

ORDINANCE NO. 2001-07-051

AN ORDINANCE RELATING TO THE WATER SHORTAGE CONTINGENCY PLAN AMENDING BELLINGHAM MUNICIPAL CODE SECTIONS 15.04.040, 15.04.050 AND 15.04.060

WHEREAS, the city's water supply, treatment and delivery systems are subject to natural (e.g. drought) and unnatural (e.g. Olympic Pipeline Explosion) events that may create water shortage situations;

WHEREAS, the City has completed a thorough water shortage contingency assessment, including droughts and other causes for water shortages, and has determined that revisions to existing Bellingham Municipal Codes related to water shortages must be made;

NOW, THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1. Bellingham Municipal Code 15.04.040 shall be amended as follows:

15.04.040 - Prohibited Acts

- A.** To open, close, or interfere with any fire hydrant, stop valve or stopcock belonging to the city unless authorized to do so by the Public Works Department. The City Fire Department, or volunteer fire departments holding the appropriate permit, are exempt from this subsection; .
- B.** To disturb or damage any pipe, machinery, or other property of the Department of Public Works;
- C.** To introduce any unauthorized substance into any city reservoir or any other part of the city's water distribution system;
- D.** To disturb, damage, or interfere with any manhole, pipe, pump station, or other appurtenance of the sewer; or to deposit or discharge, or cause to be deposited or discharged, any solid, liquid, or gaseous waste through other than an approved connection to the sewer system;
- E.** To violate any restrictions on water usage imposed by the department or as otherwise provided by BMC 15.04.060 (A) or (D);
- F.** To waste water, or allow it to be wasted by imperfect or leaking pipes or other fixtures; or to use toilets without self-closing valves; or to allow any pipes or faucets to run

open for more than twelve hours to prevent the water service from freezing, or for any other reason;

G. To apply water to purposes other than that for which the original application for service was made, unless a new application has been approved in the same manner as an original application;

H. To introduce stormwater, surface drainage, or septic tank wastes into the sanitary sewer system.

I. To discharge the following substances into the city sewer system (provided, that the prohibition of discharge of these substances shall not be construed as prohibiting any special agreement -- including one executed under Chapter 15.20 -- between the city and any person whereby waste of unusual strength or character may be admitted to the city sewer system):

1. Any solids, liquids, or gasses which may by themselves or by interaction with other substances cause fire or explosive hazards or be injurious to persons, property, or the wastewater treatment facility;
2. Any noxious or malodorous solid, liquid, or gas which may be itself or by interaction with other substances is capable of creating a public nuisance or hazard to life or preventing entry into the sewer or treatment works for their maintenance or repair;
3. Any solids, greases, waxes, slurries, or viscous material of such character or in such quantity that may cause an obstruction to the flow in the sewer or otherwise interfere with the proper functioning of treatment works;
4. Any toxic substance, chemical elements, or compounds in quantities sufficient to impair the operation of the treatment works; or that will pass through the treatment works and cause the effluent to exceed Department of Ecology discharge permit limits or cause the receiving water quality standards to be violated;
5. Any liquids having a pH lower than 6.5 or higher than 8.5 or having corrosive properties capable of causing damage, or hazards to the sewer system, persons, equipment, or treatment works;
6. Any radioactive isotopes;
7. Any liquid or vapor having a temperature greater than 140 degrees Fahrenheit;
8. Any garbage that has not been ground or shredded;

9. Any other substance which, in the opinion of the Public Works Director, may be harmful to the structure personnel, processes, or operation of the sewer system.

Section 2. Bellingham Municipal Code 15.04.050 shall be amended as follows:

15.04.050 - Penalty For Violation

A. The commission of an act prohibited by Section 15.04.040(A), (B), (C), (D), (E) or (I) shall be considered a misdemeanor, punishable by a fine of not more than \$500 per violation. Each and every day that such prohibited act continues shall be considered a separate violation.

B. Before any person(s) is/are charged with a violation of section 15.04.040(E), (F), (G) or (H), an attempt shall be made to give such person a written notice of such violation, either by personal service or by certified mail, return receipt requested, advising that the City is contemplating a criminal complaint against that person(s) and that such person(s) shall have 7 days from the date of such notice to discontinue the prohibited activity, except for violations on water usage imposed by the department pursuant to sections 15.04.040 (E), and 15.04.060 (A) and (D) for which the prohibited activity shall be discontinued immediately. If such person(s) fails to permanently cease such activity within the foregoing appropriate time period, such person(s) shall be charged with a misdemeanor, punishable by a fine of not more than \$500 per violation. Each and every day that such prohibited activity continues beyond the notice period shall be considered a separate violation.

C. This section does not apply to specific civil penalty amounts set out for the late payment of water, sewer and storm and surface water bills as such penalties are civil debts, collected in the same manner as delinquent payments.

Section 3. Bellingham Municipal Code 15.04.060 shall be amended as follows:

15.04.060 - Reduction Of Water Supplied

A. In case of emergency, shortage, or whenever the public health, safety, or the equitable distribution of water demands, the Director of Public Works may change, reduce, or limit the time for uses of water, or may impose restrictions and schedules for specified uses of water, or may temporarily discontinue specified uses of water.

B. Water service may be temporarily interrupted for purposes of making repairs, extensions, or doing other necessary work.

C. Before changing the use of water, the department shall notify, insofar as practicable, all water consumers affected.

D. In addition to the penalties described in 15.04.040 (E) persons found in violation of this section and as provided by 15.04.040(E) and 15.04.050 (A) and (B) shall be subject to water shutoff upon non-payment of fines, or for continuing violation of this section. Each and every day that such prohibited activity continues beyond the notice period shall be considered a separate violation.

PASSED by Council this 23RD day of JULY, 2001.

Lusli P. Langdon
Council President

APPROVED by me this 27 day of July, 2001.

Mark Asmundson
Mayor

ATTEST:

Christine Weinberg
Finance Director

APPROVED AS TO FORM:

Les B. Perry
Office of the City Attorney

Published:

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