizations having received approval from the Internal Revenue Service of such status upon the filing of all forms as required for recognition as a 501(c)(3) corporation. For an entity to qualify under the provisions of this subsection, upon making a written request for water connection fee waiver, the entity shall provide sufficient proof of such status, including such documentation as the city council may deem necessary. To qualify for water connection fee waivers, the project development must include “sweat equity”, defined as labor contributed by the prospective homeowner and/or volunteer labor contributed through community donation such as Habitat for Humanity as that organization operated at the time of the adoption of this provision.

(3) Upon the approval of the city council, the collection of the water connection fees under the provisions of this Chapter to serve single-family residences may be waived at the request of a qualified nonprofit organization which is developing or constructing a low-income single-family residence for a low-income family or individual. All waiver requests shall be made in writing to the city council at least thirty (30) days prior to the levy of the water connection fee. Such requests may be granted within the discretion of the city council, and only at such times as the city has established and funded a water connection fee waiver fund as described below. The city council shall approve such requests by resolution, adopted at a regularly scheduled meeting.

(4) In order to approve water connection fee waiver requests, the city council shall establish, on an annual basis through adoption of the city budget, a water connection fee waiver fund or account, funded by general fund revenues and not from funds received from payment of water rates (other than taxes assessed thereon). On an annual basis, and at such other times as the city council deems appropriate, upon consideration of the number of potential requests for low-income single-family water connection fee waivers, the city council may determine by resolution or ordinance the appropriate amount available for water connection fee waivers. Based upon this consideration, the city council may determine that a given percentage of the amount available for water connection fee waivers may be subject to waiver. Upon the city council making its determination regarding the total amount and percentage of water connection fees subject to waiver, water connection fee waivers shall be available on a “first-come, first-served” basis. Upon the city council’s approval of water connection fee waiver requests, the water connection fee waivers shall be paid into the appropriate fund or account designated for deposit of the water connection fee waivers, from the general fund revenues. Waivers can only be granted to the extent funds are available in the stated account.

(5) All water connection fee waiver amounts for low-income single-

family housing applicants pursuant to this subsection shall be reimbursed to the city's water connection fee waiver fund or account upon the sale of the property to any purchaser who is not a qualified low-income person or family or a nonprofit organization as defined above. Repayment of waived water connection fees shall be secured with a real estate security instrument as approved by the city attorney. Such instrument shall be senior to all other security instruments securing loans on the property, unless the city council determines that the city receives adequate security for repayment from a junior security instrument. All such security instruments shall contain a "due on sale" clause, reimbursement of waived water connection fees to the city upon the sale of the property to any purchaser who is not a qualified low-income person or family or a nonprofit organization as defined above. Waived water connection fees shall likewise be repaid to the city upon any refinancing of loans secured by senior real property security instruments.

(6) Upon the sale of the property to any purchaser who is not a low-income person or family or nonprofit organization as defined above, prior to transfer of the property to the purchaser, the seller shall reimburse the city in the full amount of the waived water connection fees, plus interest thereon at a rate commensurate with the annual one year U.S. Treasury notes and bonds, adjusted for constant maturities, as published in the Federal Reserve Bulletin or otherwise available from the Federal Reserve Bank, from the year the water connection is made to the city water, computed annually on unpaid balances. Interest calculated pursuant to this section shall not be compounded. Alternatively, at the option of the seller, the reimbursement to the city may be at the then-existing water connection fee rates for comparable development on properties within the City of Ephrata for water connection to the City's water system, provided that in no circumstances shall the reimbursement to the city be less than the amount of the water connection fees originally waived.
(Ord. 00-13, Ord. 06-31, 2006)

- 13.04.130 Right of entry. It is unlawful for any person to fail, neglect or refuse to give the city or its duly authorized representative free access at all reasonable hours to all parts of buildings or premises supplied with water by the city for the purpose of inspecting the conditions of pipes and fixtures, noting the amount of water used and the manner in which it is used. (Ord. 1116 §9, 1984; Ord. 716 §13, 1965)
- 13.04.140 Shut off for refusing entry. If any owner or occupant on any premises supplied with city water violates any provision of Section 13.04.130, the city may shut off the service; and the owner or occupant shall be required to pay all delinquent and unpaid charges against the premises, together with a charge of thirty dollars (\$30.00) for shutting off and turning on the water before service may again be

turned on. (Ord. 90-52, 1990: Ord. 96-30, 1996)

13.04.150 Meter test for accuracy. Where the accuracy of the water meter is questioned, it shall be removed at the property owner's request and shall be tested. If the test discloses an error against the property owner of more than three percent of the meter's registry, the excess of the consumption on the three previous readings shall be credited to the property owner's meter account, and the water department will bear the entire expense of the test, and the deposit required as hereinafter prescribed shall be returned. On the other hand, where no error is found, the person who had requested the test shall pay the charge fixed for the test. Before making a test of any meter, the person requesting a test shall, at the time of filing his request with the city, make a deposit of thirty dollars (\$30.00) with the city treasurer. It is unlawful for any person to remove or in any way disturb or break any seal, except in the presence or under the direction of the water department personnel. (Ord. 90-52, 1990: Ord. 96-30, 1996)

13.04.160 Interference with city equipment prohibited. It is unlawful for any person except when duly authorized by the city, to open, operate, close, turn on, turn off, interfere with, damage or attach any pipe or hose to or connect anything with any fire hydrant, stop valve or stop-cock belonging to the city. (Ord. 1116 §12, 1984: Ord. 716 §6, 1965: Ord. 96-30, 1996)

13.04.165 Service outside City Limits

(a) Policy. It shall be the policy of the City of Ephrata that water services shall not be provided by the City to locations beyond Ephrata City Limits.

(b) Exception to Policy. Variance or exception to the general policy of the City for provision of water services may be granted upon application to the City and approval of the City Council. The City may provide water services outside the City Limits in the following situations:

1. The applicant is an owner or occupant of a single family dwelling at the site to which water service is to be granted.

(Ord. 96-30, 1996)

2. Applicant must be within Urban Growth Area (U.G.A.)

(Ord. 97-26, 1997)

13.04.168 Contract for service outside City Limits. In accordance with the provisions of RCW. 35.95.200, the City shall enter into a written contract with any successful applicant for water services outside the city limits, fixing rates for such service as provided for in this chapter, and may incorporate such other terms and conditions as are approved by the City Council, including, but not limited to the following:

1. A water system to be built and connected to the city water system will be built to city standards and code specifications.

2. The application is consistent with the City's Comprehensive Plan.

3. The grant of the application will not have a detriment impact on the integrity of the city's water and/or sewer system.

4. That additional conditions may be required by the city which are just and necessary to protect the interests of the City under the particular circumstances of the applicant.

(Ord. 96-30, 1996)

13.04.170 Permission required for connection. It is unlawful for any person to make connection with any fixture or connect any pipe with any water main or water pipe belonging to the municipal water supply system, without first obtaining permission to do so from the water department personnel. (Ord. 716 §17, 1965).

13.04.180 Construction water rate.

A. A permit is required for the use of any and all construction water.

1. The rate charged for water at building sites where a City water has been installed shall be two dollars (\$2.00) per one thousand gallons.

2. Water furnished from the City Shop shall be billed at two dollars (\$2.00) per one thousand gallons, with a minimum charge of five dollars (\$5.00) for any use under 3,000 gallons.

3. Any and all hydrant meters must be checked out, or approved by the City of Ephrata Water Department prior to use. A daily rental rate of four dollars (\$4.00) shall be charged for all City water meters. Water is billed at two dollars (\$2.00) per one thousand gallons, with a minimum charge of five dollars (\$5.00) for any use under 3,000 gallons. Only pre-approved contractor owned hydrant meters are allowed.

4. A flat fee of \$10.00 per 1,000 feet of pipe shall be charged for the flushing and disinfection of new waterlines, per the City of Ephrata Construction Standards.

B. Violation of any provision of this article shall be a civil infraction. The violation shall be subject to a C-1 penalty for each infraction.

(Ord. 1110 §14 (C), 1984; Ord. 716 §18, 1965, Ord. 96-30, 1996, Ord. 97-2, 1997, Ord. 02-06, 2002, Ord. 08-08, 2008; Ord 08-10, 2008)

13.04.190 Shut off for delinquent charges. In case of nonpayment of fees and charges for water, within thirty days after they are due, the water may be shut off and a charge of thirty dollars (\$30.00) shall be added to cover the expense of turning the water off and on, and in no case shall water be turned on again until the amount has been paid in full. (Ord. 90-10, 1990).

13.04.200 Unpaid charges--Lien conditions.

(a) The city shall have a lien against the premises receiving water services, for unpaid charges required by Chapter 13.04 of this code, for four months' charges due or to become due provided the owner of the premises or the owner of a delinquent mortgage thereon may give written notice to the city to cut off service to such premises, accompanied by payment or tender of payment of the then-delinquent and unpaid charges for such services against the premises, together with the shutoff

charge (if any), whereupon the city shall have no lien against the premises or charges for services thereafter furnished, nor shall the owner of the premises or the owner of a delinquent mortgage thereon be held for payment thereof.

(b) The lien for charges for water service may be enforced only by cutting off services until the delinquent and unpaid charges are paid. In the event of a disputed account and tender by the owner of the premises of the amount he/she claims to be due for the service is cut off, the right to refuse service to any premise shall not accrue until suit has been entered by the city and judgment entered in the case. (Ord. 1110 §16, 1984).

13.04.210 Violation--Penalty. The commission of any unlawful act proscribed in this chapter shall be a civil infraction, and any person found guilty of violation thereof shall be fined not more than five hundred dollars. (Ord. 1110 §17, 1984).

Chapter 13.08

SEWER SYSTEM

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13.08.140	Private wastewater disposal systems

13.08.005 Connection mandatory. The owner(s) of any house, building or property used for human occupancy, employment, recreation or other purposes, situated within the city, or within the area served by the city sewer system, and abutting on any street, alley or right-of-way in which there is located a public sanitary sewer of the city, is required at the owner or owners' expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter within 90 days after the date of official notice to do so; provided, that the building to be served is not located more than 200 feet from a public sewer. (Ord. 1111 §1, 1984, Ord 10-05, 2010).

13.08.007 Application for service. (a) It is the intent of the city that all utility deliveries, whether water, sewer, garbage or some combination thereof, shall be deliveries of services and/or utilities to the property served. All such delivery of utilities and/or services shall be a claim against the property and a claim against the owner of that property served/or furnished utilities and/or services. It shall be the responsibility of each property owner served by city utilities to determine the extent of utility services and deliveries being made and/or furnished to the owner's property. It shall be the responsibility of the property owner to pay all claims, charges, penalties

and/or costs imposed by the city for the furnishing and/or delivery of utilities and/or services to the owner's property. The property owner's responsibility shall exist independent of any claim of lien the city may have or make pursuant to any statute, rule or regulation. The fact the owner has directed or allowed the billings for utilities furnished and/or services delivered to the owner's property to be delivered to a tenant or other third person does not in any way reduce or extinguish the property owner's responsibility for water, sewer, and/or garbage billings, charges, costs or penalties imposed by the city. All delinquent charges for water, sewer, garbage or some combination thereof, shall bear interest at the maximum rate allowed by law.

(b) All applications for sewer service shall be made by the property owner or someone acting on behalf of the owner of the property to be provided sewer service, unless the service is installed by the city in order to correct an improper sewer connection or to make a connection to protect the public health, welfare and safety, and responsibility for billing payment shall be borne by the property owner. All charges for sewer service will be sent directly to the property address unless the property owner directs otherwise, or in the event of a combined utility billing, the billing shall be sent to the address maintained by the city for such combined billing.

(c) Upon a failure to pay the charges for sewer service, the amount thereof shall become a lien against the real property furnished the service as provided by law. (Ord. 90-12, 1990)

13.08.010 Discharges prohibited.

(a) No person shall discharge, or cause to be discharged, any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water or unpolluted industrial process water to any sanitary sewer.

(b) Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

(1) Any water or waste which may contain more than one hundred parts per million, by weight, of fat, oil or grease;

(2) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;

(3) Any garbage that has not been properly shredded;

(4) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, petroleum products, anti-freeze, wood, paunch, manure or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works; (Ord. 96-31, 1996)

(5) Any waters or wastes having a pH lower than five and five-tenths or

higher than eight and five-tenths or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works;

(6) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with sewage treatment process, constitute a hazard to humans or animals or create any hazard in the receiving waters of the sewer treatment plant;

(7) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant;

(8) Any noxious or malodorous gas or substance capable of creating a public nuisance.

(c) Grease, oil and sand interceptors shall be provided when, in the opinion of the Public Works Director, they are necessary for the proper handling of liquid wastes containing grease, in excessive amounts, or any flammable wastes, sand and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Public Works Director and shall be located as to be readily and easily accessible for cleaning and inspection. (Ord. 96-31, 1996)

13.08.020 Inspector right of entry. The duly authorized employees of the city shall be permitted to enter upon all properties for the purpose of inspecting, observation, measurement, sampling and testing in accordance with the provisions of this chapter. (Ord. 767 §2, 1968).

13.08.030 Building sewers.

(a) The owner shall be responsible for installation and maintenance of all building sewers including connection to a mainline. A separate and independent building sewer shall be provided for every building: Except, that separate buildings which are an integral part of a single business or industry may be served by a single sewer. (Ord. 96-31, 1996)

(b) Building sewers which are connected to the city system shall be designed and constructed in accordance with the City Construction Standards and Uniform Plumbing Code. (Ord. 96-31, 1996)

(c) Where no properly located "Y" branch is available, a connection may be made by installing a city approved "sewer saddle" as per city standards. (Ord. 96-31, 1996)

(d) Drainage piping serving fixtures which have flood level rims located below the elevation of the next upstream manhole cover of the public or private sewer serving

such drainage piping shall be protected from backflow of sewage by installing an approved type backwater valve. Fixtures above such elevation shall not discharge through the backwater valve. Where existing services are not in compliance with this section, the city shall not be responsible for any backflow damages. (Ord. 96-31, 1996)

13.08.040 Air conditioning and refrigeration. All commercial and industrial air conditioning and refrigeration units that are installed, replaced, or that have capacity increased after the effective date of the ordinance codified herein shall be required to install recirculating units or to discharge their wastewater into a storm sewer system. Disposal may not be accomplished by discharging into the sanitary system. (Ord. 1111 §2, 1984; Ord. 767 §4, 1968).

13.08.050 Connection fee.
 (a) No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any portion of the sewer system or appurtenance thereof without first making application and receiving written permission from the city Public Works office. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the city. (Ord 96-31, 1996)

(b) The applicant for the building sewer permit shall notify the building official when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the building official or his representative. (Ord. 96-31, 1996)

(c) Any person found to have violated any provision of this section shall be liable to the city in a civil penalty in the sum of five hundred dollars (\$500.00).

(d) A connection fee in the following sums shall be remitted with a permit application: (Ord. 96-31, 1996)

<u>Building Connection Fee Size of Service</u>	<u>Building Connection Fee for Inside City Limits</u>	<u>Within U.G.A.</u>
4" or less	\$750.00	\$1,500.00
6"	\$2,250.00	\$4,500.00
8" or larger	\$4,500.00	\$9,000.00

(Ord. 1111 §3, 1984; Ord. 1030 §1, 1981; Ord. 767 §5, 1968 Ord. 92-19, 1992 Ord. 96-31, 1996; Ord 97-25, 1997)

(e) A connection fee shall be waived for any existing septic system, within 200 feet of an existing mainline, and where the septic is in documented satisfactory working order, that voluntarily connects to the City's sewer system. New construction shall not constitute an existing mainline. (Ord. 11-03, 2011)

(f) Sewer Connection Fee Waiver for Low-Income Housing.

(1) For purposes of this subsection, “low-income housing” is defined as follows: Individuals or families with a gross annual income less than eighty (80%) percent of the median income for working families in Grant County.

(2) This subsection only applies to “private or public nonprofit organizations” defined as follows: Nonprofit corporations established solely for the purpose of providing low-income housing, recognized under the United States Internal Revenue Code as qualified recipients of tax deductible charitable contributions and limited to those organizations having received approval from the Internal Revenue Service of such status upon the filing of all forms as required for recognition as a 501(c)(3) corporation. For an entity to qualify under the provisions of this subsection, upon making a written request for sewer connection fee waiver, the entity shall provide sufficient proof of such status, including such documentation as the city council may deem necessary. To qualify for sewer connection fee waivers, the project development must include “sweat equity”, defined as labor contributed by the prospective homeowner and/or volunteer labor contributed through community donation, such as Habitat for Humanity as that organization operated at the time of the adoption of this provision.

(3) Upon the approval of the city council, the collection of the sewer connection fees under the provisions of this Chapter to serve single-family residences may be waived at the request of a qualified nonprofit organization which is developing or constructing a low-income single-family residence for a low-income family or individual. All waivers requests shall be made in writing to the city council at least thirty (30) days prior to the levy of the sewer connection fee. Such requests may be granted within the discretion of the city council, and only at such times as the city has established and funded a sewer connection fee waiver fund as described below. The city council shall approve such requests by resolution, adopted at a regularly scheduled meeting.

(4) In order to approve sewer connection fee waiver requests, the city council shall establish, on an annual basis through adoption of the city budget, a sewer connection fee waiver fund or account, funded by general fund revenues and not from funds received from payment of sewer rates (other than taxes assessed thereon). On an annual basis, and at such other times as the city council deems appropriate, upon consideration of the number of potential requests for low-income single-family sewer connection fee waivers, the city council may determine by resolution or ordinance the appropriate amount available for sewer connection fee waivers. Based upon this consideration, the

city council may determine that a given percentage of the amount available for sewer connection fee waivers may be subject to waiver. Upon the city council making its determination regarding the total amount and percentage of sewer connection fees subject to waiver, sewer connection fee waivers shall be available on a “first-come, first-served” basis. Upon the city council’s approval of sewer connection fee waiver requests, the sewer connection fee waivers shall be paid into the appropriate fund or account designated for deposit of the sewer connection fee waivers, from the general fund revenues. Waivers can only be granted to the extent funds are available in the stated account.

(5) All sewer connection fee waiver amounts for low-income single-family housing applicants pursuant to this subsection shall be reimbursed to the city’s sewer connection fee waiver fund or account upon the sale of the property to any purchaser who is not a qualified low-income person or family or a nonprofit organization as defined above. Repayment of waived sewer connection fees shall be secured with a real estate security instrument as approved by the city attorney. Such instrument shall be senior to all other security instruments securing loans on the property, unless the city council determines that the city receives adequate security for repayment from a junior security instrument. All such security instruments shall contain a “due on sale” clause, reimbursement of waived sewer connection fees to the city upon the sale of the property to any purchaser who is not a qualified low-income person or family or a nonprofit organization as defined above. Waived sewer connection fees shall likewise be repaid to the city upon any refinancing of loans secured by senior real property security instruments.

(6) Upon the sale of the property to any purchaser who is not a low-income person or family or nonprofit organization as defined above, prior to transfer of the property to the purchaser, the seller shall reimburse the city in the full amount of the waived sewer connection fees, plus interest thereon at a rate commensurate with the annual one year U.S. Treasury notes and bonds, adjusted for constant maturities, as published in the Federal Reserve Bulletin or otherwise available from the Federal Reserve Bank, from the year the connection is made to the city sewer, computed annually on unpaid balances. Interest calculated pursuant to this section shall not be compounded. Alternatively, at the option of the seller, the reimbursement to the city may be at the then-existing sewer connection fee rates for comparable development on properties within the City of Ephrata for connection to the City’s sewer system, provided that in no circumstances shall the reimbursement to the city be less than the amount of the sewer connection fees originally waived.

(Ord. 00-12)

- 13.08.055 Main Connection Charges - Service by Sewer Lift Station #3. Connections to sewer mains serviced by Sewer Lift Station #3 (which is located within the Plat of Fitzburg) shall pay an additional connection charge based on \$7.74 per gallon per day of usage for each residential lot to be subdivided or served by a sewer connection. Said Residential connection shall be based on 280 gallons per day usage which is one (1) Equivalent Residential Unit (E.R.U.). Non-Residential lots shall be charged a rate based on (E.R.U.) of sewer usage by the use to be located on the property; provided, that in no event shall the lot be charged less than one (1) (E.R.U.). (Ord. 01-13).
- 13.08.060 Street restoration. Where it is necessary to remove existing street pavement, curb and gutter, sidewalk or graveled streets, to install sewer service lines, the property owner shall obtain and observe all necessary permits and requirements in accordance with EMC 21.02. (Ord. 767 §6 1968; Ord. 11-03, 2011).
- 13.08.070 Exceptions to connection requirement.
 A. The following shall constitute exceptions to the requirement of Section 13.08.005.
1. Any property which receives city water but upon which there are no buildings;
 2. Any property which receives city water and upon which there are buildings that are not used for domestic purposes and to which the water system is not connected;
 3. Any property which receives city water and upon which there are buildings to which the city water is connected but which do not require connection to the city sewerage system; provided, however, said lots shall only be exempt from the requirements of Section 13.08.005 after application has been made to the city council and a sufficient showing made to the council as to why the property should not be required to be connecting to the city sewerage system.
 4. Construction of a building to be served by sanitary sewer service located more than 200 feet from a public sewer, or where special circumstances, certified by the Public Works Director, would impose a similar hardship.
- B. Any property which is exempted from the requirements of Section 13.08.005 shall be assessed a rate of \$0.00 per month. Funds collected from such assessment shall be placed in the Water-Sewer Construction Fund/Fund 425, for future improvements and/or expansion of the City's sewer system. Future improvements and/or expansions shall be at the discretion of the City Council and may or may not directly impact properties assessed under this section. (Ord. 11-03, 2011)
- C. In determining whether or not to grant such an exemption, the city council shall consider the effect such exemption would have upon city revenue, health, sanitation, and/or for comprehensive planning.

D. If an exempted septic system fails, either the tank or drain field, and is greater than 200 feet of the City's system at the time of failure, the owner shall request a new exemption from the City, per this chapter. (Ord. 11-03, 2011)

E. All septic systems shall be constructed, maintained, and abandoned in accordance with EMC 13.08.140 and WAC 246-272 as now enacted or hereafter amended. (Ord 10-05, 2010; Ord 11-03, 2011)

F. All existing septic systems within 200 feet of the City sewer shall be required to connect within 90 days of the transfer of ownership or sale of the property.

1. An additional 90 days to connect may be granted, upon written request to the Public Works Director; where inclement weather prevents connection within the required time period, or if the cost of the connection would exceed \$7,000.00.

2. If the City installs a sewer main, all properties falling within the 200 foot limit of that new line, shall connect within 1 year of the commencement of that installation.
(Ord 11-3, 2011)

13.08.072 Inspection of Exempted Systems.

All owners of septic systems exempted under 13.08.070 shall submit to inspection by the Grant County Health District. If an exempted septic is not in satisfactory working condition, that septic shall be abandoned within 30 days of notification. Abandonment shall be in accordance with WAC 246-272A-0300 as now enacted or hereafter amended.

A. Commencing in 2013, all exempted septic systems shall be inspected, and simultaneously pumped if necessary, at the sole cost of the property owner, by the Grant County Health District every 10 years, and/or shall submit proof of inspection and pumping by a licensed contractor to the City. (Ord 11-03, 2011)

B. Certain enterprises that use significant volumes of water may be required to inspect and pump on a different schedule; to be determined by the Grant County Health District, in conjunction with the City Public Works Director. (Ord. 11-03, 2011)

13.08.075 Septic tank effluent disposal.

(a) Special permission may be granted to effluent haulers to dispose of effluent at the Ephrata Municipal Treatment Plant under the direct supervision of the city of Ephrata.

(b) The charge for disposal of effluent shall be:

(1) Zero to two thousand five hundred gallons, one hundred fifty (\$150.00) dollars per load; (Ord. 96-31, 1996)

(2) Over two thousand five hundred gallons shall not be accepted. (Ord. 1111 §6, 1984).

13.08.080 Sewer rates. Based on Equivalent Residential Units (E.R.U.).

A. Sewer rates inside the city limits shall be as follows:

<u>Character of Building</u>	<u>Monthly Rate</u>
Residence (single- family) and Duplexes	\$29.00 per living unit
Commercial businesses discharging in excess of 100,000 gallons per month	\$29.00 per E.R.U., unless a participant under Section E below.
All other classes	\$29.00 per E.R.U.
Inactive Utility Service Fee	\$5.00 per month, per connection
Septic System within City Limits Fee	\$0.00 per month

(Ord. 96-31, 1996, Ord. 97-3, 1997, Ord. 99-05, 1999; Ord. 02-07, 2002, Ord. 02-32, 2002; Ord. 11-03, 2011)

B. Monthly sewer rates within U.G.A. shall be as follows:

<u>Character of Building</u>	<u>Monthly Rate</u>
Residence (single-family) and Duplexes	\$33.00 per living unit
All other classes	\$33.00 per E.R.U.

(Ord. 90-53, 1990, Ord. 92-19, 1992, Ord. 96-31, 1996, Ord 97-3, 1997, Ord. 97-25, 1997, Ord. 02-07, 2002)

C. Determining Residential Equivalent Unit (E.R.U.):
The E.R.U. value will be determined annually by calculating all residential water usage during the previous four (4) month winter use period (November, December, January and February). The total amount of water usage will be divided by 1,000 then divided by 4 months divided by the number of residences. This will be the E.R.U. value for each subsequent

year. The effective date of the new E.R.U. value will be April 1 of each subsequent year. (Ord 03-14, 2003)

- D. All other classes of building (i.e. other than single family residences and duplexes) will be determined on an individual basis. Each account will be calculated annually by using the previous four month winter use period (November, December, January and February) to determine their particular number of ERU's. The total amount of water usage will be divided by 1,000 then divided by 4 months, then divided by the Residential ERU value, then multiplied by the monthly rate to determine the monthly charge. Provided that in no event shall any account be charged less than one (1) E.R.U. (Ord. 02-07, 2002 Ord. 03-14, 2003)
- E. Interim Conservation Rate for Commercial Businesses Discharging in excess of 100,000 gallons per month.

Commercial businesses discharging in excess of 100,000 gallons per month may qualify for a conservation rate set forth herein for up to a twelve (12) month period pursuant to the following terms and conditions:

1. The business must have been discharging in excess of 100,000 gallons per month on or before January 1, 2003.
2. Before January 1, 2003, the business must apply to, and receive written approval from the City to qualify for the conservation rate.
3. A person with legal authority to bind the business must provide a written commitment to the City that it can and will make system improvements to the business's infrastructure which will result in a reduction of water usage and sewer discharge by at least fifty percent (50%) per month of its current water usage and sewer discharge. Said written commitment shall include all information as may be required by the City Administrator regarding the proposed system improvements, including but not limited to plans and specifications and construction schedule.
4. Upon receiving approval from the City, the business shall be charged at the conservation rate for up to twelve (12) months. If the system improvements are completed prior to the expiration of the twelve (12) month period, the conservation rate shall cease and the rate schedule under subsection A above shall immediately apply.
5. The conservation rate shall be the old rate, which is \$250.00 per month. The business shall pay to the City a sum equal to the difference between the conservation rate and what the business would be paying under the rate schedule in subsection A above. This

sum shall be paid in full on a monthly basis and shall be separately accounted for by the City.

6. The following situations shall result in the automatic termination of conservation rate and the above rates shall be immediately applicable:

A. Failure of the business to make the monthly payments in full each month pursuant to paragraph 5 above.

B. Failure of the business to timely proceed with the proposed system improvements during the twelve (12) month period.

C. Failure of the business to complete said system improvements within the twelve (12) month period.

D. Closure of the business (not to include a temporary closure required for construction of the system improvements).

E. Failure of the business to complete system improvements which reduce usage by at least 50% per month of the business's pre-January 1, 2003 usage.

F. Sale or lease of the business without a written agreement by the new owner or lessee to assume the obligations herein as agreed to by the business.

Upon the automatic termination of the conservation period as a result of any of the above situations, all of the funds then held in the designated account shall become the property of the City, including any interest accrued thereon.

7. Upon successful completion of system improvements which reduce the business's water usage and discharge by at least fifty (50%) percent per month pursuant to the terms and conditions above, the funds then held in the designated account, not including interest accrued thereon, shall be returned to the business.

8. Following termination of the conservation rate period for any reason, the above rate schedule in subsection A shall become immediately applicable.

If one or more businesses apply for and become eligible for the conservation rate pursuant to this Section E, then this Section E of this ordinance shall

automatically expire on December 31, 2003. If no businesses apply for and receive approval of a moratorium pursuant to this Section E, then this Section E of this ordinance shall automatically expire on January 1, 2003. (Ord. 02-32, 2002)

13.08.090 Industrial rates. Sewer rates for commercial, industrial or processing plants may be separately determined by the city council, based upon both volume and chemical characteristics of the sewage. The city council reserves the privilege to require pretreatment of any material discharged into the sewerage system or to prohibit discharge into the system of industrial wastes that, because of either volume or concentration, will overload existing sewerage facilities. (Ord. 767 §9, 1968).

13.08.100 Payment of accounts.
(a) Sewer bills shall be the responsibility of, and billed directly to, the property owner or occupier of the premises and shall be due and payable on or before the tenth day of each month. Sewer bills shall become delinquent on the tenth day of each month. The city reserves the right to turn off the water supply from the premises if the sewer charge is delinquent. In the event the water supply is turned off, the same shall not be turned on again until all delinquent charges have been paid in full. (Ord. 96-31, 1996)

(b) The city shall have a lien against the premises for unpaid sewer charges as provided by state law. (Ord. 767 §10, 1968).

13.08.110 Temporarily vacant or unoccupied premises. The minimum sewer charge shall continue until a request in writing to discontinue water service has been given the city by the owner of the property served. Following receipt of a request to discontinue water service or to discontinue sewer service for customers without a water service, a monthly charge shall be made in the amount set forth in section 13.08.080. Such charge shall apply to any property identified as having a sewer connection so long as the connection to the sewer system continues without an active utility service account to the property. (Ord. 1111 §4, 1984; Ord. 767 §11, 1968, Ord 99-05, 1999).

13.08.120 Service outside City Limits.

a. Policy. It shall be the policy of the City of Ephrata that sewer services shall not be provided by the City to locations beyond Ephrata City Limits.

b. Exception to Policy. Variance or exception to the general policy of the City for provision of sewer services may be granted upon application to the City and approval of the City Council. The City may provide sewer services outside the City Limits in the following situations:

1. The applicant is an owner or occupant of a single family dwelling at the site to which sewer service is to be granted.
2. Applicant must be within Urban Growth Boundary (U.G.A.)

(Ord. 96-31, 1996, Ord. 97-25, 1997)

13.08.130 Contract for service outside City Limits. In accordance with the provisions of RCW 35.95.200, the City shall enter into a written contract with any successful applicant for sewer services outside the city limits, fixing rates for such service as provided for in this chapter, and may incorporate such other terms and conditions as are approved by the City Council, including, but not limited to the following:

1. A sewer system to be built and connected to the city sewer system will be built to city standards and code specifications.
2. The application is consistent with the City's Comprehensive Plan.
3. The grant of the application will not have a detrimental impact on the integrity of the city's water and/or sewer system.
4. That additional conditions may be required by the city which are just and necessary to protect the interests of the City under the particular circumstances of the applicant. (Ord. 1111, 1984)

13.08.140 Private wastewater systems.

- A. Except as provided in EMC 13.08.070, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater.
- B. Where a public sanitary sewer is not available under the provision of EMC 13.08.070, the building sewer shall be connected to a private wastewater disposal system complying with the regulations of the Grant County Health District and subject to the following:
 1. Before commencement of construction of a private wastewater disposal system, the owner(s) shall first obtain a written permit signed by the Grant County Health District;
 2. The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the City, in compliance with Grant County Health District regulations;
 3. At such time as the City's sewer service is within 200 feet of a building served by a private wastewater disposal system, a direct connection shall be made to the public sewer in accordance with the provisions of this chapter, and any septic tanks, cesspools and similar private wastewater disposal facilities shall be abandoned in accordance with WAC 264-272A-0300 as now enacted or hereafter amended. (Ord 10-05, 2010; Ord 11-03, 2011)
 4. Commencing in 2013, all septic systems exempted under 13.08.070 shall submit to inspection by the Grant County Health District (EMC 13.08.070). If an exempted septic is not in satisfactory working condition, that septic shall be properly abandoned within 30 days of notification. (Ord 11-03, 2011)

5. Any owner of an exempted septic system, who does not comply with inspection, fails inspection, or does not provide proof of inspection, shall abandon the septic system in accordance with EMC 13.08.070 and WAC 246-272A-0300 as now enacted or hereafter amended. (Ord. 11-03, 2011)

Chapter 13.16

WATER SYSTEM--BACKFLOW PROTECTION AND CROSS-CONNECTIONS

Sections:

13.16.010	Definitions.
13.16.020	Cross-connections--Prohibition.
13.16.030	Cross-connections--Service discontinuance for violation.
13.16.040	Cross-connections--Inspection--Removal.
13.16.050	Air-gap separations.
13.16.060	Double check valve assemblies.
13.16.070	Reduced pressure principle backflow prevention devices.
13.16.080	Backflow prevention devices--Location.
13.16.090	Backflow prevention devices--Required when.
13.16.100	Backflow prevention devices--Determination of type required.
13.16.110	Backflow prevention devices--Installation supervision and approval.
13.16.120	Backflow prevention devices--Standards and approval.
13.16.130	Backflow prevention devices--Inspections, test and repairs--Requirements.
13.16.140	Backflow prevention devices--Inspections, tests and repairs--Service discontinuance for cooperation failure.
13.16.150	Backflow prevention devices--Inspection charge.
13.16.160	Interconnection.

13.16.010 Definitions. As used in this chapter:

(1) "Backflow" means the flow, other than the intended direction of flow, of any foreign liquids or substances into the public water system.

(2) "Backflow prevention device" means an assembly or device approved by the State of Washington, Department of Health and the city. (Ord. 96-43, 1996)

(3) "Back pressure" means backflow caused by a pump, elevated tank, boiler or other means that could create pressure within the system greater than the supply pressure.

(4) "Back siphonage" means a form of backflow due to a negative or subatmospheric pressure within a water system.

(5) "Cross-connection" means any physical arrangement whereby the public water system is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture or other device

which contains, or may contain, contaminated water, sewage or other waste or liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water system as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices and other temporary or permanent devices through which, or because of which, backflow could occur are considered to be cross-connections.

(6) "Domestic water" or "domestic water system" means that water, and water system in which it is carried, which is for human consumption and normal household and business or industrial uses provided from the city's supply.

(7) "Hazard to health" means any conditions, devices or practices in the water supply system and its operation which create, or in the judgment of the city Water Distribution Manager may create, a danger to the health and well-being of the water consumer. (Ord. 96-43, 1996)

(8) A Water Distribution Manager@ means the City's Water Distribution Manager or his designee. (Ord. 96-43, 1996)

13.16.020 Cross-connections--Prohibition. Cross-connections between the domestic water systems and other systems or equipment containing water or other substances of unknown or questionable safety are prohibited except when and where, as approved by the Water Distribution Manager, suitable protective devices as approved by the Water Distribution Manager are installed, tested and maintained to insure proper operation on a continuing basis. (Ord. 887 §9, 1975)(Ord. 96-43, 1996)

13.16.030 Cross-connections--Service discontinuance for violation. Failure on the part of persons to discontinue the use of any and all cross-connections and to physically separate such cross-connections or install a suitable protective device when ordered to do so by the Water Distribution Manager will be sufficient cause for the discontinuance of water service to the premises on which the cross-connection exists. (Ord. 887 §10, 1975)(Ord. 96-43, 1996)

13.16.040 Cross-connections--Inspection--Removal. The Water Distribution Manager and such other persons as he may designate are delegated the authority to inspect, approve and disapprove backflow prevention assemblies; to require corrections, modifications, repairs or maintenance on backflow prevention assemblies and to inspect all premises of city water systems customers where backflow prevention assemblies may be required. A minimum standard for the maintenance and installation of backflow prevention assemblies shall be those set forth in the AAccepted Procedures and Practices in the Cross-Connection Control Manual@ latest edition, as published by the Pacific Northwest Section of the American Waterworks Committee. The Water Distribution Manager is authorized to establish higher standards for the installation and maintenance of backflow prevention assemblies where he finds that good engineering practice, industry standards or the protection of public health requires such higher standards. The Water Distribution

Manager shall document the reason for requiring such higher standards. (Ord. 96-43, 1996)

13.16.050 Air-gap separations. An air-gap separation is an unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the flood level rim of the receptacle, and shall be at least double the diameter of the supply pipe measured vertically above the flood level rim of the vessel. In no case shall the gap be less than one inch. (Ord. 887 §12, 1975).

13.16.060 Double check valve assemblies. A double check valve assembly is an assembly composed of two single, independently acting check valves, including tightly closing shutoff valves located at each end of the assembly and suitable connections for testing the water tightness of each check valve. (Ord. 887 §13, 1975).

13.16.070 Reduced pressure principle backflow prevention devices. A reduced pressure principle backflow prevention device is a device incorporating two or more check valves and an automatically operating differential relief valve located between the two checks, two shutoff valves, and equipped with necessary appurtenances for testing. The device shall operate to maintain the pressure in the zone between the two check valves less than the pressure on the water supply side of the device. At cessation of normal flow, the pressure between the check valves shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve shall operate to maintain this reduced pressure by discharging to the atmosphere. When the inlet pressure is two pounds per square inch or less, the relief valve shall open to the atmosphere thereby providing an air-gap in the device. (Ord. 887 §14, 1975).

13.16.080 Backflow prevention devices--Location. Backflow prevention devices where required shall be installed at the meter, at the property line of the premises when meters are not used, or at a location designated by the Water Distribution Manager. The device shall be located so as to be readily accessible for maintenance and testing, and where no part of the device will be submerged. (Ord. 887 §15, 1975). (Ord. 96-43, 1996)

13.16.090 Backflow prevention devices--Required when.
(a) Backflow prevention devices shall be installed at the service connection or within any premises where in the judgment of the Water Distribution System Manager the nature and extent of activities on the premises, or the materials used in connection with the activities, or materials stored on the premises would present an immediate and dangerous hazard to health should a cross-connection occur, even though such cross-connection does not exist at the time the backflow prevention device is required to be installed. (Ord. 96-43, 1996)
This shall include, but not be limited to, the following situations:

(1) Premises having an auxiliary water supply; (Ord. 96-43, 1996)

(2) Premises having internal cross-connections that are not correctable, or intricate plumbing arrangements which make it impracticable to ascertain whether or not cross-connections exist;

(3) Premises where entry is restricted so that inspections for cross-connections cannot be made with sufficient frequency or at sufficiently short notice to assure that cross-connections do not exist;

(4) Premises having a repeated history of cross-connections being established or reestablished;

(5) Premises on which any substance is handled under pressure so as to permit entry into the public water supply, or where a cross-connection could reasonably be expected to occur. This shall include the handling of process waters and cooling waters;

(6) Premises where materials of a toxic or hazardous nature are handled such that if back siphonage should occur, a serious health hazard may result.

(b) The following types of facilities will fall into one of the above categories where a backflow prevention device is required to protect the public water supply. A backflow prevention device shall be installed at these facilities unless the Water Distribution Manager determines no hazard exists:

(1) Hospitals, mortuaries, clinics;

(2) Laboratories;

(3) Piers and docks;

(4) Sewage treatment plants;

(5) Food or beverage processing plants;

(6) Chemical plants using a water process;

(7) Metal plating industries;

(8) Petroleum processing or storage plants;

(9) Radioactive material processing plants or nuclear reactors;

(10) Irrigation or sprinkler systems;

(11) Others specified by the Water Distribution Manager.

(Ord. 96-43, 1996)

13.16.100 Backflow prevention devices--Determination of type required. The type of protective device required shall depend on the degree of hazard which exists as follows:

(1) An air-gap separation or a reduced pressure principle backflow prevention device shall be installed where the water supply may be contaminated with sewage, industrial waste of a toxic nature, or other contaminant which would cause a health or system hazard.

(2) In the case of a substance which may be objectionable but not hazardous to

health, a double check valve assembly, air-gap separation or a reduced pressure principle backflow prevention device shall be installed. (Ord. 887 §17, 1975).

- 13.16.110 Backflow prevention devices--Installation supervision and approval. Backflow prevention devices shall be installed pursuant to a permit issued by the city and an inspection by the city. (Ord. 887 §18, 1975)(Ord 96-43, 1996)
- 13.16.120 Backflow prevention devices--Standards and approval. Any protective device shall be a model listed by the State of Washington, department of Health, and approved by the Water Distribution Manager. (Ord 96-43, 1996)
- 13.16.130 Backflow prevention devices--Inspections, tests and repairs--Requirements. Backflow prevention devices shall be inspected and tested annually, or more often where successive inspections indicate repeated failure. The devices shall be repaired, overhauled or replaced whenever they are found to be defective. Inspections, tests and repairs and records thereof shall be done under the purveyor's supervision. (Ord. 887 §20, 1975).
- 13.16.140 Backflow prevention devices--Inspections, tests and repairs--Service discontinuance for cooperation failure. Failure of the customer to cooperate in the installation, maintenance, testing or inspection of backflow prevention devices required in this chapter shall be grounds for the termination of water service to the premises or the requirements for an air-gap separation. (Ord. 887 §21, 1975).
- 13.16.150 Backflow prevention devices--Inspection charge. Whenever the inspection of a backflow prevention device is made, the property owner or owner of the device being inspected shall be responsible for all charges. (Ord. 888 §1, 1975)(Ord. 96-43, 1996)
- 13.16.160 Interconnection.
(a) The city strictly prohibits interconnection of other water supplies or sources with the city's distribution system. Auxiliary water supplies (private wells, piped irrigation sources, etc.) Are a major cross-connection control hazard and must be effectively and completely isolated from the city's domestic water supply at all times.
(b) The city's cross connection control policies and requirements for customers with private wells are as follows:
(1) No backflow protection is required if the source is verified to be permanently inactivated. In such cases, formal abandonment or decommissioning in accordance with the requirements of the Washington Department of Health shall be accomplished by the owner and proof of compliance provided to the city.
(2) If the well remains active and the piping system is verified to be physically separated and permanently disconnected from the City's distribution system, an approved double check valve assembly is required at the service connection to provide a measure of protection against inadvertent

interconnection of water supplies.

(3) Requests for new service connections to the city's water system shall be locked off until compliance with the city's rules and regulations is verified by the city personnel making a visual inspection of the piping on any property retaining an active private well.

(Ord. 96-43, 1996)

Chapter 13.20

RECLAIMED WATER

Sections:

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13.20.030	Definitions
13.20.040	Cross-connection Control and Use Area Requirements
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13.20.090	Unauthorized Work on Reclaimed Water System
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13.20.010 Preamble.

A. The State Legislature has declared, in RCW Chapter 90.46, that the people of this state have a primary interest in the development of facilities to provide reclaimed water to replace potable water in nonpotable applications, to supplement existing surface and groundwater supplies, and to assist in meeting future water requirements of the state.

B. The state legislature, in RCW Chapter 90.46, has established a reclaimed water demonstration program that includes the reuse of the City's wastewater to provide a sustainable water supply for approved purposes.

C. The state Departments of Health and Ecology, in fulfillment of RCW Chapter 90.46, have published Water Reclamation and Reuse Standards guiding the reuse of reclaimed wastewater.

13.20.020 Reclaimed Water Reuse Policy. It is the policy of the city that reclaimed water shall be used within its jurisdiction wherever feasible, and consistent with legal requirements, preservation of the public health, safety, and welfare, and the environment.

13.20.030 Definitions.

“Beneficial Use” means the use of reclaimed water, which has been transported from the point of production to the point of use without an intervening discharge to

waters of the State, for a beneficial purpose.

“Landscape Impoundment” means a body of reclaimed water which is used for aesthetic enjoyment or which otherwise serves a function not intended to include public contact. Example may include, but are not limited to: golf course water pond/hazards, landscape ponds and vegetative landscape ponds, e.g. Lily ponds@.

“Potable Water” means water which conforms to the federal, state, and local standards for human consumption.

“Reclaimed Water” for the purposes of this ordinance, means reclaimed water that, at a minimum, is at all time an oxidized, coagulated, filtered, disinfected wastewater. The wastewater shall be considered adequately disinfected if the mean number of total coliform organisms in the wastewater after disinfection does not exceed 2.2 per 100 milliliters, as determined from the bacteriological results of the last 7 days for which analyses have been completed, and the number of total coliform organisms does not exceed 23 per 100 milliliters in any sample. Reclaimed water meeting or exceeding these criteria is classified by the State of Washington as Class A reclaimed water.

“Reclaimed Plant” means an arrangement of devices, structures, equipment, processes, and controls which produce reclaimed water suitable for the intended reuse.

“Reuse” means the use of reclaimed water, in compliance with the Washington Departments of Health and Ecology regulations and the Water Reclamation and Reuse Standards, for a direct beneficial use.

“Sewage” means water-carried human wastes from residences, buildings, industrial and commercial establishments, or other places, together with such groundwater infiltration, surface waters, or industrial wastewater as may be present.

“Use Area” means any facility, building, or area approved for reuse and permitted by the Washington Departments of Health and Ecology.

13.20.040 Cross-connection Control and Use Area Requirements.

A. Prior to connecting a use to the reclaimed water system, the public potable water supply shall be protected by installation of an approved cross-connection control assembly in accordance with Chapter 13.16 of this Code and the Water Reclamation and Reuse Standards published jointly by the Washington State Departments of Health and Ecology (1997), or subsequent revisions.

B. The reclaimed water distribution system shall include special considerations to avoid cross-connections with the potable water system, in accordance with Chapter 13.16 of this Code. The following features shall be included in reclaimed water

systems to protect the public health:

- (1) Reclaimed water distribution systems shall be constructed with purple pipe (Pantone 522 or other shades of purple acceptable to review agencies) and embossed or integrally stamped or marked “CAUTION: RECLAIMED WATER-DO NOT DRINK” or be installed with a purple (Pantone 512 or other shades of purple-acceptable to review agencies) identification tape or polyethylene vinyl wrap. The warning shall be stamped on opposite sides of the pipe and repeated every three feet or less.
- (2) Square valve box covers painted purple (Pantone 522 or other shade of purple acceptable to review agencies) to distinguish from potable water system valve boxes.
- (3) Purple strip on street curb to identify reclaimed water customer.
- (4) Reclaimed water meters color coded with tape to distinguish from potable water meters (where applicable). Meters, covers and meter box covers should be cast to indicate reclaimed water.

13.20.050

Allowable Uses.

A. The City shall develop and maintain a reclaimed water Master Plan. Such plan shall receive City Council approval and shall include:

- (1) Designated uses for reclaimed water, including allocated quantities for specific uses.
- (2) Designated areas of the City within which construction and use of a reclaimed water system shall be encouraged.
- (3) The location of a pipeline transmission system as a basis of supply for a local reclaimed water distribution system.

B. Use of reclaimed water is intended to limit potable water requirements within a residential development to that used in swimming pools, household laundries, kitchens, bathroom tubs, showers, and lavatories. Use of water-saving devices on fixtures and a public attitude to avoid waste will result in a significant reduction in the use and consumption of potable water.

C. Use of reclaimed water may include any and/or all of the following uses that do not require potable water.

- (1) Irrigation of golf courses and other recreational areas.
- (2) Lawn, garden, and landscaping irrigation (includes commercial,

residential, institutional).

(3) Industrial (boiler feed water, cooling water, or wash-down).

(4) Construction (dust control, compaction density control, concrete mixing).

D. The use of reclaimed water shall be separately metered for each connection, as is the case for potable water.

E. The City plans to develop sources and supply reclaimed water to local distribution systems within the developed areas for irrigating lawns, gardens, trees, shrubbery, golf courses, and open space in and adjacent to the City.

F. Commercial and industrial customers presently using potable water will be encouraged to use reclaimed water wherever such use is safe and practicable, not only for landscape irrigation but in processes not requiring the use of potable water. To assist commercial and industrial uses in evaluating possible uses of reclaimed water, the City will provide appropriate reclaimed water quality analysis.

13.20.060 Connection Policy. Within individual new development areas, a separate reclaimed water distribution system shall be installed in accordance with City engineering and construction standards when, in the opinion of the City, such installation is beneficial to satisfy current planning for the distribution and use of reclaimed water as established by the Reclaimed Water Master Plan, or subsequent revisions. Costs for the installation of a nonpotable water distribution system shall be borne by the owner/developer. All entities, individuals, or businesses desiring reclaimed water shall submit a request to the City for a Reclaimed Water User Agreement.

(Ord 08-09, 2008)

13.20.080 Reclaimed Water Rates. In accordance with RCW 90.46.120, revenues obtained from the reclaimed water shall be used only to offset the cost of operation of the wastewater utility fund or other applicable source of system wide funding. Charges for Reclaimed Water, and associated connection fees, are contained within EMC 13.04.

(Ord 08-09, 2008)

13.20.090 Unauthorized Work on Reclaimed Water System.

A. No person, unless expressly authorized by the Public Works Director shall tamper with, work on, or in any way alter or damage any city reclaimed water facility. Tampering with or working on shall include, but not be limited to, opening or closing of valves, or causing of any reclaimed water to flow from the system. No unauthorized person shall cut into or make any connection with the system. The offending person shall be liable for the cost of all charges attributable to the correction of such tampering, including legal expenses, but payment of or correcting

such damage shall not relieve the offending person from civil or criminal penalties the City and/or court of law may impose for a violation of a city ordinance.

B. The service valve located between the customer's reclaimed water system and the City's distribution system may be operated by the customer when his private cutoff valve, required on the customer's premises, requires repair.

13.20.100 Inspection.

A. To ensure that the provisions of City ordinances, regulations, and procedures are being observed, the City reserves the right and privilege of inspecting, removing, and/or securing any or all devices installed by the customer which connect to or control the reclaimed water.

(1) Inspections without cause to believe that an ordinance or regulation is being violated shall be at reasonable times and shall not exceed a reasonable frequency.

(2) Inspections where there is reasonable cause to believe that an ordinance or regulation is being violated shall be at such times and shall occur with such frequency as is necessary to establish that an ordinance is or is not being violated.

B. Each customer of reclaimed water shall give prior written consent to entry upon his premises for the purposes of inspecting the reclaimed water system, and thereby waives any other written notice for such inspection. Failure to the city to obtain such a written waiver shall not affect the right of the City to proceed pursuant to this article.

C. Refusing to permit an authorized City agent or employee to enter onto the premises for the purposes of inspecting the customer's reclaimed water system pursuant to this section shall constitute a violation of this section and shall be grounds for immediate discontinuance of reclaimed water service by the City to proceed pursuant to this article.

13.20.110 Penalty. Violation of any provision of this article shall be a civil infraction. The violation shall be subject to a C-1 penalty and revocation of the Reclaimed Water User Agreement.

(Ord 08-09, 2008)

13.20.120 Ownership. All constructed reclaimed water facilities and appurtenances, other than indoor plumbing and irrigation systems, shall be accepted by the City, and shall become and remain the property of the City. No person shall by payment of any charges provided herein, or by causing any construction of the facilities accepted by the City, acquire any interest or right in any of these facilities, or any portion thereof, other than the privilege of having their property connected thereto for reclaimed water services in accordance with this article.

13.20.125 Reclaimed Water User Agreements. On a case-by-case basis, following request for a User Agreement to use reclaimed water on a property, the City Council, following a recommendation from staff, shall make a determination, considering volumes, availability, and other such things, whether the subject property shall be served with reclaimed water. Based upon that determination, the request for the User Agreement shall be denied, or accepted and processed. The City Council has no duty, implied or otherwise, to supply reclaimed water for private or public use.

A. If accepted, the Agreement shall specify the design, construction, restrictions, volumes, operation, maintenance, time limits, and monitoring requirements for the applicant's planned use, based upon the regulations adopted pursuant to the Ordinance, and shall require compliance with the Washington State Departments of Ecology and Health requirements. Staff shall review plans for the reclaimed water distribution system for the use intended, and a field inspection shall be conducted prior to an Agreement is granted.

B. All applications for reclaimed water service shall be made at the City public works department. Every such application shall be made by the owner of the property to be furnished reclaimed water, or by its authorized agent, and the applicant shall state fully and truly all the purposes for which the reclaimed water may be used. Reclaimed water service shall only be granted for uses meeting the water reclamation and reuse standards and upon the execution of a reclaimed water user agreement.

C. Following a recommendation from staff, the City Council shall approve or deny all User Agreements.

D. When a permit has been obtained for the installation of reclaimed water service, the city shall then allow the premises described in the application to be connected with the reclaimed water system by a service pipe extending from the reclaimed water main to the property line and a shutoff valve and reclaimed water meter placed within the right-of-way. Every separate user and premises shall have its own separate meter. All connections to city's reclaimed water service shall conform to the standard specifications and regulations of the city.

E. Reclaimed water lines shall be installed by and at the expense of the owner(s) of the premises to be served thereby, pursuant to plans reviewed by the city and approved by the city engineer.

F. Agreements for the use of reclaimed water are governed by applicable State regulations and the five-year permit cycle with the Department of Ecology, and as such, are subject to modification and/or termination, upon changes from the State of Washington.

G. Constant delivery of reclaimed water is not guaranteed. The City Wastewater

Treatment Facility is occasionally put into bypass-mode due to emergency incidents or for maintenance. During such periods, reclaimed water will not be available.

H. The City shall have the right to terminate Agreements for cause, as specified in the User Agreement.

(Ord 08-09, 2008)

13.20.130 Severability. If any section, subsection, sentence, clause, phrase or word of this chapter should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity of any other section, subsection, sentence, clause, phrase or word of this chapter.

(Ord. 01-01, 2001)