

**TOWN OF ROCKFORD
SPOKANE COUNTY, WASHINGTON
ORDINANCE NO. 17-02**

AN ORDINANCE OF THE TOWN OF ROCKFORD, WASHINGTON, ADOPTING RULES AND REQUIREMENTS FOR CUSTOMERS OF THE TOWN'S WATER UTILITY AND OTHER MATTERS PROPERLY RELATED THERETO.

WHEREAS, the Town through its legislative authority has the power and authority to establish rates for water service and to establish reasonable usage fees, and connection charges;

WHEREAS, the Town is vested with the authority to operate a municipal water system pursuant to Chapter 35.92 RCW; and

WHEREAS, the Town also has authority to establish reasonable rules for the safe and effective operation of the Town's water system.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ROCKFORD, WASHINGTON AS FOLLOWS:

WATER SYSTEM

Sections:

- 1 Purpose
- 2 Definitions
- 3 Meter—Required
- 4 Meter—Supply and Repair
- 5 Meter—and Meter Box Installation
- 6 Meter—Accessibility
- 7 Indoor Meters— Water Use Reporting and Accessibility
- 8 Meter—Tampering and/or Unauthorized Removal
- 9 Separate Service Connections for Each Building
- 10 Connection responsibilities—Fees
- 11 Water Rates
- 12 Owner Not to Furnish Water to Others
- 13 Owner Responsible for Account
- 14 Payment Delinquency
- 15 Adjustments
- 16 Unauthorized Water Turn On

17	Interruption of Services
18	Obstructing Access and/or Unauthorized Use to Fire Hydrants
19	Water Ordered Off or On
20	Rules and Regulations
21	Meter Winterizing
22	Declared Water Shortage and Fees
23	Cross Connections

Section 1. Purpose: The purpose of this ordinance is to establish fees for service, general rules and regulations for the service and extension of service from the water system of the Town of Rockford and to promote the public health, safety, and general welfare of the users of the water system, in accordance with standards established by the Town, County, State, and Federal government.

Section 2. Definitions:

- a. “Business Rate” means the monthly water rate that shall be applied to all businesses, institutional or industrial water customers where no residential usage occurs, excluding food and beverage establishments.
- b. “Food and Beverage Establishment Rate” means the rate that shall be applicable to any establishment who provides food and/or beverage and offers indoor seating/dining.
- c. “Residential Rate” this rate class is established for individual single residential units and includes any separate identifiable home, apartment, condominium, mobile home or other separate identifiable dwelling unit designed and intended for occupancy by not more than one family.
- d. “Mobile Home Park Rate” means the rate that shall be applicable to any designated Mobile Home Park area in accordance to the Town of Rockford’s Zoning and Development Regulations ordinance
- e. “Non-Profit Rate” means the rate that shall be applicable to any business/establishment who can substantiate non-profit status
- g. “Service Line Connection” shall mean all piping and fittings from the water main to the property owner’s property boundary.
- h. “Main” refers to a water line designated or used to serve more than one premise.

Section 3. Meter—Required: Whenever any new service shall be installed, connecting any property with the water supply system of the Town, the owner or lessee of the property shall have a meter installed with the service, and water will be supplied to such property only through a meter.

Section 4. Meter—Supply and repair: Meters will be supplied by the Town and repaired by the Town.

Section 5. Meter and Meter Box Installation: The actual installation of meters and meter boxes shall be done by the Town's Public Works Department. The cost of the meter box and the cost of installation of the meter and meter box shall be paid by the owner or lessee of the property on which the meter and meter box are installed. This fee shall be determined by resolution or ordinance of the Town.

Section 6. Meter—Accessibility: Meters shall, at all times, be accessible to the Town's Public Works Department representative. The Town has a right to inspect and read all water meters regardless of where the meter is located. The Town will read outside meters between April 1st and October 31st, as weather permits. During the months that water meters are not read, November 1st through March 31st, an estimated 5,000 gallons per customer will be added to each account. After the first reading of the calendar year, accounts will be credited/charged for any over/underestimated water usage during these months.

Section 7. Indoor Meters— Water Use Reporting and Accessibility: Where meters are installed indoors, the resident or owner shall be responsible for providing monthly meter readings to the Town with their monthly payment. If the homeowners of inside meters want to set up a monthly preapproved time for reading or inspection by the town, they may do so. The Town will provide 10 days written notice to any customer with an inside meter prior to scheduling a routine inspection, repair or service. If the owner fails to submit a monthly meter reading, one courtesy reminder, per calendar year, will be sent by a staff member at Town Hall. If the homeowner does not comply, a non-submittal fee will be charged per occurrence. This fee shall be determined by resolution or ordinance of the Town.

Section 8. Meter—Tampering or Unauthorized Removal: Meters shall not be tampered with or removed except by an authorized person of the Public Works Department or upon a written order from the Town or its representatives. Tampering or unauthorized removal shall result in immediate disconnection by the Town. Penalties for violations of this provision shall be as set forth by resolution of the Town and will be imposed before the water is turned on again.

Section 9. Separate Service Connections for Each Building: Every separate building, dwelling or structure supplied with Town water must have its own separate service connection with the Town's mains, except when two or more buildings located on the same lot or on contiguous lots under a single ownership. In this case, the owner may, upon written permission granted by the Town Council, be supplied through the same connection, as long as such single ownership continues. Upon change from single ownership, a new and separate connection shall be immediately made for the building or the premises to a Town main solely at the owner's expense including any and all applicable connection fees.

Section 10. Connection Responsibilities—Fees:

- a. All property owners shall be financially and legally responsible for extending water mains/services from the Town's existing mains/services to their property. All work, including engineering, must meet Town specifications and approval of Town Council. Any new development of the system that requires additional lift stations or booster pumps shall be done at the landowners cost and shall meet all the Town requirements for construction and inspection. Completed and compliant additional booster pumps or lift stations shall be transferred to the Town for ownership and maintenance.
- b. All sums collected pursuant to this section shall be held within a separate fund and shall be used only for capital improvement to the Town's water system unless this section shall be amended by ordinance duly passed by Town Council.

- c. The Town shall not be obligated to perform any work or share in any water expenses, unless so required by law; however, the Town may contract with owners or developers for water system improvements to the extent authorized by law.
- d. Upon installation, any water system improvements on Town property shall become property of the Town, and part of the Town's system, and the Town shall be responsible for maintenance and operation of the mains.
- e. Property owners or developers shall be legally and financially responsible for installation, maintenance and operation of service lines connected to the Town's mains and any other expenses directly or indirectly related to the installation and connection of the Town's water system.
- f. The Town shall not be obligated or required to issue a residential building permit or certificate of occupancy until the property owner or developer has made adequate provision for extension of the water to the property. The property owner or developer shall provide the following:
 - 1. The specific existing line and the exact location thereon to which the person requesting service shall connect to.
 - 2. A map indicating the exact location of the water line(s) and all other equipment installed and connected to the Town's system. The map shall reference the type of materials used, the size of all materials, as well as an exact location of the water line(s), where it connects to the existing Town's line(s), including the approximate depth of the lines.
- g. Any water line(s) installed on any property owned by the Town shall immediately become the property of the Town upon completion and acceptance by the Town, and the Town shall be required to maintain the same.
- h. Any water line installed upon any private property within the Town shall be maintained by the owner of that property.
- i. No water shall be turned on or provided to any property to be served until all of the connection regulations have been satisfied and all charges incurred have been paid in full.
- j. Water connection fees may be adjusted from time to time by resolution of the Town.
- k. After water service lines have been installed and inspected, the Town shall be responsible for repairs and replacement of service lines from the main tap to the meter or property line which ever is closer to the main. The property owner shall be responsible for all repairs from the meter or property line and all other pipes on the premises.
- l. On pre-existing installed water service lines the Town shall be responsible for repairs or replacement of service lines to the meter or property line which ever is closer to the main.
- m. All meters are property of the Town. The Town shall service or replace meters as they are needed at the expense of the Town except when meters are damaged by the service user, including, but not limited to failure to insulate meter boxes from freezing, failure to maintain appropriate protection for the meter. In those cases the service user shall be liable for all costs associated with the repair or replacement of the meter.

- n. The Town may move a meter located inside a building to the property line for ease of maintenance or reading at its sole cost and expense unless it is for the lack of compliance by the owner.
- o. If a homeowner requests a meter moved from inside the home to an outside location it shall be done at the homeowner's expense.
- p. All new meters shall be installed at the property line and shall use standard boxes, setters, fittings, and meters pre-approved by the Town and in compliance with any Public Works standards of the Town.
- q. It is the property owner duty to keep meter boxes clear of obstructions prior to meter readings. Failure to do so shall require the Town to remove obstructions at the homeowner's expense. This fee shall be determined by resolution or ordinance of the Town.

Section 11. Water Rates:

- a. Each customer of the Town's water system who is supplied with water service shall pay minimum monthly rates as fixed from time-to-time by resolution of the Town Council. These minimum monthly rates shall include the rate classes for:

Residential, Business, Food and Beverage Establishment, Non-Profit and Mobile Home Park
- b. Each customer receiving water shall pay the base rate for this class plus an additional metered water usage fee, and the reserve fee as established by resolution of the Town.
- c. A late charge shall be assessed on all past due accounts at the rate set forth by resolution of the Town. The Town shall provide notice to the account holder of any late charges and that continued delinquency may result in termination of water service.
- d. The Council has the authority to increase the current water rates up to 3% per year.

Section 12. Owner Not to Furnish Water to Others: No owner or lessee of property supplied with water from the Town's mains shall furnish water to any other premise or property. Persons violating this provision shall be subject to a penalty as set forth by resolution of the Town and are subject to disconnection from the Town water system.

Section 13. Owner Responsible for Account: All accounts for water shall be the responsibility of the owner of the real property receiving the water. In the case of a mobile home, or other temporary or mobile structure, the owner of the real estate shall be the responsible party.

Section 14. Payment Delinquency:

- a. Material supplied and work performed by the Town are to be paid by the property owner and shall be delinquent thirty days after presentation of the bill by the Town.

Water charges will be delinquent on the twentieth day of each month, after which a late fee will be assessed. Delinquent accounts will be mailed a 10-day shut off notice to the account's last known address. A door-hanger notice will be delivered three days prior to shut off. As authorized by applicable law, the Town may disconnect water service and assess a fee for the disconnection. A water turn on fee will also be assessed to resume water service. The delinquent account must be paid in full before water service is restored. Fees for turn off and turn on will be added to the next month's utility bill. These fees shall be determined by resolution or ordinance of the Town Council.

All water service charges shall be enforceable through a lien against the property served even though water services may be contracted through an agent or tenant, to the extent authorized by law. The property owner shall remain liable for all water service charges.

- b. The fee for returned checks or disallowed electronic funds shall be as set forth by resolution of the Town.

Section 15. Adjustments:

- a. Any customer who believes there has been an error in their billing may submit to the Billing Clerk a claim for adjustment or remission in the billing; provided, the submission for the claim must be made within two months from the date the billing in question is issued, or the claim will be barred. Any adjustments or disputes that can not be resolved by the Billing Clerk, a written claim must then be submitted to the Mayor. If the disputed account can not be resolved by the Mayor the final adjudication of the matter shall rest with Town Council. If a refund is due, it shall be made only upon the approval of Town Council and such refunds shall be made by checks drawn on the water fund.
- b. Any customer whose monthly water charges have suddenly and unexpectedly increased as the result of a water leak may petition Town Council for an adjustment in charges for the period during which the leak remained undetected, provided, as a condition of any such adjustment, Town Council must:
 - 1. Find that the customer did not know about the water leak and could not have reasonably known about the leak during the period for which the adjustment is sought;
 - 2. Find that the leak did not occur through any fault of the customer;
 - 3. Find that, when the leak was finally discovered, the customer took reasonable action to promptly repair the leak; and
 - 4. Find that the increased water charges resulting from the leak during the period for which the adjustment is sought will impose an undue hardship upon the customer.

The Town Council shall act upon all such petitions promptly and impartially, but shall be under no obligation to grant the requested adjustment. Any such adjustment may be in the form of a reduction in the water charge, payment plan, or a combination thereof.

Section 16. Unauthorized Water Turn On: Where the water is turned off for any reason specified in this ordinance or in the rules adopted hereunder by the Council, it shall be turned off at the curb stop (service shut off valve). After the water has been turned off at the curb stop, should it be turned on without the authorization of the water department, it shall be terminated at the main and an additional fee, as set by Council resolution, shall be collected before it will be turned on again.

Section 17. Interruption of Service:

- a. The water may at any time be shut off from the main, without notice, for repairs or other necessary purposes, and the Town will not be responsible for any consequent damages.
- b. The Town shall not be liable under any circumstances, for a deficiency or failure in the supply of water, whether by shutting off of water to make repairs or extensions, or for any cause whatsoever.

Section 18. Obstructing Access and/or Unauthorized Use to Fire Hydrants: It is unlawful for any person to obstruct the access to any fire hydrant by placing within twenty feet any material or trash, or to draw water from it, or to willfully or carelessly injure the same, or fill up or cover any curb box. Any person in violation of this section shall be deemed guilty of a misdemeanor.

Section 19. Water Ordered Off or On:

- a. All requests for disconnection must be made by the owner of the property or some authorized agent of the owner in writing to the Town's water department.
- b. A fee, to be set by Council resolution, will be charged for turning on the water after service is installed and the applicant wishes the water turned off for a month or any part of a year.

Section 20. Rules and Regulations—Rule Suspension: These rules are made for the benefit of the water consumers of the Town, and for the protection of the water system. Their enforcement shall in no case be willfully ignored by any Town official or officer, but when a strict enforcement of any rule or rules would work a gross injustice on a consumer of water from the Town mains the superintendent of the water department may order a suspension of the rule or rules as to that case, and his decision shall, in all such cases, be final.

Section 21. Meter Winterizing and Replacement of Frozen Water Meters: Winterizing of water meters is the responsibility of the property owner. Replacement of a frozen water meter or a meter damaged by failure to adequately winterize the meter will be done by the Town at the property owner's expense.

Section 22. Declared Water Shortage and Fees: In the event of a declared water shortage, residents must comply with rules and regulations outlined in the Water Shortage Response Plan Ordinance 15-05. Fees for non-compliance shall be determined by resolution or ordinance of the Town Council.

Section 23. Cross Connections: See separate ordinance for Cross Connection regulations.

This ordinance amends Ordinances - 158, 186, 81-8, 92-8, 96-2, 94-6, 97-3, 05-11, 06-02, 08-04, 08-05, 08-06, 11-1, 11-2, 11-3, 12-02, and 12-10. This Ordinance replaces Section A. Water Line Installation and Maintenance in Resolution 80-2R.

Effective: This Ordinance shall take effect _____

PASSED by the Rockford Town Council in regular session the _____

Carrie Roecks, Mayor

Attested:

Kristy Cochrane, Clerk/Treasurer