

AN ORDINANCE OF THE CITY OF GIG HARBOR DELETING ORDINANCE NUMBERS 195 AND 196, AND ESTABLISHING RULES AND REGULATIONS FOR WATER SERVICE, PROVIDING PENALTIES FOR VIOLATIONS OF SAME, PROVIDING FOR METERING OF SERVICES, ESTABLISHING MAIN EXTENSION POLICY.

WHEREAS, the City of Gig Harbor has a need of a rate structure, hookup charge, connection charge, rules and regulations and other requirements governing the use of such water system and the water utility of the City;

NOW, THEREFORE, The City Council of the City of Gig Harbor, Washington, does ordain, as follows:

Section 1. Definitions: The following words used in this ordinance shall have the following meaning except when a different meaning is clearly intended:

(a) Clerk. Clerk shall mean the City Clerk of the City of Gig Harbor.

(b) City. City shall mean the City of Gig Harbor, Washington.

(c) Council. Council shall mean the duly elected City Council of the City.

(d) Superintendent. Superintendent shall mean the water superintendent appointed by the Mayor of the City to perform the tasks listed in this ordinance.

(e) Shall/May. Shall is mandatory. May is permissive.

(f) Building and/or Residence. Building and/or Residence shall mean any structure which is designed for human occupancy and has one or more sinks and/or showers, and/or bathing facilities, and/or laundry facilities, and/or toilets, or which receives water from the City.

(g) Connection Charges. Connection Charges shall mean the charges imposed by the City for connecting any water service line to a public water main of the City.

(h) Multiple Residence Building. Multiple Residence Building shall mean a dwelling containing more than one family and having a kitchen and a bath for each family.

(i) Public Water Main. Public Water Main of the City shall mean any portion of the water mains or lines owned or operated by the City.

(j) Water Connection Permit. Water Connection Permit shall mean the permit issued by the City to allow the connection of a water service line to a public water main.

(k) Water Service. Water Service shall mean the furnishing of water through the public water mains to customers connected with water service lines.

(l) Water Service Lines. Water Service Lines are lines connected to the public water mains through a water meter serving water to property. Such water service lines from the meter to the property, building or structure being served shall not be the property of the City.

(m) Water Service Rates. Water Service Rates shall mean the monthly charges imposed by the City for the use or consumption of water from the municipal water utility of the City.

(n) Hookup Charge. Hookup Charge shall mean a charge established by ordinance to offset the cost of constructing or paying for already constructed additional storage as the need arises to keep up with the needs of new connections.

Section 2. Exercise of police power. This ordinance is declared to be an exercise of the police power of the state and the City

to promote the public health, safety, and welfare of the residents and property owners of the City and to protect the water system of the City, and its provisions shall be liberally construed for the accomplishment of that purpose.

Section 3. Application required, Connections. Any person desiring to have premises connected with the water supply system of the City shall make application at the office of the City Clerk on the printed forms furnished for that purpose. Every such application shall be made by the owner of the property to be furnished or by his authorized agent. The applicant must state fully the purposes for which the water may be required. Applicant must agree to conform to the regulations and rules concerning the use of water as they may be established from time to time and further agree that the City shall have the right at any time, without notice, to shut off the water supply for repairs, extensions, non-payment of rates and charges, or for any other reason, and that the City shall not be responsible for any damage, caused by the breaking, bursting or collapsing of any boiler, pipes or fixtures, or by the stoppage or interruption of the water supply, or any damage whatever resulting directly or indirectly from the shutting off of the water.

Section 4. Water Service Applications - Form. Application for the use of water shall be substantially in the following form:

CITY OF GIG HARBOR
WATER SERVICE APPLICATION

DATE

"Application is hereby made by the undersigned property owner for all water service required or used for any purpose at, in, or near Gig Harbor, Washington, for which I agree to pay in advance and in accordance with existing ordinance and regulations of the City, the following estimated charges, the exact charges will be determined and payable immediately upon completion of the installation:

Engineering Fees
Water Main Extension
Fire Hydrant Installation
Street Repair
Tap-In Charges
Water Service
Connection Charge
(Metering Charges)
Total

I further agree that all rates and charges for water service to the above property shall be paid in accordance with the now-existing ordinances and regulations of the City, or any ordinances and regulations passed hereafter.

"I understand that the City will use all reasonable effort to maintain uninterrupted service, but reserves the right to shut off the water at any time without notice for repairs, expansions, nonpayment of rates or any other reason and assumes no liability for any damage as a result of interruption of service from any cause whatsoever."

Owner
Address

After the applicant has paid the proper fees and a deposit to cover all estimated hookup charges, and having filled out and filed the water service application, the Superintendent shall cause the proper taps, valves and meters to be installed to bring the water service to that person's property at such location as the applicant shall designate, subject to Section 5.

Section 5. Regulations pertaining to new service or re-installed services. All new water service connections and all water service connections and all water service which is re-installed or reconnected after disconnection shall be subject to the following requirements:

- (a) Tap size determination. The Superintendent may determine the size of tap to be inserted into any water main and the size of service pipe under any application or permit, provided that no service shall be less than 3/4" in diameter.
- (b) Service pipe installation/City control. When a permit has been obtained for the installation of water, the Superintendent, if there is a City water main abutting the property, shall cause to be installed a service pipe from the main to the property line, including a stop cock, meter and meter box, which connections thereafter shall be maintained by and kept within the exclusive control of the City.

The council may, at its discretion, order the extension or renewal of mains by the use of local improvement districts or utility local improvement districts as provided by law, and the water department may pay the same, whatever part is deemed equitable, as determined by the council.

Section 6. Meters required, supplied. At the time each premises is connected to the water system of the City, or, if already connected, within 2 months of the effective date of this ordinance, there shall be installed by the City a meter or meters of the type approved and supplied by the Superintendent at the point or points of intake of the water supply for that premises approved by the Superintendent.

Meters required to be installed shall be of a uniform type and shall be acquired by the City from the suppliers thereof. Such meters shall be installed by the City, and the ownership of such meters shall remain in the City. The City will perform the ordinary and usual maintenance on such meters and may replace them from time to time. The property owner shall be responsible for the replacement or repair cost of the meter in the event it is destroyed or damaged beyond normal wear and tear by any cause other than the fault of the City. The City shall bill the cost of any such repair or replacement to the property owner and, if it shall not be paid, the unpaid charge or cost shall be certified and filed as a lien in the manner provided by law or otherwise collected as other water charges in the manner provided by law and ordinance.

The installation of the meter shall be done under the supervision of the Superintendent or his representative at a location approved by him.

The Superintendent or his representative shall have access at all reasonable hours to the meters so installed for the purpose of inspecting, maintaining, repairing, replacing and reading them.

No building or structure shall be furnished water service after June 19, 1974, unless each such building or structure has a meter installed pursuant to this section.

Section 7. Water Rate Charges. The rates for water service charges, hookup charges, meter and new installation shall be designated by separate ordinances to be enacted by the council specifically for this purpose.

Section 8. Prohibited acts.

- (a) Supplying water to additional families. It shall be unlawful for any person whose premises are supplied with water to furnish water to additional families or premises unless he first makes application in writing to do so, in the same manner as an original application for the installation of water service. The approval of the council

shall be mandatory before water shall be so supplied indirectly to any person or premise.

- (b) Littering or swimming in reservoir. It shall be unlawful for any person to bathe in or throw any substance into any reservoir or storage area, or place any foreign substance upon any grounds belonging to, connected with or under the control of the water department of the City.
- (c) Interfering with or damage to water department property. It shall be unlawful for any person, firm or corporation to open, close or interfere with, or attempt to, or connect with any fire hydrant, stop valve or stop cock, belonging to the City water department unless authorized by the Superintendent, but this subsection shall not apply to members of the county fire department while acting in such capacity.

It shall be unlawful for any person unless duly authorized by the Superintendent to disturb, interfere with, or damage any water main, water pipe, machinery, tool, meter, or any other appliances, buildings, improvements, flowers, vines, bushes or trees belonging to, connected with, or under the control of the water department of the City.

- (d) Connections with City mains - Cross Connections. No plumber or other person will be allowed to make connections with the City mains or any fixtures connected therewith without the permission of the Superintendent.

Cross-connections between the water systems of the City and any other source of water supply are prohibited, and it shall be unlawful for any person to make such cross-connection, or permit the same to be made with any premises over which he has the control.

Section 9. Meter Inspecting. When any consumer whose water service is metered makes a complaint that the bill for any past time has been excessive, the water department will, upon request, have such meter re-read and the service inspected for leaks.

Section 10. Miscellaneous.

- (a) Right of entry to read meters. Officers and employees of the City water department shall be entitled at proper hours of the day to enter upon property to which water is supplied hereunder, and it shall be unlawful for any owner or any occupant of the premises supplied with City water to fail, neglect or refuse to give free access to such premises for such purpose.
- (b) Discontinuance of water service. Should the owner of any premises desire to discontinue the use of water supplied any premises, he shall give the City notice in writing and pay in full all outstanding water charges on his account at the office of the Clerk. The water shall then be shut off and upon proper application be turned on again upon the payment of three (\$3.00) dollars. Future water charges shall not cease without the notice herein prescribed.
- (c) Water shutoff for nonpayment of water bills. In the event that any billing for water service or other water charge has not been paid within 115 days of billing, the City Clerk shall send a notice to the property owners which shall read substantially as follows:

Service No. Date Balance

A friendly reminder

5 day final notice that \$ _____ is past due. If you have made payment in full, please accept our thanks and disregard this reminder. Please return this notice with your remittance.

If such water service is shut off, it may be turned on

again by the City after full payment is made for all charges to date, plus penalties, interest and the turn-on charge provided.

- (d) Wasting water. It shall be unlawful for any person to waste water by knowingly or willfully neglecting to repair any breaks, leakage, or other defective equipment or by failure to shut off any tap thereby wasting water on premises within their control. Persons so notified of defective equipment by a representative of the City shall repair same within twenty-four hours. Failure to do so shall be a violation of this ordinance. The City shall have the authority to terminate that person's water service immediately until the leakage or wastage shall be corrected. At reasonable times of the day, the City of Gig Harbor shall have the right for its authorized representative to enter the premises for the purpose of ascertaining whether or not water is being wasted excessively. Failure to grant permission to enter for this determination shall subject that person to have water service suspended.
- (e) Pipe installation - owner's responsibility. The property owners shall at their own expense install all pipes and connections from the stop cock and/or meter placed by the water department to serve their respective premises. All such pipes must be provided with stop and waste cocks protected from frost and accessible to the customer so that such pipes may be drained to prevent damage by freezing and so the water may be shut off; for repairs to service pipes. A charge of three (\$3.00) dollars shall be made where it becomes necessary for any employee of the water department to shut off or turn on water for repair of broken pipes or for installing stop and waste cocks.
- (f) Water pipes maintenance. The water department shall maintain all water pipes upon City owned property up to and including the water meter; provided, that the City shall not be required to renew or replace water mains placed outside the corporate limits of the City. No mains in existence at the time of the annexation of an area to the City shall be renewed or replaced by the City without a resolution of the council to do so. Water mains outside the City or in existence at the time of annexation may be maintained by the water department until such time as the City shall condemn the same.

In the event a water main is condemned, notice shall be sent to the customers on such main that the main is condemned, and service to those customers will be terminated unless the property owners furnished water through such main replace it with a main meeting specifications of the City within ninety (90) days of such notice, unless an earlier termination is required by the condition of the main. If the Superintendent determines that the property should be served from an alternate City water main, the property owner shall be fully responsible for making that extension according to City specifications.
- (g) Public establishments to be connected to water. To safeguard the health of the inhabitants of the City, all premises in which there is conducted a restaurant, tavern, hotel, motel, auto court, or cabins, rooming house, apartment house, store or other types of establishment catering to the public shall be connected with the water system of the City.
- (h) Town may make regulations in time of water shortage. The City reserves the right in case of shortage of water, or for any other cause, to make any order regulating or forbidding the use of water for irrigation and sprinkling.

- (i) Turning on water after it is shut off. It shall be unlawful for the owner or occupant of the premises to turn on the water, or suffer or cause it to be turned on, after it has been shut off or locked at the curb cock by the City. A charge of three (\$3.00) dollars shall be made to turn the water back on.
- (j) Meter rates - Adjustment of bills. When excessive registration is caused by broken or leaking water service pipes within or abutting upon the premises without the knowledge of the customer, an adjustment shall be made upon written application for one two-month billing period only during the yearly period and after repairs have been made. The basis for adjustment shall be the normal consumption under similar operating conditions.

Section 11. Extensions. Additions, betterments and extension to the existing water system of the City shall be made in accordance with plans submitted by the City engineer and approved by the council.

- (a) The cost of making additions, betterments and extensions to the existing water system shall be paid from such sources and by such means as the council from time to time decides, in accordance with the laws of the State of Washington and the City as the same now exist, or as may hereafter be amended.
- (b) In the discretion of the council, a property owner who has or will install a main extension at his own expense, and who qualifies under the terms of the "Municipal Water and Sewer Facilities Act", being Chapter 261 of the Laws of 1959 (RCW 35.91), as it may be amended, for reimbursement, may be given a contract in accordance with that chapter, but in no event shall its term of reimbursement exceed 15 years. In the event the City agrees to enter into such a contract, the person to whom such contract is granted shall pay to the City the City's out-of-pocket legal, administrative and engineering expense incurred in framing such contract.

Section 12. Non-Liabilities of City - Water shutoff.

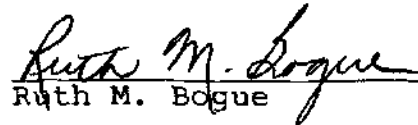
- (a) Fire protection - Non-Liability of City. The City shall not be liable or responsible for any losses by fire by reason of any lack of supply of water or water pressure at the time of fire alarms or at any other time.
- (b) Damage to pipes or property. The City shall not be responsible for any damage that might be caused by freezing, leaking or broken pipes.

The City shall not be responsible for any damage caused by the breaking, bursting or collapsing of any boilers, pipes, fixtures, or water heating appliance caused by the stoppage or interruption of the water supply, or any damage whatever resulting directly or indirectly from the shutting off or interruption of water or pressure increase. Every person using water shall be responsible to see that the proper safety valves and/or regulators are placed on the plumbing on his or her premises in such a way as to provide protection for his or her plumbing devices and property from over or under pressure.

- (c) Water shutoff. The City reserves the right to shut off the water from the mains at any time without notice for repairs, extensions or other necessary purposes, without liability for damage, and persons having boilers, hot water heating apparatus and any appliance or thing supplied by direct pressure from the main are hereby cautioned against danger.

Section 13. Any person found guilty of violating any provision of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished by a fine in a sum not exceeding \$500.00, or by imprisonment for a period not in excess of thirty (30) days, or by both such fine and imprisonment.

PASSED by the City Council of the City of Gig Harbor and
APPROVED by the Mayor at a regular open public meeting thereof
this 11 day of May, 1981.


Ruth M. Bogue Mayor

ATTEST:

Tim Johnston
Clerk