

## **Title 13**

### **PUBLIC SERVICES**

#### **Chapters:**

- 13.04 Water System Policy**
- 13.08 Water Regulations and Rates**
- 13.10 Cross-Connections**
- 13.12 Sewer System Policy**
- 13.16 Sewage Disposal Regulations**
- 13.20 Sewer Rates and Charges**
- 13.24 Water and Sewer Connection Fee**



## Chapter 13.04

### WATER SYSTEM POLICY

#### Sections:

- 13.04.010 Purpose.
- 13.04.020 Intent.
- 13.04.030 Definitions.
- 13.04.040 Specifications.
- 13.04.050 Replacement cost responsibility.
- 13.04.060 Initial connection cost.
- 13.04.070 New installations inside city.
- 13.04.080 Installation through undeveloped area.
- 13.04.090 Delayed benefit charge.
- 13.04.100 New installations outside city.

#### **13.04.010 Purpose.**

To insure the orderly growth of the water system of the city, and to avoid the errors and inequalities produced by treating each new addition and replacement to the system as a separate problem without relation to the whole, the city council has deemed it necessary and advisable to adopt a uniform policy for the guidance of those employees of the city entrusted with the operation of the system, for future city councils and for other interested parties, and to that end this chapter has been prepared. (Ord. 356 § 1, 1957)

#### **13.04.020 Intent.**

It is the express intent of the city council that the water department shall be a self supporting utility operated without drawing upon the general funds of the city. (Ord. 356 § 2, 1957)

#### **13.04.030 Definitions.**

Whenever the following terms are used in this chapter they shall be construed to mean as follows:

A. "Standard commercial water mains" means water mains constructed of cast iron, or equivalent, six inches in diameter.

B. "Standard construction costs" means the cost of the pipe for either the standard residential water mains or standard commercial water mains, whichever is to be installed, plus the total cost of all tees and junctions and the total cost of all installation and incidental work nec-

essary to place the water pipe in service regardless of its size, excepting, however, the cost of fire hydrants and extensions thereto which shall be paid out of the revenues of the water department.

C. "Standard residential water mains" means water mains constructed of cast iron, or equivalent, four inches in diameter. (Ord. 356 § 4, 1957)

#### **13.04.040 Specifications.**

All specifications for extensions, expansions, additions, betterments and replacements to the existing water system shall be determined by the water superintendent subject to the following limitations:

No water main shall be installed which is less than four inches in diameter; provided, however, the city council may, upon receiving a specific request for the same, allow an installation of less than the minimum diameter where the installation involves only a stub street less than 300 feet long and where the main cannot possibly be extended at any future time due to the topography of the land. (Ord. 356 § 3, 1957)

#### **13.04.050 Replacement cost responsibility.**

Whenever any main for water service, now or hereafter installed, requires replacement due to obsolescence, inadequacy, or deterioration, the cost of the replacement shall be paid for out of the revenues of the water department; provided, however, any property abutting on any such main which has never been connected therewith or which has not previously been assessed or has not previously contributed to the standard construction costs of the main, shall pay a delayed benefit charge at the time of connection to the utility which charge shall be the abutting property's proportionate share of the standard construction costs of such main based on the front foot method of assessment; provided further, if the property has, prior to the effective date of the ordinance codified in this chapter, been connected to the water system and has been paying the established water rates, the property shall be exempt from the provisions of this section. The delayed benefit charge shall be in addition to any and all con-

### **13.04.060**

nection charges and other charges required to be paid for the services by any ordinances of the city; provided, however, the payment of any such delayed benefit charge shall exempt the property for which the payment was made from any subsequent local improvement district assessment for water facilities of any nature. (Ord. 356 § 5, 1957)

#### **13.04.060 Initial connection cost.**

When any property abutting on a standard commercial water main or standard residential water main, as defined in NMC 13.04.030, has not previously been assessed or has not previously contributed to the standard construction cost of the main, the property shall at the time of connection to the water system, pay a delayed benefit charge which charge shall be the abutting property's proportionate cost of the standard construction cost of the main based on the front foot method of assessment. The delayed benefit charge shall be in addition to any and all connection charges and other charges required to be paid for such services by any ordinances of the city; provided, however, the payment of any such delayed benefit charge shall exempt the property for which the payment was made from any subsequent local improvement district assessment for water facilities of any nature. (Ord. 356 § 6, 1957)

#### **13.04.070 New installations inside city.**

Whenever any area or areas within the city which are not now served by the water system requests such service, the person or persons making the request shall provide for the payment of the standard construction costs by means of local improvement districts in the manner provided by law or by direct installation under the specifications and supervision of the water superintendent of the city. In the event the city requires the installation of mains in excess of those defined in this chapter as standard, the actual additional cost of the main in excess of the standard size shall be paid for out of the revenues of the water system. (Ord. 356 § 7, 1957)

#### **13.04.080 Installation through undeveloped area.**

Whenever the services of the water system are required to be extended through an undeveloped area within the city, in order to provide such service to a newly developed area and where in the opinion of the city council it is not feasible to finance the improvement by the formation of a local improvement district in the manner provided by law to pay the standard construction costs as defined in NMC 13.04.030, the property in the undeveloped area directly abutting on the water service extension shall be subject to a delayed benefit charge, which shall be paid by the owner or owners of the abutting property within the undeveloped area at the time they request such service and prior to their receiving it. The amount of the delayed benefit charge shall be the property's proportionate share of the standard construction costs based on the front foot method of assessment as determined from the books and records of the utility which paid for the total original cost of the installation. The delayed benefit charge shall be in addition to any and all connection charges provided for the service by other ordinances of the city; provided, however, the payment of any such delayed benefit charge shall exempt the property for which the payment was made from any subsequent local improvement district assessment for water facilities of any nature. (Ord. 356 § 8, 1957)

#### **13.04.090 Delayed benefit charge.**

Whenever provision is made throughout this chapter for the payment by any property owner of a delayed benefit charge, the delayed benefit charge may be paid in cash or in annual installments over a five-year period from date of connection. If any such property owner elects to make payments on the annual basis, he shall execute a contract in such form as shall be prescribed by the city council, which contract shall contain the provision that any unpaid balance may be paid in full on the date of any annual payment and the further provision that interest shall be paid on the deferred balances at the rate of five percent per year. The contracts shall be made a covenant running with the land and

shall provide that the unpaid balances shall be a lien upon the property to which the connection is made, superior to all other liens and encumbrances except those for general taxes and special assessments, which may be foreclosed in the same manner provided by law for the foreclosure of delinquent local improvement district liens. The contract shall be recorded in the office of the county auditor at the expense of the property owner and upon payment in full a release of the lien shall be executed by the mayor and attested by the city clerk/treasurer. The contract shall further provide that in the event of delinquency in the payment of any installment thereunder the water superintendent, or his employees, may disconnect the city's water service from and refuse to supply water for the premises in default until the delinquent payments are paid in full, this remedy to be concurrent with and in addition to the city's right to foreclose the lien as provided in this section. (Ord. 356 § 9, 1957)

#### **13.04.100 New installations outside city.**

Whenever water service is requested by any person or persons residing outside the corporate limits of the city, and within the state, the following provisions shall apply:

A. All rates for water furnished outside the limits of the city shall be uniform;

B. Any person desiring water service outside the city limits shall pay the applicable connection charge as established by ordinance or resolution;

C. Any person developing property outside the city limits and desiring city water service shall pay the total cost of all mains to be installed within the area being developed, including all costs of installation. No water main shall be installed which is less than four inches in diameter, except by special permission of the city council first obtained which permission shall be limited to the condition provided in NMC 13.04.040;

D. That cost of all reservoirs, storage tanks, pumps, pumping stations and incidental piping for such reservoirs or storage tanks to the area to be served, shall be paid for by the person requesting such service, based on the estimated cost, as determined by the water super-

intendent, prior to the installation of the service; provided, however, that the cost to be paid by the person shall not exceed that proportion of the total costs of the facilities which the newly developed area bears to the total area which may be served by the facilities. The person requesting the facilities and paying the cost thereof may receive credit for the amount so paid for the facilities by designating to the water superintendent by legal description the lots within the newly developed area which are to be served by the water service. As to the lots the cost provided in subsection B of this section shall not apply until the credit has been fully exhausted;

E. The delayed benefit charges as provided in the preceding sections of this chapter shall apply equally to areas beyond the limits of the city; provided, however, the total cost of the delayed benefit charges shall be paid prior to allowing any person beyond the limits of the city to connect to the water utility service. (Ord. 356 § 7, 1957)

**13.08.010**

**Chapter 13.08**

**WATER REGULATIONS AND RATES**

Sections:

Article I. General Provisions

- 13.08.010 Turning on water.
- 13.08.020 Application and deposit.
- 13.08.030 Plumbing.
- 13.08.040 Service connection fee.
- 13.08.050 Resale.
- 13.08.060 Tampering.

Article II. Service Pipes

- 13.08.070 Installation.
- 13.08.080 Pipe specifications.
- 13.08.090 Repairs.
- 13.08.100 Excavations.
- 13.08.110 Shutoff boxes.

Article III. Meters

- 13.08.120 Required.
- 13.08.130 Location.
- 13.08.140 Reading.
- 13.08.150 Separate meter for each premises.
- 13.08.160 Changing size of meter.

Article IV. Rates

- 13.08.170 Minimum rates inside city limits.
- 13.08.180 Combined residential (R) services.
- 13.08.190 Overage rates.
- 13.08.200 Flat rate.
- 13.08.210 Minimum rates outside city limits.

Article V. Billing

- 13.08.220 Date sent and due, shutoff date.
- 13.08.230 Shutoff for nonpayment.
- 13.08.240 Construction contractors.
- 13.08.250 Charges constitute lien.
- 13.08.260 Abandoned connection.
- 13.08.270 Unlawful connection.
- 13.08.280 Theft of services.
- 13.08.290 Late charge.
- 13.08.300 Annual payment.

13.08.310 Voluntary turnoff.

Article VI. Unmetered Water for Fire Protection Devices

- 13.08.320 Fire protection device defined.
- 13.08.330 Fee.

Article VII. Special Provisions

- 13.08.340 City fire hydrants.
- 13.08.350 Street cleaning.
- 13.08.360 Office rent.
- 13.08.370 Conservation.
- 13.08.380 Protection of system.
- 13.08.390 Privately owned unmetered fire hydrants.

Article VIII. Penalty

- 13.08.400 Penalty for violation.

**Article I. General Provisions**

**13.08.010 Turning on water.**

No water from the city water supply shall be turned on for services into any premises by any person but the public works field supervisor or designee authorized by him to perform this service. (Ord. 734 Art. 1 § 1, 1988)

**13.08.020 Application and deposit.**

A. Application to have water turned on shall be made to the city clerk's office, to the city clerk/treasurer or her designee.

B. A deposit shall be made with each such application, and the sum collected will be retained by the city to insure payment of all bills. When service to the applicant is discontinued permanently, the deposit, less any amount still due the city for water service, shall be refunded without interest.

C. Deposits are fixed by meter size as follows:

3/4"	\$ 30.00
1"	33.00
1 1/2"	50.00
2"	67.00
3"	100.00
4"	133.00

D. All deposits shall be held by the city clerk during the continuance of the water use and shall be repaid to the user after all claims against the premises have been fully paid. If the user is the owner and sole occupant of the premises receiving the water service, the deposit shall be repaid to the user after two years of continuous service. (Ord. 1040 § 1, 2006; Ord. 734 Art. 1 § 2, 1988)

**13.08.030 Plumbing.**

A. No water shall be turned on for service in premises in which the plumbing does not comply with the ordinances of the city; provided, that water may be turned on for construction work in unfinished buildings, subject to the provisions of this chapter.

B. All plumbing fixtures and methods of installation shall comply with the requirements of the Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials, as adopted by the city; provided, however, that if any of these provisions are in conflict with the existing city ordinances, the city ordinance shall prevail. (Ord. 734 Art. 1 § 3, 1988)

**13.08.040 Service connection fee.**

A. No connections with a water main shall be made without a permit being issued and 24 hours' notice having been given to the public works field supervisor or designee, and the payment of the connection fee. All such connections shall be made and all such work done at the expense of the applicant, who shall also furnish material necessary for the work; all such connections shall be made under the supervision of the public works field supervisor or designee and no connections shall be covered until the work has been inspected by him or his designee within five working days. Applications for such connections must be made to the city clerk/treasurer. Applicants when applying for connection permits shall provide the city clerk/treasurer with an "as built" diagram, indicating the location and depth of the service line.

B. The connection fees to be paid to the city clerk/treasurer shall be as set forth below and shall be payable at the time such application is made.

Residential 3/4- and 1-inch	\$ 3,000
Commercial 3/4-inch	3,000
Commercial 1-inch	4,000
Commercial 1-1/2-inch	6,000
Commercial 2-inch	8,000
Commercial 3-inch	12,000
Commercial 4-inch	16,000
Commercial 6-inch	24,000

The water connection fees do not include the actual costs for materials, labor and administration which will be added to the connection fees set forth above. (Ord. 1042 § 1, 2007; Ord. 984 § 1, 2003; Ord. 905 § 1(1), 1997; Ord. 734 Art. 1 § 4, 1988)

**13.08.050 Resale.**

No water shall be resold or distributed by the recipient thereof from the city supply to any premises other than that for which application has been made and the meter installed, except in case of emergency. (Ord. 734 Art. 1 § 5, 1988)

**13.08.060 Tampering.**

It is unlawful for any person not authorized by the city to tamper with, alter or injure any part of the city waterworks or supply system, or any meter. (Ord. 734 Art. 1 § 6, 1988)

**Article II. Service Pipes**

**13.08.070 Installation.**

All service pipes from the mains to the premises served shall be installed by, and at the cost of, the owner of the property to be served or the applicant for the services. Such installation shall be under the supervision of the public works field supervisor or designee. (Ord. 734 Art. 2 § 1, 1988)

## 13.08.080

### 13.08.080 Pipe specifications.

No service shall be installed unless it conforms to specifications approved by the public works field supervisor or designee and inspected by same prior to installation. Specifications for service line from main line to property:

- A. Galvanized pipe will be used or type "K" copper;
- B. Mueller corporation stop;
- C. No less than three feet of type "K" copper;
- D. Mueller "ORA" seal curb stop;
- E. Cast curb stop riser;
- F. If outside meter is installed, 36-inch cement, or comparable, vault is required with Mueller meter stop and Mueller meter 90 degrees ell;
- G. Thaw wire shall be attached from corporation stop to curb stop or meter. (Ord. 734 Art. 2 § 2, 1988)

### 13.08.090 Repairs.

All repairs for service pipes and plumbing systems of buildings shall be made by and at the expense of the owners of the premises served. The city may, in case of an emergency, repair any service pipes and if this is done the cost of such repair work shall be repaid to the city by the owner of the premises served. (Ord. 734 Art. 2 § 3, 1988)

### 13.08.100 Excavations.

Excavations for installing service pipes or repairing the same shall be made in compliance with the ordinance provisions relating to making excavations in streets; provided, that it is unlawful to place any service pipe in the same excavation with, or directly over, any drain pipe or sewer pipe unless a 10-foot separation can be maintained. (Ord. 734 Art. 2 § 4, 1988)

### 13.08.110 Shutoff boxes.

A. Shutoff boxes or service boxes shall be placed on every service pipe, and shall be located between the curblineline and the sidewalk line where this is practicable. Such boxes shall be so located that they are easily accessible and shall be protected from frost.

B. All water users whose connection to the city water system is not capable of being physically shut off, or without disrupting the service of another user served by the same meter or service line, and whose water charges are not paid as provided in this chapter, shall be assessed a service charge of \$10.00 for each water service billing that remains unpaid on the twentieth day of the month following the billing. Enforcement of payment therefor is chargeable to the water user. Each such delinquency shall be a separate offense.

C. All multiple water users (such as tenants of an apartment complex) will be notified of delinquency before water shutoff. (Ord. 734 Art. 2 § 5, 1988)

## Article III. Meters

### 13.08.120 Required.

A. All premises using the city water supply must be equipped with an adequate water meter furnished by the city but paid for by the user; provided, that the water service may be supplied by the city at a flat rate of charge until the meter is installed.

B. Before any premises are occupied a water meter shall be installed therein as required in this chapter, or application made for the water service at the flat rate of charge until the meter can be installed, or no water shall be furnished to the premises. (Ord. 734 Art. 3 § 1, 1988)

### 13.08.130 Location.

Meters shall be installed in a location that will be of easy access. (Ord. 734 Art. 3 § 2, 1988)

### 13.08.140 Reading.

The public works field supervisor or designee shall read or cause to be read every water meter used in the city at such times as are necessary that the billings may be sent out at the proper time. (Ord. 734 Art. 3 § 3, 1988)

**13.08.150 Separate meter for each premises.**

Each premises shall be separately metered whether under one common ownership or not; provided, however, that an applicant for water service may apply for a single meter at the time of making application for service to the city clerk/treasurer, and it shall be directed to the public works field supervisor or designee for determination of the advisability of granting such request. (Ord. 734 Art. 3 § 4, 1988)

**13.08.160 Changing size of meter.**

In the event application is made for the purpose of increasing or decreasing the size of an existing meter or for the relocation of an existing meter, the fee for the service shall be determined under the provisions of Article I of this chapter. (Ord. 734 Art. 3 § 5, 1988)

**Article IV. Rates**

**13.08.170 Minimum rates inside city limits.**

A. All property upon which any building has been or may hereafter be erected having a connection with any mains or pipes which may hereafter be constructed and used in connection with the city water system shall pay the following minimum rates per month effective January 1, 2011:

Classification	Meter Size	Gallons Allowed	
		Per Month	Rate
Residential	3/4 and 1 inch	10,000	\$21.25
Commercial	3/4 inch	10,000	\$21.25
Commercial	1 inch	13,000	\$27.75
Commercial	1-1/2 inch	20,000	\$41.75
Commercial	2 inch	27,000	\$56.25
Commercial	3 inch	40,000	\$83.25
Commercial	4 inch	53,000	\$109.75
Commercial	6 inch	80,000	\$164.75

B. When due to a broken water pipe or plumbing fitting whether above or below ground, any water user has used, according to the customer's meter, an amount of water which is substantially greater than the amount of water which has been used during a similar period in prior years, the customer may apply to the finance department for an adjustment under this section.

If evidence is presented to the city documenting the existence of a broken pipe or other plumbing fitting and if the customer has not received a reduction of their water bill due to a broken pipe or plumbing fitting in the previous 24 months, the finance department shall reduce the bill in question to the average amount billed to such property for similar periods in previous years on the condition that the customer pays 25 percent of the amount of the water overage.

In the event that the water bill is reduced pursuant to the previous paragraph, the sewer overage bill will be reduced to the average amount billed to such property for similar periods in previous years on the condition that the customer pays 25 percent of the amount of the sewer overage.

The finance department is not authorized to reduce water billings due to broken pipes or fittings if the customer has received a reduction within the previous 24 months due to a broken pipe or fitting. Further, the finance department is not authorized to reduce water billings due to leaking toilets, faucets, hose bibs or other fixtures.

All repairs must occur within 10 days of discovery of the broken pipe or other plumbing fitting. In order to avoid a waste of water, the public works department may discontinue service to any premises if the owner or occupant refuses to make necessary repairs. If the resident is not home and it is observable that water is being lost through leakage, the department at its option may terminate water service and shall leave written notice as to its action and the reason therefor.

Customers requesting a reduction of their water billing who have received a previous reduction within 24 months and customers requesting relief from water bill liability caused by leaking fixtures such as toilets, faucets, hose bibs, etc., may request reduction of their billing from the city council.

In the event strict application of this subsection is deemed by the city administrator to result in grossly excessive water or sewer charges, the city administrator is authorized to make any billing adjustment deemed necessary to avoid a gross injustice. (Ord. 1066 § 1,

## **13.08.180**

2010; Ord. 1057 § 1, 2009; Ord. 1048 § 1, 2008; Ord. 1046 § 1, 2008; Ord. 1031 § 1, 2005; Ord. 1019 § 1, 2004; Ord. 982 § 1, 2003; Ord. 962 § 1, 2002; Ord. 905 § 1(2), 1997; Ord. 734 Art. 4 § 1, 1988)

### **13.08.180 Combined residential (R) services.**

Where more than one user is served through the same meter, such as a duplex or more than one dwelling unit on the same meter, each property unit shall be classified as a separate user and shall pay the minimum rate and be entitled to the gallons allowed per month as set forth in NMC 13.08.170. (Ord. 734 Art. 4 § 2, 1988)

### **13.08.190 Overage rates.**

For water used in excess of the gallons allowed per month set forth in NMC 13.08.170(A), the rate for such excess is fixed at 10 percent of the three-quarter-inch service rate per 1,000 gallons. (Ord. 1031 § 1, 2005; Ord. 962 § 1, 2002; Ord. 905 § 1(3), 1997; Ord. 734 Art. 4 § 3, 1988)

### **13.08.200 Flat rate.**

Where water service is supplied by the city before the installation of a water meter, the flat rate of charge for the service shall not be any less than the minimum rates set forth in NMC 13.08.170. (Ord. 734 Art. 4 § 4, 1988)

### **13.08.210 Minimum rates outside city limits.**

Minimum water rates to users outside the corporate limits of the city, but contiguous thereto and within the state, shall be the same as those charged for water service inside the corporate limits of the city as set forth in NMC 13.08.170, except that all charges for such water users outside the corporate limits of the city, and all consumption over the gallons allowed per month, shall be computed as set forth in NMC 13.08.190, and the total therefor shall be increased by 25 percent. (Ord. 734 Art. 4 § 5, 1988)

## **Article V. Billing**

### **13.08.220 Date sent and due, shutoff date.**

Billings for water used shall be prepared and sent out the last working day of each month. All billings sent out are due and payable at the office of the city clerk/treasurer on or before the twentieth day of the month received. In the event that any such bill is not paid by the twentieth day of the month, a delinquency note will be mailed. The delinquency notice will set forth the amount past due and advise the user that unless satisfactory payment arrangements are made prior to or during the next city council meeting after the notice is mailed, the user's water service will be shut off during the three-day period following that council meeting. Late fees, service restoration fees and other such fees may only be reduced or waived pursuant to council action. (Ord. 917 § 1, 1999; Ord. 734 Art. 5 § 1, 1988)

### **13.08.230 Shutoff for nonpayment.**

The water supply may be shut off to any premises for which the water billing remains unpaid beyond the period set forth in NMC 13.08.220. After water service has been shut off, the water service shall not be restored except upon payment of the amount of arrears, together with a shutoff and restoration fee of \$30.00. (Ord. 917 § 1, 1999; Ord. 860 § 2, 1995; Ord. 734 Art. 5 § 2, 1988)

### **13.08.240 Construction contractors.**

During the construction of any building and before any water is installed as is provided in this chapter, the contractor so constructing the building may be permitted to use the city water

supply by making application therefor, and paying the flat fee prescribed by this chapter. (Ord. 734 Art. 5 § 3, 1988)

#### **13.08.250 Charges constitute lien.**

Charges for water shall be a lien upon the premises as provided by RCW 35A.21.100, and shall be filed and foreclosed as provided in RCW 35.21.290 and 35.21.300. (Ord. 734 Art. 5 § 4, 1988)

#### **13.08.260 Abandoned connection.**

Whenever any connection to the water system is abandoned, because the building to which the water connection is made has been abandoned, destroyed or removed, the public works field supervisor or designee may remove the meter and any pipe or connection in the public right-of-way or easement, and cap, plug or otherwise seal the pipe or main. Before taking any such steps the public works field supervisor or designee shall notify the owner of the real estate if the owner's name and address are known, and shall notify the person shown on the real estate records as having paid taxes on the property the last time the taxes were paid. The notice shall be made by mail, at least 30 days before any action is taken under this section. If water is leaking, the public works field supervisor or designee shall take immediate action, and send the notices within three working days of the time action was taken. (Ord. 734 Art. 5 § 5, 1988)

#### **13.08.270 Unlawful connection.**

No person, firm or corporation shall make any connection to the water system of the city without the permission of the city. (Ord. 734 Art. 5 § 6, 1988)

#### **13.08.280 Theft of services.**

It is unlawful for any person to steal water from the city by bypassing a meter, tampering with a meter, removing water from any city fountain or hydrant into a bulk container, or by any other means without the written approval of the city. (Ord. 734 Art. 5 § 7, 1988)

#### **13.08.290 Late charge.**

In the event that a water bill is not paid on or before the twentieth day of the month received, a monthly late charge of \$5.00 will be assessed, which shall be paid with the payment of the water bill. (Ord. 819 § 1, 1992; Ord. 734 Art. 5 § 8, 1988)

#### **13.08.300 Annual payment.**

A. A water user may elect to pay the full year's water charges in advance. The full year's water charges shall be determined by multiplying the minimum water rate for the user by 12 from which total shall be allowed a five percent discount to the user making the election. See NMC 13.08.170 for the determination of the minimum water rate.

B. Water usage exceeding the gallons allowed per month will be billed at the rate or rates fixed in NMC 13.08.190, but will not be subject to discount. (Ord. 734 Art. 5 § 9, 1988)

#### **13.08.310 Voluntary turnoff.**

Should any water user desire to have the water service to their premises discontinued for any reason, the user shall make application to the city clerk and pay a fee of \$10.00. There will be no additional fee for restoring the water service to the premises. (Ord. 734 Art. 5 § 10, 1988)

### **Article VI. Unmetered Water for Fire Protection Devices**

#### **13.08.320 Fire protection device defined.**

A fire protection device is any device or system used exclusively for fire protection, which is connected to the city water main without passing through a meter, to provide emergency water service to a system of sprinkler heads. (Ord. 734 Art. 6 § 1, 1988)

#### **13.08.330 Fee.**

A fee of \$2.00 per month is fixed for unmetered standby water service for fire protection devices. (Ord. 734 Art. 6 § 2, 1988)

## **13.08.340**

### **Article VII. Special Provisions**

#### **13.08.340 City fire hydrants.**

The city shall pay for each city-owned fire hydrant the sum of \$2.00 per month, which shall be deposited to the city water fund. These charges shall be paid from the city current expense fund. (Ord. 734 Art. 7 § 1, 1988)

#### **13.08.350 Street cleaning.**

The city shall pay the sum of \$15.00 per year for water used for city street cleaning, which shall be deposited to the city water fund.

This charge shall be paid from the street fund. (Ord. 734 Art. 7 § 2, 1988)

**13.08.360 Office rent.**

There is fixed an annual rental of \$600.00 for the office space used by the city water department, which shall be paid from the city water fund and deposited to the city current expense fund. (Ord. 734 Art. 7 § 3, 1988)

**13.08.370 Conservation.**

The city declares that it is in the best public interest to promote the conservation of the city water supply in order to protect the health, welfare and safety of the water users and their property. To accomplish this declared purpose the city, through the public works field supervisor or designee, reserves the right to exercise the following emergency measures:

A. To fix reasonable hours and days for the sprinkling of lawns as may be necessary to maintain an adequate water level in the city reservoirs.

B. Upon fixing such hours and days, notice thereof shall be given to the water users by publication and posting as is otherwise provided for public notices.

C. The city council shall be provided with a monthly report during the period of such curtailed water usage.

D. In the event the water supply is diminished to the extent the health, welfare and safety of the water users is endangered, to report such fact immediately to the mayor for further emergency action. (Ord. 734 Art. 7 § 4, 1988)

**13.08.380 Protection of system.**

The city declares that it is in the best interest to protect the water distribution system from possible damage by the elements, or otherwise. To accomplish this declared purpose the city, through the public works field supervisor or designee, reserves the right to exercise the following emergency measures:

A. To permit the running of water during freezing weather in order to prevent interruption of water service due to freezing;

B. To regulate the water users who are allowed the running of water for said purpose,

and provide a list of said users to the city clerk/treasurer;

C. To exempt such water users from the payment of water overages during the period allowed;

D. In the event the water distribution system is subject to damage from any other causes, to report such fact immediately to the mayor for further emergency action. (Ord. 734 Art. 7 § 5, 1988)

**13.08.390 Privately owned unmetered fire hydrants.**

There is fixed a monthly charge of \$10.00 per unmetered privately owned fire hydrant, which charge shall be in addition to all other rates fixed in this chapter. (Ord. 734 Art. 7 § 6, 1988)

**Article VIII. Penalty****13.08.400 Penalty for violation.**

It is unlawful for any water user to violate any of the terms and conditions provided in this chapter. Upon conviction of any such violation the person so charged shall be subject to the penalties provided in Chapter 1.16 NMC. (Ord. 734 Art. 8 § 1, 1988)

**Chapter 13.10**

**CROSS-CONNECTIONS**

Sections:

- 13.10.010 Adoption of regulations.
- 13.10.020 Property owner responsibility.
- 13.10.030 Costs.
- 13.10.040 Compliance evaluation.
- 13.10.050 Defective backflow prevention devices.
- 13.10.060 Backflow prevention device testing.
- 13.10.070 Shutoff of water service.

**13.10.010 Adoption of regulations.**

A. The city of Newport hereby adopts all applicable state Department of Health regulations governing cross-connections for the purpose of protecting Newport's potable water system from actual and potential contamination by objectionable and hazardous liquids, solids and gases.

B. The regulations adopted herein shall require that all premises being served by the Newport water system shall be required to take appropriate steps to insure and protect Newport's potable water system from actual and potential contamination from the premises' water system. (Ord. 847 § 1, 1994)

**13.10.020 Property owner responsibility.**

A. The property owner of premises being served by the Newport water system shall be responsible for preventing actual and potential contamination of the Newport's water system and the property owner's water system.

B. The property owner's responsibility begins at the shutoff box, refer to NMC 13.08.110, and shall include all of the premises water system. (Ord. 847 § 1, 1994)

**13.10.030 Costs.**

All costs and expenses incurred to install, operate, test and maintain an approved backflow prevention device shall be borne by the property owner. (Ord. 847 § 1, 1994)

**13.10.040 Compliance evaluation.**

A. All pre-existing city of Newport water

service connections shall be evaluated to determine the degree of hazard and the type of protection needed to comply with the requirements of state of Washington Department of Health regulations, as amended.

B. After the compliance evaluation is completed, a list of all premises where potential or actual cross-connections exist shall be prepared.

C. Notification by letter to all property owners of premises identified on the compliance evaluation list shall be mailed with following minimum information:

1. A copy of this chapter;
2. An explanation of the problem;
3. The approved type of backflow prevention device that must be installed;
4. The recommended location of the backflow prevention device;
5. The time allotted to install the backflow device;
6. The name, address and telephone number of the city representative to be contacted for questions or further information. (Ord. 847 § 1, 1994)

**13.10.050 Defective backflow prevention devices.**

Whenever a backflow prevention device is determined to be defective, the property owner of the served premises shall be responsible for the repair of the backflow prevention device and shall be notified of the defective device as provided for in NMC 13.10.040(C). (Ord. 847 § 1, 1994)

**13.10.060 Backflow prevention device testing.**

A. A certified backflow prevention device tester shall be used to test all backflow prevention devices.

B. All backflow prevention devices shall be tested annually.

C. A record of all tested backflow prevention devices shall be maintained by the Newport water department. (Ord. 847 § 1, 1994)

**13.10.070 Shutoff of water service.**

A. Shutoff of water services is authorized by this section when a property owner fails to

install, repair, maintain or test a backflow prevention device subject to appropriated notification as required by this chapter; or:

1. A backflow prevention device has been removed or bypassed; or

2. If unprotected cross-connections exist on the premises and there is inadequate backflow prevention protection at the point of delivery; or

3. If a property owner/occupant refuses admittance of city personnel to the serve premises for the expressed purpose of cross-connection control.

B. Water services will not be restored until such conditions or defects are corrected.

C. Turning on of water services shall be subject to a shutoff fee as provided for in NMC 13.08.230. (Ord. 847 § 1, 1994)

## Chapter 13.12

### SEWER SYSTEM POLICY

Sections:

13.12.010 Purpose.

13.12.020 Intent.

13.12.030 Improvement specifications.

13.12.040 Definitions.

13.12.050 Replacement cost responsibility.

13.12.060 Connection to existing line.

13.12.070 New installation inside city.

13.12.080 Installation through undeveloped area.

13.12.090 Delayed benefit charge.

13.12.100 New installation outside city.

#### **13.12.010 Purpose.**

To insure the orderly growth of the sewer system of the city and to avoid the errors and inequalities produced by treating each new addition and replacement to the system as a separate problem without relation to the whole, the city council has deemed it necessary and advisable to adopt a uniform policy for the guidance of those employees of the city entrusted with the operation of the system, for future city councils and for other interested parties, and to that end this chapter has been prepared. (Ord. 357 § 1, 1957)

#### **13.12.020 Intent.**

It is the express intent of the city council that the sewer department shall be a self supporting utility operated without drawing upon the general funds of the city. (Ord. 357 § 2, 1957)

#### **13.12.030 Improvement specifications.**

All specifications for extensions, expansions, additions, betterments and replacements to the existing sewer system shall be determined by the sewer superintendent subject to the following limitations:

No sewer main shall be installed which is less than six inches in diameter; provided, however, the city council may, upon receiving a specific request for the same, allow an installation of less than the minimum diameter where the installation involves only a stub street less than 300 feet long and where the main cannot

### **13.12.040**

possibly be extended at any future time due to the topography of the land. (Ord. 357 § 3, 1957)

#### **13.12.040 Definitions.**

Whenever the following terms are used in this chapter they shall be construed to mean as follows:

A. "Standard commercial sewer transmission line" means sewage pipes constructed of cement eight inches in diameter.

B. "Standard construction costs" means the cost of the pipe for either the standard residential sewer transmission line or standard commercial sewer transmission line, whichever is to be installed, plus the total cost of all tees and junctions and the total cost of all installation and incidental work necessary to place the sewer transmission line in service regardless of its size.

C. "Standard residential sewer transmission line" means sewage pipes constructed of cement six inches in diameter. (Ord. 357 § 4, 1957)

#### **13.12.050 Replacement cost responsibility.**

Whenever any transmission line for sewage service, now or hereafter installed, requires replacement due to obsolescence, inadequacy, or deterioration the cost of the replacement shall be paid for out of the revenues of the sewer department; provided, however, any property abutting on any such transmission line which has never been connected therewith or which has not previously been assessed or has not previously contributed to the standard construction costs of the line, shall pay a delayed benefit charge at the time of connection to the utility which charge shall be the abutting property's proportionate share of the standard construction costs of the line based on the front foot method of assessment; provided further, if the property has, prior to the effective date of the ordinance codified in this chapter, been connected to the sewer system and has been paying the established sewer charges, the property shall be exempt from the provisions of this section. The delayed benefit charge shall be in addition to any and all connection charges and other charges required to be paid for such services by any ordinances of the city; provided,

however, the payment of any such delayed benefit charge shall exempt the property for which the payment was made from any subsequent local improvement district assessment for sewer facilities of any nature. (Ord. 357 § 5, 1957)

#### **13.12.060 Connection to existing line.**

When any property abutting on a standard commercial sewer transmission line or standard residential sewer transmission line, as defined in NMC 13.12.040, has not previously been assessed or has not previously contributed to the standard construction cost of the line, the property shall at the time of connection to the sewer system, pay a delayed benefit charge which charge shall be the abutting property's proportionate cost of the standard construction cost of the line based on the front foot method of assessment. The delayed benefit charge shall be in addition to any and all connection charges and other charges required to be paid for such services by any ordinance of the city; provided, however, the payment of any such delayed benefit charge shall exempt the property for which the payment was made from any subsequent local improvement district assessment for sewer facilities of any nature. (Ord. 357 § 6, 1957)

#### **13.12.070 New installation inside city.**

Whenever any area or areas within the city which are not now served by the sewer system request such service, the person or persons making the request shall provide for the payment of the standard construction costs by means of local improvement districts in the manner provided by law or by direct installation under the specifications and supervision of the sewer superintendent of the city. In the event the city requires the installation of transmission lines in excess of those defined as standard in this chapter, the actual cost of the transmission line in excess of the standard size shall be paid for out of the revenues of the sewer system. (Ord. 357 § 7, 1957)

#### **13.12.080 Installation through undeveloped area.**

Whenever the services of the sewer system

are required to be extended through an undeveloped area within the city, in order to provide the service to a newly developed area and where in the opinion of the city council it is not feasible to finance the improvement by the formation of a local improvement district in the manner provided by law to pay the standard construction costs as defined in NMC 13.12.040, the property in the undeveloped area directly abutting on the sewer service extension shall be subject to a delayed benefit charge, which shall be paid by the owner or owners of the abutting property within the undeveloped area at the time they request such service and prior to their receiving it. The amount of the delayed benefit charge shall be the property's proportionate share of the standard construction costs based on the front foot method of assessment as determined from the books and records of the utility which paid for the total original cost of the installation. The delayed benefit charge shall be in addition to any and all connection charges provided for the service by other ordinances of the city; provided, however, payment of any such delayed benefit charge shall exempt the property for which the payment was made from any subsequent local improvement district assessment for sewer facilities of any nature. (Ord. 357 § 8, 1957)

#### **13.12.090 Delayed benefit charge.**

Whenever provision is made throughout this chapter for the payment by the property owner of a delayed benefit charge, the delayed benefit charge may be paid in cash or in annual installments over a five-year period from date of connection. If any such property owner elects to make payments on the annual basis, he shall execute a contract in such form as shall be prescribed by the city council, which contract shall contain the provision that any unpaid balance may be paid in full on the date of any annual payment and the further provision that interest shall be paid on the deferred balances at the rate of five percent per year. The contracts shall be made a covenant running with the land and shall provide that the unpaid balances shall be a lien upon the property to which the connection is made, superior to all other liens and

encumbrances except those for general taxes and special assessments, which may be foreclosed in the same manner provided by law for the foreclosure of delinquent local improvement district liens. The contract shall be recorded in the office of the county auditor at the expense of the property owner and upon payment in full a release of the lien shall be executed by the mayor and attested by the city clerk/treasurer. The contract shall further provide that in the event of delinquency in the payment of any installment thereunder the sewer superintendent, or his employees, may give immediate notice of the city's election to foreclose the lien as provided in this section, and the contract shall further provide that the property owner waives the statutory requirements as to the commencing of any action to foreclose the lien, and as to the delinquencies required to foreclose the lien, and that the city shall have the right to declare the entire unpaid balance due and payable upon default in the payment of any installment. (Ord. 357 § 9, 1957)

#### **13.12.100 New installation outside city.**

Whenever sewer service is requested by any person or persons residing outside the corporate limits of the city, the following provisions shall apply:

A. All rates for sewer services furnished outside the limits of the city shall be uniform;

B. Any person desiring sewer service outside the city limits shall pay the applicable connection charge as established by ordinance or resolution;

C. Any person developing property outside the city limits and desiring city sewer service shall pay the total cost of all transmission lines to be installed within the area being developed, including all costs of installation. No sewer transmission line shall be installed which is less than six inches in diameter, except by special permission of the city council first obtained which permission shall be limited to the conditions provided in NMC 13.12.030;

D. The cost of all catch basins, pumps, pumping stations and incidental piping to the area to be served shall be paid for by the person requesting the service, based on the estimated cost, as determined by the sewer superinten-

dent, prior to the installation of the service; provided, however, that the cost to be paid by such person shall not exceed that proportion of the total costs of the facilities which the newly developed area bears to the total area which may be served by said facilities. The person requesting such facilities and paying the cost thereof may receive credit for the amount so paid for the facilities by designating to the sewer superintendent by legal description the lots within the newly developed area which are to be served by the sewer system. As to the lots, the cost provided in subsection B of this section shall not apply until the credit has been fully exhausted;

E. The delayed benefit charges as provided in this chapter shall apply equally to areas beyond the limits of the city; provided, however, the total cost of the delayed benefit charges shall be paid prior to allowing any person beyond the limits of the city to connect to the sewer utility service. (Ord. 357 § 10, 1957)

**Chapter 13.16**

**SEWAGE DISPOSAL REGULATIONS**

Sections:

- 13.16.010 Definitions.
- 13.16.020 Use of public sewers required.
- 13.16.030 Private sewage disposal.
- 13.16.040 Building sewers and connections.
- 13.16.050 Use of public sewers and duty to enforce discharge prohibitions.
- 13.16.060 Protection from damage.
- 13.16.070 Powers and authority of inspectors.
- 13.16.080 Penalties.

**13.16.010 Definitions.**

Unless the context specifically indicates otherwise, the meaning of items used in this chapter shall be as follows:

A. "Sewage works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

B. "Sewer superintendent" shall mean the superintendent of sewage works of the city of Newport, or his authorized deputy, agent or representative.

C. "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface and storm waters as may be present.

D. "Sewer" shall mean a pipe or conduit for carrying sewage.

E. "Public sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

F. "Combined sewer" shall mean a sewer receiving both surface runoff and sewage.

G. "Sanitary sewer" shall mean a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

H. "Storm sewer" or "storm drain" shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

I. "Sewage treatment plant" shall mean any arrangement of devices and structures used for treating sewage.

J. "Industrial wastes" shall mean the liquid wastes from industrial processes as distinct from sanitary sewage.

K. "Garbage" shall mean solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

L. "Properly shredded garbage" shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

M. "Building drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

N. "Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

O. "BOD" (denoting biochemical oxygen demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Centigrade, expressed in parts per million by weight.

P. "pH" shall mean a symbol denoting the negative logarithm of the hydrogen ion concentration in a solution. pH values run from 1 through 14. The number 7 indicates neutrality.

Q. "Suspended solids" ("SS" preferred term) is matter suspended within the treatment process.

R. "Natural outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

S. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

T. "Person" shall mean any individual, firm, company, association, society, corporation or group.

U. "Shall" is mandatory; "may" is permissive.

V. "ASTM" shall mean American Society for Testing and Materials (Standards).

W. "PVC" shall mean polyvinyl-styrene chloride.

X. "Grease trap" shall mean a device designed to retain grease from entering into the sewage system. (Ord. 915 § 2, 1999)

#### **13.16.020 Use of public sewers required.**

A. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner upon public or private property within the city of Newport, or in any area under the jurisdiction of said city, any human or animal excrement, garbage or other objectionable waste.

B. It is unlawful to discharge to any natural outlet within the city of Newport, or in any area under the jurisdiction of said city, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

D. The owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purpose, situated within the city of Newport and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the city, is required at his expense to install suitable toilet facilities therein, and to connect the facilities directly with the proper public sewer in accordance with the provisions of this chapter, within 30 days after date of official notice to do so; provided, that the public sewer is within 200 feet of the property line. (Ord. 915 § 3, 1999)

#### **13.16.030 Private sewage disposal.**

A. Where a public sanitary or combined sewer is not available under the provisions of NMC 13.16.020(D), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.

### 13.16.040

B. Before commencement of construction of a private service sewage disposal system the owner shall first obtain a permit from North-east Tri-County health district, division of environmental health. Obtain sewage permit, application and fee schedule at the Tri-County health district local office. Tri-County health district maintains jurisdiction for all on-site sewage disposal systems within the city and county. See Regulations 01-1995, including amendment adopted August 2, 1995, and October 11, 1995. Authority: These regulations are adopted pursuant to RCW 43.20.050 and WAC 246-272-02001.

C. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in NMC 13.16.020(D), a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

D. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.

E. No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the health officer. (Ord. 915 § 4, 1999)

#### **13.16.040 Building sewers and connections.**

A. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the sewer superintendent.

B. There shall be two classes of building sewer permits: (1) for residential and commercial service, and (2) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the sewer superintendent.

C. All costs and expenses incident to the installation and connection of the building

sewer shall be borne by the owner, including the connection charge as provided in Chapter 13.20 NMC. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

D. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered a one-building sewer.

E. Old building sewers may be used in connection with new buildings only when they are found, on examination and tested by the sewer superintendent, to meet all requirements of this chapter.

F. The building sewer shall be cast iron soil pipe, ASTM specification (A74-93) or equal; polyvinyl chloride (PVC) ASTM specification (D) 3033 and 3034 may be used with a minimum SDR of 41. (All pipe joints shall be "O" ring gasket or seal.) All other suitable material must be approved by the sewer superintendent, if installed in filled or unstable ground. The building sewer shall be of cast iron soil pipe, except that nonmetallic material may be accepted if laid on a suitable concrete bed or cradle as approved by the sewer superintendent.

G. The size and slope of the building sewer shall be subject to the approval of the sewer superintendent, but in no event shall the diameter be less than four inches. The slope of the four-inch pipe shall not be less than one-fourth inch per foot.

H. Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade and in

straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings.

I. Building sewers that are located below the crown level on the main sewer shall discharge into an approved watertight pump or receiving tank so located as to receive the sewage or other liquid wastes and shall be lifted and discharged into the building drain or building sewer by approved ejectors, pumps or other equally efficient approved mechanical devices.

J. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the sewer superintendent. Pipe laying and backfill shall be performed in accordance with ASTM specification (C12-19) except that no backfill shall be placed until the work has been inspected.

K. Building sewers located below the next upstream manhole or:

1. Below the main sewer level, drainage piping serving building sewers which have flood level rims located below the elevation of the next upstream manhole cover of the public sewer service. Such drainage piping shall be protected from backflow of sewage by installing an approved type backwater valve. Building sewers above such elevation shall not discharge through the backwater valve.

2. Backwater Requirements. Where a building sewer may be subjected to backflow of sewage, suitable provision will be made to prevent overflow in the building. In any condition where flooding has occurred, due to line blockage within the public sewer, the city shall, at the discretion of sewer superintendent, require the owner of such building to install an approved type backwater valve. In a condition where a backwater valve cannot be installed, an approved ejector pump system may be used. In extreme cases, permanently disconnecting basement drains will be required upon notice by the sewer superintendent. Prevention of backflow steps will be taken at the owner's expense.

3. Grease Traps. When in the judgment of the sewer superintendent waste pretreatment is required, an approved type grease trap complying with the current Uniform Plumbing Code shall be installed in the waste line leading

from the sink, drains and other fixtures or equipment in establishments such as restaurants, cafes, cafeterias, bars, clubs, hotels, hospitals, school kitchens, and other establishments where grease may be introduced into the drainage or sewer system. A grease trap is not required for individual dwelling units or for any private living quarters. Grease traps shall be maintained in efficient operating condition by periodic removal of the accumulated grease. No such collected grease shall be introduced to the public sewer.

4. Drainage System. The entire building drainage system should be so designed, constructed and maintained as to conduct the waste water or sewage quickly from the fixture to the place of disposal with velocities which will guard against fouling and the deposit of solids and will prevent clogging.

5. Draining Pipes. The drainage pipes would be designed and constructed as to be proof for reasonable life of the building against leakage of water or drainage air due to defective materials, imperfect connections, corrosion, settlements or vibrations of the ground on building temperature changes, freezing or other cause.

6. Sewer Line – Pressure Type. Pipe fittings shall conform to ASTM class 160 minutes for polyvinyl chloride pipe (PVC). All pipe joints shall be “O” ring gaskets or seals.

L. The connection of the building sewer into the public sewer shall be made at the “Y” branch, if such a branch is available at a suitable location. If the public sewer is 12 inches in diameter or less, and no properly located “Y” branch is available, the owner shall, at his expense, install a “Y” branch in the public sewer at the location specified by the sewer superintendent. Where the public sewer is greater than 12 inches in diameter, and no properly located “Y” branch is available, a neat hole may be cut into the public sewer to receive the building sewer, with entry in the downstream direction at an angle of about 45 degrees. A 45-degree ell may be used to make the connection, with the spigot end cut so as not to extend past the inner surface of the public sewer. The invert of the building sewer at the point of connection shall be at the same or

### 13.16.050

at a higher elevation than the invert of the public sewer. A smooth, neat joint shall be made, and the connection made secure and watertight by encasement in concrete. Special fittings may be used for the connection only when approved by the sewer superintendent.

M. The applicant for the building sewer permit shall notify the sewer superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the sewer superintendent or his representative.

N. All excavations for the building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city. (Ord. 915 § 5, 1999)

#### **13.16.050 Use of public sewers and duty to enforce discharge prohibitions.**

A. In accordance with 40 CFR 403.5(a), the permittee shall not authorize or knowingly allow the discharge of any pollutants into its POTW which cause pass through or interference, or which otherwise violates general or specific discharge prohibitions contained in 40 CFR part 403.5 or WAC 173-216-060.

B. The permittee shall not authorize or knowingly allow the introduction of any of the following into its POTW:

1. Pollutants which create a fire or explosion hazard in the POTW (including, but not limited to, waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21).

2. Pollutants which will cause corrosive damage to the POTW, but in no case discharges with pH lower than 5.0, or greater than 11.0 standard units, unless the works are specifically designed to accommodate such discharges.

3. Solid or viscous pollutants in amounts that could cause obstruction to the flow in sewers or otherwise interfere with the operation of the POTW.

4. Any pollutant, including oxygen demanding pollutants, (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW.

5. Petroleum oil, non-biodegradable cutting oil, or products of mineral origin in amounts that will cause interference or pass through.

6. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity which may cause acute worker health and safety problems.

7. Heat in amounts that will inhibit biological activity in the POTW resulting in interference but in no case heat in such quantities such that the temperature at which the POTW headworks exceeds 40 degrees Centigrade (104 degrees Fahrenheit) unless the department, upon request of the permittee, approves, in writing, alternate temperature limits.

8. Any trucked or hauled pollutants, except at discharge points designated by the permittee.

9. Wastewaters prohibited to be discharged to the POTW by the Dangerous Waste Regulations (Chapter 173-303 WAC), unless authorized under the Domestic Sewage Exclusion (WAC 173-303-071).

C. All of the following are prohibited from discharge to the POTW unless approved in writing by the city under extraordinary circumstances (such as a lack of direct discharge alternatives due to combined sewer service or the need to augment sewage flows due to septic conditions):

1. Non-contact cooling water in significant volumes.

2. Stormwater, and other direct inflow sources.

3. Wastewater significantly affecting system hydraulic loading, which do not require treatment, or would not be afforded a significant degree of treatment by the system.

D. The permittee shall notify the city if any industrial user violates the prohibitions listed in this section. (Ord. 915 § 6, 1999)

**13.16.060 Protection from damage.**

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewage works. Any person violating this provision shall be subject to arrest or citation and criminal prosecution. (Ord. 915 § 7, 1999)

**13.16.070 Powers and authority of inspectors.**

The sewer superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling, and testing, in accordance with the provisions of this chapter. (Ord. 915 § 8, 1999)

**13.16.080 Penalties.**

A. Any person found to be violating any provision of this chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any amount not exceeding \$500.00 for each violation. Each day in which any such violation continues shall be deemed a separate offense.

B. Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss, or damage occasioned by the city by reason of such violation. (Ord. 915 § 9, 1999)

**Chapter 13.20****SEWER RATES AND CHARGES**

## Sections:

- 13.20.010 Connection required.
- 13.20.020 Rates inside city.
- 13.20.025 Minimum rates outside the corporate limits of the city.
- 13.20.030 Rates increased.
- 13.20.040 Billing of services – Due date and delinquency penalty.
- 13.20.050 Connection charge.
- 13.20.060 Charges constitute lien against property served.
- 13.20.070 Collection and deposit of charges.

**13.20.010 Connection required.**

A. The owner of each lot or parcel of real property within the area to be served by the sanitary sewage disposal system of the city, as it now exists and as it may be improved and extended in the future, upon which lot or parcel of real property there shall be situated any building or structure for human occupation or for use for any other purpose which shall require sewer service shall cause a connection to be made between the sewerage system and each such building or structure; provided, that where more than one building is located on a lot or parcel of land not larger than 50 feet in width and 136 feet in depth, only one connection for the buildings need be made.

B. All connections shall be made to the sewerage system in a permanent and sanitary manner subject to the approval of the sewer superintendent, and shall be sufficient to carry all sewage and waste fluids of any kind from the buildings into the system, and each toilet, sink, stationary washstand or any other piece or type of equipment having waste fluids shall be connected with the sewerage system; and the connection shall be made on or before the completion of the building or structure and before any use or occupation thereof. (Ord. 493 § 1, 1973; Ord. 316 § 1, 1950)

**13.20.020 Rates inside city.**

A. Effective January 1, 2011, all property upon which any building is now or may here-

## 13.20.020

after be erected which requires a sewer connection with the city sewer system shall be subject to the following monthly rate schedule, which is according to the water meter size servicing the property:

Classification	Meter Size	Gallons Allowed	
		Per Month	Rate
Residential	3/4 and 1 inch	10,000	\$33.50
Commercial	3/4 inch	10,000	\$33.50
Commercial	1 inch	13,000	\$41.50
Commercial	1-1/2 inch	20,000	\$60.00
Commercial	2 inch	27,000	\$78.50
Commercial	3 inch	40,000	\$113.00
Commercial	4 inch	53,000	\$147.50
Commercial	6 inch	80,000	\$219.00

**B. Residential (R) Combined Services.** Where more than one user is served through the same water meter, which shall include but not be limited to duplexes, more than one dwelling on the same meter, or any other combination served by the same meter, each unit shall be classified as a separate sewer user and shall pay the minimum rate as set forth in subsection A of this section.

**C.** It is declared to be the policy of the city that in the determination of the classification of any premises for the determination of the monthly sewer service rate where there may exist some doubt as to which classification shall prevail, the classification providing for the largest monthly sewer service rate shall apply.

### **D. Overage Rates.**

1. It is declared to be the policy of the city that the monthly overage rates shall be based on the water meter readings for each property served for the period of October 15th through April 15th; provided, that the water meters shall be read monthly for designated commercial classifications as determined by the mayor or designee. All readings in excess of the gallons allowed per month as set forth in subsection A of this section shall be considered overages, and shall be subject to an overage rate of 10 percent of the three-quarter-inch service rate per 1,000 gallons. The overage rate shall be determined by adding the total gallons of water used for the period of October 15th through April 15th (total winter gallons used), minus the gallons allowed per month (total

winter gallons allowed per month) divided by six, multiplied by the overage rate per 1,000 gallons, and the total thereof shall be added to the monthly sewer service charge until readjusted according to the next October 15th reading through April 15th reading.

Provided, however, that any sewer overage amount due from a commercial customer whose meter is read monthly and whose water and sewer usage is almost exclusively for washing and drying clothing, such as a laundromat, shall have their monthly overage amount reduced by five percent to account for the water which evaporates in the drying process and does not enter the sewer system.

### **2. Annual Overage Payment Election.**

The payer of the monthly overage rate as determined in subsection (D)(1) of this section may elect to pay the full year's sewer overage rate in advance without benefit of a discount on or before May 20th of each year commencing May 20, 1993. The following formula will be used to calculate overage rates from the September 15th reading through April 15th reading:

$$\frac{\text{Total Winter Gallons Used} - \text{Total Winter Gallons Allowed}}{\text{seven months} \times \text{Overage Rate per 1,000 Gallons}} = \text{Overage Rate per Month.}$$

**E. Annual Payment Election.** The payer of the monthly sewer charge may elect to pay the full year's sewer service charges in advance on or before January 20th of each year commencing January 20, 1983, which date is extended for the year 1983 to January 31, 1983. The full year's sewer service shall be determined by multiplying the monthly sewer service charge as determined in the preceding subsections of this section by 12 from which total shall be allowed a five percent discount to the payer making the election. (Ord. 1070 § 1, 2011; Ord. 1067 § 1, 2010; Ord. 1049 § 1, 2008; Ord. 1047 § 1, 2008; Ord. 1032 § 1, 2005; Ord. 1000 § 1, 2003; Ord. 963 § 1, 2002; Ord. 947 § 1, 2001; Ord. 906 § 1(1), 1997; Ord. 818 § 1, 1992; Ord. 667 § 1, 1984; Ord. 638 § 1, 1983;

Ord. 636 § 1, 1982; Ord. 578 § 1, 1979; Ord. 528 § 1, 1975; Ord. 505 § 1, 1974; Ord. 386 § 1, 1961; Ord. 316 § 2, 1950)

**13.20.025 Minimum rates outside the corporate limits of the city.**

Minimum sewer rates to users outside the corporate limits of the city and within the state of Washington, shall be the same as those charged for sewer service inside the corporate limits of the city as set forth in NMC

This page left intentionally blank.

13.20.020(A), except that all charges for sewer services outside the corporate limits of the city and all consumption over the gallons allowed per month shall be computed as set forth in NMC 13.20.020(B) and the total thereof shall be increased by 25 percent. (Ord. 818 § 3, 1992)

**13.20.030 Rates increased.**

Effective with the July 1, 1970 utility billing period, the monthly rates provided in NMC 13.20.020 for sanitary sewage disposal service shall be increased \$0.75 per user as they appear on the utility records of the city, which shall be paid into the sewer revenue fund for the payment of current expenses. (Ord. 463 § 1, 1970; Ord. 456 § 1, 1970)

**13.20.040 Billing of services – Due date and delinquency penalty.**

A. Sanitary sewage disposal service charges are declared now and hereafter the responsibility and liability of the owner of the property being provided said service. Effective immediately, the city clerk/treasurer shall cause to be entered on the utility record accounts, now, on existing user accounts and in the future, the names of owners of property being provided or which will be provided sanitary sewage disposal services. So as not to disrupt the normal billing cycle pending the transition of property owners names to the utility record accounts, billings may be charged to present users' name. Effective as of the date of the passage of the ordinance codified in this chapter, notice of the prescribed changes shall be included in all billings for three consecutive months.

B. The foregoing rates and charges for sanitary sewage disposal service, and any and all charges which may later be fixed therefor, shall be paid on or before the twentieth day of each month following the month in which the sewage disposal service is rendered and if not so paid shall become delinquent on said date and shall bear interest at the rate of eight percent per year from the date of delinquency until paid. When property ownership changes, all outstanding charges for sanitary sewage disposal services not paid on or before transfer-

ring a utility account to a new property owners' name shall subject the property to liens as provided below in NMC 13.20.060 without limiting that section's application to other circumstances.

C. In the event that any sanitary sewage disposal service bill, charge or rate is not paid by the twentieth day of the month in which it becomes delinquent as provided above, a notice of delinquency will be mailed giving notice of and fixing a date for water shutoff and for a prior public hearing to allow the user to appear and be heard by the city council and show good cause for nonpayment. If good cause is not found by the council, the water service to the premises will be shut off. The city public works field supervisor may post an additional notice on the property prior to water shutoff.

D. The monthly rates and other charges shall be owed by the person owning the property on the fifteenth day of the month in which the service is provided. If the property is sold during a service month, the seller and purchaser of the property shall have sole responsibility to adjust between themselves the rates, charges and service bill accordingly. Failure of either to do so shall not affect the lien rights of the city. (Ord. 796 § 2, 1992; Ord. 316 § 3, 1950)

**13.20.050 Connection charge.**

A. In addition to the foregoing rates and charges, the city shall charge for each connection made with the sewerage system the following connection charges:

Residential 3/4- and 1-inch	\$ 5,000
Commercial 3/4-inch	5,000
Commercial 1-inch	7,000
Commercial 1-1/2-inch	10,000
Commercial 2-inch	13,000
Commercial 3-inch	20,000
Commercial 4-inch	27,000
Commercial 6-inch	40,000

B. The connection charge shall become due and payable prior to completing the connection to the sewerage system and if not so paid on or before said date, it shall become delinquent and shall bear interest at the rate of eight per-

### **13.20.050**

cent per year from the date of delinquency until paid. (Ord. 1043 § 1, 2007; Ord. 983 § 1, 2003; Ord. 906 § 1(2), 1997; Ord. 818 § 1, 1992; Ord. 667 § 2,

1984; Ord. 468 § 1, 1971; Ord. 447 § 1, 1969; Ord. 316 § 4, 1950)

**13.20.060 Charges constitute lien against property served.**

A. All charges for sewage disposal service and for connections with the sewerage system, together with the penalties and interest thereon as provided in this chapter, shall be a lien on the property upon which the connection is made or sewerage service rendered, superior to all other liens or encumbrances except those for general taxes and special assessments.

B. Enforcement of the lien or liens shall be in the manner provided by law for the enforcement of liens and for delinquent sewerage service charges.

C. As an additional and concurrent method of enforcing the lien authorized in this section, the city may cut off the water service furnished from the municipal water system to the premises to which the sewer service was furnished after the charges become delinquent and unpaid until the charges are paid, in the manner provided by law. (Ord. 427 § 1, 1967; Ord. 316 § 5, 1950)

**13.20.070 Collection and deposit of charges.**

The city clerk/treasurer shall collect all rates and charges provided for in this chapter and accruing from time to time and all such sums, when collected, shall be paid into the fund of the city created by Ordinance No. 315 and entitled "Newport Sewer Revenue Fund." The city clerk/treasurer shall pay from the fund into the Newport 1950 sewer revenue bond redemption fund, created by Ordinance No. 315, all the sums required by the ordinance to be paid into the fund at the time or times required. (Ord. 316 § 6, 1950)

**Chapter 13.24**

**WATER AND SEWER CONNECTION FEE**

Sections:

- 13.24.010 Purpose.
- 13.24.020 Petition procedure for connection to water and sewerage system.
- 13.24.030 Latecomer fee determination.
- 13.24.040 Contract authorization.
- 13.24.050 Defective work.
- 13.24.060 Maintenance guarantee bond.
- 13.24.070 Contract time period.
- 13.24.080 Area to be served.
- 13.24.090 Latecomer fee – Collection and disbursement.
- 13.24.100 Administration fees.
- 13.24.110 Unauthorized connection taps – Removal.
- 13.24.120 Charges.

**13.24.010 Purpose.**

A. The purpose for establishing this chapter is to define the rules and regulations that will enable the city to enter into contracts with owners of real estate for water or sewer facilities.

B. For the purpose of this chapter, "water or sewer facilities" means the construction of storm or sanitary sewers, pumping stations and disposal plants, water mains, hydrants, reservoirs, water supply sources or appurtenances, constructed by owners of real estate within the corporate limits of the city or within 10 miles from the corporate limits of the city connecting with Newport's water or sewerage system to serve the area in which the real estate of such owners is located. (Ord. 738A § 1, 1989)

**13.24.020 Petition procedure for connection to water and sewerage system.**

A. Owners of real estate intending to construct water or sewer facilities or have ownership of water or sewer facilities may petition the city for the purpose of connecting to the city's water and sewerage system to serve the area in which the real estate of such owners is located and/or contracting for reimbursement of costs by subsequent users.

### 13.24.030

B. The mayor or his/her designee shall consider the petition for (1) does the city have the capability and capacity to service the water or sewer facilities connection and (2) does the petition meet the criterion for authorization of latecomer fees.

C. All construction and/or contracts for water or sewer facilities must be approved by the appropriate state agency and city prior to accepting the same as facilities of the municipality. It is suggested that prior to new construction, developers should submit construction plans to the city prior to any improvements to avoid acceptance problems of the new water or sewer facilities.

D. Upon approving the petition for water or sewer facilities the mayor or his/her designee shall notify the petitioner and prepare the appropriate documents in accordance with the provisions of this chapter.

E. A copy of the engineering as-built plans, specification and drawings, including all necessary right-of-way and easement documents shall be provided to the city prior to acceptance of the water or sewer facilities. (Ord. 738A § 2, 1989)

### 13.24.030 Latecomer fee determination.

Criteria for determining latecomer fees shall be based on the following:

A. Latecomer fees shall be based on the cost difference between the construction required by the city and the minimum construction required to the appropriate state agency to serve only the proposed constructed water or sewer facilities.

B. Latecomer fees may be charged on the basis of acreage by the lot, meter size, fire hydrant requirements, expected usage, or a combination of any of the foregoing, whichever is deemed most appropriate in order to provide for a fair pro rata share of the cost of the water or sewer facilities construction by any owner of real estate who did not contribute to the original cost of the construction, including not only those directly connected thereto, but also users connected to laterals or branches connecting thereto.

C. Latecomer fees shall be in addition to any and all connection fees, charges, assess-

ments, levies or deposits required by the city. (Ord. 738A § 3, 1989)

### 13.24.040 Contract authorization.

The mayor is authorized to enter into contracts for the city with owners of real estate for water or sewer facilities that provides for reimbursement of costs by subsequent users and to insure that the contract provisions contain, but are not limited to, the conditions and requirements provided in this chapter. (Ord. 738A § 4, 1989)

### 13.24.050 Defective work.

Provision for defective work shall be provided in the contract for no less than one year after city approval and acceptance of owner's water or sewer facilities. (Ord. 738A § 5, 1989)

### 13.24.060 Maintenance guarantee bond.

The owner shall provide a maintenance guarantee bond in the amount of 10 percent of the value of the water or sewer facilities construction for a period of one year from the date of final approval and acceptance of the water or sewer facilities. (Ord. 738A § 6, 1989)

### 13.24.070 Contract time period.

All contracts entered into pursuant to this chapter shall provide for a period of not to exceed 10 years for the reimbursement of water or sewer facilities costs. (Ord. 738A § 7, 1989)

### 13.24.080 Area to be served.

Pursuant to the provisions of this chapter, the area to be served shall be within the boundaries of the city or within 10 miles from the corporate limits of the city. (Ord. 738A § 8, 1989)

### 13.24.090 Latecomer fee – Collection and disbursement.

A. No person, firm or corporation shall be granted a permit or be authorized to tap into, or use any such water or sewer facilities or extensions thereof during the period of time prescribed in such contract without first paying to the city, in addition to any and all other costs

and charges made or assessed for such connection therewith, the amount required by the provisions of the contract under which the water or sewer facilities so tapped into or used were constructed.

B. The city clerk/treasurer shall be the responsible city official for the collection and disbursement of latecomer fees.

C. All latecomer fees collected shall be disbursed under the terms and conditions of each contract within 60 days after the receipt of the collected fees. (Ord. 738A § 9, 1989)

#### **13.24.100 Administration fees.**

The city shall collect five percent, but not less than \$20.00 nor more than \$500.00 per connection as determined by the latecomer fees contract for the administration costs of the contracts. (Ord. 738A § 10, 1989)

#### **13.24.110 Unauthorized connection taps – Removal.**

Whenever any tap or connection is made into any such contracted water or sewer facilities without such payment having first been made, the mayor or his/her designee may cause to be removed such unauthorized tap or connection and all connecting tile or pipe located in the facility right-of-way and dispose of unauthorized material so removed without any liability whatsoever to the city or officials. (Ord. 738A § 11, 1989)

#### **13.24.120 Charges.**

Upon approval and acceptance of a water or sewer facility the city clerk/treasurer shall charge such water and sewer rates authorized by city water and sewer ordinances. (Ord. 738A § 12, 1989)

