

**Appendix 2-1 –  
Everett Municipal Code - Selected Sections**

## Chapter 14.16 WATER RATES AND REGULATIONS

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#### **14.16.010 Utilities division—Acknowledgment.**

The city council acknowledges, ratifies and confirms the prior establishment and existence of a subdivision within the department of public works which is known as the utilities division, which shall include water supply, sanitary sewage, and surface water drainage operations of the city. (Ord. 1237-86 § 1, 1986)

#### **14.16.020 Utilities division—Water supply—Purpose.**

The utilities division shall provide for the construction, operation and maintenance of all necessary and desirable collection, diversion, impoundment, transmission, treatment, storage and distribution facilities to produce and convey a potable water supply to all inhabitants of the city and such surrounding areas as the city council may determine, for domestic, commercial, industrial and manufacturing purposes. (Ord. 1237-86 § 2, 1986)

#### **14.16.030 Definitions.**

A. "Utilities division" means that operational subdivision within the department of public works of the city. Use of this term may refer to the organization in general or apply to a particular functional unit or division thereof.

B. "Water system" means the entire physical plant and facilities operated or controlled by the utilities division, both within and outside the city limits, which shall include but not be limited to all lands, rights, easements, permits, impoundments, reservoirs, tunnels, treatment facilities, pipelines, trestles, bridges, roads, buildings, structures, machines, equipment, records, pumps, valves, hydrants, meters, services and all related facilities and appurtenances for the collection, treatment and delivery of water. The use of this term may refer to the entire water system or an appropriate functional division or part thereof.

C. "Water service" means the entire process of supply development, impoundment, treatment, transmission, storage and distribution of water, together with the associated administrative, construction, operation and maintenance functions involved in delivering the commodity to various points of use or consumption throughout the water system.

D. "Customer" or "person" means and includes persons of either sex, associations, cooperatives, partnerships, and corporations whether acting by themselves or by a servant, agent, or employee; the singular number shall be held and construed to include the plural and the masculine pronoun to include the feminine.

E. "Premises" means a continuous lot or tract of land including the building or group of adjacent buildings under a single control with respect to the use of water thereon and the responsibility for payment thereof.

F. "Water service connection" (also referred to as a service connection) means the physical installation of the tap, fittings, pipe and other necessary appurtenances required to deliver water from the main to the premises up to and including the service cock or meter.

G. "Utilities superintendent" means the chief administrative officer of the utilities division; and any act in this chapter required or authorized to be done by the utilities superintendent may be done on behalf of the utilities superintendent by an authorized employee of the utilities division. (Ord. 1237-86 § 3, 1986)

#### **14.16.040 Utilities superintendent's qualifications and appointment.**

The superintendent of the utilities division shall have a minimum of five years experience in the management, maintenance and operation of public water systems. He or she shall have a degree in business administration management, public administration or engineering, plus a state license as a water distribution manager or such other certifications as required by the state. He or she shall have in his or her charge and under his or her control, subject to the public works director and/or the mayor, the management, maintenance and operation of the utilities division, including all existing and future plant facilities, land and rights, both tangible and intangible, and all equipment and persons employed thereon, and of all planning and construction work undertaken by the utilities division in connection with the water system. (Ord. 1237-86 § 4, 1986)

#### **14.16.050 Standards and financing for water distribution systems.**

A. This section shall govern the methods of financing distribution system improvements, renewals and extensions, and specifying standards for certain sizes and types of materials for use by and in the city water system.

B. All new distribution system mains shall be constructed of materials and installed in accordance with the city standard specifications conforming to the appropriate American Water Works Association standard as determined by the utilities superintendent.

C. The term "lateral line" or "lateral" is used in this chapter to designate a distribution system pipeline which includes fire hydrants and service connections to adjacent property. The standard minimum size of lateral lines shall be six inches in diameter unless otherwise determined by the utilities superintendent. The location of all new lines shall be determined by the utilities superintendent.

D. All new lateral lines shall be paid for by local improvement district assessments or cash payments by customers desiring water service. Installation of new laterals shall include all appurtenances required for a complete installation, such as valves, fittings, fire hydrants and lateral line extensions to grid the system and thereby eliminate dead ends.

E. All system improvement lines shall be paid from water system funds as hereinafter set forth; provided however, the financial participation of the water system in any local improvement district shall be determined exclusively by the terms of the ordinances establishing the local improvement district. The term "system improvement line" as used in this chapter shall designate those feeder lines constructed for the purpose of improving the distribution system as a whole or in part as determined by the utilities superintendent.

F. To the property benefited there shall be charged the cost of installing a water line including fire hydrants and appurtenances. If the water line is a system improvement line, the water system shall bear all costs in excess of the original design that is adequate for property benefited based on the water system's anticipated use of the property at the time of the installation. Industrial developments which require large quantities of water or multiple sources shall be required to bear the cost of any necessary expansion or modification of water lines to service their needs.

G. Renewals of lateral and feeder lines with the same size pipe shall be done by and at the expense of the water system, in the discretion of the utilities superintendent, subject to funding availability. The term "renewals" as used in this chapter shall designate the replacement of lines previously installed which have deteriorated to a condition which requires excessive maintenance or otherwise does not provide satisfactory service.

H. It is recognized that lateral mains of a size less than the standard minimum six-inch diameter have previously been installed or annexed to the water system. When such an undersized lateral requires renewal or replacement, it shall be installed in accordance with the standards set forth in this chapter. Payment for renewal or replacement of such undersized lines shall be made as follows:

1. Any such line replaced with a pipe four inches in diameter shall be installed by and at the expense of the water system;

2. Any such line replaced with a pipe six inches or larger in diameter shall be installed by the water system. The cost equivalent to a four-inch pipe shall be borne by the water system. The difference in cost between a four inch pipe and the larger size pipe together with any additional fire hydrants and appurtenances shall be assessed against and paid by the property requiring the improvement. The equivalent cost of the various size pipeline installations used in the computation of assessments to properly benefited shall be determined by the utilities division from current cost records for similar installations. (Ord. 1237-86 § 5, 1986)

#### **14.16.060 System alterations caused by improvements.**

In the event it becomes necessary to relocate or change the alignment or grade of a lateral or feeder line, service connection, fire hydrant or other water facility by reason of construction of improvements, including, but not limited to paving, sidewalks, curb and gutter, regrades, street lights, construction or modification to other utilities, or similar construction or changes, such alterations to the water system shall be performed by the utilities division (unless prior written authorization is given by the utilities superintendent for reconstruction by others) and paid for by the local improvement district, utility, person, firm or corporation responsible for or causing such alteration. (Ord. 1237-86 § 6, 1986)

#### **14.16.070 System facilities installation and ownership.**

A. The ownership of all water mains, extensions thereof, fire hydrants, services and all related appurtenances located in public streets and utility easements or rights-of-way, shall be vested solely in the utilities division. Any developer, person, firm or corporation having an interest in the construction and/or payment for such water mains, extensions, fire hydrants, services and related appurtenances shall relinquish interest upon acceptance of the facilities by the utilities division. Relinquishment of such facilities shall be a prerequisite to the utilities division supplying water to facilities located within the city limits.

B. The utilities division shall install all distribution mains and appurtenances within the city unless specifically agreed otherwise in writing or required by law. The utilities division shall maintain and operate water mains, facilities and appurtenances owned by the city. (Ord. 1237-86 § 7, 1986)

#### **14.16.080 Basic types of water service.**

There shall be two basic types of water service provided within the city limits, namely "fixed rate" service and "metered" service. (Ord. 1237-86 § 8, 1986)

#### **14.16.090 Fixed rate service.**

Newly constructed single-family unit dwellings connecting to the Everett water system after July 1, 1991, shall have metered service. Existing fixed rate accounts converting to metered service shall continue as metered accounts on or after the date of conversion. Single-unit dwellings which are used or occupied in part by an office, commercial enterprise or home occupations shall be required to convert to metered service. A meter will not be required when the business use of a single-family home does not result in a change in the primary use as a residence, and there will not be an increase in water consumption as determined by the public works director. (Ord. 2254-97 § 1, 1997)

#### **14.16.100 Metered service.**

All customers or premises within the city limits not included in the fixed rate water service classification, and all customers without exception located outside the city limits, shall be furnished water through a metered service only. (Ord. 1237-86 § 10, 1986)

#### **14.16.110 Nonqualified fixed rate service.**

All service connections to the water system which are receiving water service on a fixed rate basis, but which do not qualify for fixed rate service as defined in this chapter shall be treated in the following manner:

A. The utilities division, at its option, may install without additional cost to the premises, a meter in the service line serving the premises, and thereafter charge the premises at the applicable metered rate; or

B. Any such premises having a fixed rate service connection for which the premises does not qualify under the terms of this chapter shall be charged at the fixed rate multiplied by the number of units existing upon the premises, the sum of which shall constitute the total monthly charge for the premises. The charge shall be rendered without regard to occupancy or vacancy of the units. The number of units existing upon the premises shall be determined by the utilities division. (Ord. 1237-86 § 11, 1986)

#### **14.16.120 Applications for water service.**

A. Required. Before water is furnished to any premises, an application form provided by the public works department for water service shall be completed and signed and the appropriate water service connection charge paid in advance of any service installation work.

B. Applicant. Each application shall be made by the owner of the property to be served or by his authorized agent. Every applicant not the actual owner shall be presumed to be the authorized agent of the owner for purposes of this section.

C. Agreement. Applicants must state fully and truly all the purposes for which water is intended to be used, and, as a condition precedent to receiving water service, shall agree to comply with all provisions of this chapter or such other rules and regulations now existing or which may be established from time to time. The applicant shall further agree, as a condition precedent to receiving water service, that the utilities division shall have the right at any time, without notice, to shut off or turn on the water supply for repairs, construction, nonpayment of charges or for any other reasonable cause. (Ord. 1237-86 § 12, 1986)

#### **14.16.130 Payment of service connection charges.**

A. The initial service connection installation cost for customers within the city limits for a fixed rate service, a three fourths-inch, a one-inch and a two-inch metered service shall be as established by the current water service rate ordinance or resolution, plus any charge applicable to the property or the connection as a consequence of any latecomer agreement or system connection charges as established by ordinance or resolution.

B. Metered service connections within the city limits which are larger than two inches in diameter and all metered service connections outside the city limits shall be installed at the actual cost of making the installation, plus any other applicable charges.

C. Before work is commenced on any service connection, the applicant shall pay to the utilities division the amount required for a fixed rate service connection or a three fourths-inch, a one-inch or a two-inch metered service connection, whichever is applicable to the particular connection as determined by the utilities division, plus any aforesaid charges applicable to the property or connection.

D. In the case of an applicant requesting a service larger than two inches within the city limits or a service of any size outside the city limits, the applicant shall pay to the utilities division, before work is commenced on the service, the amount equal to the estimated cost, as determined by the utilities division for the installation of the service, including any aforesaid charges applicable to the property. The work shall then be performed by the utilities division, which shall maintain a record of the actual costs of all labor, material and equipment rental required to complete the work. Upon completion of the installation, if the amount paid to the utilities division by the applicant is not sufficient to pay for the cost of doing the work, the applicant shall pay the difference between the actual cost and the amount of the estimate previously paid to the utilities division. If the actual cost for making the installation is less than the estimate previously paid, the utilities division shall refund the difference to the applicant. (Ord. 1237-86 § 13, 1986)

#### **14.16.140 Application and payment of charges prerequisite to building permit.**

The initial water service connection application shall be made and all charges paid before issuance of a building permit. (Ord. 1237-86 § 14, 1986)

#### **14.16.150 Temporary and construction service.**

The charge for a temporary and/or construction service shall be the cost of installation, removal and materials. Credit will be given for a meter and the meter box only when there is no damage to the meter and meter box. The meter and meter box must be in fully usable condition, comparable to a new or rebuilt meter. The amount of the estimated cost of the temporary and/or construction service must be deposited to the city in advance. (Ord. 1237-86 § 15, 1986)

#### **14.16.160 Overhead percentage cost—Statutory authority.**

Accounting and financial reporting of overhead percentage cost rate is required by two Federal Office of Management and Budget circulars: Circular A-102, "Uniform Requirements for Assistance to State and Local Governments," and Circular A-87 (formerly 74-4), "Cost Principles for State and Local Governments," and generally accepted accounting principles (GAAP) as promulgated by Governmental Accounting Standards Board (GASB) Statement No. 1, "Authoritative Status of NCGA Pronouncements and AICPA Industry Audit Guide." (Ord. 1090-85 § 1, 1985)

#### **14.16.162 Overhead percentage cost—Accountability.**

The city finance department shall demonstrate good management by annually calculating the overhead percentage for the sewer and water divisions. (Ord. 1090-85 § 2, 1985)

#### **14.16.164 Overhead percentage cost—Rules and regulations.**

The finance department is hereby authorized to promulgate rules and regulations to effectuate an annual overhead percentage calculation along with necessary procedures to accomplish the intent of Sections [14.16.160](#) through 14.16.166. (Ord. 1090-84 § 3, 1985)

#### **14.16.166 Overhead percentage cost—Basis of calculations.**

For the purpose of all work performed for any person or other agency or city department by the water division or sewer division, the “cost” or “actual cost” of the work performed shall include the direct cost of all labor plus direct employee benefits, the direct cost of all materials, all other direct costs incurred in connection with the work plus an annual overhead percentage which shall be calculated by the city finance department. The annual overhead percentage shall include indirect employee benefits and administrative overhead and will be calculated in conformance with Circulars A-102 and A-87 as designated in Section [14.16.160](#), and with the current edition of a guide for state and local government agencies by the U.S. Department of Health, Education and Welfare, “Cost Principles and Procedures for Establishing Cost Allocation Plans and Indirect Cost Rates for Grants and Contracts with the Federal Government.” (Ord. 1090-85 § 4, 1985)

#### **14.16.168 Determination of actual cost.**

For the purpose of this chapter, “cost” or “actual cost” of any work performed for any person or other agency or city department by the utilities division includes the direct cost of all labor plus fringe benefits, the direct cost of all materials plus materials overhead, the direct cost of equipment rental used in connection with the work, all other direct costs incurred in connection with the work, plus administrative and supervisory cost computed at the current applicable rate as established by council ordinance or resolution. (Ord. 1237-86 § 16, 1986)

#### **14.16.170 Water service ownership and maintenance.**

The utilities division only shall install, own, maintain and operate the water service connection from the main to and including the service cock or meter. In cases where a meter may be located a considerable distance from the main for customer or service convenience, the customer shall maintain the service pipe for the entire distance from the normally designated location of the service cock or meter to the point of ultimate water usage or consumption. (Ord. 1237-86 § 17, 1986)

#### **14.16.180 Installation of service pipe.**

A. The owner or his authorized agent shall first install, or cause to have installed, the water service pipe extending from a point within the property to be served to the location of the service cock or meter in the public street, utility easement or right-of-way. The utilities division shall then install the water service connection between the main and the end of the customer’s previously installed service pipe and turn on the water; provided, that the service line and plumbing on the customer’s side of the service cock or meter shall have been installed in conformity with this chapter and other applicable ordinances, rules and regulations of the city.

B. A water service connection shall be installed only where a building, structure, or building materials are located on the premises to be served except in an extraordinary circumstance. The exception must first be approved by the utilities superintendent before it will be allowed. (Ord. 1237-86 § 18, 1986)

#### **14.16.190 Location of service cock or meter and piping.**

A. Designation. The location of the service cock or meter for each service connection shall be designated by the utilities division and the customer requesting a service connection shall install his water service pipe to the designated point before the utilities division will make the connection thereto.

B. Connection Limited to Premises. A service connection for a given premises shall be installed on the same lot or parcel which is occupied, wholly or in part, by the building or structure served. Service pipes, either temporary or permanent, shall not be extended to buildings or structures on other lots or parcels. No person nor customer receiving water from the water system shall be permitted to supply water to any other premises at any time except with the full knowledge and prior approval of the utilities division.

C. Extension Across Streets or Alleys. Service pipes shall not be installed nor extended across streets or alleys by customers unless specifically approved by the utilities division prior to such installation and unless a permit is obtained by the customer from the public works department. (Ord. 1237-86 § 19, 1986)

#### **14.16.200 Work limited to authorized personnel.**

Only authorized employees of the utilities division shall be allowed to tap existing water mains and install service pipes between the water main and the service cock or meter, or to connect pipes where they have been disconnected, or to shut water off or turn water on to any premises. (Ord. 1237-86 § 20, 1986)

#### **14.16.210 Service materials and installation standards.**

A. Service Pipe Material. Service pipe material shall be as specified in the current standard specifications of the public works department between the main and the service cock or meter, for three-fourth-inch, one-inch, and two-inch service connections. Ductile iron pipe or other materials allowed by the current standard specifications of the public works department shall be used for service pipe material between the main and the meter for services larger than two inches in diameter except for those installations approved by the utilities superintendent. The service pipe material on the customer's side of the service cock or meter may be any material permitted in the plumbing code of the city.

B. Diameters. The diameter of any tap made to any water main and the diameter of the service pipe between such main and the service cock or meter shall be subject to the approval of the utilities superintendent, except that normally no tap nor service pipe shall be less than three-fourths inch in diameter.

C. Depth. All service connection piping located on the customer's premises or private property other than public streets, utility easements and rights-of-way shall be installed not less than twenty-four inches below the surface of the ground and not less than thirty inches below the surface on public streets, utility easements and rights-of-way. No service piping between the building and the location of the service cock or meter shall be buried or covered until it has been inspected and accepted by the utilities division or the plumbing inspector. (Ord. 1237-86 § 21, 1986)

#### **14.16.220 Stop and waste valves.**

Customers shall, at their own expense, install and maintain all pipes, connections and fixtures from the service cock or meter placed by the utilities division. All pipes must be provided with stop and waste valves, protected from freezing, and accessible at all times to the customer, in such a manner that the pipes may be drained to prevent freezing and the water may be shut off for repairs to service pipes, fixtures and appliances, and also to safeguard premises from water damage in case the service cock or meter is accidentally turned on. Additional stop and waste valves shall also be placed at all low points in the pipes when they cannot be otherwise drained. Each outside hose bib shall be preceded by an additional stop and waste valve. The utilities division shall refuse to turn on the water until the provisions of this section are complied with. (Ord. 1237-86 § 22, 1986)

#### **14.16.225 Pressure-reducing valves.**

A. The utilities division superintendent shall determine transmission line water service customers which require a pressure-reducing valve (PRV) and the city will install and maintain PRVs as part of the service to such customers.

B. The cost of the installation and maintenance of PRVs shall be recovered through the following charges which shall be added to all other water charges:

<b>Service Size (inches)</b>	<b>Monthly Service Water Charge</b>
1/2 through 1	\$4.25
2	10.00
3	12.50
4	19.00
6	25.00
8	49.00

(Ord. 1371-87 §§ 1, 2, 1987)

#### **14.16.230 Service pressure corrections.**

A. Excessive Pressure. Except at locations on the transmission line where the utilities division superintendent orders pressure-reducing valves (PRVs) to be installed pursuant to service charges established therefor, the customer may install at the main an approved type strainer and pressure regulator on his own premises in an accessible location. All costs of installation, operation and maintenance shall be borne by the customer.

B. Insufficient Pressure. In services where the water pressure at the main is considered by the customer to be lower than the desired pressure, such customer may, after first requesting and receiving approval of the utilities superintendent, install a pump and pneumatic tank, or by other approved means provide increased pressure to the premises. The location of such installation shall be on the customer's premises and he shall bear all costs of installation, operation and maintenance thereof. Provision for prevention of

back-flow shall be made a part of the installation as required by the utilities superintendent. (Ord. 1371-87 § 3, 1987; Ord. 1237-86 § 23, 1986)

#### **14.16.240 Presence of customer at turn-on required.**

Water service to a premises will be turned on only if the customer is present to ascertain that no damage results from leaking or burst pipes or fixtures within the premises when the turn-on is made, or when written approval by the owner is submitted to the city utility billing division or utilities division. (Ord. 1237-86 § 24, 1986)

#### **14.16.250 Special turn-on and shut-off charges.**

A. Regular Hours. The times during which the utilities division shall normally make a service turn-on or shut-off shall be within the prescribed working hours of the division during the week, exclusive of Saturday, Sundays and holidays. If a turn-on or shut-off of water to a premises is made at any time other than the time prescribed above, it will be assumed to have been done for the customer's specific convenience and there shall be a special charge made for such shut-off or turn-on, in an amount provided under the current water rates and charges, and such special charge shall be added to and considered a part of the regular water billing for the premises.

B. Use of Stop and Waste Valves. If the utilities division is requested to shut off and/or turn on the water service to a premises to enable the owner, tenant or other person to make repairs or to replace piping, fixtures or other similar repairs or alterations affecting the water service to such premises, and if such repairs, alterations or replacements could normally have been made by use of stop and waste valves as required for all premises in Section [14.16.220](#) hereof, there shall be a special charge made for such shut-off and/or turn-on as provided under the current water rates and charges, and such charge shall be added to and considered a part of the regular water billing for the premises. (Ord. 1237-86 § 25, 1986)

#### **14.16.260 Discontinuing service.**

Should a customer desire to discontinue the use of water supplied to any premises, notice in writing must be given to the utilities division. The water shall then be shut off by the utilities division and no other person. If a premises is being vacated or the customer moving to another location or leaving for an extended period of time, the customer shall pay the closing water bill for the premises at the time water service is discontinued. No remission of rates shall be made without the written notice described in this section, and the furnishing of such written notice shall be a prerequisite and incumbent upon the person requesting the shut-off. (Ord. 1237-86 § 26, 1986)

#### **14.16.270 Resuming service.**

Should it be desired to resume water service to a premises after the service has been shut off, a written notice by the owner or his authorized agent shall be given to the utilities division, after which the water shall be turned on, provided payment in full has been rendered to the utilities division for all arrears and outstanding charges against the premises and the owner thereof. (Ord. 1237-86 § 27, 1986)

#### **14.16.280 Turn-ons.**

No charge shall be assessed for turn-offs. There shall be a special charge of ten dollars for all turn-ons, or such amount as is provided under the current water rates and charges. The turn-on charge shall be added to and considered part of the regular water billing for the premises. (Ord. 1237-86 § 28, 1986)

#### **14.16.290 Alteration of existing service.**

After a service connection shall have been installed to the premises and the owner of such premises desires to have the existing service connection relocated or changed by either an increase or decrease in size, or otherwise altered, the work necessary to accomplish such change shall be performed by the utilities division on that portion of the service connection between the main and up to and including the service cock or meter. All costs thereof shall be paid by the person requesting the change or alteration. (Ord. 1237-86 § 29, 1986)

#### **14.16.300 Renewal of service connection.**

The service line between the main and the service cock or meter may be renewed by the utilities division at its expense upon the request of the property owner only after the line has been in service twenty years or more and has incurred internal corrosion or has otherwise deteriorated to the extent that inadequate or otherwise unsatisfactory service exists. The property owner, however, must first

renew the service line between the premises and the service cock or meter before the utilities division will renew its section of the service connection line. This rule shall not apply in the event the service line between the main and the service cock or meter is copper or is demonstrated to deliver an adequate flow at the service cock or meter. The foregoing notwithstanding, a service line between the main and the service cock or meter may be renewed at the utilities division's expense at any time the utilities superintendent considers that conditions warrant such renewal. (Ord. 1237-86 § 30, 1986)

#### **14.16.310 Dormant services—Connections.**

Any service connection which shall have been inactive, unused or abandoned for a period of five years or the building removed from the lot for at least twelve months shall be considered a dormant service and shall be removed from the main by the utilities division. If a dormant service has not been removed from the main by the utilities division and the service pipe material is plastic or copper and has been determined to be a good service by the utilities division, then the utilities division shall charge a minimum fee of sixty dollars to test and reconnect the existing dormant service. If a service connection is subsequently desired for all or a portion of the premises or property previously supplied by a dormant service which has been removed from the main by the utilities division, the owner of the premises or property or its authorized agent shall make application and pay for a new service connection in the manner prescribed herein and without any credit whatsoever for the dormant service. (Ord. 1237-86 § 31, 1986)

#### **14.16.320 Service connection transfer to new main.**

In the event a service connection to any premises is not connected to a main in front of or immediately adjacent to the premises, then at such time as a main is installed in front of or adjacent to the premises, the utilities division may, after notifying the owner thereof, transfer the service connection to the new main without charge and immediately thereafter remove the old service connection. The owner shall, at the same time and at his expense, connect his existing piping and plumbing facilities to the new service cock or meter so installed. (Ord. 1237-86 § 32, 1986)

#### **14.16.330 Services for new developments.**

At such time as the Everett water utility or private developer is installing a section of distribution system piping in a new plat or subdivision or undeveloped lot, the water utility or developer shall, at the same time, install water service piping from the main to each of the platted or undeveloped lots. It is the intent of this section to minimize the number of "open-cuts" required in a newly paved street in order to provide water service to subsequently constructed homes. Similarly, for other developments requiring new mains, the developer shall install the service, less meter, at the time of main installation. The cost of materials, labor and equipment necessary to complete the service line installations to city standards shall be borne by the developer or local improvement district paying for the distribution system piping. At such time as a request is made for a building permit, the individual making the application shall pay to the water utility the amount specified in the current ordinance or resolution setting rates and charges for the developer-installed water service connections. Such sum shall be used for meter purchase, installation and to complete the necessary records and accounting for the new service. If a service of a different size or type than that previously installed is needed, then the individual requiring the new service will have to purchase the new service at the standard rate then charged by the water utility. If a meter setter and/or meter box was not included in the original development, then the property owner must purchase these at the time the building permit is requested. (Ord. 2233-97 § 1, 1997; Ord. 1237-86 § 33, 1986)

#### **14.16.340 Illegal turn-on—Misdemeanor.**

No person shall turn water on to any premises after it has been shut off by the utilities division. In such case the water will be shut off and will not be turned on again until all charges, including penalties, shall have been paid. (Ord. 1237-86 § 34, 1986)

#### **14.16.350 Illegal taking of water.**

No person or persons shall take or use water from the water system without having previously contracted for the same as provided in this chapter. (Ord. 1237-86 § 35, 1986)

#### **14.16.360 Wasting water prohibited—Penalty charge.**

Owners of premises receiving water service from the water system shall be responsible for maintaining all piping, fixtures and appurtenances on the customer's side of the meter or service cock in a satisfactory state of repair so that no water will be wasted. When it is found that water is being wasted on a premises because of faulty or leaking piping, fixtures or appurtenances or for any other reason, the consumer shall be notified of the wastage by the utilities division and instructed to take corrective action. If the consumer should fail or refuse to comply with the notice, the water to the premises may be shut off until proper corrective action has

been taken, and a penalty charge of twenty dollars or such charge as established by council ordinance or resolution assessed against the premises shall be paid before water service is restored. The penalty charge shall be considered as a part of the water billing for the premises and may be added thereto. In lieu of this remedy, the utilities division may take whatever action is deemed necessary to accurately measure the flow of water to a premises and thereafter charge for the water consumed at the applicable rate. (Ord. 1804-91, 1991; Ord. 1237-86 § 36, 1986)

#### **14.16.370 Protection from pipe freezing.**

It shall be the customer's responsibility to protect from freezing all piping, fixtures and appurtenances on his side of the service cock or meter. Any damage resulting from freezing shall be considered the responsibility of the consumer and no adjustment shall be made in the water billing by reason of the freezing and subsequent leakage. (Ord. 1237-86 § 37, 1986)

#### **14.16.380 Right to shut off—Notice not required.**

The utilities division shall have the right to shut off or turn on the water from its mains and services at any time, without notice, for repairs, construction, reconstruction, maintenance, operation and other purposes, without liability for injury to persons or damage to property of its customers and others. The utilities division will endeavor to notify customers where practicable but shall not accept responsibility nor liability for injury to persons or the safety of boilers, hot water tanks, appliances or other property on the premises of any water consumer. (Ord. 1237-86 § 38, 1986)

#### **14.16.390 Right to impose water use restrictions.**

The utilities division shall have the right to forbid and/or establish certain specified hours for lawn and garden sprinkling and other nonessential uses of water within the whole or specified parts of the water system when there is an actual or impending water shortage, extreme pressure loss in the distribution system or for any other reasonable cause. The utilities division may at any time determine such rules and/or restrictions to be necessary and after reasonable notification thereof may enforce same. Upon the violation of any such rule and/or restriction, the water may be shut off to the premises of the violator without notice and shall not be turned on again until the owner or occupant of the premises has agreed to comply with the rules and/or restrictions and has paid to the utilities division a penalty charge of twenty dollars or such charge as established by council ordinance or resolution. (Ord. 1237-86 § 39, 1986)

#### **14.16.400 Meter standard size and design.**

All meters shall be of a standard size and design as approved by the utilities superintendent and each meter shall be separately examined, tested and approved before it is installed. The utilities superintendent shall determine the various sizes and types of meters which shall be used for metered service connections to the water system. (Ord. 1237-86 § 40, 1986)

#### **14.16.410 Meter requirement—Waived for low pressure.**

A meter shall be installed on all services larger than three quarter-inch; except, in locations where static pressure is less than twenty pounds, a larger unmetered service may be installed upon approval of the utilities superintendent. (Ord. 1237-86 § 41, 1986)

#### **14.16.420 Meter testing—Frequency and charges.**

In the event a meter is out of order and fails to register, the consumer shall be charged at the average daily consumption as shown by the meter when in order. Meters in sizes from one-half-inch to two-inch, inclusive, may be removed and tested free of charge to the consumer once every five years, and may be tested more often than once during a five-year period upon the written request of the customer, and may be tested in his presence in the shops of the utilities division and a report thereon duly made. Both the parties to the test must accept the finding so made. If the test discloses an error against the customer of more than three percent in the meter's register, the excess charge during the three previous readings shall be credited to the consumer's account, and the utilities division shall bear the entire expense of the test and the deposit required as hereinafter prescribed shall be returned. When no such error is found, the person who has requested the test shall forfeit the deposit as a charge for conducting the test. Before making a test of any meter more frequently than the five-year period, the person requesting the test shall, at the time of filing his request with the division, place a deposit with the city treasurer of the amount charged for such test, subject to the conditions herein stated:

- A. For testing one-half-inch meters to three-quarter-inch meters, inclusive, twenty dollars; or as set by council ordinance or resolution.
- B. For testing one-inch meters, thirty dollars; or as set by council ordinance or resolution.
- C. For testing two-inch meters, forty dollars; or as set by council ordinance or resolution.

D. For the testing of meters larger than the two-inch size, the amount of the deposit shall be estimated at the actual cost of making the test. (Ord. 1237-86 § 42, 1986)

#### **14.16.430 Single and multiple metered services—Regulations and charges.**

Only one metered service connection shall normally be installed to a premises under single ownership. If, however, a consumer shall request that more than one metered service be connected to a premises under single ownership and the superintendent shall agree that the particular individual circumstances warrant such additional connection(s), the party requesting same shall make application and payment in the regular manner and such additional connection(s) shall be considered to be solely for the benefit and convenience of the applicant. The premises shall thereafter be charged for water service through each service connection independently as though service were being provided to two or more premises, and the minimum charge and the charge for water consumed shall be computed separately for each metered service; provided that the premises shall remain liable for a lien for water charges as provided in Section [14.16.850](#). (Ord. 1237-86 § 43, 1986)

#### **14.16.440 Unauthorized meter removal and tampering.**

No meter shall be removed nor in any manner disturbed or the seal broken except by or in the presence of an authorized representative of the utilities division. (Ord. 1237-86 § 44, 1986)

#### **14.16.450 Unobstructed access to meters required.**

Meter boxes and service cock covers shall be kept free from obstructions and available for meter reading, inspection, turn-on or shut-off at all times. All persons are prohibited from piling rubbish or building material, parking vehicles or otherwise performing acts to defeat the purpose of this section. (Ord. 1237-86 § 45, 1986)

#### **14.16.460 Water service outside city limits.**

A. Individual and Master Meters. All water furnished to customers outside the city limits shall be supplied only through an individual meter or through a master meter. There shall be no water furnished outside the city limits on a fixed rate basis. For purposes of this chapter an “individual meter” designates a metered service supplying a single premises or user, and a “master meter” designates a metered service supplying more than one premises or user. New connections to the #2, #3, #4, or #5 water transmission lines shall be by master meter only supplying a minimum of ten or more customers.

B. Service Connection Application. Before a service connection is installed outside the city limits, application shall first be made to the utilities division and payment made therefor in the regular manner. No service connection shall be installed outside the city limits for which all costs therefor have not been paid by the applicant.

C. Water Delivered—Charges. The charges for water delivered through all service connections located outside the city limits shall be paid under the current water rates and charges schedule therefor, except those which may be served under a written contract separate and apart from this chapter.

D. Plan Required—Extension. At the time an application for water service outside the city limits is made to the utilities division, the applicant shall file with the division a drawing showing the property to be served, together with a description thereof and location of all proposed water pipe thereon. No extension of water pipes within or beyond the boundary of the property shown on the drawing shall be permitted without first having submitted a supplementary drawing for approval by the utilities division. Master meter applicants shall submit a water system plan approved by the DSHS district engineer, and plans and specifications shall bear the seal and signature of a professional engineer licensed by the state. Master meter connections greater than twelve inches shall be subject to modification of the city water system plan prior to acceptance and approval by the utilities superintendent. Failure to obtain prior approval of any water pipe extension shall result in a thirty percent surcharge on the customer’s water bill. The surcharge will continue until the utilities division provides an after-the-fact approval of the water pipe extension.

E. Single Representative. All customers served through a master meter shall designate one representative who shall be responsible for complete management of the water system including maintenance, twenty-four-hour emergency response, water quality monitoring, payment of water bills and required notifications to the city. Each representative as designated above shall submit an annual report to the utilities division.

The annual report shall provide a system map showing the site and location of all water lines, valves, hydrant and storage reservoirs. The annual report shall also indicate the number of services, population and land area served by the master meter. Failure to submit an acceptable annual report to the utilities division by March 1st of every year will result in a thirty percent surcharge on the customer’s water bill. The surcharge will continue until an acceptable annual report is received by the utilities division.

F. Customer to Provide Storage. The city shall not be responsible for the water storage needs of customers outside the city, and all customers outside the city limits shall provide sufficient water storage for their need during periods of transmission line or water main failures and/or periods of reduced pressure or flow. All new water services outside the city shall be required to provide a minimum of one hundred fifty gallons per capita of water storage.

G. Application of Regulations. This chapter and all rules and regulations governing the water system shall apply to all customers outside the city limits.

H. No new individual water services will be allowed outside the city. All new water services must have a minimum of ten customers and comply with all state regulations for Class 1 or Class 2 public water systems.

I. All new water services must provide pressure reducing valves or water pumps as specified by the utilities division to accommodate fluctuating water pressure conditions on the city's water transmission system. (Ord. 1374-87 §§ 1, 2, 1987; Ord. 1237-86 § 46, 1986)

#### **14.16.470 Cross-connections and by-passes prohibited.**

A. No cross-connection with the water system either within or outside the city limits shall be installed or permitted to exist. The term "cross-connection" as used herein shall designate any physical arrangement whereby the water system of the city is connected with another water supply and/or system, either public or private, in such a manner that a flow of water into the Everett water system from such other water supply and/or system is possible.

B. No by-pass, either within or outside the city limits, shall be installed or permitted to exist. The term "by-pass" as used herein shall designate any physical arrangement whereby water may be diverted around any gate valve, check valve, control valve, service cock or meter unless specifically installed by and/or permitted with full knowledge of the utilities division.

C. Any cross-connection or unauthorized by-pass discovered or found to exist within the water system shall be corrected or eliminated immediately either by the utilities division directly or the superintendent shall order and direct the responsible party to correct or eliminate such cross-connection or unauthorized by-pass. In the event the responsible party should fail or refuse to take such corrective action immediately, the superintendent may, upon serving written notice of intention to do so, take the required corrective action and the responsible party shall be liable for payment of all costs so incurred.

D. The city shall in no manner be obligated to provide or continue water service to any premises or customer which fails or refuses to comply with superintendent's requirements or regulations pertaining to a cross-connection, by-pass or any other reasonable requirement or regulation. (Ord. 1237-86 § 47, 1986)

#### **14.16.480 Fire services—Ownership and costs.**

All fire service connections shall be installed by and remain the property of the utilities division unless otherwise authorized by the utilities superintendent. The utilities division shall own, operate and maintain the fire service from and including the connection to the main to and including the fire service meter or detector check meter and vault. A valve may be provided downstream of the meter for the customer to use as a shutoff. The expense for all labor, materials and equipment rental required for tapping mains, making connections, placing valves, meters or any other protective device deemed necessary by the utilities superintendent to prevent the unauthorized use of water, including the testing of completed work, shall be paid by the customer. (Ord. 1237-86 § 48, 1986)

#### **14.16.490 Fire service meter.**

Fire service connections shall be supplied only through an approved fire service meter or a detector check meter. In the case of premises for which both fire protection service and other water service for such uses as domestic, commercial, industrial or manufacturing purposes is supplied, there may be two service installations made to the premises, one for fire service only and one for other water service. These service connection functions may also be combined in a single service connection with the approval of the utilities superintendent. (Ord. 1237-86 § 49, 1986)

#### **14.16.500 Fire service second service charges.**

In the event two separate service connections are installed, the fire protection system so served shall consist of an automatic sprinkler system only without interconnection to the other water service and without additional outlets which could normally be used for other than fire suppression purposes. Water used through the fire service for fire suppression purposes and limited testing of the system will normally be furnished without any charge in addition to the monthly minimum charge. Water consumed through the nonfire service connection shall be paid for at the applicable metered rates. (Ord. 1237-86 § 50, 1986)

#### **14.16.510 Unauthorized use of detector check meter.**

If occasional or repeated monthly consumptions occur, as shown by a detector check meter, indicating unauthorized use of water which is not for fire suppression purposes, and if, after being informed of such unauthorized usage by the utilities superintendent, the customer fails or refuses to take corrective action to ensure that the unauthorized consumption will not continue, the detector check meter shall be replaced by an approved fire service meter and the customer shall pay all costs incident to such replacement. Thereafter the customer shall pay for all water used through such replaced service at the applicable metered rate. (Ord. 1237-86 § 51, 1986)

#### **14.16.520 Single service for fire protection and other use.**

In the event both fire protection and other water service is provided to a premises through a single connection, an approved fire service meter shall be installed and all water consumed through such meter shall be paid for at the applicable metered rate without credit for water which may be used for fire suppression purposes. (Ord. 1237-86 § 52, 1986)

#### **14.16.530 Fire service to premises with separate water supply.**

The water system shall be made available for private fire protection systems which incorporate, or may have access to any water supply other than that provided through the water system, by the following methods only:

A. An elevated tank or standpipe supplied at the top, and with sufficient air-gap above the overflow. Such elevated tank or standpipe may then be connected to the fire protection system piping without a by-pass or interconnection between the fire protection system piping and the supply connection from the water system main;

B. Construction of a ground storage tank or reservoir supplied at the top, and with sufficient air-gap above the overflow. A pump taking its suction from such ground storage tank or reservoir may be installed for pumping to an elevated tank and/or directly to the fire protection system pipe;

C. Two independent systems of piping without any by-pass or interconnection whatsoever, one being supplied from the water system and the other from the independent water supply;

D. Approved backflow prevention device(s) may be used to protect the potable water supply from contamination by other sources. (Ord. 1237-86 § 53, 1986)

#### **14.16.540 Fire service for private protection systems.**

The water system shall be made available for private fire protection systems not incorporating nor having access to any water supply other than through the water system. Such private fire protection systems may include automatic sprinkler heads, standpipes, hose racks and connections, inside and outside hose outlets and hydrants and such other appurtenances as approved by the utilities division and the fire department. (Ord. 1237-86 § 54, 1986)

#### **14.16.550 Application for fire service.**

Water shall be supplied for fire protection purposes only after application has been made by the customer or his agent and approved by the utilities division. Sufficient information shall be supplied at the time of making application for service to enable the utilities superintendent to fully determine the nature and extent of the proposed system. The utilities superintendent shall have the right to refuse to turn on any such service until the customer installing such service shall provide to the utilities division and/or fire department a drawing of the system installed which contains adequate information showing the locations and sizes of the system piping and appurtenances. (Ord. 1237-86 § 55, 1986)

#### **14.16.560 Disclaimer of liability.**

The utilities division of the city of Everett is not responsible nor liable for any personal injury nor property damage or losses due to fire or conflagration by reason of an insufficient quantity of water and/or insufficient water pressure or for any reason whatsoever at the time of fires or fire alarms or at any other time. Rates established for service connections of any type, including fire service connections, are and shall always be conditioned upon the premise that no liability of any nature whatsoever shall attach to the utilities division by reason of failure of water quantity or water pressure. (Ord. 1237-86 § 56, 1986)

#### **14.16.570 Fire hydrants and standpipes.**

A. Ownership and Maintenance. The utilities division shall own and maintain all fire hydrants connected to the water system which are located on public streets, utility easements and rights-of-way.

B. Approved Hydrants. Only approved hydrants, in accordance with subsection C of this section shall be installed within the city limits.

C. Complete Installation. A fire hydrant installation shall be considered to include the fitting at the main, the piping and auxiliary valve between the main and the hydrant, the hydrant and such other appurtenant features necessary for a complete installation. No fire hydrant shall be installed in the water system without an auxiliary valve between the main and the hydrant. Fire hydrant installation and location shall be in accordance with city standards and applicable AWWA standards (AWWA Manual M 17) or as designated by the utilities superintendent and subject to review and approval by the fire chief.

D. Payment for Installation. The installation, removal, relocation, renewal or other work performed by the utilities division related to new or existing fire hydrants shall be done by the utilities division and full payment to the utilities division for such installation,

removal, relocation, renewal or other work shall be made by a local improvement district, individual or developer in advance of such work.

E. Rental. For the fire protection benefit derived by the entire city from water made continuously available to the many standpipes and fire hydrants by the utilities division, there shall be a hydrant rental charge paid by the general fund of the city through the appropriate fire department fund to the utilities division in accordance with the current rates and charges for water service.

F. Operation. The primary intent of the fire hydrant and standpipe installations is for use in fire suppression. No person other than a utilities division employee or a person authorized by the fire chief of the city shall be permitted to open any fire hydrant or standpipe and anyone opening, using or otherwise tampering with any fire hydrant or standpipe supplied by the water system without permission shall be guilty of a violation of this chapter.

G. Use Permit Required. Persons having a valid reason to withdraw water from any fire hydrant or standpipe of the water system shall first apply to the public works department for a permit and shall abide by all rules, regulations and procedures in connection with such permit as the utilities division may adopt.

H. Installation of Fire Hydrants in Commercial, Multifamily, Business, Manufacturing and Industrial Zones Required. The owner of any building located within one thousand feet of a city water main and within a multifamily, business, commercial or manufacturing or industrial use zone established by the city zoning code then in effect, which building is not within two hundred feet of an existing fire hydrant, shall install, at his expense, a fire hydrant at a location two hundred feet or less from the building, together with whatever pipes and connections are necessary to connect the hydrant to the existing city water supply.

I. Installation of Fire Hydrants Near Schools, Churches, Hospitals, Assembly Buildings, Etc., Required. The owner of any building used for a school, church, rest home, hospital, residential apartment, or place of public assembly in whatever use district located, which building is not within two hundred feet of an existing fire hydrant, shall install, at his expense, a fire hydrant at a location two hundred feet or less from such building, together with whatever pipes and connections are necessary to connect the hydrant to the existing city water.

J. Multiple Users—Contract. If a fire hydrant, required to be installed under the provision of subsections H and I of this section will serve two or more properties of the same use classification as set forth in these subsections, the owners of the property benefited shall share equally in the cost of the hydrant and its installation. When an owner is required to install a fire hydrant under the provisions of this chapter, which hydrant will benefit other properties of the same use class, as stated in subsection H of this section when buildings are erected thereon, the mayor may enter into a contract with the owner under the Municipal Water and Sewer Facilities Act. The contract shall include provisions that the owner is required to install the hydrant, shall install the same and necessary connections and appurtenances at his expense, but that the city will require the owner of a building erected within the term of the contract, who is not required himself to install a hydrant by reason of the existence of the hydrant, to reimburse the first owner a fair proportionate share of the cost thereof. The contract shall be for a term not to exceed six years and shall further provide that the owner of a building subsequently erected shall not be permitted during the term of the contract to make a tap or connection to the city's water system until such fair proportionate share has been paid.

K. Unlawful Conduct—Multifamily, Business, Commercial, Manufacturing or Industrial Buildings. It is unlawful for any person, firm or corporation to own, occupy or use any building located in any multifamily, business, manufacturing, commercial or industrial use district established by the city zoning code and within one thousand feet of a city water main, unless such building is within two hundred feet of a fire hydrant.

L. Unlawful Conduct—Schools, Churches, Hospitals, Assembly Buildings, Etc. It is unlawful for any person, firm or corporation to own, occupy or use any building used for a school, church, rest home, hospital, residential apartment or place of public assembly, in whatever use district located, unless such building is within two hundred feet of a fire hydrant.

M. Existing Buildings. The owner of any building existing on the date of adoption of the ordinance codified in this chapter, which is required in this chapter to be located within two hundred feet of a fire hydrant, may be owned, occupied or used one hundred eighty days after the adoption of the ordinance codified in this chapter, notwithstanding any other provision of this chapter, but may not be owned, occupied or used thereafter unless it fully complies with the provisions of this chapter.

N. Notification of Connection. The Everett fire department shall hereinafter be notified when any fire hydrant is connected or placed in service, which shall include any connection and initial service of hydrant installed by a public agency or private party.

O. Special Requirements. The requirements of this section apply to all building construction projects in which buildings are located or are to be located such that any portion is more than two hundred feet in vehicular travel from the street property line except the detached single-family dwellings.

1. Buildings having required fire flows of less than two thousand five hundred gallons per minute are required to have fire hydrants on only one side of the building.

2. When the required fire flow is over two thousand five hundred gallons per minute the fire hydrant shall be served by a main which loops around the building or complex of buildings and reconnects back into a distribution supply main. The number of fire hydrants shall be determined on an average basing of three hundred feet computed on an imaginary line parallel to and not less than fifty feet from the structure. All hydrants are to be accessible by two fire department pumper trucks over roads capable of supporting such fire apparatus. The fire marshal shall determine the location of the hydrants based upon a determination of utility topography and building location. Hydrants shall be a minimum of fifty feet away from the building or structure; minor deviations may be granted by fire department approval of written requests.

P. Maximum Distance for Single-Family Dwellings. The maximum distance from hydrants to any new construction which is residential and single-family and in the single-family use district shall be three hundred fifty feet.

Q. Fire Flow Requirements. The fire flow requirements applied by the fire marshal under the provisions of this chapter shall be based upon criteria established in the "Guide for Determination of Required Fire Flow" as published by the Insurance Service Office

of the Municipal Survey Service, 160 Water Street, New York, New York, 10038. The “Guide for Determination of Required Fire Flow,” and the standards of the American Water Works Association, all as amended, added to, or excepted in this chapter, are adopted by the city. A copy of each such adopted collection of standards, rules and criteria, in the form in which it was adopted and suitably marked to indicate amendments, additions, deletions and exceptions as provided in this chapter, shall be authenticated and filed by the clerk in the records of his office, suitably referenced and indexed to the ordinance codified in this chapter. Three copies of each such collection, in the form in which it was adopted and suitably marked to indicate amendments, additions, deletions and exceptions as provided in this chapter, shall be filed in the clerk’s office and be available for use and examination by the public.

R. Any person who owns or is in possession of any property may make a request to the fire chief for a variance from specific requirements provided for in this section upon a showing of undue hardship or unreasonable application of this section; provided, that a variance or its renewal shall not be the right of the applicant nor the holder thereof, but shall be at the reasonable discretion of the fire chief, and that no variance shall be granted pursuant to this section unless the fire chief has considered the relative interest of the applicant, other owners or possessors of property likely to be affected by his decision, and the general public. The fire chief shall have authority to place reasonable conditions on any variance granted pursuant to this section. All decisions made by the fire chief shall be made in writing within thirty days, and a copy thereof shall be sent to the applicant and the utilities division. Any person aggrieved by the denial, grant, conditions or renewal of a variance by the fire chief may request review by the city council. Such review must be made in writing to the city clerk within ten working days from the date that the fire chief presents the applicant with his final decision. (Ord. 1237-86 § 57, 1986)

#### **14.16.580 Construction water use for public works.**

In the case of public works contracts, such as installation of sewers and other utilities involving construction in the public streets on easements and rights-of-way, all water used in connection therewith from such work as water-settling backfill or earthwork, hydraulic testing of pipe or structures, flushing of pipes or street surface for cleanup, mixing or curing concrete and similar water uses, shall be obtained from the water system only at the locations and in the manner specified by the superintendent in accordance with procedures established by the utilities superintendent. All water so used shall be paid for by the contractor at the applicable metered rate. In the absence of a metered record of the water use, the utilities superintendent shall estimate the amount of water used and the charge for same shall be rendered to the contractor accordingly. The charges for water shall be considered to operate as a materials lien against the contractor if unpaid. A reasonable meter rental charge for use of any meter furnished by the utilities division to measure water used in connection with the contracts may be added to the billing for water consumed including repair of any damage done to the meter. (Ord. 1237-86 § 58, 1986)

#### **14.16.590 Construction water use for buildings.**

A. Metered. In the case of water consumed during construction of a building or structure which, upon completion, would be served through a metered connection, the amount of water so consumed during construction shall be paid for by the contractor or owner at the applicable metered rate. If a metered service is not installed to the premises during the initial stage of construction, the amount of water consumed between the commencement of construction and the installation and turn-on of the metered service shall be estimated by the utilities superintendent and the charge added to the cost for installation of the service connection, or added to a subsequent water billing to the premises.

B. Fixed Rate. In the case of water consumed during construction of a residence which, upon completion, would be eligible for a fixed rate service, there shall be no charge other than the fixed rate charge, provided the service connection is installed and turned on during the initial stage of construction. (Ord. 1237-86 § 59, 1986)

#### **14.16.600 Special water use—Approval required.**

Any and all other special uses of water from the water system not included above nor elsewhere in this chapter shall be reviewed prior to such use and the requirements and charges applicable to such special use of water shall be determined by the utilities superintendent. (Ord. 1237-86 § 60, 1986)

#### **14.16.610 Customer deposit.**

When, in the judgment of the utilities superintendent, it may be necessary to protect the utilities division from potential revenue loss, a deposit may be required sufficient in amount to secure payment of the value of such potential loss from fixed rate and/or metered services or special water use. Such deposit or the portion thereof remaining shall be returned when the use of water is discontinued and all arrears are paid. (Ord. 1237-86 § 61, 1986)

#### **14.16.620 Maintenance of water accounts.**

All accounts for water service shall be maintained according to the address of the premises served and all charges, including those for water service, delinquency and other penalty charges and special charges as provided for elsewhere in this chapter, shall be a claim against the premises, the owner thereof and the water consumer. The owner of the premises shall remain primarily liable for payment of the water charges and all water customers shall be deemed agents of the owner of the premises for purposes of this chapter and shall be presumed to have authority to apply for and receive water at the premises and bind the premises for the charges therefor. No change of ownership nor occupancy shall affect the application of this section. (Ord. 1237-86 § 62, 1986)

#### **14.16.630 Single billing form.**

A. Charges for water service may be rendered on the same billing form as charges for other services. All charges appearing on this billing form are considered to constitute a single billing. Any partial payment or advance payment applied to the billing shall apply generally in proportion to the individual parts comprising the total single billing. Payment tendered shall not apply to only a single component part of the billing.

B. All charges for water and other services which are applicable to a single premises shall appear on a single billing and be mailed to a single location. The component parts of such a billing shall not be segregated and placed on separate billing forms for the purpose of sending same to more than one location. (Ord. 1237-86 § 63, 1986)

#### **14.16.640 Service of charges, notices and communications.**

A. All water charges, special charges, delinquency notices and other notices and communications shall be sent to the address of the premises served except as hereinafter provided.

B. If the owner, or his authorized agent for the premises to which water service is being furnished, resides at or does business at a location other than the service address, and desires to have the water charges, notices and other communications sent to an address other than the service address, any such owner or authorized agent shall first submit in writing such request to the utilities superintendent. Such request shall clearly state the date and nature of the request, the effective date, the service address, the separate mailing address to which the water charges, notices and other communications are to be sent and the signature of the owner or authorized agent. The party submitting such request shall thereafter be responsible for providing written notice of any changes in the request until such time that he shall, in writing, withdraw the request. Thereupon the water charges, notices and other communications shall be sent to the premises to which water service is being furnished. (Ord. 1237-86 § 64, 1986)

#### **14.16.650 Bimonthly charges—Dates due and payable.**

A. All water accounts shall be sent a statement of charges on a bimonthly basis.

B. All water accounts served on a fixed rate basis shall be due and payable in advance, not later than the fifteenth day after the date shown on the bimonthly statement, and, if not paid within such time, shall be considered delinquent. A refund or credit will be given by the utilities division on fixed rate charges paid in advance in the event of a vacancy; provided, that notice in writing shall have been submitted to the utility billing division at the time such vacancy occurred. No such refund nor credit shall be given if the notice is not submitted as required.

C. All metered water accounts shall be due and payable not later than the fifteenth day after the date shown on the bimonthly statement, and if not paid within such time, shall be considered delinquent. (Ord. 1237-86 § 65, 1986)

#### **14.16.660 Service shut-off and penalty for delinquent charges.**

If payment for water charges shall become delinquent, water service may be immediately shut off from the premises of any owner, tenant or occupant of the same until all arrears have been paid together with the penalty charge for the expense incurred for processing, inspection, shutting off and turning on the service, in the amount established under the current water rates and charges schedule. (Ord. 1237-86 § 66, 1986)

#### **14.16.670 Method of payment.**

All charges for water service, penalties and special charges shall be payable to the city treasurer at his office in the city hall, or at such other collection station locations as may be designated by the city council. (Ord. 1237-86 § 67, 1986)

#### **14.16.680 Service disconnection at main.**

If, in the judgment of the superintendent, it may become necessary to disconnect a service at the main in order to enforce a service connection shut-off to a delinquent customer or other shut-off, the actual cost of such disconnection at the main shall be paid, together

with the reconnection charge, delinquent penalty charge and all arrears before water service shall be restored to the premises. (Ord. 1237-86 § 68, 1986)

**14.16.690 Metered service consumption.**

For purposes of billing, metered services shall be read to the nearest one hundred cubic feet and charges rendered for water service shall be computed to the nearest one cent. (Ord. 1237-86 § 69, 1986)

**14.16.700 Water service shut-off for nonpayment of sewer.**

The utilities division shall have the right to discontinue water service to any premises which shall have become delinquent in the payment of charges for sewer service provided to said premises by the utilities division and shall not be obligated to resume water service until such time that all sewer service charges together with arrears and penalty charges have been paid for the premises. (Ord. 1237-86 § 70, 1986)

**14.16.710 Rates and charges—Effective January 1, 2005.**

Effective January 1, 2005, and thereafter, the monthly water rates and charges, monthly minimum charges, filtration charges, and provisions relating to rates and charges throughout the water system shall be as follows:

A. Within the City Limits.

1. Fixed Rate Accounts.

Minimum monthly water charge	\$14.15
Filtration charge	2.95
Total fixed rate	\$17.10

2. a. Domestic Metered Rates—Water Charge.

First 600 cu. ft., 0—600 cu. ft.	\$8.49
Over 600 cu. ft.	\$1.415 per 100 cu. ft.

b. In addition, there shall be added a filtration charge of \$0.295 per one hundred cubic feet, one dollar and seventy-seven cents per month minimum.

c. The following minimum monthly charge shall apply to all residential metered services to which water is available without regard to actual consumption:

Meter Size	Cu. Ft. of Water Provided at Minimum Charge	Minimum Water Charge	Minimum Filtration Charge	Minimum Charge W/O Regard to Consumption
1/2—3/4 inch	600	\$8.49	\$1.77	\$10.26
1 inch	1,000	14.15	2.95	17.10
2 inch	1,200	16.98	3.54	20.52
Over 2 inch	1,600	22.64	4.72	27.36

3. a. Commercial/Industrial/Governmental Metered Rates—Water Charge.

First	600 cu. ft., 0—600 cu. ft.	\$8.49
Next	2,400 cu. ft., 600—3,000 cu. ft.	1.415 per 100 cu. ft.
Next	12,000 cu. ft., 3,000—15,000 cu. ft.	.875 per 100 cu. ft.
Over	15,000 cu. ft.,	.485 per 100 cu. ft.

b. In addition, there shall be added a filtration charge of \$0.295 per one hundred cubic feet, one dollar and seventy-seven cents per month minimum.

c. The following minimum monthly charge shall apply to all services to which water is available without regard to actual consumption:

Meter Size	Cu. Ft. of Water Provided at Minimum Charge	Minimum Water Charge	Minimum Filtration Charge	Minimum Charge W/O Regard to Consumption
1/2—3/4 inch	600	\$8.49	\$1.77	\$10.26
1 inch	1,000	14.15	2.95	17.10
2 inch	1,200	16.98	3.54	20.52
Over 2 inch	1,600	22.64	4.72	27.36

4. a. Irrigation Metered Rates—Water Charge.

First	600 cu. ft., 0—600 cu. ft.	\$9.69
Next	2,400 cu. ft., 600—3,000 cu. ft.	1.615 per 100 cu. ft.
Next	12,000 cu. ft., 3,000—15,000 cu. ft.	.875 per 100 cu. ft.
Over	15,000 cu. ft.,	.745 per 100 cu. ft.

b. In addition, there shall be added a filtration charge of \$0.295 per one hundred cubic feet, one dollar and seventy-seven cents per month minimum.

c. The following minimum monthly charge shall apply to all services to which water is available without regard to actual consumption:

Meter Size	Cu. Ft. of Water Provided at Minimum Charge	Minimum Water Charge	Minimum Filtration Charge	Minimum Charge W/O Regard to Consumption
1/2—3/4 inch	600	\$9.69	\$1.77	\$11.46
1 inch	1,000	16.15	2.95	19.10
2 inch	1,200	19.38	3.54	22.92
Over 2 inch	1,600	25.84	4.72	30.56

5. Untreated Industrial Water.

Monthly Water Charge (Kimberly-Clark)	\$108,500
Other Industrial Supplies:	
Meter Charge	\$1,000 monthly
Commodity Charge	\$255.00/MG

6. Fire Hydrants and Standpipes. The general fund of the city shall pay for hydrant usage, including transmission and distribution mains, storage facilities and water used for fire suppression. Charge—five thousand dollars monthly.

7. a. City-installed service connection charges:

5/8 x 3/4 inch	\$1,050.00 each
1 inch	1,450.00
2 inch	2,250.00

b. Service connection installations larger than the two-inch size shall be charged at the actual cost of the complete installation.

c. Said charges include a sixty dollar nonrefundable application fee. Service connection applications shall be valid only for one hundred eighty days from date of issue unless work is in progress or a reasonable time extension is granted by the utilities superintendent. Service connection charges (less said nonrefundable application fee) may be refunded to the applicant in the event that refund is requested within one year from the date of issue.

d. Developer-installed connection charges:

5/8 x 3/4 inch	\$380.00 each
1 inch	440.00
2 inch	780.00

8. Special Charges.

a.	Turn-on for restart of service	\$15.00 each
b.	Shut-off requested for premises where customer's stop and waste valve should have been used	\$35.00 each
c.	Turn-on and shut-off requested for a time other than regular hours	\$100.00/call out
d.	Meter testing: All meters regardless of size	
	In-shop testing with 1-hour minimum	\$100.00/hour
	Using meter test van with 3-hour minimum	\$300.00/hour
e.	Destroying or removing lock on meter	\$50.00
f.	Illegal turn-on, tampering of water service or illegal connection	\$100.00
g.	Lien processing fee	\$60.00
h.	New account setup charge	\$15.00
i.	Locate and mark city water shut-off valve	\$35.00
j.	Temporary shut-off/turn-on	\$20.00
k.	Failure to return a city-owned water service key	\$50.00
l.	Returned check fee	\$25.00
m.	Hang notice for delinquent account	\$15.00
n.	Should a customer receive a "past due letter" for failure to pay by the due date, a late fee equal to 5% of the payment past due will be assessed on all amounts in arrears at the time of each bi-monthly billing.	

9. Fire Service. The rates for water supplied exclusively for fire protection purposes shall be deemed service charges and shall be for any one month, or fractional part thereof, as follows:

Size of Service	Service Charge
2 inches	\$5.00
3 inches	7.00
4 inches	9.00
6 inches	13.00
8 inches	17.00
10 inches	21.00
12 inches	25.00

B. Outside the City Limits.

1. Individual Meters Outside of the City Limits. The consumption and minimum monthly water charges for individual metered services outside the city limits shall be computed in the same manner as for residential metered customers within the city and then a multiplier of twenty-five percent of this amount shall be added to the water charge so computed. In addition, a charge of \$0.323 per one hundred cubic feet or a one dollar and ninety-four cents minimum filtration charge shall be added to arrive at the total monthly charge. No multiplier shall be added to the filtration charge.

2. Master Meters.

a. Master meter rates shall be required for water districts, water associations or other organizations providing water service to sixteen or more permanent services. Organizations serving less than sixteen services and all other customers shall be charged at the individual meter rate.

b. The consumption charges for master meters shall be as follows:

i. For master meters connected east of the Snohomish River, the water charge shall be:

Meter charge	\$150.00 monthly
Water charge (exclusive of meter charge)	.210 per 100 cu. ft.

In addition to said water charge there shall be added a twenty percent rate multiplier to the water charge and a filtration charge of \$0.323 per one hundred cubic feet to arrive at the total monthly charge. No multiplier shall be added to the filtration charge.

ii. For master meters connected west of the Snohomish River, the water charge shall be:

Non-Pumped	\$.445 per 100 cu. ft.
Pumped	.645 per 100 cu. ft.

In addition to said water charge there shall be added a twenty percent rate multiplier and a filtration charge of \$0.323 per one hundred cubic feet to arrive at the total monthly charge. No multiplier shall be added to the filtration charge.

3. Service Connection Charges. Service connection installations outside the city limits of all sizes shall be charged at the actual cost of the complete installation but in no event shall the charge for a three-quarter-inch, a one-inch or a two-inch service connection be less than the amount charged for service connections within the city limits.

4. Delinquent Penalty and Special Charges. The delinquent penalty and special charges as set forth in subsection A of this section plus a multiplier of twenty-five percent shall apply to customers outside the city limits. (Ord. 2805-04 § 1, 2004)

**14.16.711 Rates and charges—Effective January 1, 2006.**

Effective January 1, 2006, and thereafter, the monthly water rates and charges, monthly minimum charges, filtration charges, and provisions relating to rates and charges throughout the water system shall be as follows:

A. Within the City Limits.

1. Fixed Rate Accounts.

Minimum monthly water charge	\$15.50
Filtration charge	3.25
Total fixed rate	\$18.75

2. a. Domestic Metered Rates—Water Charge.

First 600 cu. ft., 0—600 cu. ft.	\$9.30
Over 600 cu. ft.	\$1.550 per 100 cu. ft.

b. In addition, there shall be added a filtration charge of \$0.325 per one hundred cubic feet, one dollar and ninety-five cents per month minimum.

c. The following minimum monthly charge shall apply to all residential metered services to which water is available without regard to actual consumption:

Meter Size	Cu. Ft. of Water Provided at Minimum Charge	Minimum Water Charge	Minimum Filtration Charge	Minimum Charge W/O Regard to Consumption
1/2—3/4 inch	600	\$9.30	\$1.95	\$11.25
1 inch	1,000	15.50	3.25	18.75
2 inch	1,200	18.60	3.90	22.50
Over 2 inch	1,600	24.80	5.20	30.00

3. a. Commercial/Industrial/Governmental Metered Rates—Water Charge.

First	600 cu. ft., 0—600 cu. ft.	\$9.30
Next	2,400 cu. ft., 600—3,000 cu. ft.	1.550 per 100 cu. ft.
Next	12,000 cu. ft., 3,000—15,000 cu. ft.	.960 per 100 cu. ft.
Over	15,000 cu. ft.,	.530 per 100 cu. ft.

b. In addition, there shall be added a filtration charge of \$0.325 per one hundred cubic feet, one dollar and ninety-five cents per month minimum.

c. The following minimum monthly charge shall apply to all services to which water is available without regard to actual consumption:

Meter Size	Cu. Ft. of Water Provided at Minimum Charge	Minimum Water Charge	Minimum Filtration Charge	Minimum Charge W/O Regard to Consumption
1/2—3/4 inch	600	\$9.30	\$1.95	\$11.25

1 inch	1,000	15.50	3.25	18.75
2 inch	1,200	18.60	3.90	22.50
Over 2 inch	1,600	24.80	5.20	30.00

4. a. Irrigation Metered Rates—Water Charge.

First	600 cu. ft., 0—600 cu. ft.	\$10.66
Next	2,400 cu. ft., 600—3,000 cu. ft.	1.777 per 100 cu. ft.
Next	12,000 cu. ft., 3,000—15,000 cu. ft.	.963 per 100 cu. ft.
Over	15,000 cu. ft.,	.820 per 100 cu. ft.

b. In addition, there shall be added a filtration charge of \$0.325 per one hundred cubic feet, one dollar and ninety-five cents per month minimum.

c. The following minimum monthly charge shall apply to all services to which water is available without regard to actual consumption:

Meter Size	Cu. Ft. of Water Provided at Minimum Charge	Minimum Water Charge	Minimum Filtration Charge	Minimum Charge W/O Regard to Consumption
1/2—3/4 inch	600	\$10.66	\$1.95	\$12.61
1 inch	1,000	17.77	3.25	21.02
2 inch	1,200	21.32	3.90	25.22
Over 2 inch	1,600	28.43	5.20	33.63

5. Untreated Industrial Water.

Monthly Water Charge (Kimberly-Clark)	\$108,500
Other Industrial Supplies:	
Meter Charge	\$1,000 monthly
Commodity Charge	\$255.00/MG

6. Fire Hydrants and Standpipes. The general fund of the city shall pay for hydrant usage, including transmission and distribution mains, storage facilities and water used for fire suppression. Charge—five thousand dollars monthly.

7. a. City-installed service connection charges:

5/8 x 3/4 inch	\$1,050.00 each
1 inch	1,450.00
2 inch	2,250.00

b. Service connection installations larger than the two-inch size shall be charged at the actual cost of the complete installation.

c. Said charges include a sixty dollar nonrefundable application fee. Service connection applications shall be valid only for one hundred eighty days from date of issue unless work is in progress or a reasonable time extension is granted by the utilities superintendent. Service connection charges (less said nonrefundable application fee) may be refunded to the applicant in the event that refund is requested within one year from the date of issue.

d. Developer-installed connection charges:

5/8 x 3/4 inch	\$380.00 each
1 inch	440.00
2 inch	780.00

8. Special Charges.

a.	Turn-on for restart of service	\$15.00 each
b.	Shut-off requested for premises where customer's stop and waste valve should have been used	\$35.00 each
c.	Turn-on and shut-off requested for a time other than regular hours	\$100.00/call out

d.	Meter testing: All meters regardless of size	
	In-shop testing with 1-hour minimum	\$100.00/hour
	Using meter test van with 3-hour minimum	\$300.00/hour
e.	Destroying or removing lock on meter	\$50.00
f.	Illegal turn-on, tampering of water service or illegal connection	\$100.00
g.	Lien processing fee	\$60.00
h.	New account setup charge	\$15.00
i.	Locate and mark city water shut-off valve	\$35.00
j.	Temporary shut-off/turn-on	\$20.00
k.	Failure to return a city-owned water service key	\$50.00
l.	Returned check fee	\$25.00
m.	Hang notice for delinquent account	\$15.00
n.	Should a customer receive a "past due letter" for failure to pay by the due date, a late fee equal to 5% of the payment past due will be assessed on all amounts in arrears at the time of each bi-monthly billing.	

9. Fire Service. The rates for water supplied exclusively for fire protection purposes shall be deemed service charges and shall be for any one month, or fractional part thereof, as follows:

Size of Service	Service Charge
2 inches	\$5.50
3 inches	7.70
4 inches	9.90
6 inches	14.30
8 inches	18.70
10 inches	23.10
12 inches	27.50

**B. Outside the City Limits.**

1. Individual Meters Outside of the City Limits. The consumption and minimum monthly water charges for individual metered services outside the city limits shall be computed in the same manner as for residential metered customers within the city and then a multiplier of twenty-five percent of this amount shall be added to the water charge so computed. In addition, a charge of \$0.355 per one hundred cubic feet or a two dollar and thirteen cents minimum filtration charge shall be added to arrive at the total monthly charge. No multiplier shall be added to the filtration charge.

2. Master Meters.

a. Master meter rates shall be required for water districts, water associations or other organizations providing water service to sixteen or more permanent services. Organizations serving less than sixteen services and all other customers shall be charged at the individual meter rate.

b. The consumption charges for master meters shall be as follows:

i. For master meters connected east of the Snohomish River, the water charge shall be:

Meter charge	\$65.00 monthly
Water charge (exclusive of meter charge)	.231 per 100 cu. ft.

In addition to said water charge there shall be added a twenty percent rate multiplier to the water charge and a filtration charge of \$0.355 per one hundred cubic feet to arrive at the total monthly charge. No multiplier shall be added to the filtration charge.

ii. For master meters connected west of the Snohomish River, the water charge shall be:

Non-Pumped	\$.490 per 100 cu. ft.
Pumped	.710 per 100 cu. ft.

In addition to said water charge there shall be added a twenty percent rate multiplier and a filtration charge of \$0.355 per one hundred cubic feet to arrive at the total monthly charge. No multiplier shall be added to the filtration charge.

3. Service Connection Charges. Service connection installations outside the city limits of all sizes shall be charged at the actual cost of the complete installation but in no event shall the charge for a three-quarter-inch, a one-inch or a two-inch service connection be less than the amount charged for service connections within the city limits.

4. Delinquent Penalty and Special Charges. The delinquent penalty and special charges as set forth in subsection A of this section plus a multiplier of twenty-five percent shall apply to customers outside the city limits. (Ord. 2805-04 § 2, 2004)

**14.16.712 Rates and charges—Effective January 1, 2007.**

Effective January 1, 2007, and thereafter, the monthly water rates and charges, monthly minimum charges, filtration charges, and provisions relating to rates and charges throughout the water system shall be as follows:

A. Within the City Limits.

1. Fixed Rate Accounts.

Minimum monthly water charge	\$16.30
Filtration charge	3.40
Total fixed rate	\$19.70

2. a. Domestic Metered Rates—Water Charge.

First 600 cu. ft., 0—600 cu. ft.	\$9.78
Over 600 cu. ft.	\$1.630 per 100 cu. ft.

b. In addition, there shall be added a filtration charge of \$0.340 per one hundred cubic feet, two dollars and four cents per month minimum.

c. The following minimum monthly charge shall apply to all residential metered services to which water is available without regard to actual consumption:

Meter Size	Cu. Ft. of Water Provided at Minimum Charge	Minimum Water Charge	Minimum Filtration Charge	Minimum Charge W/O Regard to Consumption
1/2—3/4 inch	600	\$9.78	\$2.04	\$11.82
1 inch	1,000	16.30	3.40	19.70
2 inch	1,200	19.56	4.08	23.64
Over 2 inch	1,600	26.08	5.44	31.52

3. a. Commercial/Industrial/Governmental Metered Rates—Water Charge.

First	600 cu. ft., 0—600 cu. ft.	\$9.78
Next	2,400 cu. ft., 600—3,000 cu. ft.	1.630 per 100 cu. ft.
Next	12,000 cu. ft., 3,000—15,000 cu. ft.	1.011 per 100 cu. ft.
Over	15,000 cu. ft.,	.548 per 100 cu. ft.

b. In addition, there shall be added a filtration charge of \$0.340 per one hundred cubic feet, two dollars and four cents per month minimum.

c. The following minimum monthly charge shall apply to all services to which water is available without regard to actual consumption:

Meter Size	Cu. Ft. of Water Provided at Minimum Charge	Minimum Water Charge	Minimum Filtration Charge	Minimum Charge W/O Regard to Consumption
1/2—3/4 inch	600	\$9.78	\$2.04	\$11.82
1 inch	1,000	16.30	3.40	19.70
2 inch	1,200	19.56	4.08	23.64
Over 2 inch	1,600	26.08	5.44	31.52

4. a. Irrigation Metered Rates—Water Charge.

First	600 cu. ft., 0—600 cu. ft.	\$11.22
Next	2,400 cu. ft., 600—3,000 cu. ft.	1.870 per 100 cu. ft.

Next	12,000 cu. ft., 3,000—15,000 cu. ft.	1.011 per 100 cu. ft.
Over	15,000 cu. ft.,	.861 per 100 cu. ft.

b. In addition, there shall be added a filtration charge of \$0.340 per one hundred cubic feet, two dollars and four cents per month minimum.

c. The following minimum monthly charge shall apply to all services to which water is available without regard to actual consumption:

Meter Size	Cu. Ft. of Water Provided at Minimum Charge	Minimum Water Charge	Minimum Filtration Charge	Minimum Charge W/O Regard to Consumption
1/2—3/4 inch	600	\$11.22	\$2.04	\$13.26
1 inch	1,000	18.70	3.40	22.10
2 inch	1,200	22.44	4.08	26.52
Over 2 inch	1,600	29.92	5.44	35.36

5. Untreated Industrial Water.

Monthly Water Charge (Kimberly-Clark)	\$108,500
Other Industrial Supplies:	
Meter Charge	\$1,000 monthly
Commodity Charge	\$255.00/MG

6. Fire Hydrants and Standpipes. The general fund of the city shall pay for hydrant usage, including transmission and distribution mains, storage facilities and water used for fire suppression. Charge—five thousand dollars monthly.

7. a. City-installed service connection charges:

5/8 x 3/4 inch	\$1,050.00 each
1 inch	1,450.00
2 inch	2,250.00

b. Service connection installations larger than the two-inch size shall be charged at the actual cost of the complete installation.

c. Said charges include a sixty dollar nonrefundable application fee. Service connection applications shall be valid only for one hundred eighty days from date of issue unless work is in progress or a reasonable time extension is granted by the utilities superintendent. Service connection charges (less said nonrefundable application fee) may be refunded to the applicant in the event that refund is requested within one year from the date of issue.

d. Developer-installed connection charges:

5/8 x 3/4 inch	\$380.00 each
1 inch	440.00
2 inch	780.00

8. Special Charges.

a.	Turn-on for restart of service	\$15.00 each
b.	Shut-off requested for premises where customer's stop and waste valve should have been used	\$35.00 each
c.	Turn-on and shut-off requested for a time other than regular hours	\$100.00/call out
d.	Meter testing: All meters regardless of size	
	In-shop testing with 1-hour minimum	\$100.00/hour
	Using meter test van with 3-hour minimum	\$300.00/hour
e.	Destroying or removing lock on meter	\$50.00
f.	Illegal turn-on, tampering of water service or illegal connection	\$100.00
g.	Lien processing fee	\$60.00
h.	New account setup charge	\$15.00

i.	Locate and mark city water shut-off valve	\$35.00
j.	Temporary shut-off/turn-on	\$20.00
k.	Failure to return a city-owned water service key	\$50.00
l.	Returned check fee	\$25.00
m.	Hang notice for delinquent account	\$15.00
n.	Should a customer receive a "past due letter" for failure to pay by the due date, a late fee equal to 5% of the payment past due will be assessed on all amounts in arrears at the time of each bi-monthly billing.	

9. Fire Service. The rates for water supplied exclusively for fire protection purposes shall be deemed service charges and shall be for any one month, or fractional part thereof, as follows:

Size of Service	Service Charge
2 inches	\$5.78
3 inches	8.09
4 inches	10.40
6 inches	15.02
8 inches	19.64
10 inches	24.26
12 inches	28.88

**B. Outside the City Limits.**

1. Individual Meters Outside of the City Limits. The consumption and minimum monthly water charges for individual metered services outside the city limits shall be computed in the same manner as for residential metered customers within the city and then a multiplier of twenty-five percent of this amount shall be added to the water charge so computed. In addition, a charge of \$0.373 per one hundred cubic feet or a two dollar and twenty-four cents minimum filtration charge shall be added to arrive at the total monthly charge. No multiplier shall be added to the filtration charge.

**2. Master Meters.**

a. Master meter rates shall be required for water districts, water associations or other organizations providing water service to sixteen or more permanent services. Organizations serving less than sixteen services and all other customers shall be charged at the individual meter rate.

b. The consumption charges for master meters shall be as follows:

i. For master meters connected east of the Snohomish River, the water charge shall be:

Meter charge	\$173.25 monthly
Water charge (exclusive of meter charge)	.243 per 100 cu. ft.

In addition to said water charge there shall be added a twenty percent rate multiplier to the water charge and a filtration charge of \$0.373 per one hundred cubic feet to arrive at the total monthly charge. No multiplier shall be added to the filtration charge.

ii. For master meters connected west of the Snohomish River, the water charge shall be:

Non-Pumped	\$.515 per 100 cu. ft.
Pumped	.746 per 100 cu. ft.

In addition to said water charge there shall be added a twenty percent rate multiplier to the water charge and a filtration charge of \$0.373 per one hundred cubic feet to arrive at the total monthly charge. No multiplier shall be added to the filtration charge.

3. Service Connection Charges. Service connection installations outside the city limits of all sizes shall be charged at the actual cost of the complete installation but in no event shall the charge for a three-quarter-inch, a one-inch or a two-inch service connection be less than the amount charged for service connections within the city limits.

4. Delinquent Penalty and Special Charges. The delinquent penalty and special charges as set forth in subsection A of this section plus a multiplier of twenty-five percent shall apply to customers outside the city limits. (Ord. 2805-04 § 3, 2004)

**14.16.713 Rates and charges—Effective January 1, 2008.**

Effective January 1, 2008, and thereafter, the monthly water rates and charges, monthly minimum charges, filtration charges, and provisions relating to rates and charges throughout the water system shall be as follows:

**A. Within the City Limits.**

**1. Fixed Rate Accounts.**

Minimum monthly water charge	\$17.10
Filtration charge	3.60
Total fixed rate	\$20.70

**2. a. Domestic Metered Rates—Water Charge.**

First 600 cu. ft., 0—600 cu. ft.	\$10.26
Over 600 cu. ft.	\$1.710 per 100 cu. ft.

b. In addition, there shall be added a filtration charge of \$0.360 per one hundred cubic feet, two dollars and sixteen cents per month minimum.

c. The following minimum monthly charge shall apply to all residential metered services to which water is available without regard to actual consumption:

Meter Size	Cu. Ft. of Water Provided at Minimum Charge	Minimum Water Charge	Minimum Filtration Charge	Minimum Charge W/O Regard to Consumption
1/2—3/4 inch	600	\$10.26	\$2.16	\$12.42
1 inch	1,000	17.10	3.60	20.70
2 inch	1,200	20.52	4.32	24.84
Over 2 inch	1,600	27.36	5.76	33.12

3. a. Commercial/Industrial/Governmental Metered Rates—Water Charge.

First	600 cu. ft., 0—600 cu. ft.	\$10.26
Next	2,400 cu. ft., 600—3,000 cu. ft.	1.710 per 100 cu. ft.
Next	12,000 cu. ft., 3,000—15,000 cu. ft.	1.062 per 100 cu. ft.
Over	15,000 cu. ft.,	.575 per 100 cu. ft.

b. In addition, there shall be added a filtration charge of \$0.360 per one hundred cubic feet, two dollars and sixteen cents per month minimum.

c. The following minimum monthly charge shall apply to all services to which water is available without regard to actual consumption:

Meter Size	Cu. Ft. of Water Provided at Minimum Charge	Minimum Water Charge	Minimum Filtration Charge	Minimum Charge W/O Regard to Consumption
1/2—3/4 inch	600	\$10.26	\$2.16	\$12.42
1 inch	1,000	17.10	3.60	20.70
2 inch	1,200	20.52	4.32	24.84
Over 2 inch	1,600	27.36	5.76	33.12

4. a. Irrigation Metered Rates—Water Charge.

First	600 cu. ft., 0—600 cu. ft.	\$11.76
Next	2,400 cu. ft., 600—3,000 cu. ft.	1.960 per 100 cu. ft.
Next	12,000 cu. ft., 3,000—15,000 cu. ft.	1.062 per 100 cu. ft.
Over	15,000 cu. ft.,	.904 per 100 cu. ft.

b. In addition, there shall be added a filtration charge of \$0.360 per one hundred cubic feet, two dollars and sixteen cents per month minimum.

c. The following minimum monthly charge shall apply to all services to which water is available without regard to actual consumption:

Meter Size	Cu. Ft. of Water Provided at	Minimum Water	Minimum Filtration	Minimum Charge W/O Regard to
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	Minimum Charge	Charge	Charge	Consumption
1/2—3/4 inch	600	\$11.76	\$2.16	\$13.92
1 inch	1,000	19.60	3.60	23.20
2 inch	1,200	23.52	4.32	27.84
Over 2 inch	1,600	31.36	5.76	37.12

5. Untreated Industrial Water.

Monthly Water Charge (Kimberly-Clark)	\$108,500
Other Industrial Supplies:	
Meter Charge	\$1,000 monthly
Commodity Charge	\$255.00/MG

6. Fire Hydrants and Standpipes. The general fund of the city shall pay for hydrant usage, including transmission and distribution mains, storage facilities and water used for fire suppression. Charge—five thousand dollars monthly.

7. a. City-installed service connection charges:

5/8 x 3/4 inch	\$1,050.00 each
1 inch	1,450.00
2 inch	2,250.00

b. Service connection installations larger than the two-inch size shall be charged at the actual cost of the complete installation.

c. Said charges include a sixty dollar nonrefundable application fee. Service connection applications shall be valid only for one hundred eighty days from date of issue unless work is in progress or a reasonable time extension is granted by the utilities superintendent. Service connection charges (less said nonrefundable application fee) may be refunded to the applicant in the event that refund is requested within one year from the date of issue.

d. Developer-installed connection charges:

5/8 x 3/4 inch	\$380.00 each
1 inch	440.00
2 inch	780.00

8. Special Charges.

a.	Turn-on for restart of service	\$15.00 each
b.	Shut-off requested for premises where customer's stop and waste valve should have been used	\$35.00 each
c.	Turn-on and shut-off requested for a time other than regular hours	\$100.00/call out
d.	Meter testing: All meters regardless of size	
	In-shop testing with 1-hour minimum	\$100.00/hour
	Using meter test van with 3-hour minimum	\$300.00/hour
e.	Destroying or removing lock on meter	\$50.00
f.	Illegal turn-on, tampering of water service or illegal connection	\$100.00
g.	Lien processing fee	\$60.00
h.	New account setup charge	\$15.00
i.	Locate and mark city water shut-off valve	\$35.00
j.	Temporary shut-off/turn-on	\$20.00
k.	Failure to return a city-owned water service key	\$50.00
l.	Returned check fee	\$25.00
m.	Hang notice for delinquent account	\$15.00
n.	Should a customer receive a "past due letter" for failure to pay by the due date, a late fee equal to 5% of the payment past due will be assessed on all amounts in arrears at the time of each bi-monthly billing.	

9. Fire Service. The rates for water supplied exclusively for fire protection purposes shall be deemed service charges and shall be for any one month, or fractional part thereof, as follows:

Size of Service	Service Charge
2 inches	\$6.07
3 inches	8.49
4 inches	10.92
6 inches	15.77
8 inches	20.62
10 inches	25.47
12 inches	30.32

**B. Outside the City Limits.**

1. Individual Meters Outside of the City Limits. The consumption and minimum monthly water charges for individual metered services outside the city limits shall be computed in the same manner as for residential metered customers within the city and then a multiplier of twenty-five percent of this amount shall be added to the water charge so computed. In addition, a charge of \$0.392 per one hundred cubic feet or a two dollar and thirty-five cents minimum filtration charge shall be added to arrive at the total monthly charge. No multiplier shall be added to the filtration charge.

**2. Master Meters.**

a. Master meter rates shall be required for water districts, water associations or other organizations providing water service to sixteen or more permanent services. Organizations serving less than sixteen services and all other customers shall be charged at the individual meter rate.

b. The consumption charges for master meters shall be as follows:

i. For master meters connected east of the Snohomish River, the water charge shall be:

Meter charge	\$181.91 monthly
Water charge (exclusive of meter charge)	.255 per 100 cu. ft.

In addition to said water charge there shall be added a twenty percent rate multiplier to the water charge and a filtration charge of \$0.392 per one hundred cubic feet to arrive at the total monthly charge. No multiplier shall be added to the filtration charge.

ii. For master meters connected west of the Snohomish River, the water charge shall be:

Non-Pumped	\$.541 per 100 cu. ft.
Pumped	.783 per 100 cu. ft.

In addition to said water charge there shall be added a twenty percent rate multiplier to the water charge and a filtration charge of \$0.392 per one hundred cubic feet to arrive at the total monthly charge. No multiplier shall be added to the filtration charge.

3. Service Connection Charges. Service connection installations outside the city limits of all sizes shall be charged at the actual cost of the complete installation but in no event shall the charge for a three-quarter-inch, a one-inch or a two-inch service be less than the amount charged for service connections within the city limits.

4. Delinquent Penalty and Special Charges. The delinquent penalty and special charges as set forth in subsection A of this section plus a multiplier of twenty-five percent shall apply to customers outside the city limits. (Ord. 2805-04 § 4, 2004)

**14.16.714 State utility tax.**

The mayor is authorized to increase or decrease the water charges herein to reflect any change in the state of Washington tax on water system revenues (currently set at 5.029 percent of system revenues). (Ord. 2805-04 § 5, 2004)

**14.16.715 Adjustment of rates.**

On April 1, 1998, and thereafter on a biannual basis, the utilities superintendent shall submit a review and report of the financial condition of the water utility and the city council shall consider adjustment of rates, based on then current costs including but not limited to changes in the AFSCME Labor Relations agreement wage provisions for the position of utility laborer. (Ord. 2805-04 § 6, 2004)

**14.16.716 Domestic water customers.**

Domestic water customers will be defined as follows: “All metered water customers, either single-family homes or multi-unit dwellings, of which the primary use is that of a structure to house human residents for an extended period of time shall be considered residential customers for the purpose of water billing.” (Ord. 2805-04 § 7, 2004)

**14.16.717 Irrigation water customers.**

Irrigation water customers will be defined as follows: "All metered water services which provide water solely for the purpose of commercial or agricultural irrigation of crops or landscaping shall be considered irrigation accounts for the purpose of water billing." (Ord. 2805-04 § 8, 2004)

#### **14.16.718 Future rate increases.**

Future increases in the rates charged herein (except the state of Washington tax on system revenues) may be increased by city council resolution subject to public hearing and notice by publication thereof at least two weeks in advance of approval of said resolution. (Ord. 2805-04 § 9, 2004)

#### **14.16.720 Filtration charge—Identification as separate budget category.**

The city budget for the water utility shall identify in a separate category all costs and revenues relating to the financing, construction and operation of the Lake Chaplain water filtration plant which shall be referred to as the "filtration charge" and identified as such in such manner as the mayor shall deem feasible. (Ord. 1237-86 § 71, 1986)

#### **14.16.730 Filtration charge—Customer payment—Cutoff and penalty for nonpayment.**

The city council may contract with large-volume master metered customers regarding sharing the capital and operational costs of water filtration. For all customers receiving filtered water who are not participating in the costs of water filtrations, there shall be added to current rate and charges for water service a charge to be identified as "filtration charge." In the event of nonpayment of the filtration charge for any reason, water service to customers not paying current metered ordinance rates shall be cut off at the earliest possible time consistent with the city's legal obligations and shall not be commenced until all charges assessed herein have been paid in full, plus interest of twelve percent on the annual outstanding indebtedness. (Ord. 1237-86 § 72, 1986)

#### **14.16.740 Determination of employee number and salaries.**

The number, title and salaries of officers and employees of the utilities division shall be fixed by the city council by ordinance, to conform with the utilities division budget, as authorized by council. (Ord. 1237-86 § 73, 1986)

#### **14.16.750 Accounts and records.**

- A. Records of Finance Department. The finance department shall keep the ledger and detailed accounts of the utilities division.
- B. Records of Finance and Budget Director. The finance and budget director shall maintain an account of the cash and investments of the various utilities division funds and be responsible for methods and procedures pertaining to utility service billings, accounts receivable, records and reports in connection therewith. The finance and budget director shall also be an authorized representative to make adjustments to customer billings.
- C. Records of City Treasurer. The city treasurer shall receive, have custody of and be responsible for the cash and investment of utilities division funds. (Ord. 1237-86 § 74, 1986)

#### **14.16.760 Employees' bonds.**

Such employees of the utilities division as the city council may determine, by ordinance, shall furnish and file bonds in the amount fixed by such ordinance. Cost of said bonds shall be paid for by the utilities division. (Ord. 1237-86 § 75, 1986)

#### **14.16.770 Cooperation of other departments.**

It shall be the duty of the employees of the public works, fire, park, police and all other departments to give vigilant aid to the utilities superintendent in the enforcement of this chapter, and to this end they shall report all violations thereof, which come to their knowledge, to the office of the utilities superintendent. (Ord. 1237-86 § 76, 1986)

#### **14.16.780 Duties of city engineer.**

- A. The city engineer shall, upon request of the superintendent, perform all civil engineering and surveying required in the prosecution of any work to be done under direction of the superintendent, and shall furnish him full reports of such engineering and surveying. Any expenses so incurred may be charged to and paid by the utilities division.

B. The city engineer shall, upon request of the superintendent, perform all necessary field and office work in connection with any local improvement districts involving a utility facility improvement. The costs so incurred may be charged to the local improvement district and distributed to the property benefited. (Ord. 1237-86 § 77, 1986)

#### **14.16.790 Fire department's estimated consumption.**

The chief of the fire department shall cause to be estimated and submitted to the utilities superintendent, on a monthly basis, a quantity listing of all unmetered water used by the fire department for purposes of fire prevention, control and/or suppression, drilling and training by fire companies and personnel and other quantities of unmetered water used by or within the fire departments operations. (Ord. 1237-86 § 78, 1986)

#### **14.16.800 Report by plumbing inspector.**

It shall be the duty of the plumbing inspector to report, in writing, to the utilities superintendent, or his designated representative, all premises inspected by him where city water or sewer service is installed, or about to be installed, within forty-eight hours after such inspection. This report shall contain the name of the owner, the official house number, the name of the street, the plumber or persons performing the work and the classification of the service in conformity with the utilities division's classification list. The plumbing inspector shall cause stop and waste valves to be placed so as to thoroughly drain all pipes and fixtures on each separate premises. (Ord. 1237-86 § 79, 1986)

#### **14.16.810 Turn-off in condemned buildings.**

Whenever the building inspector shall report in writing to the utilities superintendent that any building has been condemned by him as a structure not habitable and dangerous to human life, or whenever the health officer shall report in like manner to the utilities superintendent that any building has been condemned by him as unsanitary and not fit for human habitation, the utilities superintendent shall at once cause the water to be shut off to said building and not permit it to be turned on again until the building has been made safe or sanitary or until the building inspector or health officer shall direct otherwise. (Ord. 1237-86 § 80, 1986)

#### **14.16.820 Payment for services by other departments.**

There shall be charged to the utilities division such sum per year as the Everett city council may fix as a general expense item for reimbursement to the departments of finance, public works and safety, and the office of the city attorney for services rendered or work performed by said departments for the utilities division. (Ord. 1237-86 § 81, 1986)

#### **14.16.830 Adjustments to bills and charges.**

The utilities superintendent, or such authorized representative as he may designate, is authorized and directed to make adjustments or authorize such adjustments to be made, to any billing rendered by the utilities division for any charge for water service including, but not limited to, connection charges, minimum monthly billings, fixed rate and metered charges, penalty and special charges, adjustment of billings due to vacancies, improperly charged rates, and the cancellation of uncollectible bills and accounts, subject to rules and regulations as the city council may promulgate from time to time. Adjustments for leakage will be calculated such that the customer is charged for the average consumption for the leakage period determined from historical records for the same time period in previous years, plus one-half of the excess consumption under the base water charge plus the filtration charge on the total consumption. (Ord. 1237-86 § 82, 1986)

#### **14.16.840 Damage to water system facilities—Liability.**

No person shall intentionally nor otherwise cause or permit damage, and/or destruction of any utilities division pipe, valve, service hydrant, meter nor any other appurtenance, unit or facility which forms a part of the water system. Any person causing or responsible for damage and/or destruction of any utilities division facility whatsoever shall pay all costs for repair or replacement of such facility and shall further be subject to prosecution for a violation of this chapter. (Ord. 1237-86 § 83, 1986)

#### **14.16.850 Lien for delinquent water charges.**

The utilities division elects to claim and does claim a lien in the manner provided by RCW 35.21.290 as now amended or as the same may be hereafter amended, for all delinquent and unpaid charges for water and special charges against the premises to which the same has been furnished; provided, that the owner of said premises, or the owner of a delinquent mortgage thereon, may give written notice to the utilities superintendent or other head of such works or plants to cut off service to the premises and from and after the

giving of such notice and the payment or tender of the then delinquent and unpaid charges against such premises for such service together with the cut off charge, the utilities division shall have no lien on the premises for charges for such services thereafter furnished, nor shall the owner, or the owner of a delinquent mortgage thereon, be held for the payment thereof; provided further, that such liens shall not be for more than four months charges due or to become due, nor for any charges which have been due for more than four months, unless such limitation is waived. The enforcement of this lien shall be by cutting off the service until the delinquent and unpaid charges are paid. (Ord. 1237-86 § 84, 1986)

#### **14.16.860 Utilities superintendent's authority—Administration and operations.**

In the event a situation or circumstance should arise relating to the administration and operation of the utilities division, which is not covered by this chapter then the same shall be referred to the utilities superintendent for decision on action and procedure. Such decision shall be final, subject to the decision of the mayor, in matters relating to utilities division administration, operations and procedures. (Ord. 1237-86 § 85, 1986)

### **Chapter 14.20 WATER—CROSS-CONNECTIONS**

#### **Sections:**

[14.20.010](#) **Definitions.**

[14.20.020](#) **Cross-connections—Prohibitions.**

[14.20.030](#) **Backflow prevention device.**

[14.20.040](#) **Compliance required.**

[14.20.050](#) **State statutes adopted.**

[14.20.060](#) **Nuisances declared—Abatement.**

#### **14.20.010 Definitions.**

As used in this chapter:

A. "Backflow" means the flow other than the intended direction of flow of any foreign liquids, gases or substances into the distribution system of a public water supply;

B. "Backflow prevention device" means a device (AWWA approved) to counteract back pressure or prevent back siphonage;

C. "Cross-connection" means any physical arrangement whereby a public water supply 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 waste, sewage, or other waste or liquids of unknown or unsafe quality which may be capable of imparting contamination to the public water supply as a result of backflow;

D. "Superintendent" means the superintendent of the Everett water department, or any staff member of the Snohomish health district or the state of Washington Department of Social and Health Services qualified in protection of municipal water quality. (Prior code § 14.18.010)

#### **14.20.020 Cross-connections—Prohibitions.**

The installation or maintenance of a cross-connection which in the opinion of the superintendent will endanger the water quality of the potable water supply of the city is unlawful. (Prior code § 14.18.020)

#### **14.20.030 Backflow prevention device.**

Backflow prevention devices shall be required to be installed and maintained by the service customer on any service connection to the Everett water supply system where, in the opinion of the superintendent, the backflow prevention devices are necessary for the protection of the city water supply from backflow. (Prior code § 14.18.030)

#### **14.20.040 Compliance required.**

Use or operating of a private water supply system contrary to the provisions of the ordinances of the city or the laws of the state or the rules and regulations of the State Board of Health regulating public water supplies where the private system is served by the city public water supply is unlawful. (Prior code § 14.18.040)

#### **14.20.050 State statutes adopted.**

Rules and regulations of the State Board of Health regarding public water supplies, cross-connection control regulation in Washington State, WAC 246-290-490 are adopted by reference. (Ord. 2519-01 § 1, 2001: prior code § 14.18.050)

## **14.20.060 Nuisances declared—Abatement.**

Unlawful cross-connections now existing or hereafter installed, services requiring backflow prevention devices and unlawful use or operation of a private water supply system served by the city public water supply system are declared to be nuisances, and in addition to any other provisions and lawful measures for the abatement of nuisances, shall be subject to abatement in accordance with the following procedure. In the event that the superintendent determines that a nuisance, as herein provided, does exist, written notice thereof shall be sent to the person in whose name the service is established under the records of the city water department or, alternatively the written notice shall be posted on the premises served. The notice shall provide that the nuisance described therein shall be corrected within thirty days of the date the notice is mailed or posted. Upon failure to abate the nuisance within the prescribed time, water service may be discontinued. In the event that a nuisance, as herein provided, presents an immediate danger of contamination to the public water supply of the city in the opinion of the superintendent, service from the city public water supply system to any premises upon which a nuisance, as herein provided, exists may be discontinued. Any appeal from a decision, finding or determination of the superintendent shall be to the Superior Court of Snohomish County within thirty-three days of mailing or posting of a thirty-day notice and three days of mailing or posting of notice of immediate discontinuance. (Prior code § 14.18.060)

## **Chapter 14.24 WATERSHED<sup>5</sup>**

### **Sections:**

[14.24.010](#) Watershed established.

[14.24.020](#) Trespassing in watershed.

[14.24.030](#) Penalty for violations.

### **14.24.010 Watershed established.**

The Sultan Basin Watershed from which the city secures its domestic water supply is established and defined as follows:

T. 28 N., R. 8 E.  
N-1/2 of Sec. 6.

T. 28 N., R. 9 E.  
All of Secs. 1, 2, 3, NE-1/4 Sec. 4, E-1/2 E-1/2 Sec. 10, all of Secs. 11, 12, 13, 14, NE-1/4 Sec. 23, N-1/2 Sec. 24.

T. 28 N., R. 10 E.  
W-1/2 of Sec. 1, all of Secs. 2, 3, 4, 5, 6, 7, 8, 9, N-1/2, N-1/2 S-1/2 and SW-1/4 SW-1/4 Sec. 10, N-1/2 and N-1/2 Sec. 17, all of Sec. 18.

T. 29 N., R. 7 E.  
E-1/2 E-1/2, S-1/2 SW-1/4, SW-1/4, SE-1/4 Sec. 25, all of Sec. 36.

T. 29 N., R. 8 E.  
S-1/2 Sec. 20, S-1/2 Sec. 21, S-1/2 Sec. 22, SW-1/4 SW-1/4 Sec. 23, SW-1/4 NW-1/4 NW-1/4 and S-1/2 Sec. 25, S-1/2 Sec. 26, all of Secs. 27, 28, 29, 30, 31, 32, 33, 34, N-1/2 Sec. 35, N-1/2, SW-1/4, W-1/2 SE-1/4 Sec. 36.

T. 29 N., R. 9 E.  
All of Sec. 1, E-1/2 Sec. 2, all of Secs. 11, 12, 13, 14, E-1/2 and SW-1/4 Sec. 15, S-1/2 Sec. 16, SE-1/4 Sec. 17, E-1/2, E-1/2 W-1/2, SW-1/4 SW-1/4 Sec. 20, all of Secs. 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, N-1/2 Sec.31, E-1/2 Sec. 33, all of those Secs. 34, 35, and 36.

T. 29 N., R. 10 E.  
All of Secs. 4, 5, 6, 7, 8, 9, 10, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, W-1/2 Sec. 25, all of Secs. 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, W-1/2 Sec. 36.

T. 30 N., R. 9 E.  
SE-1/4 SE-1/4 Sec. 35, NE-1/4 SE-1/4 and S-1/2 Sec. 36.

T. 30 N., R. 10 E.  
SW 1/4, Sec. 28, S-1/2 Sec. 29, SE-1/4 Sec. 30, all of Sections 31, 32, W-1/2 Sec. 33.  
(Prior code § 14.20.010)

#### **14.24.020 Trespassing in watershed.**

For the purpose of protecting the water supply of the city from pollution, it is declared unlawful for any person or persons to camp, picnic, loiter, trespass, fish, hunt or otherwise be within the territory from which the city derives its water supply, being the Sultan River Watershed, from and above the intake of said Everett water supply system and including the lakes, rivers, springs, creeks, streams or tributaries draining into said water supply, unless legally authorized to go upon said grounds or waters or unless permit to do so has first been obtained from the health department of the city. It is also declared unlawful for any person or persons, whether or not they are performing municipal work for the city or have been authorized to go upon the above mentioned grounds or water as above provided, to deposit within said territory above described any human excrement or other substance whatsoever deleterious to health or to commit any act whatsoever tending to pollute the water in said watershed territory. (Prior code § 14.20.020)

#### **14.24.030 Penalty for violations.**

Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this chapter shall upon conviction of such violation or failure be punished by a fine of not more than five hundred dollars or by imprisonment not to exceed six months or by both such fine and imprisonment. (Ord. 293-74 § 2 (part), 1974; prior code § 14.20.030)

### **Chapter 14.32 WATER AND SEWER UTILITY SERVICE CHARGES**

#### **Sections:**

- [14.32.010](#) **Utility bills—Delinquency.**
- [14.32.020](#) **Delinquent accounts—Collection.**
- [14.32.030](#) **Collection—Contact with customer—Information.**
- [14.32.040](#) **Collection—Notice in lieu of contact.**
- [14.32.050](#) **Shutoff notice.**
- [14.32.060](#) **Review of disputed bills.**
- [14.32.070](#) **Right of appeal.**
- [14.32.080](#) **Deferred payments.**
- [14.32.090](#) **Additional costs.**

#### **14.32.010 Utility bills—Delinquency.**

Utility bills shall be delinquent fifteen days from date of mailing. The customer will be notified by past due reminder on or after the sixteenth day of delinquency that the bill must be paid within five business days from the date of this letter or the water service will be shut off. (Ord. 585-79 § 1, 1979)

#### **14.32.020 Delinquent accounts—Collection.**

After the expiration of five business days from the date the delinquent letters were mailed, a field serviceman will be given a list of the delinquent accounts to call on in the field to try to make collection. (Ord. 585-79 § 2, 1979)

#### **14.32.030 Collection—Contact with customer—Information.**

If contact is made with the customer, the serviceman will explain the following:

- A. The amount of the delinquency;
- B. That he is there to shut the water off for nonpayment, that if the customer questions the amount payable, he has a right to discuss his bill during city working hours with an employee or officer of the city who is authorized to review disputed bills and correct any errors. If the serviceman is not so authorized, then the serviceman will inform the customer where and how an authorized employee or officer may be contacted and that such contact must be made immediately to avoid cutting off water service;
- C. That he can accept a payment in full by check or money order;
- D. That if unable to pay in full, arrangements for partial payment will have to be made by contacting the delinquent billing clerk;

E. That if the bill is not disputed and payment or arrangements are not made within twenty-four hours, he will return and shut off the water without further notice. (Ord. 585-79 § 3, 1979)

#### **14.32.040 Collection—Notice in lieu of contact.**

A. If at the time the field serviceman calls at a customer's residence and contact is not made with the customer, he will leave a notice stating substantially as follows: "Your unpaid account amounts to \$\_\_\_\_\_. If you question whether the amount shown is due, you must immediately contact (title of authorized representative to review disputed bills and correct errors) at \_\_\_\_ between the hours of \_\_\_\_ and \_\_\_\_, Monday through Friday and discuss the matter or make an appointment with (employee or title of officer or title of person authorized to review disputed bills and correct errors). Otherwise, if the amount is not paid by \_\_\_\_, the service will be cut off without further notice."

B. Service will be restored during regular hours only after the full amount due and a fifteen dollar reconnection charge has been paid. (Ord. 585-79 § 4, 1979)

#### **14.32.050 Shutoff notice.**

When the water has been shut off, a notice shall be left notifying customer. (Ord. 585-79 § 5, 1979)

#### **14.32.060 Review of disputed bills.**

The budget and finance director, or person he designates, shall be authorized to review disputed bills and correct errors. Customers who question or dispute their bills shall have the right to an informal conference with an employee or officer of the city so authorized by the budget and finance director to review disputed bills and correct errors, during regular business hours, eight a.m. to four p.m., Monday through Friday at \_\_\_\_\_. (Ord. 585-79 § 6, 1979)

#### **14.32.070 Right of appeal.**

A. Customers who disagree with the decisions of city officers or employees after informal conferences shall have the further right to appeal to the budget and finance director, or such supervisory officer as the budget and finance director may designate.

B. Customers who are appealing the decision of the informal conference will not be subject to water shutoff during the appeal proceedings; provided, that undisputed amounts are paid.

C. Appeals resulting from informal conferences must be submitted with the reasons therefor within five business days following the decision from the informal conference. Appeals shall be made in writing and be addressed to the Budget and Finance Director, City Hall, Everett, Washington, 98201.

D. Appeal hearings shall be conducted during the hours of nine a.m. to four p.m., Monday through Friday, within seven business days following appeal of the employee decision.

E. A written decision shall be delivered to the customer by hand or certified mail within three business days following the appeal hearing. If the customer refuses to accept delivery of the written decision or fails to make the payments required by the decision, the city may disconnect the customer's service without further notice. (Ord. 585-79 § 8, 1979)

#### **14.32.080 Deferred payments.**

The budget and finance department shall establish uniform procedures for deferred payment arrangements. (Ord. 585-79 § 7, 1979)

#### **14.32.090 Additional costs.**

The budget and finance department may assess reasonable charges for costs relating to certain collection actions to partially offset operational expenses involved for the sewer and water utility. (Ord. 585-79 § 9, 1979)

## **Chapter 14.36 LATECOMER AGREEMENTS**

#### **Sections:**

[14.36.010](#) Definitions.

[14.36.020](#) Application authorized—Purpose—Term.

[14.36.030](#) Guidelines establishment authority.

[14.36.040](#) Rights and nonliability of city.

**14.36.050 Application requirements—Fee.**

**14.36.060 Eligibility of applicants.**

**14.36.070 Street system improvement—Procedure.**

**14.36.080 Utility system improvements—Procedure.**

**14.36.010 Definitions.**

The following definitions control for purposes of this chapter:

A. 1. “Street system improvements” include the acquisition of right-of-way and/or easements, design, grading, paving, installation of curbs, gutters, storm drainage, sidewalks, street lighting, traffic controls and other similar improvements as required by the street standards of the city. A latecomer agreement shall not be approved for the improvement of a developer’s abutting rights-of-way and transitions as required by city ordinance. An exception may apply where vertical grade and alignment changes are required by the city engineer to promote traffic safety and the city engineer recommends a latecomer agreement.

2. No latecomer agreement shall be approved for street improvements that do not include concrete curb, gutter and sidewalks on the benefiting side of the street. The appropriate asphalt width shall be determined by city ordinance in accordance with current design and construction standards and specifications.

3. No latecomer agreement shall be approved for alley improvements.

B. “Utility system improvements” shall include the acquisition of right-of-way and/or easements, design and installation of the system to city design standards including:

1. “Water” includes such things as mains and appurtenances including service lines, valves, fire hydrants, pumping of pressure reducing stations, testing, etc.

2. “Sewer” includes such things as mains and related appurtenances including side sewers, lift stations, telemetering facilities, testing, etc.

3. “Storm drainage” includes such things as mains and related appurtenances including public detention facilities. (Ord. 1115-85 § 2, 1985)

**14.36.020 Application authorized—Purpose—Term.**

Any developer utilizing private funds to install street, water or sewer (sanitary and/or storm) improvements and appurtenances costing more than four thousand dollars, said limit to be adjusted annually in accordance with the ENR (Engineering News-Record) Index, on public right-of-way may apply to the city to establish a latecomer agreement for recovery of a pro rata share of the cost of constructing said public improvements from other practices that will later derive a benefit from said improvements. No latecomer agreement shall extend for a period longer than ten years from the date of final acceptance by the city. The city council shall have discretion to authorize or not to authorize latecomer agreements on a case-by-case basis. (Ord. 1115-85 § 1, 1985)

**14.36.030 Guidelines establishment authority.**

The city engineer shall establish guidelines and rules, regulations, policies and procedures for all applications for latecomer agreements. (Ord. 1115-85 § 3, 1985)

**14.36.040 Rights and nonliability of city.**

The city reserves the right to refuse to enter into any latecomer agreement or to reject any application therefor. All applications for latecomer agreements shall be made on the basis that the applicant releases and waives any claims for any liability of the city in establishment and enforcement of latecomer agreements. The city shall not be responsible for locating any beneficiary or survivor entitled to benefits by or through latecomer agreements. Any collected funds unclaimed by developers after three years from the expiration of the agreement shall be returned to parties making payment to the city. Any remaining undeliverable funds shall inure to the benefit of the appropriate utility and/or fund approved by city council. (Ord. 1115-85 § 4, 1985)

**14.36.050 Application requirements—Fee.**

All applications for latecomer agreements shall be on forms approved and established by the city engineer and shall be accompanied by a nonrefundable application fee of two hundred dollars plus twenty-five dollars for every separate parcel to be encumbered by the agreement to cover the city’s expenses in processing the application. The city engineer shall establish other requirements for the form of the application. (Ord. 1115-85 § 5, 1985)

**14.36.060 Eligibility of applicants.**

Applicants for latecomer agreements shall be in compliance with all city ordinances, rules and regulations to be eligible for processing of latecomer agreements. (Ord. 1115-85 § 6, 1985)

### **14.36.070 Street system improvement—Procedure.**

The procedures to be followed for latecomer agreements for street system improvements shall be as follows:

A. City will formulate an assessment reimbursement area (benefit area) based upon a determination of which parcels adjacent to the improvements would require similar street improvements upon development.

B. The preliminary determination of area boundaries and assessments, along with a description of the property owners' rights and options, shall be forwarded by registered mail to the property owners of record as shown on the records of the Snohomish County assessor within the proposed assessment area. If any property owner requests a hearing in writing within twenty days of the mailing of the preliminary determination, a hearing shall be held before the city council, notice of which shall be given to all affected property owners at least ten days in advance of the council meeting. The city council's ruling is determinative and final.

C. The latecomer agreements must be recorded in the Snohomish County auditor's office within thirty days of the final execution of the agreement. It shall be the sole responsibility of the latecomer applicant to record said agreement.

D. Once recorded, the latecomer agreement shall be binding on owners of record within the assessment area who are not party to the agreement.

E. All notice requirements set forth herein shall be the sole responsibility of the applicant for latecomer's agreement and shall be satisfied by a notarized affidavit that the applicant has mailed the notices pursuant to the requirements set forth herein. (Ord. 1115-85 § 7, 1985)

### **14.36.080 Utility system improvements—Procedure.**

The procedures to be followed for latecomer agreements for utility system improvements shall be as follows:

A. City will formulate an assessment reimbursement area (benefit area) based upon a determination of which parcels did not contribute to the original cost of such utility system improvement and who may subsequently tap onto, drain to, or use the same including users connected to laterals or branches connecting thereto.

B. The preliminary determination of area boundaries and assessments, along with a description of the property owners' rights and options, shall be forwarded by registered mail to the property owners of record as shown on the records of the Snohomish County assessor within the proposed assessment area. If any property owner requests a hearing in writing within twenty days of the mailing of the preliminary determination, a hearing shall be held before the city council, notice of which shall be given to all affected property owners at least ten days in advance of the council meeting. The city council's ruling is determinative and final.

C. The latecomer agreements must be recorded in the Snohomish County auditor's office within thirty days of the final execution of the agreement. It shall be the sole responsibility of the latecomer applicant to record said agreement.

D. Once recorded, the latecomer agreement shall be binding on owners of record within the assessment area who are not party to the agreement.

E. All notice requirements set forth herein shall be the sole responsibility of the applicant for latecomer agreement and shall be satisfied by a notarized affidavit that the applicant has mailed the notices pursuant to the requirements set forth herein. (Ord. 1115-85 § 8, 1985)

## **Chapter 14.48 INDUSTRIAL WATER**

### **Sections:**

[14.48.010](#) **Definitions.**

[14.48.020](#) **Industrial water facilities.**

[14.48.030](#) **Applications.**

[14.48.040](#) **Mill owner rate.**

[14.48.050](#) **Latecomer rate.**

[14.48.060](#) **Service priorities.**

### **14.48.010 Definitions.**

A. "Industrial water" means water which is untreated or otherwise unsuitable as a source of supply for a public water system under the rules of the State Board of Health. (Chapter 248-54 WAC).

B. "Mill owner" means the owner/operator of the wood products mill located at West Marine View Drive, currently Kimberly Clark Tissue Company.

C. "Latecomer" means any person other than the mill owner who shall apply for industrial water. (Ord. 2368-99 § 2, 1999; Ord. 2015-94 § 1, 1994)

#### **14.48.020 Industrial water facilities.**

Everett water system facilities dedicated for industrial water service shall not exceed fifty MGD peak capacity of which the mill owner's current peak demand is forty MGD. Based on past agreements and participation in development of the Everett water system, the mill owner shall have priority to receive industrial water. Delivery of industrial water shall be subject to rules and regulations established by the director of public works. (Ord. 2368-99 § 3, 1999; Ord. 2015-94 § 2, 1994)

#### **14.48.030 Applications.**

All applications for industrial water shall be subject to approval by the director of public works who shall disapprove any application which will violate state domestic water supply regulations. (Ord. 2015-94 § 3, 1994)

#### **14.48.040 Mill owner rate.**

The rate for delivery of industrial water to the mill owner shall be based on cost of service principles in use under previous contract service and the cost of service shall be reviewed at least biennially and a monthly rate for industrial supply to the mill owner shall be set by council resolution. (Ord. 2368-99 § 4, 1999; Ord. 2015-94 § 4, 1994)

#### **14.48.050 Latecomer rate.**

As a condition of connection to the industrial water system, latecomers shall pay latecomer connection charges to the mill owner as provided in the April 12, 1983, Industrial Water Separation Agreement (said charges based on both past and future payments). In addition, latecomer shall pay to the city of Everett all costs of connection as provided under city ordinances. City rates to latecomers for industrial water shall be as follows:

Industrial water availability (min. charge) \$1,000/mo.

Consumption \$200/MG

(Ord. 2368-99 § 5, 1999; Ord. 2015-94 § 5, 1994)

#### **14.48.060 Service priorities.**

Priorities of service for industrial water shall be:

A. The mill owner;

B. Other continuous customers; and

C. Stand-by service. (Ord. 2368-99 § 6, 1999; Ord. 2015-94 § 6, 1994)