

Title 13
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Chapter 13.04
COMBINING OF WATER AND SEWER SYSTEMS

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13.04.010 Purpose.

Effective January 1, 1952, the sewerage system of the city, with all additions and improvements to the system, is combined with the water system of the city, and on and after that date shall be a part of and belong to the water system. The combining of the systems is believed to be for the best interests of the city by the city council, for the reasons, among others, that it will facilitate sale of bonds for anticipated future improvements and will make more economical and practical the administration of the two systems.

(Ord. 473 § 1, 1951)

13.04.020 Water-sewer fund.

A. Effective January 1, 1991, the funds presently known as the water fund and sewer fund are abolished, and in their place is established a single combined fund to be known as the water-sewer fund into which fund revenues pertaining to the city water system and the city sewer system shall be placed and from which fund expenditures relating to the city water system and city sewer system shall be made.

B. The city clerk and city treasurer are authorized and directed to transfer from the existing water fund and sewer fund into the water-sewer fund any and all remaining funds held in the water fund and the sewer fund.

(Ord. 932 §§ 3, 4, 1991: Ord. 922 §§ 3, 4, 1990: Ord. 473 § 2, 1951)

13.04.030 Bond redemption fund.

The amounts necessary to pay the principal and interest of all outstanding water revenue bonds as the same shall accrue shall be paid from the water and sewer fund into the bond redemption fund.
(Ord. 473 § 3, 1951)

13.04.040 Charges and payments due under combined systems.

All existing ordinances and parts of ordinances related to or pertaining to the water and sewer systems of the city are specifically continued in effect, except such sections or provisions thereof which are directly in conflict with this chapter; it being intended to retain existing rates and regulations. All methods now provided for the collection of either or both water and sewerage charges shall be applicable to collections of all charges and payments due under the combined systems.
(Ord. 473 § 4, 1951)

Chapter 13.08 SEWER REGULATIONS

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13.08.010 Definitions.

A. "Building sewers" means and includes all sewers running from a sewer lateral or trunk to any building or other source of sewerage, and shall be synonymous with "side sewers."

B. "Engineer" means and includes the city engineer or such other official as the city council designates to enforce the provisions of this chapter, such designation to be by resolution.

C. "Industrial wastes" means and includes the liquid wastes from industrial processes as distinct from sanitary sewage.

D. "Natural outlet" means and includes any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

E. "Person" means and includes any individual, firm, company, association, society, corporation, or group.

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

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

H. "Sewage" means a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments.

I. "Sewage treatment plant" means and includes any arrangements of devices and structures used for treating sewage.

J. "Sewage works" means and includes all facilities for collecting, pumping, treating and disposing of sewage.

K. "Sewer" means and includes a pipe or conduit for carrying sewage.

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

M. "Storm sewer" or "storm drain" means and includes a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

N. "Watercourse" means and includes a channel in which a flow of water occurs, either continuously or intermittently.

(Ord. 506 § 1, 1954)

13.08.020 Use of public sewers required.

It is unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the city, or in any area under the jurisdiction of the city, any

human or animal excrement, garbage, or other filthy, odorous or unsanitary waste.
(Ord. 506 § 2(1), 1954)

13.08.030 Discharge to natural outlet prohibited.

It is unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of the city, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.
(Ord. 506 § 2(2), 1954)

13.08.040 Private system--Prohibited.

Except as provided in this chapter, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
(Ord. 506 § 2(3), 1954)

13.08.050 Connection with public system required.

All houses, buildings or properties used for human occupancy, employment, recreation, or other public use situated within the city and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the city, is required at his expense to install suitable toilet and sewage facilities therein, and to connect the facilities directly with the proper public sewer in accordance with the provisions of this chapter, within thirty days after date of official notice to do so; provided, that the public sewer is within two hundred feet of the lot or parcel to be sewered. All new uses shall connect to the public sanitary sewer system unless such use lawfully incorporates no facilities generating sewage.
(Ord. 1155 § 1, 2001; Ord. 506 § 2(4), 1954)

13.08.090 Private system--Regulations.

The type, capacities, location and layout of a private sewage disposal system shall comply with all regulations of the Washington State Health Department and the Kittitas County sanitarian. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than five thousand square feet. No septic tank or cesspool is permitted to discharge to any public sewer or natural outlet.
(Ord. 1155 § 5, 2001; Ord. 506 § 3(4), 1954)

13.08.100 Private system--Connection to public system required.

At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in this chapter, a direct connection shall be made to the public sewer in compliance with this chapter, and any private septic tanks, cesspools, and similar private sewage disposal facilities shall be properly abandoned and filled with suitable materials. For the purposes of this section, "available" means that a public sewer line is within two hundred feet of the lot or parcel to be served. Should an existing private system fail or be in need of replacement or repair in excess of fifty percent of its value said system shall be properly abandoned and a direct connection shall be made to the public sewer.
(Ord. 1155 § 6, 2001; Ord. 506 § 3(5), 1954)

13.08.110 Private system--Manner of operation.

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.
(Ord. 1155 § 7, 2001; Ord. 506 § 3(6), 1954)

13.08.120 Additional requirements.

No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by the city health officer.
(Ord. 506 § 3(7), 1954)

13.08.130 Building sewer--Permit--Required.

It is unlawful for any person to uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the engineer.
(Ord. 506 § 4(1), 1954)

13.08.140 Building sewer--Permit--Classes and application.

There shall be two classes of building sewer permits: 1, for residential service; and 2, for commercial service and for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the engineer.
(Ord. 506 § 4(3), 1954)

13.08.160 Building sewer--Separate connection for each building.

A separate and independent building sewer shall be provided for every building requiring a sewerage connection in accordance with the provisions of this chapter and Chapter 13.10 of the Cle Elum Municipal Code.
(Ord. 1124 § 2, 2000; Ord. 506 § 4(4), 1954)

13.08.170 Old connection use.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the engineer, to meet all requirements of this chapter.
(Ord. 506 § 4(5), 1954)

13.08.180 Building sewer--Inspection.

The city engineer shall inspect all building sewers. No backfilling shall be performed until the inspection has been completed. The property owner shall notify the engineer as to the desired time of inspection, and the engineer shall make inspection within forty-eight hours after such notice. The decision of the engineer shall be final regarding the details of construction, regardless of the location of any portion of the building sewer.
(Ord. 506 § 4(6), 1954)

13.08.190 Building sewer--Compliance required.

All building sewers constructed in the city must be constructed in compliance with the rules, specifications and standards set out in this chapter.

(Ord. 506 § 4(7), 1954)

13.08.200 Building sewer--Connection supervision.

No building sewer shall be connected to a lateral or trunk sewer except under the direct supervision of the engineer.

(Ord. 506 § 4(8), 1954)

13.08.210 Building sewer--Excavation protection.

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city. No excavation shall be left open for a longer time than is necessary to complete the sewer connection.

(Ord. 506 § 4(9), 1954)

13.08.220 Need for standards.

The city council hereby finds that, to provide adequate standards for the protection of health and promotion of the community welfare, it is necessary to adopt the reasonable rules, standards and specifications set forth in this chapter.

(Ord. 506 § 5(1), 1954)

13.08.230 Materials.

All sewer pipe shall be concrete, cast iron, vitrified clay, or other suitable material approved by the engineer. All jointing materials shall be of the bituminous type (asphaltic material with acid-resisting fillers), or lead. Bituminous compounds which are hot poured with a jute or oakum gasket are preferred. The hot poured compound shall be equal to or better than the Atlas mineral product "JC-60."

Ready-mixed bituminous compounds that may be packed cold into the joints is the alternate. These compounds shall be equal to or better than the Waterworks Supply Company "Plastiflex." Names and addresses of suppliers will be furnished upon request.

(Ord. 506 § 5(2), 1954)

13.08.240 Bedding.

All excavation near the bottom of the trench shall be accomplished in such way as to insure a uniform bedding for pipe. In general, a groove to fit and receive the pipe shall be formed in the bottom of the trench. In unsuitable or soft material, bedding gravel is required.

(Ord. 506 § 5(3), 1954)

13.08.250 Minimum grade.

The minimum grade on the building sewers shall be one-quarter inch per foot.
(Ord. 506 § 5(4), 1954)

13.08.260 Minimum pipe size.

The minimum size of pipe utilized on all newly laid building sewer construction shall be not less than four inches in diameter.
(Ord. 506 § 5(5), 1954)

13.08.270 Jointing of pipe.

A gasket of closely twisted hemp or oakum shall be placed around the pipe. The gasket shall be in one piece of suitable size and shall be lapped at the top. The gasket shall be rammed solidly and tightly into the annular space within the socket of the pipe with a suitable caulking tool. A suitable runner shall be placed around the pipe to close the socket opening. The bituminous material or lead shall be heated to approximately three hundred fifty degrees Fahrenheit or until free-flowing and poured so as to completely fill the annular space. Before a joint is made, each collar shall be brushed with a solvent recommended by the manufacturer of the joint material. All bells of bell and spigot type pipe shall be laid at the higher end. All spigots shall be properly centered so as to insure a uniform thickness of the joint. All joints shall be made in a dry trench and shall be made gastight and watertight.
(Ord. 506 § 5(6), 1954)

13.08.280 Backfilling of trench.

The material immediately around the pipe shall be carefully compacted to at least six inches above the top of the pipe. In gravel soils, the material above six inches above the pipe may be saturated after seventy-two hours after jointing the pipe so as to decrease the possibility of future settlement.
(Ord. 506 § 5(7), 1954)

13.08.290 Field tests.

The city, at the discretion of the engineer, may require pressure tests to determine the adequacy of any building sewer connection.
(Ord. 506 § 5(8), 1954)

13.08.300 Septic tanks discontinuance.

All septic tanks shall be bypassed and filled in within thirty days after a new sewer connection has been completed.
(Ord. 506 § 5(9), 1954)

13.08.310 Connection with public sewer.

The connection of the building sewer into the public sewer shall be made at the Y branch, if such branch is available at a suitable location. If the public sewer is twelve inches in diameter or less, and no properly located Y branch is available, the owner shall make connection in the manner specified by the engineer. Where the public sewer is greater than twelve inches in diameter, and no properly located Y

branch is available, a neat hole may be cut into the public sewer to receive the building sewer, with entry in the downstream direction at an angle of about forty-five degrees. A forty-five degree ell may be used to make such connection, with the spigot end cut so as not to extend past the inner surface of the public sewer. The invert of the building sewer at the point of connection shall be at the same or at a higher elevation than the invert of the public sewer. A smooth, neat joint shall be made, and the connection made secure and watertight by encasement in concrete. Special fittings may be used for the connection only when approved by the engineer.

(Ord. 506 § 5(10), 1954)

13.08.320 Discharge of unpolluted water prohibited.

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer.

(Ord. 506 § 6(1), 1954)

13.08.330 Prohibited discharges designated.

Except as provided in this chapter, no person shall discharge or cause to be discharged any of the following described waters, wastes or materials into any public sewer:

- A. Any substance of any type poisonous to man, fish, fowl or another animal; and any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant;
- B. Any oil, gasoline, cleaning fluid or other oily or volatile substance;
- C. Any inflammable or explosive liquid, solid or gas;
- D. Any garbage that has not been properly shredded;
- E. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.

(Ord. 506 § 6(2), 1954)

13.08.340 Interceptors required when.

Grease, oil and sand interceptors shall be provided when, in the opinion of the engineer or the city council, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the engineer and shall be located in such manner as to be readily and easily accessible for cleaning and inspection. These interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature, shall be of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gastight and watertight. All such interceptors shall be maintained by the owner, at his expense, in continuously

efficient operation at all times.
(Ord. 506 § 6(3), 1954)

13.08.350 Preliminary treatment facility maintenance.

Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation, by the owner at his expense.
(Ord. 506 § 6(4), 1954)

13.08.360 Inspection permitted.

The engineer and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling, and testing, in accordance with the provisions of this chapter.
(Ord. 506 § 6(5), 1954)

13.08.370 Rates and charges.

A. Residential Rates.

1. Single Family Dwellings: Single-family dwellings shall be charged a rate of thirty-nine dollars and eighty-two cents per month, regardless of occupancy status, provided sewer service is requested and connection has been made.
2. Multi-Residential Developments: Multi-residential developments, including manufactured housing parks, trailer parks, and duplexes or triplexes, served collectively or independently, shall be charged thirty-nine dollars and eighty-two cents per unit, or space, per month, without consideration to occupancy status.
3. Apartments, Condominium and Townhouse Developments: Apartments, condominium and townhouse developments with four units or more and residential development complexes (fourplexes or more) served collectively or independently, shall be charged twenty-seven dollars and twenty-seven cents per unit, per month, without consideration to occupancy status.

B. Commercial/Business Rates. Sewer rates for commercial and business users shall be based upon the volume of water delivered including a minimum monthly base charge regardless of the amount of water delivered, plus an additional charge for each cubic foot of water delivered, as follows:

1. Commercial/Business: The minimum monthly base charge to a commercial/business account in this category shall be twenty-seven dollars and twenty-seven cents per establishment, per month, regardless of occupancy status, and regardless of the amount of water delivered. The additional monthly charge based on metered water consumption per cubic foot shall be one dollar and fourteen cents per one hundred cubic feet, per month. The rates specified for this user category shall apply to all users discharging to the City of Cle Elum sewer system who are not specifically listed elsewhere.
2. Motels: Motels, or similar establishments such as cabin courts and auto courts, shall be charged at the rates listed above for commercial and business establishments based on

- metered water consumption per cubic foot. The minimum monthly base charge to a motel shall be twenty-seven dollars and twenty-seven cents per month, regardless of occupancy status, and regardless of the amount of water delivered. The additional monthly charge based on metered water consumption per cubic foot shall be one dollar and fourteen cents per one hundred cubic feet, per month.
3. Car Washes: The minimum monthly base charge to a car wash, or other commercial/business whose primary wastewater discharge to the city is from car washing operations, shall be twenty-seven dollars and twenty-seven cents per establishment, per month, regardless of occupancy status, and regardless of the amount of water delivered. The additional monthly charge based on metered water consumption per cubic foot shall be no dollars and eighty cents per one hundred cubic feet, per month.
 4. Laundromats/Cleaning Establishments: The minimum monthly base charge to a Laundromat or cleaning establishment, whose primary function is to provide commercial laundry service, shall be twenty-seven dollars and twenty-seven cents per establishment, per month, regardless of occupancy status, and regardless of the amount of water delivered. The additional monthly charge based on metered water consumption per cubic foot shall be no dollars and eighty cents per one hundred cubic feet, per month.
 5. Where multiple commercial and business establishments are tenants in a single building and are served by a common water meter, and have a single account with the city, domestic waste charges shall be based upon the minimum monthly base charge and the metered water consumption per cubic foot. The minimum monthly charge shall be the total sum of the minimum monthly charges, determined as if each establishment were an individual account. The additional monthly charge based on metered water consumption per cubic foot shall be one dollar and fourteen cents per one hundred cubic feet, per month.
 6. Where multiple commercial and business establishments are tenants in a single building and are serviced by separate water meters, then each establishment shall be charged at the minimum monthly base charge of twenty-seven dollars and twenty-seven cents plus an additional monthly charge based on metered water consumption per cubic foot of one dollar and fourteen cents per one hundred cubic feet, per month.
 7. Where multiple commercial and business establishments are tenants in a single building and are served by a common water meter, and each establishment has a separate account with the city, domestic waste charges shall be based upon metered water consumption using the commercial and business categories described above. Billing amount for the additional monthly charge based on metered water consumption, at a rate of one dollar and fourteen cents per one hundred cubic feet, per month, shall be distributed equally between the establishments connected to the meter.
 8. Commercial/business users who lose water through evaporation, irrigation, or in a product, may request a reduction in their monthly sewer charge only if the difference between water consumed and wastewater discharged to the city is documented through the use of water meters, in such a situation, the monthly sewer charges will be based upon the volume of wastewater discharged to the city at the appropriate rate specified within this section. The commercial/business user shall be responsible for all costs associated

with the installation of additional meters needed to verify the volume of wastewater discharged to the city.

C. **School Rates.** Sewer rates for school users shall be based upon the volume of water delivered including a minimum monthly charge regardless of the amount of water delivered, plus an additional charge for each cubic foot of water delivered, as follows:

1. **Schools:** The minimum monthly base charge to a school user in this category shall be one hundred seventy-four dollars and twenty-five cents per school per month, regardless of occupancy status, and regardless of the amount of water delivered. The additional monthly charge based on metered water consumption per cubic foot shall be one dollar and fourteen cents per one hundred cubic feet, per month, per school.
2. **Administration and Ancillary Buildings:** Administration, shop, maintenance, and other ancillary buildings owned or leased by the school, and receiving a sanitary sewer service from the city, shall be charged for service at the rates set forth for commercial/business users.
3. **School users who lose water through evaporation, irrigation, or in a product,** may request a reduction in their monthly sewer charge only if the difference between water consumed and wastewater discharged to the city is documented through the use of water meters. In such a situation, the monthly sewer charges will be based upon the volume of wastewater discharged to the city at the appropriate rate specified within this section. The school user shall be responsible for all costs associated with installation of additional meters needed to verify the volume of wastewater discharged to the city.

D. **Industrial Rates.** Sewer rates for industrial users shall be based upon the volume of water delivered including a minimum monthly charge regardless of the amount of water delivered, plus an additional charge for each cubic foot of water delivered, as follows:

1. **General Industrial User Conditions:** The following conditions apply to all industrial users discharging to the city wastewater facilities:
 - (a) There shall be no unmetered sources of water contributing wastewater to the city sewage works without the knowledge and prior written approval of the city.
 - (b) The city reserves the right to test, monitor, and control any wastewater discharged to any city facility at any time.
 - (c) Industrial users who lose water through evaporation, irrigation, or in a product, may request a reduction in their monthly sewer charge only if the difference between water consumed and wastewater discharged to city is documented through the use of water meters. In such a situation, the monthly sewer charges will be based upon the volume of wastewater discharged to the city at the appropriate rate specified within this section. The industrial user shall be responsible for all costs associated with installation of additional meters needed to verify the volume of wastewater discharged to the city.
 - (d) Industrial users of the city wastewater facilities shall be evaluated and determined

by the city as to whether monitoring stations on wastewater discharges will be required. If monitoring stations are required by the city, the city shall designate when, where, and how many stations shall be placed. City-approved monitoring stations shall be installed and maintained continuously in satisfactory and effective operation by, and at the expense of, the industrial user, at the direction of the city.

2. Industrial Discharges: The minimum monthly charge to an industrial user in this category, discharging industrial process wastes, either separate or in combination with domestic sewage, shall be one hundred seventy-four dollars and twenty-five cents. The additional monthly charge based on metered water consumption per cubic foot shall be one dollar and fourteen cents per one hundred cubic feet, per month.

E. Special sewer rate considerations. When a sewer rate is based on metered water consumption, there may be circumstances when normal procedures for determining monthly sewer rates do not apply. The following considerations shall apply when determining the monthly sewer rate under special circumstances:

1. When a water meter fails or malfunctions and it is not possible to accurately determine the amount of water consumed, the amount to be charged for sewer for any month during which the meter failure or malfunction or leak occurred shall be based on the metered consumption of water for the same period the previous year. In the event there is no record of water consumption for the same period in the prior year, the amount of consumption shall be estimated by the city.
2. In the event of a verified leak, which would result in an unusually large sewer billing due to increased water usage, said sewer charges shall be based upon the metered consumption of water for the same period the previous year. In the event there is no record of water consumption for the same period in the prior year, the amount of consumption shall be estimated by the city.
3. If a sewer service is in a user category whose sewer rates are based on metered water consumption, but that user does not receive water from the city, then the city may require the user to install a meter on the water supply, or the city may determine the monthly sewer rate to be one hundred fifty percent of the minimum monthly charge for sewer service.
4. When a commercial use is combined with a residential use on a single meter, the minimum monthly charge shall be the total sum of the minimum monthly charges, determined as if each establishment were an individual account. A single family dwelling residential use shall be allocated one thousand one hundred twenty-five cubic feet of water per month per dwelling, and an apartment or condominium residential use shall be allocated seven hundred seventy cubic feet of water per month per unit. The additional monthly charge based on metered water consumption per cubic foot shall be one dollar and fourteen cents per one hundred cubic feet, per month for all water consumed in addition to these allocated monthly minimums for the residential uses.

F. Sewer reserve charges. Sewer reserve charges shall be collected monthly from all users as

described below and placed into the water/sewer reserve fund.

1. **Single Family Dwellings:** Single-family dwellings shall be charged a sewer reserve charge of three dollars and fifty-eight cents per month, regardless of occupancy status.
2. **Multi-Residential Developments:** Multi-residential developments, including manufactured housing parks, trailer parks, and duplexes or triplexes, served collectively or independently, shall be charged a sewer reserve charge of three dollars and fifty-eight cents per unit, or space, per month, without consideration to occupancy status.
3. **Apartments, Condominium and Townhouse Developments:** Apartments, condominium and townhouse developments with four units or more, and residential development complexes (fourplexes or more) served collectively or independently, shall be charged a sewer reserve charge of three dollars and fifty-eight cents per unit, per month, without consideration to occupancy status.
4. **Commercial/Business:** Sewer reserve charges for commercial/business users shall be based on the number of employees. The minimum monthly sewer reserve charge to a commercial/business account in this category shall be three dollars and fifty-eight cents per establishment, per month, regardless of occupancy status, for one to twenty employees. The monthly sewer reserve charges for larger numbers of employees shall be as follows:

21--40 employees--Seven dollars and sixteen cents

41--60 employees--Ten dollars and seventy-four cents

More than 60 employees--Fourteen dollars and thirty-two cents

5. **Motels:** Motels, or similar establishments such as cabin courts and auto courts, shall be charged a sewer reserve charge of three dollars and fifty-eight cents per every two rooms or units, per month, without consideration to occupancy status.
6. **Car Washes:** A car wash, or other commercial/business whose primary wastewater discharge to the city is from car washing operations, shall be charged a sewer reserve charge per month of seven dollars and sixteen cents per month.
7. **Laundromats/Cleaning Establishments:** A Laundromat or cleaning establishment, whose primary function is to provide commercial laundry service, shall be charged a sewer reserve charge of seven dollars and sixteen cents per month.
8. **Restaurants, Taverns and Drive-Ins:** Sewer reserve charges for restaurants, taverns and drive-ins shall be based on the number of seats. The minimum monthly sewer reserve charge to a restaurant, tavern, or drive-in in this category shall be three dollars and fifty-eight cents per establishment, per month, regardless of occupancy status, for one to fifty seats. The monthly sewer reserve charges for larger numbers of seats shall be as follows:

51--100 seats--Seven dollars and sixteen cents

101--150 seats--Ten dollars and seventy-four cents

More than 150 seats--Fourteen dollars and thirty-two cents

9. Schools: Schools shall be charged a sewer reserve charge of thirty-five dollars and seventy-seven cents per month, regardless of occupancy status. Administration, shop, maintenance, and other ancillary buildings owned or leased by the school, and receiving sanitary sewer service from the city, shall be charged monthly sewer reserve charges at the rates set forth for commercial/business users.

10. Industrial Users: Sewer reserve charges for industrial users shall be based on the number of employees. The minimum monthly sewer reserve charge to an industrial user shall be thirty-five dollars and seventy-seven cents per month, per establishment, per month, regardless of occupancy status, for one to twenty employees. The monthly sewer reserve charges for larger numbers of employees shall be as follows:

21--40 employees--Thirty-nine dollars and thirty-five cents

41--60 employees--Forty-two dollars and ninety-three cents

More than 60 employees--Forty-six dollars and fifty cents

11. Where multiple uses (e.g., combined commercial and residential uses) are combined into a single account, or where multiple commercial and business establishments are tenants in a single building and are served by a common water meter, the monthly sewer reserve charge shall be the total sum of the sewer reserve charges determined as if each use or establishment were an individual account.

12. Where multiple commercial and business establishments, and/or residential uses, are tenants in a single building and are served by separate water meters, then each establishment shall be charged a sewer reserve charge as if each establishment were an individual account.

(Ord. 1261 §§ 1--3, 2006; Ord. 1236 § 1, 2005; Ord. 1189 §§ 1, 2, 2002; Ord. 1124 § 3, 2000; Ord. 1106 §§ 1, 2, 1999; Ord. 910 § 1, 1990; Ord. 907 § 1, 1990; Ord. 845 § 1, 1986; Ord. 816 § 1, 1984; Ord. 754 § 1, 1980; Ord. 714 § 1, 1976; Ord. 506 § 7, 1954)

(Ord. No. 1291, § 2, 4-22-2008; Ord. No. 1301, § 1, 12-9-2008)

13.08.390 City connection or repair cost collection.

If any sewer connection, or any repair to an existing sewer, is not made within the time and in the manner in this chapter provided, the engineer is authorized and directed to cause the same to be made and to file a statement of the cost thereof with the city treasurer, and thereupon a warrant shall be issued under the direction of the city council by the city treasurer for the payment of such cost. The amount of the cost, together with a penalty of ten percent of the amount thereof, plus interest at eight percent per year upon the total amount of the cost and penalty shall be assessed against the property upon which the building or structure is situated and shall become a lien thereon as provided in this section.

(Ord. 506 § 9 (part), 1954)

13.08.400 Lien enforcement.

All of the service charges, connection charges, assessments and other charges, together with the penalties and interest thereon as provided in this chapter, shall be a lien upon the property serviced, superior to all other liens or encumbrances thereon except those for general taxes and local and special assessments. The lien shall be enforced by the city in the manner provided by law. The city may, as an additional and concurrent method of enforcing such liens, cut off the water service from the premises to which the sewer service has been furnished; provided, this method of enforcement shall not be exercised after two years from the date of the recording of sewerage lien notice, as by law provided, except to enforce payment of six months' charges for which no lien notice is required by law to be recorded. (Ord. 506 § 9 (part), 1954)

13.08.410 Service of notices.

Any person who has the care, custody, control or management of any premises or building or who has control of the renting thereof or the collection of rentals therefrom shall, for purpose of this chapter, be deemed to be the agent of the owner of the premises or building, and the giving of all notices provided for in this chapter to the agent is deemed due notice to the owner. All such notices shall be served personally upon the owner or his agent, or by deposit in the United States mail in a sealed envelope with first class postage prepaid and addressed to the owner or his agent at the address of his last known residence, and such service by mail shall be deemed the equivalent of personal service. Ten days' notice shall be given where notices are required under this chapter, unless a longer notice period is prescribed in this chapter; and the notice period shall commence at the time of personal service or at the time of deposit of the notice in the United States mail. (Ord. 506 § 10, 1954)

13.08.420 Penalty for violation.

Any person who is convicted of violating or failing to comply with any of the provisions of this chapter (except the nonpayment of rates and charges or other moneys due) shall be fined in any sum not to exceed one hundred fifty dollars or imprisoned for a period of not more than thirty days or both fined and imprisoned as provided in this section. (Ord. 506 § 11, 1954)

Chapter 13.10 SEWER SYSTEM CONNECTION CHARGES

Sections:

- 13.10.010 Purpose and intent.**
- 13.10.020 Sewer connection fees and charges required.**
- 13.10.030 System connection charge.**
- 13.10.040 Capital reimbursement charge.**
- 13.10.050 Schedule of equivalent residential units (ERU's).**
- 13.10.055 Independent ERU calculation.**
- 13.10.060 Responsibility of customer to install.**
- 13.10.070 City inspection and approval of installation--Fee required.**
- 13.10.080 Low income housing facilities schedule of charges.**
- 13.10.090 Collection of charges.**
- 13.10.100 Appeals.**

13.10.010 Purpose and intent.

The system of sewer connection charges and fees established in this section is intended to

accomplish the following purposes:

- A. Establish a charge which brings new customers into an equity position with current, long-term customers, regarding the present value of the sewer treatment and interceptor collection system;
- B. Establish a charge which proportionately allocates the cost of new system treatment capacity to those new customers which use that capacity;
- C. Establish a schedule of ERU's which sets the buy-in and new capacity connection charges on the basis of total strength and volume of wastewater generated;
- D. Assign the responsibility for installation of approved new customer hookups to the customer, and provide for city inspection and approval of the work, along with accompanying administrative fee;
- E. Establish modified charges and rates for low income housing facilities;
- F. Establish an appeal procedure, whereby a new customer can request review and appeal of hookup charges calculated on the basis of this section.

(Ord. 1124 § 5 (part), 2000)

13.10.020 Sewer connection fees and charges required.

As provided in this section, all new sewer customers shall be required to pay a connection charge which shall include a system connection charge, a capital reimbursement charge, and an administrative fee.

(Ord. 1124 § 5 (part), 2000)

13.10.030 System connection charge.

The system connection charge, which is based on the current life expectancy value of the existing sewer treatment and interceptor collector system, has been established on the basis of engineering studies, generally accepted professional standards, and analysis of system component costs and values. This connection charge is set at six hundred dollars/ERU.

(Ord. 1124 § 5 (part), 2000)

13.10.040 Capital reimbursement charge.

The capital reimbursement charge is based on the cost of providing new treatment capacity. The capital reimbursement charge is set at three thousand five hundred fifty dollars/ERU.

(Ord. 1232 § 1, 2005; Ord 1151 § 1, 2001; Ord. 1140 § 1, 2001; Ord. 1124 § 5 (part), 2000)

13.10.050 Schedule of equivalent residential units (ERU's).

The following list of ERU values shall serve as the basis for calculating buy-in and new capacity charges. This list is derived from Table G2-1, page G2-6, Criteria for Sewage Works Design, Washington Department of Ecology.

Single-family residence	1.00 ERU
Townhouse	0.85 ERU per unit
Apartment	0.70 ERU per unit
Motels and hotels	0.40 ERU per unit with kitchenette
	0.20 ERU per unit without kitchenette
Restaurants and bars	0.25 ERU per seat
Shopping center	0.60 ERU per 1,000 square feet
Church	0.02 ERU per seat
Country club	0.30 ERU per member
Bowling alley	0.45 ERU per lane
Nursing home	1.15 ERU per bed
Home for aged	0.60 ERU per bed
Theatre (all types)	0.03 ERU per seat
Swimming pool	0.06 ERU per person capacity
Doctor and dentist office	1.40 ERU per chair or examining room
Manufacturing/Industrial -- sanitary use only	0.10 ERU per employee
Industrial waste	Independent ERU calculation
Grocery store	0.10 ERU per employee (no sink disposal)
Grocery store	1.30 ERU add on per sink disposal unit
Laundromat	0.90 ERU per machine
Service stations -- no service bays	0.10 ERU per pumping station
Service stations -- with service bays	0.05 ERU add-on per service bay
Service stations -- with wash bays	0.35 ERU add-on per car wash bay
Service stations -- with wash bays	0.60 ERU add-on per truck wash bay
By custom facility (not fitting into any above type of facility):	
Washing machine	0.20 ERU per machine (3 or more, use 0.90 ERU)
Dishwasher	0.03 ERU (home style -- less than 2 machines)
Bathtub	0.10 ERU per tub
Garbage disposal	1.30 ERU per sink add-on
Shower	0.15 ERU per showerhead
Washbasin	0.05 ERU per sink
Water closet (toilet)	0.30 ERU per toilet

Note: The minimum ERU value, for purposes of determining connection charges and fees, shall be 1 ERU.

(Ord. 1168 § 1, 2002; Ord. 1124 § 5 (part), 2000)

13.10.055 Independent ERU calculation.

Where a specific use is not listed or does not clearly meet the categories provided for in Section 13.08.050, an applicant for sewage calculation may submit an independent calculation from which an ERU rate may be calculated. Uses generating industrial waste shall provide an independent calculation.

The independent calculation shall be completed by an engineer licensed and registered in the state of Washington with expertise in calculating sewage generation rates and loading. The director of public works shall review the independent calculation and approve the calculation if it is consistent with typical engineering practices.
(Ord. 1168 § 2, 2002)

13.10.060 Responsibility of customer to install.

The customer shall be responsible for installation of the sanitary sewer service line from the property boundary to the city main. This work shall be done by a licensed and bonded contractor, subject to city inspection and acceptance, and shall include installation of the line, street cutting, backfill, compaction, ballast, patching, and traffic control.
(Ord. 1124 § 5 (part), 2000)

13.10.070 City inspection and approval of installation--Fee required.

In addition to the connection charge and capital reimbursement charges provided for above, a fee of one hundred dollars shall be assessed for each new hookup, to cover the costs of inspection, approval, and administrative processing.
(Ord. 1124 § 5 (part), 2000)

13.10.080 Low income housing facilities schedule of charges.

For development proposals designed to serve low income recipients, with a qualifying income level at or below forty percent of the county median income level, the sewer connection charges for one and two bedroom units shall be as follows:

	Connection	Capital Reimb.	Admin.	Total
1 bedroom			\$100	
2 bedroom			100	

(Ord. 1232 § 2, 2005; Ord. 1140 § 2, 2001; Ord. 1151 § 8, 2001; Ord. 1124 § 5 (part), 2000)

13.10.090 Collection of charges.

Charges for sewer connection charges and fees shall be collected at the time of issuance of the building permit.
(Ord. 1124 § 5 (part), 2000)

13.10.100 Appeals.

A decision of the director of public works under this chapter may be appealed to the city council as provided for in CEMC Section 17.100.130.
(Ord. 1168 § 3, 2002)

Chapter 13.12 WATER REGULATIONS

Sections:

- 13.12.005 Definitions.
- 13.12.010 Applications.
- 13.12.015 Service pipes--Arrangement.
- 13.12.016 Cross-connection prevention.
- 13.12.020 Service pipes--Placement and size.
- 13.12.030 Premises to be kept open to inspection.
- 13.12.035 Defacing service equipment.
- 13.12.040 Meters property of city.
- 13.12.050 Repair of service pipes--Owner's responsibility.
- 13.12.060 Extension of water mains.
- 13.12.070 Existing hookups.
- 13.12.080 Collection of charges.
- 13.12.090 Irrigation and sprinkling restrictions.
- 13.12.100 Rates and charges.
- 13.12.105 Reinstitution charge.
- 13.12.110 Defective equipment.
- 13.12.115 Petition for and relief from water bill.
- 13.12.120 Turning off water and making connections--Written permission required.
- 13.12.130 Access for purpose of inspection.
- 13.12.140 Water accounts kept in property owner's name.
- 13.12.150 Water shortages--City's rights in case of.
- 13.12.160 Water use during fires.
- 13.12.170 Regulation of water use by meter installation.
- 13.12.180 Amendment of rules and regulations.
- 13.12.190 Open hoses and sprinkler head provisions.
- 13.12.200 Low income senior citizens--Reduced rates.
- 13.12.210 Violation--Penalty.

13.12.005 Definitions.

The following words, as used in this chapter, shall have the following meanings:

- A. "Outside the city limits" means and relates to territories situated beyond the corporate limits of the city of Cle Elum.
- B. "Person" means and includes natural persons of either sex, associations, copartnerships and incorporations, whether acting by themselves or by a servant, agent or employee. The single number shall be held to include the plural and the masculine pronoun to include the feminine.
- C. "Premises" when used in reference to residence means a single-dwelling unit.
- D. "Utility superintendent" means the utility superintendent of the city of Cle Elum.

(Ord. 776 § 1, 1981)

13.12.010 Applications.

- A. An application for the use of water must be made on printed forms to be furnished at the office of the city clerk for each water service. The application must state fully all purposes for which city water is to be used and the applicant shall agree to conform to all rules and regulations pertaining to the usage of city water.
- B. All new service connections shall be metered. Water shall be furnished at meter rates,

which will be no less than the established minimum charge per month. The meters, meter boxes, valves and service line from the main to the meter shall remain the property of the city.

C. No user of water is entitled to use water other than for the purposes stated in the application form.

D. No person will be allowed to make connections with city water mains, or make alterations in any pipe, connect any disconnected pipe or turn connections on or off without permission of the utility superintendent.

(Ord. 776 § 2, 1981)

13.12.015 Service pipes--Arrangement.

A. Service pipes must be so arranged so as a water supply to each separate house or premises may be controlled by a separate stopcock placed within and near the line of the street curb.

B. Where water is now supplied through one service to several houses, families or persons, the city may, at its discretion, either decline to furnish water until separate services are provided, or may continue the supply on the condition that one person shall pay for all in the same service.

(Ord. 776 § 3, 1981)

13.12.016 Cross-connection prevention.

A. The city is required to eliminate or control all cross-connections throughout its service area. Therefore, anyone wanting or using water from the city is required to comply with these regulations. The owner of the property in which a cross-connection occurs is fully responsible for all damages incurred.

B. The city superintendent will enforce the provisions of this section. The city superintendent may delegate responsibilities to a certified cross-connection control specialist/inspector. The provisions of this section may supersede state regulations but in no case shall they be less stringent. All approved standards shall be approved by the city and the city superintendent. All back-flow-prevention assemblies required by this section shall be a model approved by the Kittitas County department of health. Approved backflow prevention assemblies required by this section shall be installed under the direction of the city superintendent and/or under the supervision of the cross-connection specialist/inspector utilizing the city standards.

C. All RPBA's, RPDA's, DCVA's, DCDA's and PVBA's are required to be tested at least annually and all air gaps installed in lieu of an approved backflow prevention assembly shall be inspected at least annually. Completed test reports shall be returned to the city within thirty days after receipt of the yearly test notification. Tests and inspections may be required on a more frequent basis at the discretion of the city superintendent.

D. Authorized employees of the city with proper identification shall have free access at reasonable hours of the day to all parts of a premises or within buildings to which water is supplied. Water service shall be refused or terminated to any premises for failure to allow necessary inspections.

E. Failure of the customer to cooperate in the installation, maintenance, repair, inspection or testing of backflow prevention assemblies required by this section shall be grounds for termination of

water services to the premises or the requirement for an air gap separation.

F. As used in this section, the following words shall have the following meanings:

"Air gap (AG)" means the vertical physical separation between the free-flowing discharge end of the potable supply line and the overflow rim of the receiving vessel. This separation must be at least twice the inside diameter of the supply line, but never less than one inch. When located near walls, the air gap separation must be increased.

"Approval/approved" means approved in writing by the Kittitas County health department or other agency having jurisdiction.

"Atmosphere vacuum breaker (AVB)" means a device which contains a float check (poppet), a check seat and air inlet vent. When water pressure is reduced to a gauge pressure of zero or below, air enters the device, preventing backsiphonage. It is designed to protect against backsiphonage only.

"Auxiliary water supply" means any water supply on, or available to, a premises other than the city's approved public potable water supply.

"Auxiliary water supply--approved" means an auxiliary water supply which has been investigated and approved by the Kittitas County health department, meets water quality regulations, and is accepted by the city.

"Auxiliary water supply--unapproved" means an auxiliary water supply which is not approved by the health authority.

"Backflow" means the flow of water or other liquids, gases or solids from any source back into the distribution piping of the public potable supply system.

"Backflow prevention assembly" means an assembly which prevents the backflow of water or other liquids, gases or solids into the city's potable water supply and appears on the Kittitas County department of health's "approved" list.

"Backflow prevention device" means a device which prevents the backflow of water or other liquids, gases or solids into the city's potable water supply and does not appear on the Kittitas County department of health's "approved" list.

"Backpressure" means water pressure which exceeds the operating pressure of the public potable water supply.

"Backsiphonage" means backflow due to a negative or reduced pressure within the public potable water supply.

"Barometric loop (BL)" means a loop of pipe rising at least thirty-five feet at its uppermost point, above the highest point on the downstream piping.

"Certified backflow assembly tester" means a person who is certified by the Kittitas County department of health to test backflow prevention assemblies.

"Certified cross-connection control specialist/inspector" means person who is certified by the Kittitas County department of health, or other approval agency, to administer a cross-connection control program and to conduct cross-connection surveys.

"Confined space" means any space having a limited means of egress which is subject to the accumulation of toxic or flammable contaminants or any oxygen deficient atmosphere.

"Contamination" means an impairment of the quality of the potable water which creates an actual hazard to the public health through poisoning or through the spread of diseases by sewage, industrial fluids or waste. Also defined as high hazard.

"Critical level" means the point on a vacuum breaker which determines the minimum elevation above the flood level rim of the fixture or receptacle served at which the vacuum breaker may be installed.

"Cross-connection" means a point in the plumbing system where the public potable water supply is connected directly, or has the potential of being connected, to a source of nonpotable substance that is not a part of the public potable water supply.

"Double check detector assembly (DCDA)" means an approved assembly consisting of two approved double check valve assemblies, set in parallel, equipped with a meter on the bypass line to detect small amounts of water leakage or use. This unit must be purchased as a complete assembly. The assembly may be allowed on fire line water services in place of an approved double check valve assembly upon approval by the city superintendent.

"Double check valve assembly (DCVA)" means an approved assembly operating check valves, loaded to the closed position by springs or weights, and installed as a unit with, and between, two resilient seated shutoff valves and having suitable connections for testing.

"Flood level" means the highest level to which water, or other liquid, will rise within a tank or fixture (i.e., the overflow rim of the receiving vessel).

"Health authority" means the Kittitas County department of health or other appropriate state agency having jurisdiction.

"High hazard" means a physical or toxic hazard which could be detrimental to one's health.

"In-plant protection" means the practice of installing backflow prevention assemblies at the point of hazard to protect one or more actual or potential cross-connections within a premises.

"Internally loaded check valve" means a check valve which is internally loaded, either by springs or weights, to the extent it will be drip-tight with a one psi differential in the direction of flow.

"Local enforcement authority" means an authorized agent of the regulatory authority and/or the city of Cle Elum.

"Low hazard" means a hazard which could cause aesthetic problems or have a detrimental effect on the quality of the public potable water supply.

"Nonpotable fluid" means any water, other liquid, gas or other substance which is not safe for human consumption, or is not a part of the public potable water supply as described by the Kittitas County health department.

"Pollution" means an impairment of the quality of the public potable water supply which does not create a hazard to the public health but which does adversely affect the aesthetic qualities of such potable waters for domestic use. Also defined as "low hazard."

"Potable water" means water which is safe for human consumption, free from harmful or objectionable materials, as described by the Kittitas County health department.

"Premises isolation" means the practice of protecting the public potable water supply by installing backflow prevention assemblies at or near the point where water enters the premises. This type of protection does not provide protection to personnel on the premises.

"Pressure vacuum breaker assembly (PVBA)" means an approved assembly consisting of a spring loaded check valve loaded to the closed position, an independently operating air inlet valve loaded to the open position and installed as a unit with and between two resilient seated shutoff valves and with suitable connections for testing. It is designed to protect against backsiphonage only.

"Private hydrant" means any hydrant which is not owned, operated or maintained by the city.

"Process water" means water that is directly connected to, or could come in contact with, an extreme high hazard situation, and must never be consumed by humans.

"Reduced pressure backflow assembly (RPBA)" means an approved assembly consisting of two independently operating check valves, spring loaded to the closed position, separated by a spring loaded differential pressure relief valve loaded to the open position, and installed as a unit with and between two resilient seated shutoff valves and having suitable connections for testing.

"Reduced pressure detector assembly (RPDA)" means an approved assembly consisting of two approved reduced pressure backflow assemblies, set in parallel, equipped with a meter on the bypass line to detect small amounts of water leakage or use. This unit must be purchased as a complete assembly. The assembly may be allowed on fire line water services in place of an approved reduced pressure backflow assembly upon approval by the city.

"Used water" means any potable water which is no longer in the city's distribution system. In most cases, the potable water has moved past (downstream of) the water meter and/or the property line.

(Ord. 938 § 1, 1991)

13.12.020 Service pipes--Placement and size.

A. When an application for water service is approved, service pipe and connections from the

main line to and including the stopcock and meter will be installed and maintained by the city water department, and shall be kept within the exclusive control of the city. The city will lay its connection to the premises upon payment of actual costs of installation plus ten percent.

B. No premises shall be allowed more than one service connection except for fire purposes, industrial or commercial usage, in which case each service shall be metered and paid for separately. (Ord. 776 § 4, 1981)

13.12.030 Premises to be kept open to inspection.

Agents of the city shall have access at all proper hours of the day for the purpose of inspecting the condition of the pipes and fixtures, the manner of water usage and reading water meter. Water users shall keep their premises adjacent to the water meter free of any material that would prevent meter access. In the event that the water meter is not accessible due to accumulation of debris or other causes, water service may be disconnected and not reconnected until inspection is permitted. (Ord. 776 § 5, 1981)

13.12.035 Defacing service equipment.

It is unlawful for any person to break, deface or damage any water meters, gate, pipe or water fixture or interfere with proper operation of any portion of the city water system. It is unlawful for any person to disconnect or remove any meter after installation unless the removal or disconnection is approved by the city. (Ord. 776 § 6, 1981)

13.12.040 Meters property of city.

All water meters shall be the property of the city and may be installed or removed only upon direction of the utilities superintendent. (Ord. 776 § 7, 1981)

13.12.050 Repair of service pipes--Owner's responsibility.

The service pipe past the meter must be kept in repair by the owner, who shall repair any leaks promptly and shall be responsible for damages resulting from leaks or breaks. (Ord. 776 § 8, 1981)

13.12.060 Extension of water mains.

All persons desiring water main extensions maintained by the city shall be charged actual cost of materials, labor, equipment, benefits and overhead costs plus ten percent. (Ord. 776 § 9, 1981)

13.12.070 Existing hookups.

Water users hooked up prior to January 1st shall be allowed to use flat-rate monthly charges in lieu of metering. Upon any disruption or discontinuation of service metering may be required at the discretion of the city prior to reinstating service. Service lines from property lines to city mains shall be maintained by the city water department who will use all diligence to prevent interruption of water

service, but the city shall not be responsible for temporary water interruption due to breakage or freezing.
 (Ord. 776 § 10, 1981)

13.12.080 Collection of charges.

Water rates will be charged to customers on a monthly basis, and bills shall be payable upon receipt. Charges unpaid after thirty days shall incur interest penalty at the highest rate then permitted by law. The city shall have a lien on delinquent and unpaid charges for water, enforceable as provided by law. Whenever a city water customer is over sixty days delinquent in payment of its water bill, then the city shall undertake all acts necessary to disconnect service to that customer. The sixty days provided for in this section shall be calculated from the date that the bill is due, provided, however, that at least ten calendar days prior to the date on which the city intends to disconnect service, the city shall forward to the customer a notice advising of the city's intent to disconnect service for nonpayment. Any notice sent to a customer advising of the intent to disconnect service shall inform the customer that in addition to the outstanding bill that would have to be paid in order to restore water service following disconnection, the customer will be charged the customary connection fee in order to reconnect service. The same notice shall also advise the customer of the right to contest the validity of the bill, as well as the date on which payment must be made in order to avoid disconnection of service. Any writing which is forwarded to the customer shall contain a copy of the delinquent bill.
 (Ord. 1122 § 1, 2000: Ord. 776 § 11, 1981)

13.12.090 Irrigation and sprinkling restrictions.

The use of water for irrigation or sprinkling is prohibited except between the hours of six a.m. and nine a.m. and five p.m. and nine p.m. during the months of April, May, June, July, August, September and October, or during such portion of said months as ordered by the city council.
 (Ord. 776 § 12, 1981)

13.12.100 Rates and charges.

The city council may alter water rates and charges as set forth herein in the manner provided by law. The monthly rates and charges effective December 31, 2008, shall be as follows:

- A. The following base rates apply to all metered and non-metered hookups. All new or replacements hookups irrespective of size must be metered. All classifications set forth in subsection B of this section which have metered connections shall pay meter rates.
- B. Flat Rates.

Flat Rates	Line Size	Year 2009
Single Premises	3/4" line	\$32.44 plus \$5.70 water reserve
Business	3/4" line	\$32.44 plus \$5.70 water reserve
Commercial & Residential	1" line	\$59.12 plus \$5.70 water reserve
Commercial & Residential	1 1/2" line	\$120.10 plus \$5.70 water reserve
Commercial & Residential	2" line	\$196.34 plus \$5.70 water reserve

Commercial & Residential	3" line	\$196.34 plus \$5.70 water reserve
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C. Meter Rates--Within City Limits. All rates in cubic feet. One cubic foot equals seven and one-half gallons.

Cubic Feet	Rate
1--1,200	Base rate for water line size
1,201--2,000	\$0.010 per cubic foot
2,001--4,000	\$0.012 per cubic foot
4,001 and over	\$0.014 per cubic foot

D. Meter Rates--Outside City Limits (all hookups must be metered).

Cubic Feet	Line Size	Rate
0--1,200	3/4" line	\$35.59 plus \$5.70 water reserve
1,201--2,000		\$0.010 per cubic foot
2,000--2,000		\$0.012 per cubic foot
2,001 and over		\$0.014 per cubic foot

E. Stand-by Rates. Stand-by rates shall be identical to rates and charges set forth in paragraphs A, B, C and D above. Base rates are charged regardless of no water usage.

F. Water Connection Charges.

Hookup	3/4" Line	\$2,000.00
Hookup	1" Line	\$2,500.00
Hookup	1 1/2" Line	\$3,000.00
Hookup	2" Line	\$3,500.00
Hookup	3" Line	\$3,500.00

There shall be no waterline hookups outside the city limits of the City of Cle Elum without permission of the city council.

G. The base rates enumerated in subsection B above, and the base rates enumerated in subsections C and D above can be increased by two and one-half percent on December 31, 2009 and every year thereafter.

(Ord. 1260 §§ 1, 2, 2006; Ord. 1224 § 1, 2004; amended during 9-04 supplement; Ord. 1202 § 1, 2003) (Ord. No. 1300, § 1, 12-9-2008)

13.12.105 Reinstitution charge.

A. As used in this section, "existing water connection" means any premises having a connection to the city water system, whether or not water is currently being furnished to such premises.

B. The city council has determined that there may be existing water connections for which

the owner or a predecessor in interest to the owner has paid a connection charge for which premises no service charges have been paid as a result of the premises having voluntarily not utilized city water service. City water service will be reinstated to the premises upon payment of the following amounts:

1. Monthly city water service charges from the date of interruption of water service or from October 1, 1992, whichever amount shall be lesser, together with a late fee of fifteen percent of the amount;
2. Actual costs incurred in reestablishing service, i.e., city crew, backhoe, and other actual expenses incurred in reestablishing service, together with fifteen percent of the amount representing city overhead;
3. Charges for acquisition and installation of a water meter to the premises, if the premises does not already have a water meter, together with fifteen percent representing city overhead.

C. The applicant must pay to the city at the time of application for renewed service an estimate of the amounts set forth above, which estimate shall be determined by the city clerk. Any amounts deposited in excess of actual costs of installation and reconnection together with city overhead shall be refunded to the applicant. In the event that actual cost of reconnection exceeds estimate, the applicant will be required to pay the difference prior to initiation of water service.
(Ord. 975 §§ 1, 2, 1992)

13.12.110 Defective equipment.

A. Water will not be furnished where there are defective or leaking faucets or other water fixtures, and when such may be discovered, the supply will be withdrawn until proper repairs are made at property owner's sole expense.

B. If any person allows any faucet or pipe to run open, not irrigating or sprinkling, he shall be in violation of this chapter. In addition to other penalties prescribed by this chapter, water shall be immediately turned off from the premises and will not be again restored until the penalties are paid.
(Ord. 776 § 14, 1981)

13.12.115 Petition for and relief from water bill.

In the event any person is aggrieved by the amount of one hundred dollars or more billed for water service, he or she may, within fifteen days of the postmark on such bill, petition the city council in writing to the city clerk for a downward adjustment to his or her bill. Upon receipt of such a petition, the city clerk shall notify the city council and the petitioner of a scheduled appearance before the city council at its next regularly scheduled council meeting. At that scheduled meeting, the petitioner may orally present his or her position regarding a downward adjustment. The city council may consult with the city public works director or his or her designee regarding the matter and may, upon deliberation and oral findings following the scheduled appearance, grant a downward adjustment only upon good cause shown. Any bill granted a downward adjustment by the city council shall be presented to the mayor for his or her signature on the face thereof. Notice of the reduction shall be provided in writing by the city to the customer. No ratepayer may petition the city council more than one time per twelve-month period for such a downward adjustment.
(Ord. 1158 § 1, 2001; Ord. 1122 § 2, 2000)

13.12.120 Turning off water and making connections--Written permission required.

No person will be allowed to make any connection with the city main or to connect pipes when they have been disconnected or to turn off the water on any premises without written permission from the utilities superintendent.

(Ord. 776 § 15, 1981)

13.12.130 Access for purpose of inspection.

Officers and employees of the city water department shall have free access at proper hours of the day to all parts of buildings in which water may be delivered from the city mains, for the purpose of inspecting the condition of pipes and fixtures, and the manner in which the water is used.

(Ord. 776 § 16, 1981)

13.12.140 Water accounts kept in property owner's name.

All accounts for water shall be kept in the name of the owner of the property, not in the name of the tenant, and the owner only, or his legally authorized agent, shall be responsible for water rates.

(Ord. 776 § 17, 1981)

13.12.150 Water shortages--City's rights in case of.

The city reserves the right in case of shortage of water, or for any other cause, to make any order forbidding the use of water for irrigation or sprinkling, and the use thereof in contravention of the order shall be a violation of this chapter.

(Ord. 776 § 18, 1981)

13.12.160 Water use during fires.

No person shall use any water for irrigation or sprinkling during the progress of any fire in the city and all irrigation and sprinkling shall be immediately stopped when an alarm of fire is sounded in any part of the city, and shall not begin again until the fire has been extinguished. Use of water in violation of this section is a violation of this chapter.

(Ord. 776 § 19, 1981)

13.12.170 Regulation of water use by meter installation.

The city reserves the right to regulate the use of water to any consumer by requiring the installation of a meter.

(Ord. 776 § 21, 1981)

13.12.180 Amendment of rules and regulations.

The right is reserved to the city to amend or add to these rules and regulations or to change the water rates as experience may show to be necessary or expedient.

(Ord. 776 § 22, 1981)

13.12.190 Open hoses and sprinkler head provisions.

No water user shall permit open hoses to be allowed to run at any time. No sprinkler head shall apply water through an orifice larger than three-eighths inch and no water user shall utilize more than two sprinkler heads at any one time.

(Ord. 776 § 24, 1981)

13.12.200 Low income senior citizens--Reduced rates.

Low income senior citizens (being a person sixty-two years of age or older and whose total income, including that of his or her spouse or cotenant, does not exceed the amount specified in RCW 84.36.381(5)(b), as now existing or hereafter amended) shall upon application be entitled to one reduced residential water rate which rate shall be seventy-five percent of the rates otherwise set forth in Section 13.12.100.

(Ord. 776 § 25, 1981)

13.12.210 Violation--Penalty.

For each and every violation of the rules and regulations established by this chapter, the offending party shall be subject to a fine, not to exceed five hundred dollars. When the offense is one that relates to plumbing, leakage or other illegal use or waste of water, the utilities superintendent may stop the supply of water to the offender. When the water has been turned off for a violation of the rules, the city may withhold water usage until all penalties have been paid.

(Ord. 776 § 20, 1981)

Chapter 13.14

WATER SUPPLY SYSTEM CAPITAL REIMBURSEMENT CHARGE

Sections:

13.14.010 Purpose.

13.14.020 Water capital reimbursement fees required.

13.14.030 Capital reimbursement charge.

13.14.040 Schedule of equivalent residential units.

13.14.050 Independent ERU calculation.

13.14.060 Appeals.

13.14.010 Purpose.

The purpose of this chapter is to establish a charge for new connections to the city water supply system that proportionately allocates the cost of water system improvements to those new customers that use the system.

(Ord. 1181, § 1, 2002)

13.14.020 Water capital reimbursement fees required.

All new or increased connections to the water supply system shall be required to pay the capital reimbursement charge prior to connection to the system in addition to the connection fees established by CEMC 13.12 except for a single equivalent residential unit (ERU) connection on existing lots within the city limits which were platted before January 1, 2001. City limits shall be corporate limits of the city as of January 1, 2001. Connections on these lots that are more than one ERU are subject to the charge for all ERUs over the initial ERU.

(Ord. 1181, § 1, 2002)

13.14.030 Capital reimbursement charge.

The capital reimbursement charge is established as one thousand five hundred sixty-five dollars for each equivalent residential unit. The charge shall be payable prior to building permit issuance or if no permit is required, prior to physical connection to the system.
(Ord. 1181, § 1, 2002)

13.14.040 Schedule of equivalent residential units.

The number of ERUs for each connection shall be based on the following table which is based on the average water use in the city of Cle Elum and Table 5-2 of the Water System Design Manual, WA. State Dept. of Health. The minimum ERU value, for purposes of determining charges is one ERU.

Type of Use	ERU
Single-family residence	1
Apartment	.90 per unit
Camp/RV park	.30 per site
Industrial/warehouse-Employee use	.10 per employee per shift
Factory - Process water	To be determined by engineers estimate.
Hotel/motel	.25 per room
Restaurant/drinking places	.08 per seat
Store (less than 10,000 sq. ft.)	1 per toilet room
Store (greater than 10,000 sq. ft)	To be determined by engineers estimate
Service Station	
•No service bays	.10 per pumping station
•With service bays	.05 add on per bay
•With wash bays	Additional charge based on engineers estimate
Swimming pool	.04 per pool occupant based on occupancy
Movie theatre	.02 per seat
Office	.06 per person based on building occupancy load.
All other uses	To be determined by engineers estimate

(Ord. 1181, § 1, 2002)

13.14.050 Independent ERU calculation.

Where a specific use is not listed or does not clearly meet the categories provided for in Section 13.14.040 an applicant for water connection may submit an independent calculation from which an ERU rate may be calculated. The independent calculation shall be completed by an engineer licensed and registered in the State of Washington with expertise in water use. The director of public works shall review the independent calculation and approve the calculation if it is consistent with accepted engineering practices.
(Ord. 1181, § 1, 2002)

13.14.060 Appeals.

A decision of the director of public works under this ordinance may be appealed to the city council as provided for in CEMC 17.100.130.
(Ord. 1181, § 1, 2002)

Chapter 13.16 PRESERVATION AND PROTECTION OF WATER SUPPLY

Sections:

13.16.010 Sources of water.

13.16.020 Prohibited acts.

13.16.030 Violation--Designated.

13.16.040 Violation--Arrest powers.

13.16.050 Violation--Penalty.

13.16.010 Sources of water.

For the purpose of protecting the water supply furnished to the inhabitants of the city from pollution, and for the preservation and protection of the purity of the water supply, the city assumes jurisdiction over all the property occupied by the works, reservoirs, systems, springs, branches and pipes by means of tributaries constituting the sources of supply from which the city obtains its supply of water, and over all streams, creeks or tributaries constituting such sources of supply, whether the same or any part thereof are within the corporate limits of the city or outside thereof.

(Ord. 237 § 1, 1925)

13.16.020 Prohibited acts.

The following acts shall constitute offense against the purity of the water supply: swimming, fishing, and boating in Cle Elum Lake; dumping raw sewage into any lake, river, spring, stream, creek or tributary constituting the source of supply of water of the city, or camping on the shores of the streams, lakes, etc. No dwelling shall be constructed or maintained on the watershed, unless the dwelling is provided with a sanitary toilet so designed and so kept that the contents of the toilet cannot drain on the surface of the ground or reach the water through the ground.

(Ord. 237 § 2, 1925)

13.16.030 Violation--Designated.

Every person who deposits or causes to be deposited in any spring, stream, river or lake constituting the source of supply from which the city obtains its supply of water, any matter or thing whatever, dangerous or deleterious to health, or any matter or thing which may or would pollute the waters of the spring, stream, river, lake or water system, is deemed guilty of violation of this chapter.

(Ord. 237 § 3, 1925)

13.16.040 Violation--Arrest powers.

The mayor of the city is authorized to appoint special policemen with such compensation as the city council may fix, who shall have powers of a constable under the laws of this state, and who may arrest with, or without, warrant, any person committing within the territory provided by this chapter, any offense declared by this chapter to be against the purity of the water supply, or any rule or regulation as provided in this chapter. Such policeman shall be and he is hereby authorized to forthwith take any such

person arrested for such violation aforesaid before any court having jurisdiction thereof to be proceeded with according to law.

(Ord. 237 § 4, 1925)

13.16.050 Violation--Penalty.

Any person or persons, firm or corporation violating any of the provisions of this chapter shall, upon conviction, be punished by a fine of not less than twenty-five dollars, nor exceeding three hundred dollars, or by imprisonment for a period not exceeding thirty days, or by both such fine and imprisonment.

(Ord. 237 § 5, 1925)

Chapter 13.20
WATER CONNECTION AND WATER TRANSFER REQUIREMENTS*

* **Editors Note:** Ord. No. 1294, § 2, adopted Oct. 14, 2008, amended Ch. 13.20 in its entirety to read as herein set out. Former Ch. 13.20, §§ 13.20.010--13.20.050, pertained to water connection and fire protection charges outside city limits and derived from Ord. 547, §§ 1--5, 1959.

Sections:

13.20.010 Applicability.

13.20.020 Purpose and intent.

13.20.030 Conditions for providing utility service outside the city.

13.20.040 Hookup fees, connection charges and other conditions.

13.20.050 Types of water rights.

13.20.060 Annexations.

13.20.070 Amount of water and payment in lieu.

13.20.080 Payments received by the city.

13.20.090 Form of transfer and conveyance of water right.

13.20.100 Severability.

13.20.010 Applicability.

This chapter applies to all annexations of land (other than for municipal purposes) to the city greater than two acres approved after the adoption of this chapter. This chapter does not apply to annexations or development agreements in place prior to its approval.

(Ord. No. 1294, § 2, 10-14-2008)

13.20.020 Purpose and intent.

The purpose of this chapter is to ensure that, as new connections to the city water system are approved, either through connections to redevelopment or in-fill development within existing city boundaries, or connections to new development on land annexed to the city, there is adequate water to serve the city's water needs including without limitation, service to residential, commercial, industrial and public spaces, while supporting these commitments through policies that conserve water.

The general intent in the application of this chapter will be to permit two options for those that desire water delivery by the city. The options are listed below in order of the city's preference:

1. Transfer to the city a water right in an amount equal to or greater than the amount required to serve the subject property; or

2. Transfer to the city a water right in an amount less than the amount required to serve the subject property and make payment to the city in an amount sufficient to permit it to acquire the amount of water additionally required to assure service to the subject property.

(Ord. No. 1294, § 2, 10-14-2008)

13.20.030 Conditions for providing utility service outside the city.

For purposes of any application for annexation into the city or any application for water or sewer services or other municipal utility service, the city may extend service only upon satisfaction of the city's engineer and city council that the following standards have been met:

- A. No connection shall be made to any applicant qualifying property or improvement, its heirs, successors and assigns, until and unless adequate safeguards have been made and accepted by the city to adequately defend, indemnify and hold the city harmless from and against any liability, appeals, judicial review, complaints, writs of review and other extraordinary or equitable relief, including reimbursement for any costs, fees, expert fees, expenses for any related legal, judicial, agency, administrative or appellate action(s) related to or arising out of such application or attempted transfer of water rights to the city.
- B. Any connection of the city's water or sewer service to property located outside the city's corporate boundaries, and any transfer to the city of such water rights shall be permitted only upon the execution of forms prepared by the city which include but are not limited to: the execution of a perpetual and appurtenant no-protest annexation agreement, a no-protest local improvement agreement, a no-protest utility local improvement district agreement, and/or developer's extension agreement. The city expressly reserves its right to condition utility service upon the execution of any or all of these agreements upon terms and conditions as are determined to be necessary by the city council and city engineer.
- C. Any transfer to the city may be further conditioned under the State Environmental Policy Act ("SEPA"), implementing SEPA regulations, Cle Elum Municipal Code Chapter 15.28, as may now exist or which may hereinafter be amended, adopted SEPA policies, developer agreements under RCW 36.70B.170, the requirements of interlocal agreements with Kittitas County, special purposes districts, or municipalities, or landowner agreements entered into under RCW Chapters 35.91 and 35.92.
- D. Agreements with landowners and the city for purposes of siting or acquisition of properties for municipal facilities under RCW Chapters 35.91 and 35.92 may contain different terms and conditions than provided in this chapter.

(Ord. No. 1294, § 2, 10-14-2008)

13.20.040 Hookup fees, connection charges and other conditions.

Connection to properties outside of the city's municipal boundaries is discretionary. No water connection to any lot or parcel containing an improved structure may be made to persons or property outside the city limits or current service boundaries without first having executed either a developers extension agreement, annexation agreement or no-protest annexation agreement as determined by the

city council. Fees and charges shall be no less than fees and charges or other conditions for applicable hookup and service within the city as currently exist or as may hereinafter exist in the future. The city may provide for different terms and conditions for the owners of any properties upon which it locates or seeks to locate any municipal utility facilities for purposes of Section 13.20.030 and this section for purposes of acceptance of water supplies into the city's supply system through utility/landowner agreements, development agreements, interlocal agreements with Kittitas County and other jurisdictions, no-protest annexation agreements, or developer extension agreements. To the extent permitted by law, the city may impose surcharges and rates different from those charged to classes of customers located within the city's boundaries; provided that, these rates, conditions, and charges are reasonably related to the cost and system impact of extending service requested by the owner of real property or lawful occupant, maintaining system capacity and operational reliability, maintenance, improvements, repairs, storage, pressure zone requirements and fire flow capability, and other factors determined to be reasonable and necessary by the city council. Any customer granted water under these terms and conditions shall also be subject to mandatory city water conservation programs, including but not limited to conservation surcharges, conservation devices and equipment, time of use restrictions, and increased rates for usage above adopted rates by the city.
(Ord. No. 1294, § 2, 10-14-2008)

13.20.050 Types of water rights.

The various types of water rights subject to this chapter include, but are not necessarily limited to, the following: Permits, certificates, and claims issued by or on file with the Washington State Department of Ecology, or any of its predecessors. The city may consider senior seasonal irrigation rights for their adequacy. The adequacy of any proposed water right shall be determined by the mayor based on written analysis by the city engineer and the city's legal counsel. The mayor's decision shall be final, and shall be based on factors including but not limited to the following:

1. Annual volume of water rights equal to or exceeding the maximum annual water demand volume of the proposed annexation;
2. Instantaneous rate of water right equals or exceeds one hundred twenty-five percent of the maximum daily water demand volume of proposed annexation divided by one thousand four hundred forty minutes per day;
3. Seniority of water right relative to US Water rights for the Yakima Project (1905);
4. Legal status of the water right, e.g. status in *DOE v. James J. Acquavella*, Yakima County Cause No. 77-2-01484-5;
5. Consideration of any condition or limitations of use applicable to the water right, e.g., interruption or curtailment of use due to stream flow conditions;
6. Physical availability of water at water right's original or previous point of diversion;
7. Seasonal limitations on water right relative to the seasonal water demand of the proposed annexation;
8. Ability to change water right to city's existing point(s) of diversion, for use in the city's water service area, and to municipal water supply purposes with governmental approval

on satisfactory terms and conditions (water right "transfer");

9. Comments of Department of Ecology, Bureau of Reclamation or other entities about the water right; and

10. Clear ownership of the water right and ability to convey clear title and ownership to the city.

(Ord. No. 1294, § 2, 10-14-2008)

13.20.060 Annexations.

A. Requirement for Transfer and Conveyance of Water Rights. Prior to approval of any annexation subject to this chapter, a property owner(s) who has petitioned for annexation shall transfer and convey water rights in the full amount deemed necessary to serve the property proposed for annexation based on the city's equivalent residential unit calculation, as provided in Section 13.20.070.B, below.

B. Annexation/Development Agreement. As an alternative to the transfer and conveyance of water rights as set forth in Section 13.20.060.A above, and at the election of the city, the property owner(s) and the city may enter into an annexation/development agreement, in which the city may: waive the requirement for transfer and conveyance of the full amount of water rights necessary to serve the property proposed for annexation where the property owner(s) agrees to make payments pursuant to Section 13.20.070 below in lieu of transfer and conveyance of water rights; limit total water usage on the property; implement conservation measures; and/or provide such other consideration to the city as determined by the city council. The city and the property owner(s) may also enter into an agreement, at the election of the city, to delay the transfer and conveyance to the city of the water rights associated with the subject property until such future point in time as the city determines appropriate, for the purpose of accommodating potential delays encountered in the transfer process or to accommodate continued use of water rights associated with uses in existence at the time of annexation and anticipated to continue until further development of the subject property occurs. In determining whether to waive or delay the requirement for transfer and conveyance of the full amount of water needed by the property proposed for annexation, the city shall consider factors including but not limited to the following:

1. The amount of water available within the city's water system for other new development, redevelopment, and/or annexations;
2. Prevailing and projected environmental conditions affecting the amount of the city's water supply, including snowpack, precipitation, drought, temperature, and ocean current patterns (including La Nina or La Nino systems);
3. Prevailing and projected rates of new development and annexation within the city and Kittitas County;
4. The availability of existing water rights for purchase and the legal and environmental potential for new water rights by the city; and
5. Potential tax revenue or other public benefits to be provided by proposed development associated with a proposed annexation.

As part of any such alternative Annexation/Development Agreement, the city may require the property owner(s) to:

1. Acquire adequate water rights and transfer and convey the same to the city;
2. Deposit an amount into the city water fund equal to the payment in lieu of transfer provided in Section 13.20.070, which sum is refundable to the extent of the successful transfer of the water rights; and/or
3. Submit and diligently pursue approval of the water right transfer and conveyance at the expense of the property owner(s).

(Ord. No. 1294, § 2, 10-14-2008)

13.20.070 Amount of water and payment in lieu.

A. Amount of Water Available. The city shall have discretion to determine the amount of water available in the city water system, and to evaluate and prioritize all applications for municipal water delivery.

B. Water Use Determination. The water needed by development associated with property proposed to be developed, redeveloped, and/or annexed to the city shall be calculated in equivalent residential units ("ERUs"). The ERU calculation shall be based upon the city's development regulations in effect at the time the petition for annexation is submitted. The property owner(s) shall submit to the city a proposed ERU calculation based on the proposed development. The city engineer shall review the ERU calculation and make a recommendation to the mayor, who shall issue a water use determination, stating the amount of water rights to be transferred to the city. The mayor's decision, which shall be final, shall be communicated in writing to the property owner(s) within twenty days of the city council's acceptance of the petition for annexation.

In the calculation of the amount of water rights that must be transferred to the city, credit shall be provided for any existing and previously approved connections to the city's municipal water system that are currently in use on the subject property. In addition, if the owners of property subject to an annexation request have an exempt well or wells and desire to transfer the water rights associated with said wells, as currently provided for in RCW 90.44.105, then credit shall also be provided for the water use associated with said wells to the extent the water rights associated with the wells are transferred to the city.

C. Excess Water Rights. To the extent the water rights associated with the subject property exceed the anticipated water usage for the subject property as determined pursuant to subsection B above, the city in its sole discretion may negotiate an agreement with the property owner(s) to:

1. Provide for the owner(s) of the subject property to transfer and convey any amount of the excess water rights to the city, in which event the city shall pay to the property owner(s) an amount representing the then current market value of the excess rights, based on the cost per ERU stated in subsection D below; or
2. Allow said owner to transfer and convey the excess water rights to the city in exchange for credits to be applied to other property owned by said owner within the city's existing Urban Growth Area.

In the event the city acquires the excess water rights pursuant to subsection C.1 or C.2 above, the transfer of excess water rights will be processed simultaneously with and as part of the transfer process outlined in Section 13.20.090.

D. Payment in Lieu. In the event that the city determines through an annexation or development agreement pursuant to Section 13.20.060 above that the owners of property being annexed to the city may transfer and convey less than one hundred percent of the water required to serve the property proposed to be annexed, or in the event that the amount of water rights associated with property proposed to be annexed and successfully transferred to the city is less than the city engineer determines to be sufficient to serve the estimated ERUs of anticipated water usage for the subject property, the owner(s) of the subject property shall pay to the city three thousand five hundred dollars per ERU of anticipated water usage of the subject property, less a credit for the number of ERUs of water rights successfully transferred and conveyed to the city. The city shall evaluate the cost per ERU every two years from the date of adoption of this ordinance and adjust the amount accordingly. Payment shall be made prior to the city's adoption of an ordinance annexing the subject property, at the rate per ERU in effect at the time of the annexation.

E. Payment of Costs. The owner(s) of property subject to the application of the provisions of this chapter shall pay the city for all costs associated with the city's determination of the anticipated water usage for the subject property, determination of the adequacy of any proposed water right, and support or participation in a proceeding regarding a property owner's water transfer application. The term "costs" as used in this subsection shall include, but are not limited to, city staff time, engineering fees, attorneys fees, application fees, Kittitas County Water Conservancy Board Fees, publication fees, and any other fees or charges associated with processing and recording the transfer and acquisition of water rights.

F. Commitment by City. Nothing herein precludes the city from making commitments to provide municipal water service as part of an annexation or development agreement in which the owner of property subject to the annexation makes payment to the city as required in subsection d above.

G. Remedies. In the event a certificate of water availability or building permit is denied solely because of water unavailability and the property for which said certificate or building permit is sought was previously subject to the provisions of this chapter resulting in the transfer and conveyance of water rights and/or payment in lieu thereof to the city, then the property owner(s), as the sole and exclusive remedy, shall receive a payment equal to the amount paid to the city for the remaining anticipated water usage of the subject property pursuant to subsections B and D above, minus a ten percent administrative fee and without interest from the date of the original application unless otherwise required by then-applicable law. The property owner(s) shall repay this payment to the city as a condition of subsequent issuance of a certificate of water availability and/or building permit.

H. Appeal. Any determination by the mayor pursuant to this chapter may be appealed by filing an appeal in the Kittitas County Superior Court within twenty-one calendar days of the date of the final decision.

(Ord. No. 1294, § 2, 10-14-2008)

13.20.080 Payments received by the city.

All money paid to the city pursuant to this chapter shall be paid to the city water fund. All money paid to the city pursuant to this chapter shall be used by the city water utility for any or all purposes

permitted by the laws of the State of Washington, including but not limited to purchase of available water rights, processing of applications for new water rights to be added to the city domestic water utility system, the financing of water conservation, and the maintenance and replacement of equipment and existing system components that have the effect of increasing the city's available water supply. (Ord. No. 1294, § 2, 10-14-2008)

13.20.090 Form of transfer and conveyance of water right.

The transfer of water rights pursuant to this chapter shall be in such forms as may be approved by the city. Owners of property transferring water rights pursuant to this chapter shall execute all documents required by the city and/or any other governmental entity that may be necessary to achieve the purposes of this chapter. Those documents may include, but are not limited to, application(s) to change in point of diversion, change in place of use, change in purpose of use, and any other documents or forms.

For a water right transfer to be completed, the water right transfer (as defined in 13.20.050(8)) must ultimately be approved by the Department of Ecology and all appeal periods must have expired without challenge (or any appeals must successfully be resolved). In the event of an appeal or an adverse decision, the city may elect but is not required to litigate the appeal, challenge the adverse decision, or abandon the proposed water right transfer. Any development, annexation or other agreement that provides for a water right transfer to the city shall also provide for the possible appeal of a transfer decision and for the payment of costs of appeal.

Upon completion of the water right transfer, the property owner(s) shall convey the water right to the city by Statutory Warranty Deed or other appropriate conveyance instrument, as determined by the city; provided, however, that the actual conveyance may be delayed, at the city's election, to coincide with the city's approval of the petition for annexation described in this chapter, or as otherwise set forth in an agreement between the property owner(s) and the city. (Ord. No. 1294, § 2, 10-14-2008)

13.20.100 Severability.

If any section, subsection, paragraph, sentence, clause or phrase of this chapter or its application to any person or situation should be held to be invalid or unconstitutional for any reason by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this chapter or its application to any other person or situation. (Ord. No. 1294, § 2, 10-14-2008)

Chapter 13.24 FILLING OR OBSTRUCTION OF SURFACE DRAINS

Sections:

13.24.010 Nuisance.

13.24.020 Permit required.

13.24.030 Culvert installation or obstruction removal.

13.24.040 City reopening.

13.24.050 Violation--Penalty.

13.24.010 Nuisance.

The city drainage system consists of underground drains, commonly called storm sewers, and surface drains which are commonly called open ditch drains. These are essential for the preservation of life, health and property. The filling in or obstruction of surface drains by any person, and the continuance of such fill or obstruction, without first obtaining a permit from the city is declared to be a nuisance.

(Ord. 556 § 1, 1960)

13.24.020 Permit required.

No surface drain shall be filled in by any person, either in whole or in part, unless such person first obtains a permit therefor, and unless there is installed in the fill or obstruction a culvert pipe, the size, strength, construction and grade of which must be adequate to carry the flow of surface waters in the drain and protect the public against cave-in, collapse and rapid deterioration. Upon the making of application to the city clerk for a permit, these factors must first be investigated by the city engineer, or street and water superintendent, or such other qualified person as the city council designates. The investigator shall report his findings to the council, which shall consider them in determining whether or not a permit shall issue. If a permit is issued, the culvert specifications shall be set out therein.

(Ord. 556 § 2, 1960)

13.24.030 Culvert installation or obstruction removal.

If any surface drain in the city has already been obstructed or filled in, either in whole or in part, by any person, whether the fill is made for driveway, sidewalk, entrance, or otherwise, the abutting property owner shall forthwith apply to the city clerk for a permit to install a culvert pipe therein, and shall install therein a culvert pipe meeting such reasonable specifications as the council shall require in the permit, or in lieu thereof shall reopen the drain and remove the fill or obstruction. The application shall be investigated and a report of findings made, as set out in Section 13.24.020. The installation of the culvert pipe, if a permit issues, or the removal of the fill or obstruction in lieu thereof if the permit either issues or is denied, shall be done in not less than ten nor more than thirty days after issuance or denial of the permit, as the case may be.

(Ord. 556 § 3, 1960)

13.24.040 City reopening.

If the abutting property owner fails to make such application or in lieu thereof to reopen the drain and remove the fill or obstruction as provided in Section 13.24.030 within thirty days after passage of the ordinance codified in this chapter, the city shall reopen the drain and remove the fill and the abutting property owner shall be required to reimburse the city for the expense incurred.

(Ord. 556 § 4, 1960)

13.24.050 Violation--Penalty.

Any person violating any of the provisions of this chapter may, upon conviction thereof, be fined not to exceed two hundred and fifty dollars or imprisoned in the city jail not to exceed thirty days, or both.

(Ord. 556 § 5, 1960)

Chapter 13.32 UTILITY REIMBURSEMENT AGREEMENTS

Sections:

- 13.32.010 Purpose.
- 13.32.020 Definitions.
- 13.32.030 Minimum project size.
- 13.32.040 Application.
- 13.32.050 Length of reimbursement provision.
- 13.32.060 Public works director's determination--Review by city council.
- 13.32.070 Determination of reimbursement area boundary and reimbursement fee.
- 13.32.090 Reimbursement agreement must be recorded.
- 13.32.100 Written agreement--Payment of city costs in excess of application fee.
- 13.32.110 Construction and acceptance of improvements--Recording of final fees.
- 13.32.120 Collection of reimbursement fees--No liability for failure to collect.
- 13.32.130 Disposition of undeliverable reimbursement fees.

13.32.010 Purpose.

The purpose of this chapter is to prescribe rules and regulations for exercise of the authority to enter into a utility reimbursement agreement granted to the city by RCW Chapter 35.91. (Ord. 1177, § 1, 2002)

13.32.020 Definitions.

As used in this chapter, the terms listed below shall be defined as follows:

"Cost of construction" means those costs (excluding interest charges or other financing costs) incurred for design, acquisition for right-of-way and or easements, construction, materials and installation required in order to create an improvement which complies with city standards.

"Director" means the public works director or his/her designated representative.

"Reimbursement agreement" means a written contract between the city and one or more parties providing both for construction of sewer facilities and for reimbursement to the party or parties constructing the facilities for part of the costs of the facilities by owners of property benefited by the improvements.

"Water or sewer facilities" shall have the meaning specified in RCW 35.91.020 as it now reads, or as hereafter amended. (Ord. 1177, § 1, 2002)

13.32.030 Minimum project size.

To be eligible for a reimbursement agreement, the estimated cost of the proposed improvement must be not less than five thousand dollars. The estimated costs of the improvement shall be determined by the public works director, based upon a construction contract for the project, bids, engineering or architectural estimates or other information deemed by the public works director to be a reliable basis for estimating costs. The determination of the public works director shall be final. (Ord. 1177, § 1, 2002)

13.32.040 Application.

An application for reimbursement agreement shall be made on a form provided by the city. The application fee shall be set by council resolution and shall be submitted to the city with the written application and shall be accompanied by:

- A. Preliminary utility design drawings;
- B. Itemized estimate of construction costs prepared and signed by a licensed civil engineer or in the form of a bid submitted by a qualified contractor (if more than one bid has been obtained, all bids must be submitted to the city);
- C. A scaled vicinity drawing, stamped by a licensed civil engineer or licensed land surveyor depicting the proposed improvements, the location, the proposed benefited area, dimensions and county assessor's numbers for each tax parcel, size of parcels, and evaluations where necessary for determining benefits;
- D. A separate legal description for each tax parcel within the benefited area; and
- E. Such other information as the public works director determines is necessary to properly review the application.

(Ord. 1177, § 1, 2002)

13.32.050 Length of reimbursement provision.

No reimbursement agreement shall provide for reimbursement for a period of not longer than fifteen years from the date of final acceptance of the improvements by the city.

(Ord. 1177, § 1, 2002)

13.32.060 Public works director's determination--Review by city council.

A. The public works director shall review all applications and shall approve the application only if the following requirements are met:

- 1. The project satisfies the minimum size requirement and complies with city standards; and
- 2. The proposed improvements fall within the description of sewer or water facilities as those terms are described in RCW Chapter 35.91; and

B. In the event all of the above criteria are not satisfied, the public works director may condition approval as necessary in order for the application to conform to such criteria, or shall deny the application. The final determination of the public works directors shall be in writing. The applicant may obtain a review of the final determination by filing a request therefore with the city clerk no later than ten days after a copy of the final determination is mailed to the applicant at the address listed on the application.

C. In reviewing a final determination, the city council shall apply the criteria set in this section, and shall uphold the decision of the public works director unless evidence clearly demonstrates that the criteria have been satisfied. (Ord. 1177, § 1, 2002)

13.32.070 Determination of reimbursement area boundary and reimbursement fee.

The public works director shall define the reimbursement area for all approved applications based upon a determination of which parcels did not contribute to the original cost of the sewer or water facility for which the reimbursement agreement applies and which may subsequently tap in to or use the same, including not only those which may connect directly thereto, but also those who may connect to laterals or branches connecting thereto. An estimated amount of the reimbursement fee shall be established so that each property will pay a share of the costs of the improvements, which is proportional to the benefits which accrue to the property.

(Ord. 1177, § 1, 2002)

13.32.090 Reimbursement agreement must be recorded.

A. In order to become effective, a reimbursement agreement must be recorded with the Kittitas County auditor within thirty days of approval by the city. It shall be the sole responsibility of the applicant to record the reimbursement agreement.

B. Within thirty days after receipt of evidence that the reimbursement agreement has been recorded the public works director shall record a notice of additional tax or correction charge with the Kittitas County auditor's office as required by RCW 65.08.170.

(Ord. 1177, § 1, 2002)

13.32.100 Written agreement--Payment of city costs in excess of application fee.

Upon approval of the application, determination of the estimated costs of construction, the reimbursement area and estimated fees by the public works director, the applicant shall sign a reimbursement agreement in the form supplied by the city. The signed agreement, the application and supporting documents, together with the public works director's estimate of cost of construction, and determination of reimbursement area and estimated fees shall be presented to the city council with a request that the city council authorize the mayor to sign the reimbursement agreement on behalf of the city.

In the event costs incurred by the city for engineering or other professional consultant services required in processing the application exceed the amount of the application fee, the public works director shall so advise the city council and council approval shall be conditioned upon receipt of payment by the applicant of an additional amount sufficient to compensate the city for its actual costs in excess of the application fee.

(Ord. 1177, § 1, 2002)

13.32.110 Construction and acceptance of improvements--Recording of final fees.

A. After the reimbursement agreement has been signed by both parties, and all necessary permits and approvals have been obtained, the applicant shall construct the improvements, and upon completion, request final inspection and acceptance of the improvements by the city, subject to any required obligation to repair defects. An appropriate bill of sale, easement and any other document needed to convey the improvements to the city and to insure right-of-access for maintenance and replacement shall be provided, along with documentation of the actual costs of the improvements and a certification by the applicant that all of such costs have been paid.

B. In the event that actual costs are less than the public works director's estimate used in calculating the estimated fees by ten percent or more, the public works director shall recalculate the fees, reducing them accordingly, and shall cause a revised list of fees to be recorded with the county auditor. (Ord. 1177, § 1, 2002)

13.32.120 Collection of reimbursement fees--No liability for failure to collect.

A. Subsequent to the recording of a reimbursement agreement, the city shall not permit connection of any property within the reimbursement area to any sewer or water facility constructed pursuant to the reimbursement agreement, unless the share of the costs of such facilities required by the recorded agreement is first paid to the city.

B. Upon receipt of any reimbursement fees, the city shall deduct a ten percent administrative fee and remit the balance of the reimbursement fees to the party entitled to the fees pursuant to the agreement. In the event that through error, the city fails to collect a required reimbursement fee prior to approval of connection to a sewer facility, the city shall make diligent efforts to collect such fee, but shall under no circumstances be obligated to make payment to the party entitled to reimbursement, or in any other way be liable to such party, unless such reimbursement fee has actually been paid to the city. (Ord. 1177, § 1, 2002)

13.32.130 Disposition of undeliverable reimbursement fees.

In the event that, after reasonable effort, the party to which reimbursement fees are to be paid pursuant to a reimbursement agreement cannot be located, and upon the expiration of one hundred eighty days from the date fees were collected by the city, the fees shall become the property for the city and shall be revenue to the city sewer and water utility. (Ord. 1177, § 1, 2002)