

ORDINANCE NO. 2006-08-081

AN ORDINANCE OF THE CITY OF BELLINGHAM, WASHINGTON, AMENDING VARIOUS SECTIONS OF THE BELLINGHAM MUNICIPAL CODE CHAPTER 15.08 REGARDING ADMINISTRATION OF THE WATER UTILITY.

WHEREAS Bellingham Municipal Code Title 15 sets forth the rules and regulations governing the provision of utility services; and,

WHEREAS BMC Chapter 15.08 includes rules and regulations regarding water service; and,

WHEREAS certain provisions of this Chapter should be updated to reflect new services, best practices, and revised service provision; and,

WHEREAS these revisions are in the best interests of the City of Bellingham and its utility customers and residents;

NOW, THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1: Bellingham Municipal Code Section 15.08.010 is hereby amended as follows:

15.08.010 - Types Of Water Service

The following types of water service are provided by the city:

- A. Single Family** services include only those services connecting the water system to a single-family residence or duplex dwelling unit occupying a single premises on a single family zoned lot. The single family service size shall be 3/4" in diameter, except when the Director of Public Works determines, in his or her discretion, that a 1" or 1.5" service is necessary to meet the flow demands of that single family residence.
- B. Non-Single Family** services include all services not covered by subsections A, C, D, E, or F of this section.
- C. Fire protection** service is a water service installed solely for the purpose of providing water to automatic fire sprinklers, on-site fire hydrants, or standpipes. All privately owned fire protection services shall include a flow-detection device of a type approved by the Director of Public Works. No domestic water supply connections are allowed on a fire protection service.
- D. Resale water** service is a metered service by which potable water is provided under contract to a water district or association for resale.
- E. Industrial water** service is non-potable water supplied for industrial purposes.
- F. Irrigation water** service is a service using potable water for landscaping and irrigation purposes only. All irrigation systems must have a dedicated irrigation service unless one of the following exceptions applies:

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1. A Single Family flat rate water service that converts to a Single Family metered rate through the Voluntary Metering Program ("VMP") provided for in BMC 15.08.040; or
2. A Single Family metered water service on a single family zoned lot that is less than or equal to 10,000 square feet.

Section 2: Bellingham Municipal Code Section 15.08.020 is hereby amended as follows:

15.08.020 - Application For Water Service

Any person desiring to have a premises connected with the city water supply system shall make application to the Public Works Department on printed forms furnished for that purpose. Every such application shall be made by the owner or the purchaser under a real estate contract of the premises to be benefited, or by his authorized agent.

The application must describe the property to be served, state fully the purposes for which the water is required, and indicate that by signing the form, the applicant agrees to conform to the ordinances, rules, and regulations established as conditions for use of water, and further agrees, as a condition to the furnishing of water, that the city has the right to shut off the water supply as required for such things as, by way of example, non-payment, repairs, extensions, or doing other necessary work.

Section 3: Bellingham Municipal Code Section 15.08.040 is hereby amended as follows:

15.08.040 - Water Service Connections

A. When the premises fully abuts upon a street or City-owned utility easement through which there is a City water main, the premises' owner may apply for a service. Upon approval of the service by the Director of Public Works and upon such conditions as required by the Director, the Director of Public Works shall issue a permit for its installation. The Public Works Department will install a service pipe from the main to the property line, and will include such equipment as determined by the Public Works Department, such as, by way of example, a curbstop placed within the street right-of-way, a meter box, and a meter assembly. This equipment is part of the "water service" and shall thereafter be maintained by and kept within the exclusive control of the City, except as otherwise provided in this chapter. The water line from the curbstop to the shutoff shall be installed by the property owner subject to inspection by the director, and it shall remain under the exclusive control of the property owner. The inspection shall be conducted before water service is initiated. If the service pipe is adequately sized, more than one service may be connected, provided that each service must have its own curbstop.

B. When the premises within the city limits for which service is sought does not fully abut a street or City-owned utility easement through which there is a City water main, the application for service shall be rejected except when the property being served is the last developable lot that can be served upon the street, in which case the Director of Public Works is authorized to make this determination administratively and grant service under this exception.

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C. When the premises for which service is sought does not fully abut a main with sufficient pressure and capacity to provide the required flow at the property line, the application for service shall be rejected.

D. [UNCHANGED]

E. All new water service installations shall be metered.

F. Single Family customers who are not currently being served by a water meter may enroll in the "Voluntary Metering Program" ("VMP") through the Department of Public Works. The Director of Public Works shall establish a meter installation fee for each Single Family customer who chooses to participate in the VMP. This meter installation fee shall be adjusted annually by the Director of Public Works based upon the previous year's actual costs and after providing a minimum of 60 days' public notice prior to the adjustment. Once a customer elects to participate in the VMP, the customer cannot return to the flat rate structure.

Section 4: Bellingham Municipal Code Section 15.08.120 is hereby amended as follows:

15.08.120 - Record Construction Drawings Required

A. Upon completion of a main extension, the petitioner shall provide the Department of Public Works a reproducible mylar drawing that accurately indicates the main extension and appurtenances as actually installed, in plan and profile ("Record Construction Drawing").

B. No main extension will be accepted until satisfactory Record Construction Drawings are provided to and approved by the Director of Public Works or designee.

Section 5: Bellingham Municipal Code Section 15.08.170 is hereby amended as follows:

15.08.170 - Persons Authorized To Shut Off Or Turn On Water

A. Only employees of the Department of Public Works are authorized to shut off and turn on water services, except as follows:

1. A licensed plumber with prior written authorization of the Director of Public Works or his designee may turn a water service on at the curb stop for the sole purpose of testing service pipes within a premises. Such a test period shall not exceed 4 hours, and the curb stop shall be returned to the off position at the conclusion of the test;

2. A licensed plumber with prior written authorization of the Director of Public Works or his designee may turn a water service off at the curb stop to effect repairs of service pipes within a premises, provided a shut-off is installed as required prior to restoration of water service by the licensed plumber; or

3. Any other City employee given authorization by the Director of Public Works.

B. An authorized shut-off hereunder is not considered an interruption of service for billing purposes and billing for water and sewer services shall continue during the period authorized.

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C. Unauthorized turn-on or shut-off of water service is expressly prohibited. Should any person cause a water service to be turned on at the curb stop prior to the service being authorized or after being shut off by the Department of Public Works as provided in this chapter, the water service will be shut off by the Department of Public Works and the account will be charged the prescribed tampering fee. Subsequent violation will be cause for the Director of Public Works to order the service shut off in a manner selected by the Department of Public Works and the account charged with all costs incurred in such shut-off. Payment of all such costs plus an amount equal to the estimated cost of restoring the service will be made to the Finance Director prior to service being resumed.

Section 6: Bellingham Municipal Code Section 15.08.180 is hereby amended as follows:

15.08.180 - Tampering With Water Service After Suspension

A. Should any person turn on a water service without authorization after it has been shut off by the city, the account shall be assessed the tampering fee for the first occurrence. Further incidents of tampering will cause the account to be assessed at twice the tampering fee for each additional occurrence. The Owners or the purchasers under a real estate contract of the premises who do not occupy the premises will, if possible, be notified of the imposition of a tampering fee.

B. After any person has tampered in three consecutive occurrences, the city shall disable the water service in such a manner that there is a physical disconnection of the water service from the city water main. The account shall be charged a disabling fee for the cost to disconnect the service line. The fee shall include the total cost of labor, material, equipment, and any administrative or overhead charges.

C. Should any person turn on a new water service before opening a water account, a tampering fee shall be assessed and paid before the owner can open a new water account or begin receiving water service.

Section 7: Bellingham Municipal Code Section 15.08.190 is hereby amended as follows:

15.08.190 - Temporary Discontinuance Of Service

A. A temporary discontinuance of water service may be requested by the owner of a premises or an agent of the owner with the express written authority to make such a request. The request shall be in writing, be submitted at least ten working days before the requested discontinuance, state the estimated duration of the discontinuance, and be on forms provided for that purpose in the office of the Finance Director.

B. The minimum period of time for a temporary discontinuance of water service is 30 days but, in no case shall be longer than 3 years, in which case the service shall be considered abandoned under section 15.08.200.

C. Resumption of water service shall be in writing on the forms provided for that purpose in the office of the Finance Director.

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D. Water and sewer service billing shall stop for the duration of the temporary discontinuance, provided such temporary discontinuance is approved hereunder. However, the shut-off and turn-on shall be subject to the fees for such service provided by this chapter.

Section 8: Bellingham Municipal Code Section 15.08.200 is hereby amended as follows:

15.08.200 - Abandoned Services

A. **An abandoned service is any water service that has not been used for a period of 3 years or longer except for** services installed as part of a main extension and not put into service, which will not be considered abandoned. Abandonment under this section shall not relieve the property owner or other responsible party of any financial responsibility for charges incurred at the premises for water service.

B. A new water service for a premises where an abandoned service exists may use the existing abandoned water service if it is determined to be in satisfactory condition by the Director of Public Works or his designee. If the abandoned service is reactivated without modification, the applicant shall be refunded that portion of the fees and charges expressly stated for service installation. All other fees and charges shall be the same as for a new service.

Section 9: Bellingham Municipal Code Section 15.08.250 is hereby amended as follows:

15.08.250 - Water Rates And Charges

A. [UNCHANGED]

B. [UNCHANGED]

C. System Development Charges are as follows:

1. For a new or exchanged service:

(a) From January 1, 2004 through and including December 31, 2004, the charge shall be:

<u>Service Meter Size</u>	<u>System Development Charge</u>
5/8" x 3/4"	\$ 1,262.00
3/4" x 3/4"	\$ 1,893.00
1"	\$ 3,155.00
1-1/2"	\$ 6,310.00
2"	\$ 10,096.00
3"	\$ 20,192.00
4"	\$ 31,550.00
6"	\$ 63,100.00
8"	\$100,959.50
10"	\$157,749.50

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(b) Beginning on January 1, 2005 and continuing thereafter, the charge shall be:

<u>Service Meter Size</u>	<u>System Development Charge</u>
5/8" x 3/4"	\$ 2,524.00
3/4" x 3/4"	\$ 3,786.00
1"	\$ 6,310.00
1-1/2"	\$ 12,620.00
2"	\$ 20,192.00
3"	\$ 40,384.00
4"	\$ 63,100.00
6"	\$126,200.00
8"	\$201,919.00
10"	\$315,499.00

2. For all services located outside the corporate limits of the City, the demand charge is computed in the same fashion, except that an additional surcharge of 50% is imposed.

3. An Irrigation System Development Charge ("ISDC") is hereby created and shall apply to all new Irrigation Water services.

(a) The charge for an ISDC shall be as follows:

<u>Service Meter Size</u>	<u>System Development Charge</u>
5/8" x 3/4"	\$ 2,139.00
3/4" x 3/4"	\$ 3,208.00
1"	\$ 5,347.00
1-1/2"	\$ 10,694.00
2"	\$ 17,110.00
3"	\$ 34,220.00
4"	\$ 53,469.00
6"	\$106,937.00
8"	\$171,099.00
10"	\$267,343.00

(b) Irrigation System Development Charges shall be applied to all new irrigation systems that are required to have a dedicated Irrigation Water service. No ISDC shall apply to new irrigation systems that are excepted from that term's definition under BMC 15.08.010.F.

D. [UNCHANGED]

E. [UNCHANGED]

F. [UNCHANGED]

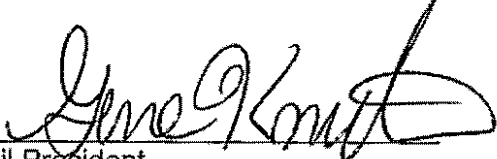
G. [UNCHANGED]

H. [UNCHANGED]

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PASSED by the Council this 14th day of August, 2006.


Council President

APPROVED by me this 27th day of August, 2006.


Mayor

Attest: 
Finance Director

Approved as to form: 
Office of the City Attorney

Published: August 18, 2006

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