

CITY OF LYNNWOOD

ORDINANCE NO. 416

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AN ORDINANCE CREATING AND ESTABLISHING A WATER DEPARTMENT OF THE CITY OF LYNNWOOD, PROVIDING FOR THE MANAGEMENT AND CONTROL THEREOF, REGULATING THE USE OF DOMESTIC WATER AND THE CONSTRUCTION, INSTALLATION AND MAINTENANCE OF SERVICE LINES FOR DOMESTIC WATER, ESTABLISHING CHARGES FOR WATER CONNECTIONS, ESTABLISHING RATES FOR WATER SERVICE, PROVIDING FOR THE COLLECTION OF CHARGES FOR WATER SERVICE, DEFINING OFFENSES AND PRESCRIBING PENALTIES.

THE CITY COUNCIL OF THE CITY OF LYNNWOOD DO ORDAIN AS FOLLOWS:

ARTICLE I

SECTION 1.01 Definitions. The following words and terms occurring repeatedly throughout this chapter shall be held and construed to have the meanings set forth in this section.

SECTION 1.02 COMMERCIAL AND INDUSTRIAL USERS. "Commercial and industrial users" shall mean all users other than single residences, multiple residences or apartment houses, and shall include motels, hotels, rooming houses and similar establishments, as well as all other business establishments.

SECTION 1.03 CUSTOMER, PERSON. The term "customer" or "person" shall mean and include persons of either sex, associations, cooperatives, partnerships, and corporations whether acting by themselves or by a servant, agent, or employee; the singular number shall be held and construed to include the plural and the masculine pronoun to include the feminine.

SECTION 1.04 DOMESTIC WATER OR DOMESTIC WATER SYSTEM. "Domestic water" or "Domestic water system" shall mean that water, and the water system in which it is carried, which is for human consumption and normal household and business or industrial uses provided from the City's supply.

SECTION 1.05 METER READER. "Meter reader" shall mean the person or persons employed by the City to read meters.

SECTION 1.06 OWNER. The term "owner" shall mean and include in any given land title situation any one of the following:

- (1) The holder of fee simple title, and/or
- (2) The mortgagor, and/or
- (3) A contract seller,

and further including any person, whether described herein or not, who has or holds major jurisdiction or control over such premises, including the trustor under a deed in trust transaction, and a contract purchaser.

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SECTION 1.07 PERMANENT DISTRIBUTION MAINS. "Permanent distribution mains" are defined as mains 6" or larger in diameter of cast iron, asbestos-cement or steel, with a minimum wall thickness of 3/16" or 7 gauge. Four inch mains of the above material may be classified as permanent mains in residential districts if not over 300 feet in length and standard fire protection can be furnished without connecting a hydrant to such 4" main.

SECTION 1.08 POINT OF DELIVERY. "Point of delivery" shall mean the point as designated by the Department on or inside or outside the customer's property line to which water will be delivered. Placement of a water meter has no relationship to the point of delivery.

SECTION 1.09 PREMISES. The term "premises" shall mean a continuous lot or tract of land including the building or group of adjacent buildings under a single control with respect to the use of water thereon and the responsibility for payment therefor.

SECTION 1.10 RESIDENTIAL USER. "Residential user" shall include the following:

- (a) "Single residential dwelling unit", which shall mean a separate dwelling house occupied by one family;
- (b) "Multiple residence", which shall mean a residential building designed for occupancy by two or more families in separate dwelling units, each unit having separate kitchen facilities.

SECTION 1.11 SUPERINTENDENT. The term "superintendent" shall mean the chief administrative officer of the water department of the City of Lynnwood; and any act in this chapter required or authorized to be done by the superintendent may be done on behalf of the superintendent by an authorized employee of the water department.

SECTION 1.12 TEMPORARY MAINS. "Temporary mains" are defined as mains of non-durable materials such as wood stave or thin-walled steel of all diameter, and all mains less than 6" diameter except those 4" mains permitted in section 1.07 above.

SECTION 1.13 WATER DEPARTMENT. The term "water department" shall mean that duly created and organized administrative and operational subdivision within the department of public works of the city of Lynnwood. Use of this term may refer to the organization in general or apply to a particular functional unit or division thereof.



SECTION 1.14 WATER SERVICE. The term "water service" shall mean the entire process of supply development, impoundment, treatment, transmission, storage and distribution of water together with the associated administrative, construction operation and maintenance functions involved in delivering the commodity to various points of use or consumption throughout the water system.

SECTION 1.15 WATER SERVICE CONNECTION. The term "water service connection" (also referred to as a service connection) shall mean the physical installation of the tap, fittings, pipe and other necessary appurtenances required to deliver water from the main to the premises up to and including the service cock or meter.

SECTION 1.16 WATER SYSTEM. The term "water system" shall mean the entire physical plant and facilities owned, operated or controlled by the water department, both within and outside the city limits which shall include but not be limited to all lands, rights, easements, permits, impoundments, reservoirs, tunnels, pipelines, trestles, bridges, roads, buildings, structures, machines, equipment, records, pumps, valves, hydrants, meters, services and all related facilities and appurtenances. The use of this term may refer to the entire water system or an appropriate functional division or part thereof.

## ARTICLE II

### ESTABLISHMENT OF A WATER DEPARTMENT

SECTION 2.01 FORMATION OF DEPARTMENT. A Water Department of the City of Lynnwood is hereby established. Personnel shall consist of a Superintendent and such other employees as the City Council may from time to time deem necessary for the proper and efficient administration of the Department.

SECTION 2.02 APPOINTMENT OF PERSONNEL.

(a) The Superintendent of the Water Department and such other personnel as the City Council may from time to time authorize shall be appointed by the Mayor and shall hold such appointment at the pleasure of the Mayor. Personnel shall receive such salary as the Council may determine.

(b) Recognizing the additional duties and responsibilities placed on certain personnel by establishment of the Water Department, additional payment shall be made to the following, until the budget for 1969 becomes effective, after which time this provision will be no longer in force:



City Supervisor	\$99.00 per month
Public Works Director	\$53.00 per month
City Clerk	\$21.00 per month
Deputy Treasurer	\$34.00 per month
Senior Utility Clerk	\$28.00 per month
Foreman	\$42.00 per month
Chief Inspector	\$42.00 per month

SECTION 2.03 DUTIES OF SUPERINTENDENT: The Superintendent shall oversee and supervise the operation and maintenance of the water system, the making of repairs of all kinds, the construction of all extensions and additions, and all construction work of whatsoever in connection with the present water system, and any systems now under construction or any new systems that may be established. The Superintendent shall at all times be subject to the direction and authority of the Mayor.

ARTICLE III

APPLICATIONS FOR SERVICE:

SERVICE FEES

SECTION 3.01 APPLICATION FOR INSTALLATION OF SERVICE LINE.

(a) A person desiring the installation of a water service line to a building or property shall submit a signed application therefor upon a form provided by the Department and at the time of submitting his application pay a fee according to the schedule of fees in Section 3.02. Application and fee must be submitted at least 30 days before the applicant's requested completion date.

(b) The installation of any water service line is dependent on the available water distribution facilities and the Department is not required to install a water service line in areas not served by the existing water distribution system or where the system is inadequate to handle the increased demand that would result from the applicant's proposed use.

SECTION 3.02 FEES FOR SERVICE LINE INSTALLATION. The fee required by Section

3.01 shall be as follows:

Domestic Water 3/4" meter	\$110.00
1" meter	\$175.00
1 1/2" meter	\$275.00
2" meter	\$350.00

Three inch meter and larger: Actual cost of making the connections including labor, materials, meter, valves, fittings and other appurtenances, plus 10 %.



In the event that it is necessary to break out or excavate concrete or asphaltic surfacing on a street or sidewalk in order to make the installation of water service line, the applicant shall pay to the water department, before work is commenced on such service, an amount equal to the estimate cost plus 10%, as determined by the Water Department, for the installation of such service. The work shall then be performed by the Water Department who shall maintain a record of the actual costs of all labor, material and equipment rental required to complete the work. Upon completion of the installation, if the amount paid to the Water Department by the applicant is not sufficient to pay for the cost of doing the work plus 10%, the applicant shall pay the difference between the actual cost plus 10% and the amount of the estimate previously paid to the Water Department. If the actual cost plus 10% for making the installation is less than the estimate previously paid, the Water Department shall refund the difference to the applicant.

SECTION 3.03 INSTALLATION OF SERVICE LINE. Upon approval of the application by the Department and payment of the fee, the Department will install and maintain the connection on the water main in a right-of-way, or easement, and the service line from this connection up to and including a stop cock at the point of delivery. Any service line longer than 60 feet must be installed and paid by the customer for the distance in excess of 60 feet.

The Department may also install and maintain a water meter at the point of delivery, or at a location provided by the customer and satisfactory to the Department on or within the customer's premises. The meter location must be unobstructed and readily accessible.

SECTION 3.04 SERVICE LINES INSTALLED BY CUSTOMER. The service line from the point of delivery to the customer's building shall be installed and maintained by the customer, shall be placed at least 30 inches below the surface of the ground, and shall be provided with a stop cock or valve with which the customer may shut off the water supply to perform repair or alteration work.

SECTION 3.05 WATER SERVICE OWNERSHIP AND MAINTENANCE. The Water Department only shall install, own, maintain and operate the water service connection from the main to and including the service cock or meter. In cases where a meter may be located a considerable distance from the main for customer or service convenience, the customer shall maintain the service pipe for the entire distance from the normally designated location of the service cock or meter to the point of ultimate water usage or consumption.



SECTION 3.06 STOP AND WASTE VALVES. Consumers shall, at their own expense, install and maintain all pipes, connections and fixtures from the service cock or meter placed by the Water Department. All pipes must be provided with stop and waste valves, protected from freezing and accessible at all times to the consumer, in such a manner that the pipes may be drained to prevent freezing and the water may be shut off for repairs to service pipes, fixtures and appliances, and also to safeguard premises from water damage in case the service cock or meter is accidentally turned on. Additional stop and waste valves shall also be placed at all low points in the pipes when they cannot be otherwise drained. Each outside hose bib shall be preceded by an additional stop and waste valve. The Water Department shall refuse to turn on the water until the provisions of this section are complied with.

SECTION 3.07 PROTECTION FROM PIPE FREEZING. It shall be the customer's responsibility to protect from freezing all piping, fixtures and appurtenances on his side of the service cock or meter. Any damage resulting from freezing shall be considered the responsibility of the customer and no adjustment shall be made in the water billing by reason of such freezing.

SECTION 3.08 PROTECTION OF WATER SUPPLY; CROSS CONNECTIONS PROHIBITED. The installation or maintenance of cross connections between pipe lines connected directly or indirectly to the City water distribution system and any other source of water supply is prohibited.

SECTION 3.09 INSPECTIONS. The duly authorized and properly identified employees of the Department shall have the right, but shall not be obligated to, inspect the water supply, piping and plumbing at any customer's premises before or after water service is turned on; service may be refused or discontinued where such piping or plumbing is not in conformance with applicable City ordinances. Such inspection, or failure to inspect, or failure to refuse or discontinue service shall not render the City liable or responsible for any loss, damage, or injury resulting from any defects in the piping or plumbing.

SECTION 3.10 RIGHT OF ACCESS. The duly authorized and properly identified employees of the Department shall have access to the customer's premises at all reasonable times for the purposes of: Inspecting water supply, piping and plumbing; inspecting, testing or repairing Water Department equipment; and for reading water meters.



ARTICLE IV

GENERAL RULES AND CONDITIONS OF SERVICE

SECTION 4.01 NONLIABILITY OF CITY FOR SERVICE INTERRUPTIONS OR VARIANCES.

(a) The Department will use all reasonable means to provide an adequate and continuous water service for all customers, but in case the water service is interrupted or reduced, for any cause, the City shall not be liable for any injuries or damages resulting therefrom, and such interruption or reduction in service shall not give rise to any cause of action as for a breach of agreement for service.

(b) The City makes no commitment as to the volume of water available, pressure per square inch, or continuity of service, and will not be liable for injuries or damages due to insufficient volume, inadequate pressure or interruption of service.

SECTION 4.02 WASTE OR EXCESSIVE USE OF WATER PROHIBITED. It shall be the duty

of each customer to eliminate waste of water supply by repairing, or causing to be repaired, any defective or leaking pipes or plumbing fixtures. No person shall use more water for irrigation, culinary purposes, or other uses than is reasonably necessary.

SECTION 4.03 EMERGENCY CONDITIONS. In case of shortage of water, the Department

may give preference in furnishing water to customers, in order most effectively to safeguard the safety and health of the general public or to provide for the public convenience, may forbid, restrict, or regulate the use of water for irrigation, cooling, or other uses, may make such regulations effective throughout the City, in districts thereof, or may make such regulations effective as to particular classes of customers. Rationing may be imposed during any shortage of water, either in lieu of or in addition to other measures hereby authorized.

ARTICLE V

BILLING PROCEDURES

SECTION 5.01 BILLING. All charges for domestic water service shall be due and payable at the office of the Utility Department on or before the 10th day after the bill has been issued therefore, and shall become delinquent after said 10th day. Domestic water bills shall cover periods of two months and shall be issued upon a single statement. All payments and collections shall be paid into the Water Revenue Fund.



SECTION 5.02 LIEN. All charges for water connections and service, and all service charges, provided in this ordinance, or as it may be hereafter amended, together with penalties and interest thereon, shall be a lien upon the property with which domestic water service is rendered, superior to all other liens and incumbrances whatsoever, except for general taxes and local special assessments. Enforcement of such lien or liens shall be in the manner provided by law.

SECTION 5.03 DISCONTINUANCE OF SERVICE BY DEPARTMENT.

(a) The Department may refuse to supply, or may discontinue service to any customer, for violations of this ordinance. As an additional concurrent method of enforcing the lien of said City for domestic water charges, the Superintendent is hereby authorized and directed at the end of sixty (60) days after the date of first delinquency of any such charges in the case of domestic water charges to notify customer that water will be shut off ten (10) days after date of such notice, and is directed to shut off water at said time and until such time as all charges, plus penalties as set forth in Section 6.05 below, together with the additional sum of two (\$2.00) dollars for turning the domestic water on, shall have been paid. The Department may refuse or discontinue service to any customer who requires or uses such volumes of water that water service to any other customer may be thereby impaired. The Department shall discontinue service to any customer who makes an unauthorized connection to a City water line, by-passes a City water meter, or in any other way steals City water.

(b) Discontinuance of service for any cause stated in this section shall not release the customer from his obligations to the City for payments of bills or charges.

(c) Whenever service has been discontinued, as provided above, the customer shall be charged \$3.00 for the discontinuance. In addition, the Department may require the customer to make a deposit of \$15.00 before water service is restored to such property. The person signing the application shall be responsible for payment of water supplied to the property and water bills will be forwarded to this person, provided, however, that in case of delinquency, the bills shall be a lien against the premises. Upon termination of water service, the deposit may be applied against any unpaid water billings and other charges under this ordinance and the balance remaining after such application will be returned to the customer. Restoration of service at the customer's request and after payment of all bills due, shall be done at the convenience of the Department and an additional charge of \$2.00 shall be made for this service.



(d) Restoration of service at any time other than regular business hours shall be charged at actual labor costs, but in no case shall the charge be less than \$2.50.

SECTION 5.04 TERMINATION OF SERVICE BY CUSTOMER. A customer who wishes to terminate water service shall give at least three days notice to the Department. No charge will be made for shutting off the supply. A customer who terminates water service and requests restoration of service at the same location within 60 days shall be charged \$10.00 for such restoration of service.

SECTION 5.05 NOTICE OF TROUBLE. The customer shall notify the Department immediately should there be any accident, defect, or trouble affecting the water supply or the equipment and lines.

SECTION 5.06 FIRE HYDRANTS. Fire hydrants for the exclusive protection of any particular property shall be installed and maintained by the owner of that property and shall be required to provide a detector type meter as may be approved by the Department.

SECTION 5.07 PARTIAL BILLING PERIOD. Where single family residential property is occupied 15 days or less in any month, and not more than 350 cubic feet of water is used a minimum charge of \$3.00 shall be made. Where more than 350 cubic feet or less than 700 cubic feet are used \$.30 per 100 cubic feet shall be charged. Where 700 cubic feet or more are used the regular rate will apply. In any case, the user will be responsible for the payment of all water supplied to such premises until the Water Department shall have notice of such discontinuance.

SECTION 5.08 SEPARATE CONNECTIONS, EXCEPTION. Each single family residence, and each individual business, business enterprise or unit shall be considered an individual consumer and shall be supplied through a separate service connection and meter, except that two or more dwelling houses on a single lot may be considered as one customer, and supplied through a single meter subject to the provisions of Section 6.02 of this ordinance. Multiple housing units, including apartment, commercial unit buildings, trailer courts, motels and cabin courts shall be considered as individual consumers and supplied through a single meter, subject to the provisions of said Section 6.02.



ARTICLE VI

RATES

SECTION 6.01 CHARGES FOR DOMESTIC WATER. The charges for domestic water service shall be based upon the size of meter installation, number of connection or units being serviced therefrom, and the water delivered through the service meter, the monthly rate for each meter size and the maximum water allowed as part of this minimum charge shall be:

Up to	700 CF thru a	5/8"	to a	3/4" Meter	\$ 4.00
"	"	1"	Meter		4.50
"	"	1 1/2"	Meter		5.25
"	"	2"	Meter		7.50
"	"	3"	Meter		13.00
"	"	4"	Meter		27.00
"	"	6"	Meter		57.00
"	"	8"	Meter		103.00

All with an allowable use, at a basic rate of 25¢ per 100 cubic feet for the next 700 cubic feet and 20¢ per 100 cubic feet thereafter.

Meters for fire service only shall be charged at a monthly rate as follows:

4"	Meter	\$ 8.00
6"	Meter	10.00
8"	Meter	13.00

SECTION 6.02 BILLING RATES FOR MULTIPLE UNITS. Multiple housing units, including apartments, commercial unit buildings, trailer courts, motels and cabin courts, shall be charged the minimum charge for the particular size meter installed, plus the rate for water used over the minimum and plus \$1.50 a month for each residential or commercial unit. In case of two or more houses on a single lot and served through the same meter and service connection, the minimum charge shall be made for each such house, plus the rate for water used over the total of the minimum amounts.

SECTION 6.03 MINIMUM CHARGES. The minimum monthly charge payable by each user shall be the charge for the first 700 cubic feet as set forth in Section 6.01 except that in the case of multiple housing units, including apartments, commercial unit buildings, trailer courts, and in the case of two or more houses on a single lot and served through the same meter and service connection, the minimum monthly charge shall be as provided in Section 6.02 above.



SECTION 6.04 CONSTRUCTION RATES. The charge for metered water through hydrants shall be 35¢ per 100 cubic feet and 50¢ per 1000 gallons tank measure except that for construction uses in trench stabilization of utilities being constructed, the rate shall be \$15.00 per each 1000 feet of trench. A water use permit shall be required for all such uses as stated above with a minimum charge of \$5.00 per permit.

SECTION 6.05 NOTICE - PENALTIES AND DELINQUENT CHARGES. In addition to all other charges provided for in this ordinance, each user shall be charged a 50¢ service charge for each account that is not paid in full within 60 days after billing date and \$1.00 for each notice that water service will be cut off for nonpayment of water charges. This amount shall be paid whether or not the water is actually turned off, and any sums paid by the water user shall be applied first to the payment of this charge. After an account has been shut off for non-payment, any unpaid balance shall accrue interest charges at the rate of 8% per annum.

SECTION 6.06 FIRE HYDRANTS AND PUBLIC BUILDINGS AND PARKS. The City of Lynnwood shall pay to the Water Department from the Current Expense Fund for all water used in public buildings and parks, an amount figured at regular rates for each service installed. All unmetered water from fire hydrants for construction uses shall be at the regular flat rates established.

## ARTICLE VII

### OFFENSES AND PENALTIES

SECTION 7.01 TAMPERING WITH SYSTEM PROHIBITED. It shall be unlawful for any person except when duly authorized by the administrative head of the Department or by a member of the Fire Department, to open, operate, close, turn on, turn off, interfere with, attach any pipe or hose to, or connect anything with any fire hydrant, stop valve, or stop cock belonging to the City.

SECTION 7.02 UNAUTHORIZED DIGGING IN STREET OR SIDEWALK PROHIBITED. No person shall dig into any street or sidewalk for the purpose of laying, moving or repairing any water service line, water main, valve, hydrant, or cock, without having secured permission so to do from the administrative head of the Department.

SECTION 7.03 THEFT OF WATER.

(a) No person shall by-pass any water meter, damage, or tamper with such meter with intent to prevent or alter its recording of water, tap a water line, connect to a water hydrant, or in any other way tamper with any part of the water system with intent to secure water without paying therefor or without properly making the applications or paying the deposits required by this



ordinance.

(b) In addition to the other penalties for such act provided by this ordinance, any person found guilty of such act may be denied water service for a period not in excess of one year, and may be required to post a cash bond equal to 10 times his ordinary anticipated monthly billing as a precondition of future service.

SECTION 7.04 VIOLATION - PENALTIES. Every person convicted of a violation of any provision of this ordinance shall be punished by a fine of not more than three hundred dollars (\$300.00) or by imprisonment for not more than 30 days, or by both such fine and imprisonment. Every firm or corporation convicted of a violation of any provision of this ordinance shall be punished by a fine of not more than three hundred dollars (\$300.00).

ARTICLE VIII

WATER FUND

SECTION 8.01 WATER FUND CREATED. There is hereby created in the Treasury of the City of Lynnwood a special fund to be known as the Water Fund. Any and all revenues received from charges for services rendered by the Department shall be credited to said fund, and all warrants for salaries, material, supplies and equipment and repair of the water system shall be paid out of such.

ARTICLE IX

CONTRACTS

SECTION 9.01 CONTRACTS FOR WATER FACILITIES. The City may enter into contracts pursuant to Chapter 35.91 RCW (Laws of 1959 C 261) with owners of real estate for the construction of water facilities, as defined in RCW 35.91.020, and for the reimbursement of such owner by users subsequently connecting to such facility, and the Mayor, in the name of the City, is authorized to execute such contracts.

ARTICLE X

VALIDITY

SECTION 10.1 VALIDITY. Should any section, clause, or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be invalid.

ARTICLE XI

EFFECTIVE DATE

SECTION 11.1 EFFECTIVE DATE. This ordinance shall be in full force and effect five days after its passage and publication.



PASSED this 24<sup>th</sup> day of JUNE, 1968 and signed in authentication of its passage this 24<sup>th</sup> day of JUNE, 1968.

M. J. Ardlicker  
Mayor

ATTEST:

Robert H. Pearson  
Acting City Clerk

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FORM APPROVED:

Raymond Beach  
City Attorney