

**AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, AMENDING SECTION 4.24.010 AND CHAPTER 13.04 AND REPEALING CHAPTER 8.28 OF THE OLYMPIA MUNICIPAL CODE RELATING TO WATER**

**WHEREAS**, hundreds of amendments have been made to the OMC since its adoption, some of which contained scrivener/clerical errors; and

**WHEREAS**, the OMC also contains cross-references to obsolete or outdated code sections, as well as outdated references to certain terms, funds, and position titles; and

**WHEREAS**, some provisions of the OMC have been superseded by later-enacted ordinances; and

**WHEREAS**, it is in the best interest of the City to amend the OMC to correct scrivener/clerical errors and cross-references to obsolete or outdated code sections; and

**WHEREAS**, it is practical to amend the OMC to reflect current practices and to address issues that exist with certain provisions of the code; and

**WHEREAS**, this Ordinance is adopted pursuant to Article 11 Section 11 of the Washington State Constitution and any other applicable authority; and

**WHEREAS**, the City of Olympia has a Water Conservation Plan and is required by the Washington State Department of Health to track water losses; and

**WHEREAS**, this Ordinance is supported by the staff report, attachments, the City of Olympia Water System Plan (2015-2020), documents on file, and the professional judgment of City staff;

**NOW, THEREFORE, THE OLYMPIA CITY COUNCIL ORDAINS AS FOLLOWS:**

**Section 1. Amendment of Section 4.24.010 OMC. Section 4.24.010 of the Olympia Municipal Code is hereby amended to read as follows:**

**4.24.010 Computation and assessment of charges**

The rates set forth below do not reflect any possible surcharges or discounts provided to a parcel of property or customer under any provision of ~~city~~-City ordinances or taxes assessed directly upon customers for which the ~~city~~-City acts as collection agent.

**A. WATER**

- |   |          |               |
|---|----------|---------------|
| 1. Occupant turning on water after delinquent shutoff penalty | \$ 10.00 | OMC 13.04.360 |
| 2. Delinquency notification penalty                           | \$ 10.00 | OMC 13.04.430 |

- |   |  |               |
|---|--|---------------|
| 3. Service disconnected/water reconnect for nonpayment penalty                        | \$ 25.00   | OMC 13.04.430 |
| 4. <del>Water for commercial construction purposes</del> <u>Fire hydrant meter</u>    | <del>\$ 1,500 deposit plus \$ 50.00</del> per month plus consumption charge  | OMC 13.04.410 |
| 5. Water for residential building construction purposes                               | <del>Flat fee of \$ 50.00 paid along with building permit fee</del> <u>Ready to serve plus consumption charge in Subsection 8a</u> | OMC 13.04.410 |
| 6. Non-emergency after-hours water service turn on/shut off                           | \$ 110.00  | OMC 13.04.340 |
| 7. Water General Facility Charges, assessed and payable as provided in OMC 13.04.375: |  | OMC 13.04.375 |

<b>Meter Size</b>	<b>AWWA Capacity Factor</b>	<b>GFC</b>
3/4"	1.00	\$ 4,433
1" Residential Fire Sprinkler	1.00	\$ 4,433
1"	1.67	\$ 7,483
1 1/2"	3.33	\$ 14,920
2"	5.33	\$ 23,881
3"	10.67	\$ 46,670
4"	16.33	\$ 73,168
6"	33.33	\$ 149,338
8"	53.33	\$ 238,951
10"	76.67	\$ 347,419
12"	100.00	\$ 448,064

This charge shall be assessed in addition to any other charges or assessments levied under this chapter.

8. Water Meter Rates—Inside City Limits:

a. **Schedule I: Monthly Charges.**

The following is the monthly charge based upon meter size for all consumerscustomers. Customers with Monthly charges for meter sizes not listed in the schedule shall will be charged at the rate applicable to correspond to the next larger meter size listed.

Meter Size	Ready to Serve Charge	OMC 13.04.380
3/4-inch	\$ 12.98	+ consumption charge
1-inch Residential Fire Sprinkler	\$ 12.98	+ consumption charge
1-inch	\$ 17.28	+ consumption charge
1 1/2-inch	\$ 28.02	+ consumption charge
2-inch	\$ 40.88	+ consumption charge
3-inch	\$ 75.26	+ consumption charge
4-inch	\$ 113.91	+ consumption charge
6-inch	\$ 221.28	+ consumption charge
8-inch	\$ 350.13	+ consumption charge
10-inch	\$ 500.43	+ consumption charge
12-inch	\$ 650.76	+ consumption charge

(1) Residential and nonresidential premises that are vacant shall bear subject to payment of the full Water ready-to-serve charge. This fee will be charged even if the water is turned off.

**Consumption charge per 100 cubic feet:**

	Block 1	Block 2	Block 3	Block 4
Residential (Single Family and Duplex Residential)	\$ 1.88	\$ 3.15	\$ 5.03	\$ 6.62
Nonresidential (Multi-family and Commercial)	\$ 2.63	\$ 3.94	--	--
Irrigation	\$ 2.63	\$ 7.77	--	--

**Blocks Definition:**

	Block 1	Block 2	Block 3	Block 4
Single Family and Duplex (1) Residential	0-400 cf/unit	401-900 cf/unit	901-1,400 cf/unit	1,401+ cf unit
Nonresidential (2)	Nov-June Usage	July-Oct Usage	--	
Irrigation	Nov-June Usage	July-Oct Usage		

(1) Single family accounts with or without accessory dwelling units shall bear charged as one single family account.

(2) If nonresidential block usage cannot administratively be prorated between blocks, usage shall then be billed at the block rate in which the meter reading period ends.

b. **Wholesale consumerscustomers:**

See OMC 13.04.380B.

c. **State buildings with sprinkler systems or fire service connections:**

See OMC 13.04.380C.

d. **Hydrants and fire protection:**

The rates for fire hydrants, including test water and water used to extinguish fires, shall be deemed service charges and for any one (1) year, or fractional part thereof, as follows:

Fire hydrants	\$ 160.11 per year
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Automatic sprinkler systems or special fire service connections with the city City water distribution system will be charged the monthly ready-to-serve charge based on pipe meter size in 4.24.010 (A)-(8a). Residential fire service connections that require a 1" pipe size will be charged the same as a 3/4" pipe size as shown in Subsection 8a.

**B. WASTEWATER (SEWER)**

1) LOTT Charges

LOTT wastewater monthly service charge	\$ 39.80 per ERU	OMC 13.08.190
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Nonresidential accounts shall be billed one (1) ERU minimum per month. ERU charges in excess of one (1) ERU shall be billed at the rate of \$ 4.42 per 100 cf or any part thereof for LOTT wastewater service charges.

LOTT capacity development charge	\$ 6,049.21 per ERU	OMC 13.08.210
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2) City of Olympia Monthly Sewer Charges

A) Residential accounts with separately metered City of Olympia water service servicing: one separate single-family residence, one single-family residence with accessory dwelling unit, one unit of a residential duplex, one mobile home, or one trailer shall be billed based on monthly water consumption as follows:

0 – 250 cf	\$ 13.29 per month	
251 – 350 cf	\$ 13.29 per month plus \$.0818 per cf	OMC 13.08.190
351 cf and above	\$ 21.47 per month	

B) Residential accounts with residential duplexes with a single water meter servicing both units shall ~~bear~~ be billed based on water consumption as follows:

0 – 500 cf	\$ 26.58 per month	
501 – 700 cf	\$ 26.58 per month plus \$.0818 per cf	OMC 13.08.190
701 cf and above	\$ 42.94 per month	

C) Residential accounts not included in A) or B) above \$ 21.47 per ERU OMC 13.08.190

D) Nonresidential accounts shall ~~bear~~ be billed one (1) ERU minimum per month. \$ 21.47 per ERU OMC 13.08.190  
 ERU charges in excess of one (1) ERU shall ~~bear~~ be billed at the rate of \$.0307 per 1 cf. for local collection system.

3) City of Olympia General Facility Charge

Wastewater (Sewer) general facility charge	\$ 3,442.00 per ERU	OMC 13.08.205
Wastewater (Sewer) general facility charge for properties on public combined sewers and in the Downtown Deferred General Facility Charge Payment Option Area	\$ 1,483.00 per ERU	OMC 13.08.010
		OMC 13.08.205

**C. WASTE RESOURCES**

**1. Residential garbage rates, monthly, every-other-week collection:**

OMC 13.12.160

One twenty-gallon cart (minimum residential garbage service) \$ 10.98

One thirty-five gallon cart

Recycle rate	\$ 18.97
Nonrecycle rate	\$ 23.79

One sixty-five gallon cart	
Recycle rate	\$ 25.90
Nonrecycle rate	\$ 32.46
Two sixty-five gallon carts	
Recycle rate	\$ 49.56
Nonrecycle rate	\$ 62.06
Three sixty-five gallon carts	\$ 93.15
One ninety-five gallon cart	
Recycle rate	\$ 44.88
Nonrecycle rate	\$ 56.23
More than three sixty-five gallon carts	\$ 93.15+ \$ 32.46 for each sixty-five gallon cart over three carts

**2. Residential garbage rates, monthly, weekly collection:**

One thirty-five gallon cart	
Recycle rate	\$ 41.81
Nonrecycle rate	\$ 52.32
One sixty-five gallon cart	
Recycle rate	\$ 83.62
Nonrecycle rate	\$ 104.61
One ninety-five gallon cart	\$ 135.92

**3. Extended pickup:**

<b>Rate</b>	<b>Distance</b>
\$ 1/month	Over 5 feet to 25 feet
\$ 2/month	Over 25 feet to 100 feet
\$ 1/month	Every 50 feet over 100 feet

- a. Persons requesting extended distance service must be at least sixty-five years of age or handicapped where said person cannot wheel a full or partially full garbage cart to the collection point.

- b. No person living with the qualified applicant can wheel a full or partially full garbage cart to the collection point.
- c. Extended pickup service to be at no charge when the combined annual income of the household of the qualified applicant is equal to or less than fifty percent of the median household income in Thurston County.
- d. Persons requesting service must apply with the utilities office by filling out an affidavit for extended service. Upon approval of affidavit, service will be granted.
- e. Qualified applicant will reapply on a yearly basis on or before December 31st of each year.
- f. In the case of a multifamily residence or complex, only the qualified tenant's cart will be clearly marked with the tenant's name and unit number.

**4. Residential and commercial organics rate, monthly, every other week collection:**

Organics:

Per ~~city~~City-owned 95-gallon cart or each 1/2 yard of material collected \$ 10.25

**5. Commercial garbage rates, monthly, weekly collection:**

One ten gallon can (minimum commercial garbage service)	\$ 7.10
One thirty-two gallon can or cart	\$ 20.96
Two thirty-two gallon cans or equivalent cart service	\$ 31.97
Three thirty-two gallon cans or equivalent cart service	\$ 60.12
Four thirty-two gallon cans or equivalent cart service	\$ 79.21
More than four thirty-two gallon cans or equivalent cart service	\$ 79.21 + \$ 20.96 for each additional thirty-two gallons of service

**6. 95-gallon garbage and refuse cart service, monthly:**

One pickup weekly	\$ 60.12
Two pickups weekly	\$ 115.22
Three pickups weekly	\$ 168.02
Four pickups weekly	\$ 221.80

Five pickups weekly \$ 274.91

**7. One-yard garbage and refuse dumpster service, monthly:**

One pickup weekly \$ 118.20

Two pickups weekly \$ 232.42

Three pickups weekly \$ 342.73

Four pickups weekly \$ 452.82

Five pickups weekly \$ 562.76

Six pickups weekly \$ 672.82

**8. One and one-half yard garbage and refuse dumpster service, monthly:**

One pickup weekly \$ 156.27

Two pickups weekly \$ 297.84

Three pickups weekly \$ 438.26

Four pickups weekly \$ 578.36

Five pickups weekly \$ 718.42

Six pickups weekly \$ 858.95

**9. Two-yard garbage and refuse dumpster service, monthly:**

One pickup weekly \$ 194.15

Two pickups weekly \$ 370.45

Three pickups weekly \$ 546.84

Four pickups weekly \$ 723.20

Five pickups weekly \$ 899.61

Six pickups weekly \$ 1,073.13

**10. Three-yard garbage and refuse dumpster service, monthly:**

One pickup weekly \$ 274.67

Two pickups weekly \$ 537.58

Three pickups weekly \$ 798.21



Four pickups weekly	\$ 1,066.59
Five pickups weekly	\$ 1,319.87
Six pickups weekly	\$ 1,568.94

**11. Four-yard garbage and refuse dumpster service, monthly:**

One pickup weekly	\$ 345.38
Two pickups weekly	\$ 683.41
Three pickups weekly	\$ 1,014.72
Four pickups weekly	\$ 1,339.05
Five pickups weekly	\$ 1,656.50
Six pickups weekly	\$ 1,968.58

**12. Six-yard garbage and refuse dumpster service, monthly:**

One pickup weekly	\$ 501.50
Two pickups weekly	\$ 979.35
Three pickups weekly	\$ 1,453.91
Four pickups weekly	\$ 1,928.14
Five pickups weekly	\$ 2,402.53
Six pickups weekly	\$ 2,762.92

**13. Prepaid extra tag for unscheduled collection of a bag on regular garbage collection day; \$ 5.39/each.**

**14. Extra unscheduled can, bag or box on regular garbage collection day to which a City approved prepaid tag is not attached: \$ 8.81/each.**

**15. Fees for special pickups, minor ancillary services, and yard waste drop-off site disposal services, other than unscheduled extra cans or material on regular collection day, shall bear established by the City Manager, based on cost of service; to include labor, equipment, distance traveled, and volume of materials as appropriate.**

**16. City-owned drop boxes: customers will be charged repair fees on boxes which have been burned or damaged:**

Ten cubic yards:

Delivery fee	\$ 71.18	
Daily rental	\$ 2.45	
Hauling fee	\$ 216.79	
Dumping charge		Current disposal fee, surcharge and 14.1% service fee on disposal fee

Twenty cubic yards:

Delivery fee	\$ 71.18	
Daily rental	\$ 3.15	
Hauling fee	\$ 216.79	
Dumping charge		Current disposal fee, surcharge and 14.1% service fee on disposal fee

Thirty cubic yards:

Delivery fee	\$ 71.18	
Daily rental	\$ 4.37	
Hauling fee	\$ 216.79	
Dumping charge		Current disposal fee, surcharge and 14.1% service fee on disposal fee

Forty cubic yards:

Delivery fee	\$ 71.18	
Daily rental	\$ 4.37	
Hauling fee	\$ 216.79	
Dumping charge		Current disposal fee, surcharge and 14.1% service fee on disposal fee

Standby or dig out \$ 90.00 per hour

**17. Customer-owned compactors and special containers. Dumping charges are based on weight at transfer station:**

Cubic Yard	Charge Per Haul
10 or less	\$ 216.79 *
15	\$ 216.79 *

Cubic Yard	Charge Per Haul
20	\$ 216.79 *
25	\$ 216.79 *
30	\$ 216.79 *
35	\$ 216.79 *
40	\$ 216.79 *
42	\$ 216.79 *
* plus disposal fee plus 14.1% service charge on disposal fee	
Standby or dig out	\$ 90.00 per hour

No delivery fees or rental fees will be charged for city-owned drop boxes used to haul source-separated yard waste for composting or construction and demolition debris for recycling. If material is contaminated, the customer will be charged current disposal fees and 14.1% service charge on the disposal fee, plus delivery fee and daily rental fees.

**18. City-owned temporary garbage and refuse dumpster services (customers will be charged repair fees for containers which have been burned or damaged):**

One cubic yard:

Delivery fee	\$ 54.36
Daily rental fee	\$ 2.14
Fee per dump	\$ 44.73

One and 1/2 cubic yard:

Delivery fee	\$ 54.36
Daily rental fee	\$ 2.14
Fee per dump	\$ 47.38

Two yard:

Delivery fee	\$ 54.36
Daily rental fee	\$ 2.14
Fee per dump	\$ 50.77

Three yard:

Delivery fee	\$ 54.36
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Daily rental fee	\$ 2.14
Fee per dump	\$ 66.77
Four yard:	
Delivery fee	\$ 54.36
Daily rental fee	\$ 2.14
Fee per dump	\$ 92.51
Six yard:	
Delivery fee	\$ 54.36
Daily rental fee	\$ 2.14
Fee per dump	\$ 126.38

**19. City-owned temporary organics dumpster services (customers will be charged repair fees for dumpsters which have been burned or damaged):**

One cubic yard:	
Fee per dump	\$ 20.50
One and 1/2 cubic yard:	
Fee per dump	\$ 30.75
Two yard:	
Fee per dump	\$ 41.00
Three yard:	
Fee per dump	\$ 61.50

If material is contaminated, customer will be charged the dump fee, delivery fee and daily rental fee for city-owned temporary garbage and refuse dumpster services as established in Section 16 of this ordinance.

**20. An additional surcharge of \$70.00 per month applies to permanent commercial dumpster customers who require Saturday collection and are subject to regular monthly fees set forth in OMC 4.24.010C Subsections 5, 6, 7, 8, 9, 10, 11, 12, 16, 17, 18, or 19.**

**D. STORM AND SURFACE WATER**

At the time of issuance of a building/engineering permit, per OMC 13.16.080, a storm and surface water GFC shall be assessed at the rate of: \$ 1,309/Impervious Unit (2,528 sq. ft.) plus \$ 6.00 per average daily vehicle trip based on the Institute of Traffic Engineers’ Trip Generation Manual.

**1. Storm drainage service charges:**

a. Single-Family and Duplex Residential Parcels. All parcels in the city shall be subject to a monthly charge for storm drainage service in accordance with the following schedule:

Single-family parcels with or without accessory dwelling units (Regardless of date approved)	\$ 14.05/utility account
Plats approved after 1990 with signed maintenance agreement	\$ 12.57/utility account
Duplex parcels (Regardless of date approved)	\$ 14.05/unit (\$ 28.10 when billed as a single account)

b. Commercial, Multi-Family, Industrial and Governmental Parcels. A charge per utility account will be established at the time of issuance of a clearing, filling, excavating or grading permit and assessed monthly as follows:

Administrative fee	\$ 13.75 plus:
For parcels developed after January 1990 (Category I)	\$ 5.17 per billing unit or
For parcels developed between January 1980 and January 1990 (Category II)	\$ 10.80 per billing unit or
For parcels developed before January 1980 (Category III)	\$ 13.63 per billing unit

c. For developed parcels without structural impervious areas, the following construction phase charge shall be assessed at the time of issuance of a clearing, filling, excavating, or grading permit:

Single-family and duplex zoned	\$ 5.90 per parcel x total number of parcels identified in preliminary plat x 24 months
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d. Undeveloped parcels. No charge.

**2. State highway charge:**

Monthly fee for state highway rights-of-way 30% of the storm drainage service charges

**3. Other roadway charges:**

Monthly fee for roadway rights-of-way, other than state highways within the ~~city~~ City boundary

**E. RECLAIMED WATER**

1. Occupant turning on water after delinquent shutoff penalty	\$ 10.00	OMC	13.24.330
2. Delinquency notification penalty	\$ 10.00	OMC	13.24.340
3. Service disconnected/reclaimed water reconnect for nonpayment penalty	\$ 25.00	OMC	13.24.340
4. Reclaimed water for commercial construction purposes	\$ 50.00 per month plus consumption charge	OMC	13.24.200
5. Non-emergency after-hours reclaimed water service turn on/shut off	\$ 110.00	OMC	13.24.250

**6. Reclaimed Water Rates**

a. Meter Rates – The monthly charge based upon meter size for all reclaimed water customers follows 4.24.010.A.8. ~~Monthly charges for~~Customers with meter sizes not listed in the schedule ~~shall correspond~~ will be charged to ~~at the rate applicable to~~ the next larger meter size listed.

b. Consumption charges

(1) Indoor use of reclaimed water: 70% of the consumption charges in 4.24.010.A.8.

(2) Outdoor use of reclaimed water: 70% of the consumption charges in 4.24.010.A.8 for Irrigation.

**Section 2. Amendment of Chapter 13.04 OMC. Chapter 13.04 of the Olympia Municipal Code is hereby amended to read as follows:**

**Chapter 13.04  
WATER**

13.04.000 Chapter Contents

Sections:

- 13.04.010 Purpose.
- 13.04.020 Definitions.
- 13.04.030 Rules for administration and enforcement--Copy filing--Noncompliance.
- 13.04.040 Water system plan--Contents.
- 13.04.060 Application for service.
- 13.04.070 Use of water must be for purposes stated in-at time of application.
- 13.04.080 Waste of water prohibited.
- 13.04.090 Damaging or interfering with water system prohibited.
- 13.04.110 Cross-connections and backflow protection.
- 13.04.120 Use of nonconforming connection material prohibited.
- 13.04.130 Emergency and/or maintenance interruption of service.
- 13.04.140 Displacement of waterworks appurtenances.
- 13.04.150 Access to premises for inspection.
- 13.04.160 City employees to work on mains and service connections.
- 13.04.170 Mains and services--Location from sanitary sewers.
- 13.04.180 Ownerships of mains and service connections.
- 13.04.190 Private distribution systems to conform to cityCity standards.
- 13.04.200 Service connections--General requirements.
- 13.04.210 Temporary service connections.
- 13.04.220 Service connection--Master meters.
- 13.04.230 Service agreements with other governmental units.
- 13.04.240 Water service outside cityCity limits.
- 13.04.242 Water service outside cityCity limits--Agreements to run with the land.
- 13.04.244 Water service outside cityCity limits--Other sections not affected.
- 13.04.270 Extension of mains.
- 13.04.280 Service connection--No main in street.
- 13.04.290 Local Improvement District--Assessment rates.
- 13.04.295 Oversizing of mains.
- 13.04.310 All services to be metered.
- 13.04.320 ~~Turning on water~~Utility account required.
- 13.04.330 Permission required to connect or turn water on or off.
- 13.04.335 Requirement to connect.

- 13.04.340 Notice required to have water discontinued and other charges for requests that water be turned on or turned off.
- 13.04.350 Service reconnection or transfer of service.
- 13.04.360 Occupant turning on water--Penalty.
- 13.04.370 Charges to become lien.
- 13.04.375 Water general facility charge (GFC).
- 13.04.380 Water meter rates--Inside cityCity limits.
- 13.04.390 Water meter rates--Outside cityCity limits.
- 13.04.400 ~~Charges for hydrants and f~~Fire protection outside cityCity limits.
- 13.04.410 Water for construction purposes.
- 13.04.420 Cash deposit for water service.
- 13.04.430 Payment of water bills--Delinquency Notification--Service discontinued for nonpayment--Past due fees.
- 13.04.440 Failure to Comply--Violations--Penalties.
- 13.04.460 Allocation of funds.

**13.04.010 Purpose**

The following ~~rates and regulations~~ are established for the control of the municipal water supply system of the City. This chapter applies to all users of the City water system, whether the premises served is inside or outside the Olympia City limits.

**13.04.020 Definitions**

For purposes of this chapter, the words or phrases defined below shall have the following meanings:

- A. "Approved air gap" as defined in WAC 246-290-010, means a physical separation between the free-flowing end of a potable water supply pipeline and the overflow rim of an open or non-pressurized receiving vessel. To be an air gap approved by the Washington State Department of Health, the separation must be at least: 1) twice the diameter of the supply piping measured vertically from the overflow rim of the receiving vessel, and in no case be less than one inch, when unaffected by vertical surfaces (sidewalls); and: 2) three times the diameter of the supply piping, if the horizontal distance between the supply pipe and a vertical surface (sidewall) is less than or equal to three times the diameter of the supply pipe, or if the horizontal distance between the supply pipe and intersecting vertical surfaces (sidewalls) is less than or equal to four times the diameter of the supply pipe and in no case less than one and one-half inches.
- B. "Approved backflow prevention assembly" as defined in WAC 246-290-010, means a reduced pressure backflow assembly (RPBA), reduced-pressure detector assembly (RPDA), double check valve assembly (DCVA), double check detector assembly (DCDA), pressure vacuum breaker assembly (PVBA), spill-resistant vacuum breaker assembly (SVBA) of make, model, and size approved by the Washington State Department of Health.



- C. "City" means the City of Olympia, Washington, or as indicated by the context, may mean the Drinking Water Utility, drinking water purveyor, City Clerk, City Engineer, City Treasurer, or other City employee or agent representing the City in the discharge of ~~his or her~~official duties.
- D. "City Council" means the City Council of the City of Olympia. ~~"All its members" or "all council members" means the total number of council members holding office.~~
- E. "City Engineer" means the City Engineer of the City of Olympia, or ~~his/her~~the City's Engineer's designee, who has the duty and authority to enforce the codes and standards adopted by the City Council, as they relate to the development and operation of the City's infrastructure by private development, including other government agencies, and City projects.
- F. "City Manager" means the City Manager of the City of Olympia.
- G. "Council" means the City Council of the City of Olympia. ~~"All its members" or "all commissioners" means the total number of council members holding office.~~
- H. "Cross connection" means any actual or potential physical connection between the City's ~~public~~ water system or the ~~consumer~~customer's water system and any source of nonpotable liquid, solid, or gas that could contaminate the City's potable water supply by backflow. Cross connections are further defined in chapter 246-290 WAC as low cross connection hazards or high health cross connection hazards.
- ~~I. "Consumer's water system" means any potable and/or industrial water system that begins at the point of delivery from the City's water system and is located on the consumer's premises. The consumer's water system includes all auxiliary sources of supply, storage, treatment, and distribution facilities, piping, plumbing, and fixtures under the control of the consumer.~~
- ~~J. "Downtown Deferred General Facility Charge Payment Option Area" means all properties located within the area bounded by: Budd Inlet to the north; Budd Inlet and Capitol Lake on the west; Sid Snyder Avenue extending between Capitol Lake and Capitol Way, and 14th Avenue extending to Interstate 5 on the south; Eastside Street on the east, and Olympia Avenue extending to Budd Inlet on the north. This area includes properties owned by the Port of Olympia.~~
- ~~K. "Drinking water purveyor" means the person who currently holds the drinking water purveyor designation, as determined by the Washington State Department of Health and the City of Olympia. Any act in this chapter required or authorized to be done by the drinking water purveyor may be done on behalf of the drinking water purveyor by an authorized employee of the Drinking Water Utility.~~
- ~~L. "Engineering Design and Development Standards" means requirements for civil engineering infrastructure as adopted by the Olympia City Council. The EDDS is comprised of both written text and~~

standard details specifying how infrastructure is constructed. These improvements include streets, driveways, sidewalks, curbs, street lighting, street trees, water, sewer, storm drainage, and solid waste.

~~ML.~~ "Mains" means water ~~lines-pipes~~ designed or used to serve more than one premises.

~~NM.~~ "Master Meters" mean a common meter which provides water service to an apartment complex, housing community, or number of individual users.

~~ON.~~ "Person," "customer," "owner," "occupant," or "agent," ~~shall be held to include~~ natural persons of either sex, and any legal entity, including associations, ~~co-partnerships,~~ and corporations, and limited liability companies, whether acting by themselves or by a servant, agent or employee; the singular number ~~shall be held to include~~includes the plural and the masculine pronoun ~~to include~~s the feminine.

~~PO.~~ "Premises" means a continuous tract of land, building, or group of adjacent buildings under a single control with respect to use of water and responsibility for payment therefor. Subdivisions of such use or responsibility ~~shall constitute~~ a division into separate premises as defined in this section.

~~QP.~~ "Responsible person" means, the owner(s) of the ~~property-premises~~ and/or tenant(s) or person(s) in possession thereof.

~~RQ.~~ "Service connection" means that portion of the City water ~~supply-system~~ connecting the supply system on a premises to the City water ~~distribution-mains~~system including the tap into the main, the water meter and appurtenances, and the service line from the main to the meter and from the meter to the property line. Service connections include connections for fire protection as well as for domestic, commercial, irrigation, and industrial uses.

~~SR.~~ "Standard or permanent mains" means mains conforming to the standard specifications of the City with respect to materials and minimum diameter.

~~TS.~~ "Standard specifications" means those standard specifications for public works construction which have been adopted by the City Council.

~~U.~~ "~~Substandard or temporary mains~~" means ~~mains which do not conform to the standard specifications of the City with respect to materials and/or minimum diameter.~~

~~VT.~~ "Water Appurtenance" means an accompanying part or feature of the water system. Examples include but are not limited to any pipe, fitting, hydrant, meter, meter box, valve, valve box, blow off assembly, meter setter, coupling, or curb stop.

### **13.04.030 Rules for administration and enforcement--Copy filing--Noncompliance**

The City Manager, ~~subject to approval of the City Council, shall have the power to~~ may adopt rules and regulations ~~not inconsistent with the terms of this chapter for carrying out and enforcing the payment, collection, and remittance of the rates defined in this chapter and the rules and regulations affecting the operation of the water system as such relate to services, connections, and the general operation of the utility,~~ necessary for the administration of this chapter and OMC chapter 4.24; a copy of such rules and regulations ~~shall~~ must be on file and available for public examination at the City Clerk's Office or at such other place or places as may be designated by the City Council. Failure to comply with any such rules and regulations ~~shall be deemed~~ is a violation of this chapter.

### **13.04.040 Water system plan--Contents**

The Director of Public Works, or ~~his/her~~ the Director's designee, is authorized and directed to prepare a water system plan for the City water ~~supply and distribution~~ system, in accordance with WAC 246-290-100. The Director of Public Works will also determine the standards for development and improvement of the system to provide adequate water supply for domestic and industrial consumption and fire protection. The plan ~~shall~~ must be on file at the office of the ~~City Engineer~~ City Clerk and the Public Works Department and ~~shall~~ must include at a minimum:

- A. Main sizes required on all existing ~~city~~ City streets;
- B. Main sizes required outside the ~~city~~ City limits in those areas which are being served by ~~city~~ City water;
- C. Main sizes and approximate locations for future major distribution mains in areas in which public streets do not presently exist;
- D. The location of and construction standards for all ~~waterworks facilities~~ appurtenances including, but not limited to, ~~mains and appurtenances~~, reservoirs, and pump stations;
- E. Such other information as may be deemed necessary by the ~~City~~ eEngineer or the City Council.

### **13.04.060 Application for service**

All applications for water service connections to and/or the use of water ~~within for~~ any premises ~~shall~~ must be made ~~at the office of Community Planning and Development or at such other place or places as the City Council may designate~~ in the manner required by the City. Every such application ~~shall~~ must be made by the owner of the ~~property~~ premises to be furnished, or by ~~the owner's~~ his authorized agent, and the applicant shall state fully and truly all the purposes for which the water may be required, ~~and must~~ By accepting water service, the customer agrees to conform to the regulations and rules established from time to time ~~as the condition for the use of the water. The applicant must further agree as a condition precedent in the premises that the~~ The City shall have ~~has~~ the right at any time, without notice, to shut off the water supply for repairs, extensions, nonpayment of rates, or for any other reason, ~~and that~~ € ~~The City shall not be~~ is not responsible for

any damage caused by the breaking, bursting, or collapsing of any boilers, pipes, or fixtures, or by the stoppage, or interruption of the water supply, or any damage whatever resulting directly or indirectly from the shutting off of the water.

**13.04.070 Use of water must be for purposes stated in at time of application**

It is unlawful for any person supplied with water from the City's water supply system to use the water for purposes other than those named stated in the application upon which rates for water are based, or for any other purposes than that for which his application provides, or to use it in violation of any provision of this chapter at the time of applying for water service.

**13.04.080 Waste of water prohibited**

No person shall may waste water or allow it to be wasted. Waste of water is defined as: applying water to a landscape in sufficient quantity to cause significant runoff of that water to impervious areas or to allow significant overspray onto non-landscaped areas; applying water to a landscape in sufficient quantity to cause substantial puddling of that water at the ground surface; allowing leaking valves, pipes, closets, faucets, or other fixtures; or allowing any pipes or faucets to run open to prevent the service from freezing or for any other reason. The Public Works Department may enforce the waste of water prohibition by terminating water service to customers who waste water during times of drought; when the City's Water Shortage Response Plan is enacted; or when customers do not take corrective action when notified of the waste of water. Water Service will be restored once corrective action has been taken. This section ~~shall apply~~ applies only to use of water from the City of Olympia water supply system.

**13.04.090 Damaging or interfering with water system prohibited**

A. It is unlawful for any person to willfully disturb, break, deface, prevent, or hinder access to, or damage any fire hydrant, water meter, water meter box, gate valve, water pipe, or other ~~waterworks~~ appurtenance together with the buildings, grounds, and improvements thereon belonging to or connected with the City water system of the City in any manner whatsoever.

B. It is unlawful for any person to open, close, turn, or interfere with, or attempt to, or connect with any fire hydrant, valve, or pipe belonging to the City, ~~unless authorized by the drinking water purveyor in writing; provided, that~~ This rule shall does not apply to members of the City Fire Department or any other Fire Department duly authorized to operate fire hydrants, while acting in such capacity.

C. It is unlawful for any person to place any potential source of contamination, or garbage of any kind or description upon ~~city water system facility~~ Drinking Water Utility property or within Drinking Water Protection Areas, as ~~noted~~ set forth in OMC 18.32.

D. It is unlawful for any person to place, store, maintain, or keep any object within a distance of five feet from any valves, hydrants, or blowoff assembly. A 2-foot clearance must be maintained around all meters and meters must not be covered by sod, shrubs, or bark.

#### **13.04.110 Cross-connections and backflow protection**

A. The provisions of WAC 246-290-490, as now enacted or hereafter amended, relating to cross-connection control and elimination and the use of backflow prevention assemblies when such are considered to be advisable or required, are hereby adopted and made a part of this chapter. All provisions of the Washington Administrative Code may be executed and applied by the Public Works Department in determining when cross-connections are prohibited and when backflow prevention assemblies ~~shall be~~ required and tested under the City's cross-connection control program. A copy of these provisions is on file in the City Clerk's Office or with the Public Works Department.

B. The installation or maintenance of any uncontrolled cross connection, which could endanger the water quality of the City's public-water system, is prohibited. Any such cross connection now existing or hereafter installed is declared unlawful and ~~shall~~ must be abated immediately. Abatement includes, but is not limited to, the discontinuance of water service or the installation of an approved backflow prevention assembly, equal to the degree of hazard, as determined by the City. Backflow prevention assembly installation and testing is the responsibility of the customer and the customer ~~shall bear~~ bears all costs to perform such activities.

C. Service ~~shall~~ will be discontinued to any ~~premises, water user or property owner~~ customer for failure to comply with the rules and regulations contained in this section or failure to permit entry upon the premises by authorized City personnel for purposes of inspection and/or testing. Any service discontinued for such failure will not be reestablished until the Director of Public Works or ~~his/her~~ the Director's designee has approved compliance with the rules and regulations contained in this section.

D. The Director of Public Works or ~~the Director's~~ his/her designee will assign a test due date for each backflow prevention assembly. The due date for annual testing ~~shall be~~ is based on the installation date of the assembly.

E. The customer is responsible for backflow assembly testing upon initial installation and annually thereafter. The customer is required to provide proof of installation and proof of a passing test to the Director of Public Works or ~~the Director's~~ his/her designee by the annual due date.

#### **13.04.120 Use of nonconforming connection material prohibited**

It is unlawful for any person to use any material not conforming to the public works standard specifications and the ~~regulations of the City~~ Engineering Design and Development Standards to connect any premises or buildings with the ~~city~~ City water system.

#### **13.04.130 Emergency and/or maintenance interruption of service**

In case of an emergency, or whenever the public health, safety, or equitable distribution of water so demands, the drinking water purveyor may reduce or limit the time for or temporarily discontinue the use of water. Water service may be temporarily discontinued for purposes of making repairs, extensions, or doing other necessary work. Before so changing, reducing, limiting, or discontinuing the use of water, the Drinking Water

Utility shall notify, insofar as practicable, all water ~~consumer~~customers affected. The City ~~shall is~~ not be responsible for any damage resulting from interruption, change, or failure of the water supply.

#### **13.04.140 Displacement of waterworks appurtenances**

All persons, ~~contractors, corporations,~~ and other municipal departments performing construction work in streets or utility rights-of-way, such as grading, regrading, filling, trenching, or paving, shall give the drinking water purveyor ten working days' written notice in case it becomes necessary during the work to remove, displace, or change any water mains, pipes, fittings, meters, valves, or other waterworks appurtenances that may interfere with the prosecution of such work. Such person, contractor, corporation, or municipal department is liable for to the Drinking Water Utility for the cost of necessary repairs and replacements for ~~Damage to any part of the City water system shall make such person, contractor, corporation, or municipal department liable to the Drinking Water Utility for the cost of necessary repairs and replacements.~~

#### **13.04.150 Access to premises for inspection**

Authorized employees from the Office of Community Planning and Development, Utility Billing, ~~and/or~~ the Drinking Water Utility, displaying proper identification~~properly identified, shall have~~ must be provided free access at reasonable hours of the day, to all parts ~~or~~ of premises or within buildings thereon to which water is supplied from the City water system for the purpose of checking conformity to these regulations. In addition, such personnel are authorized, from time to time, to survey water customers as a means to update customer lists and statuses in a responsible and reasonable manner.

Whenever the owner or occupant of any premises supplied by the City water system restrains authorized ~~city~~City employees from making the necessary inspections and surveys, water service may be immediately discontinued to the premises.

#### **13.04.160 City employees to work on mains and service connections**

Only employees of the Drinking Water Utility or qualified contractors duly authorized by the drinking water purveyor or the City Engineer are allowed to perform work in connection with the City mains or service connections.

#### **13.04.170 Mains and services--Location from sanitary sewers**

All mains, service lines, and other waterworks appurtenances which carry water ~~shall~~ must be located a sufficient distance, both horizontally and vertically, from any sanitary sewer, in accordance with Department of Ecology Criteria for Sewage Works Design standards, to prevent contamination. All locations of waterworks ~~facilities~~ appurtenances, both public and private, which are connected to the City water system, are subject to the approval of the City Engineer.

#### **13.04.180 Ownerships of mains and service connections**

The ownership of all water ~~mains, water service connections, and water~~ appurtenances in public streets or utility rights-of-way ~~shall be~~ vested solely in the Drinking Water Utility of the City, and the person responsible for the construction of such mains ~~shall~~ must relinquish, by bill of sale, all interest in the ownership of such mains upon acceptance by the City; provided, however, that all private systems existing on March 25, 1969, ~~shall remain~~ under private ownership unless dedicated to the City under the provisions of this chapter.

The Drinking Water Utility will operate and maintain all approved and accepted mains in public streets or utility rights-of-way. In no case ~~shall~~ may an owner, agent, officer, or employee of any premises have the right to remove or change any part thereof without the approval of the drinking water purveyor.

No person ~~shall~~ may install a water main in any street which is connected to the ~~Olympia City~~ water system without procuring a permit for such installation or connection.

#### **13.04.190 Private water distribution systems to conform to ~~city~~City standards**

A. All private water distribution systems, whether located inside or outside the ~~City corporate limits of the City,~~ in order to become or remain eligible for water to be furnished by the City must be constructed to the City's minimum standards, located in the ~~City of Olympia~~ Engineering Design and Development Standards. Master metered systems must comply with OMC Section 13.04.220. All new construction and repairs ~~shall~~ must conform to such standards. Failure to bring any system up to such standards within twelve months of written notice of defects to the owner of any such system ~~shall~~ will result in termination of water service until corrections are made.

B. The owner(s) of any private water distribution system connected to ~~City water system~~ the water supply system of the City may petition the City Council to accept ownership and maintenance of the private water distribution system provided the system meets ~~city standards~~ Engineering Design and Development Standards or satisfactory arrangements have been made to bring the system up to standards within twelve months. Included with such petition must be such records of the system as necessary to indicate location, size, material, and date of installation of all ~~mains and~~ water appurtenances. Prior to acceptance by the City, a valid deed or bill of sale and all necessary easements and/or franchises must be ~~presented~~ provided to the City.

C. Nothing contained ~~herein in this section shall be construed to require~~ the City Council to accept any private water distribution system.

#### **13.04.200 Service connections--General requirements**

A. Except as provided in ~~OMC Sections 13.04.210, 13.04.220 and 13.04.270,~~ no premises ~~shall~~ may hereinafter be connected to the City water supply system of the City unless there is an adjacent standard main under the ownership and exclusive control of the City.

B. When a permit has been obtained for the installation of water service, the drinking water purveyor shall cause the premises described in the application to be connected ~~with to~~ the City water system in accordance with City standards. The connection ~~shall~~ must thereafter be maintained by and kept within the exclusive control of the City. The ~~user and/or property owner~~ customer ~~are is~~ responsible for ensuring that the water meter and box remain free from anything that could preclude authorized City personnel from having clear access to the meter at all times.

C. Except as provided in OMC Section 13.04.220, every separate premises supplied by ~~the~~ City water ~~system~~ must have its own separate meter and the premises so supplied will not be allowed to supply water to any other premises. The City Engineer may require individual buildings on the same premises to be separately metered or metered together, as may be the case with an approved Accessory Dwelling Unit.

D. When two or more buildings on the same premises are being served unsatisfactorily by one water service connection, the drinking water purveyor ~~shall have the right to~~ may require the installation of additional water service connections from the water main to the premises already served. When additional water service connections are provided for any premises, all water service to such premises ~~shall be~~ is metered and installed in the regular manner.

E. The ~~property premises~~ owner in applying for service shall pay to the City the current prevailing cost to cover all expenses for the City's installation of such service connection(s). All services ~~shall~~ must be constructed by the City from the main to the property line and ~~shall~~ must include a suitable water meter and other water appurtenances. This rule ~~shall also apply~~ where exchanges in size of service are made at the request of the ~~property owner~~ customer. In case of replacement or new services, no service smaller than three-fourths inch ~~shall~~ may be installed.

F. All persons connecting to ~~city~~ City water system service ~~shall be required to~~ may use only materials conforming to the ~~standard specifications and regulations of the City~~ Engineering Design and Development Standards. Plumbing on premises ~~shall~~ must conform to the uniform plumbing code of the City.

~~G. When necessary due to the grading or regrading of public streets, the drinking water purveyor may relocate services on the premises to conform to the grade or slope occasioned by the street grading, and charge the expense to the owner receiving water service.~~

#### **13.04.210 Temporary service connections**

Water service may be supplied to premises on a temporary basis during the construction of a building on the premises or during the construction of a standard main to serve the premises, as long as it is metered and meets requirements for adequate backflow prevention. Application for temporary service ~~shall~~ will only be approved upon payment of all fees and assessments required by this chapter and OMC chapter 4.24. This application ~~shall~~ must state fully the purposes for which water is desired, the circumstances which require



service by temporary means, and the duration for which temporary service is necessary. All costs necessary to install and remove the temporary service ~~shall~~ must be paid by the ~~applicant~~ customer.

Upon completion of the work for which the temporary service was necessary, the owner shall immediately apply for permanent service to the premises and the temporary service ~~shall~~ must be removed. Failure to obtain permanent service ~~shall be~~ is cause for immediate discontinuance of water supply to the premises.

#### **13.04.220 Service connection--Master meters**

A. The City ~~Council~~ may, at ~~its~~ the Public Works Director's discretion, authorize water service to a community or number of individual users to be furnished through a common master meter customer, which may be a company, association, or other form of organization, which is acceptable to the City. Master meters ~~shall~~ must be furnished, installed, maintained, and kept within the exclusive control of the City. The cost of the installation including the meter ~~shall be~~ is at the expense of the ~~consumer~~ master meter customer.

B. Where water service is supplied through a master meter, ~~the master meter customer a company, association, or other form of organization, which is acceptable to the City, shall will~~ be billed at the rate for commercial customers. ~~The company, association or organization~~ The master meter customer ~~shall be~~ is responsible for metering and billing individual customers and determining appropriate rates and charges.

C. Applications for water service under the provisions of this section ~~shall~~ must include a detailed description of the premises to be served, the name and nature of the master meter customer organization ~~which is to be~~ responsible for the service charges, the conditions or circumstances precluding service by individual meters, and such other information as the City ~~Council~~ may deem necessary.

D. ~~Such Master meter customers consumers~~ shall maintain and keep on file with the Office of the City Engineer detailed plans of their systems in such form as specified by the City Engineer. Each such master meter customer consumer shall, prior to commencement of work to repair or upgrade the system, submit an application and pay all applicable fees with respect to all construction or modifications which add to, reduce, or alter the City water system. Construction or modification of the system must meet current requirements under the Engineering Design and Development Standards ~~adopted by the City~~.

E. Water service, under the terms of this section, ~~shall be~~ is limited to those premises described ~~in~~ at the time of application for water service. Service to additional premises, not included in the original application, ~~shall~~ requires a separate ~~application and approval~~.

F. The ownership of the water system beyond the master meter ~~shall~~ must be vested in the master meter customer consumer and the operation, repair, expansion, and renewal of the system ~~shall be~~ is the responsibility of the ~~consumer~~ master meter customer. The City's responsibility ~~shall terminate~~ with ~~at~~ the master meter.

G. Any violation of the procedures required by this section ~~shall be~~ is cause for immediate discontinuance of service to the system by the City.

#### **13.04.230 Service agreements with other governmental units**

The City Council may, at its discretion, enter into an agreement with any other municipal corporation or governmental unit for the purpose of obtaining or providing any service relating to water supply as provided by law. Terms of each agreement ~~shall~~ must be established by the City Council.

#### **13.04.240 Water service outside ~~city~~ City limits**

A. ~~Property~~ Premises lying within the urban growth area ~~boundary~~ and contiguous to the Olympia city limits shall annex to the City as a condition of water connection. In the alternative, the City may elect to defer annexation and require execution of an agreement described in subsection B of this section.

B. ~~Property~~ A Premises lying within the urban growth area which is not annexed as a condition of water service, ~~shall be permitted~~ may receive water service only upon entering into an appropriate agreement with the City containing a waiver of protest to annexation and/or power of attorney authorizing annexation at such time as the City determines the ~~property~~ premises should be annexed to the City.

1. Application fees as established by the City Council ~~shall~~ must be paid upon the submittal of a signed Utility Extension Agreement requesting water service for ~~property~~ premises outside the City;

2. ~~Requirements that~~ The cost of the water extension must be borne in whole by the applicant for water services, subject to any provisions in effect at the time of connection for latecomer reimbursement;

3. The agreement ~~shall~~ may not be executed prior to the time formal application is made for approval of the project for which utilities are requested. The term of said agreement ~~shall~~ must terminate at the time any project application or approval expires or is revoked for any reason. A new agreement ~~shall~~ also be is required for any extension of project applications or approvals or when in the opinion of the Director of Community Planning and Development, a substantial change or addition is made to the project.

C. Following execution, such agreement ~~shall~~ must be recorded by the City Clerk in the chain of title for such ~~property~~ premises in the records of the Thurston County Auditor.

#### **13.04.242 Water service outside ~~city~~ City limits--Agreements to run with the land**

The agreement described in OMC Section 13.04.240 ~~shall~~ must contain a provision that the obligations and privileges contained therein ~~shall~~ run with the land and bind future owners of said land in the same manner as the applicant is bound ~~therein~~ thereby.

#### **13.04.244 Water service outside cityCity limits--Other sections not affected**

In addition to OMC Sections 13.04.240 and 13.04.242, all other provisions of this chapter shall apply to outside connections outside the City limits.

#### **13.04.270 Extension of mains**

Any main extension of the City's water system must be approved by the Public Works Department, and all extensions must conform to requirements of the Washington State Department of Health and the Coordinated Water System Plan, the City of Olympia Water System Plan, the Olympia Fire Department, and the City of Olympia-Engineering Design and Development Standards.

#### **13.04.280 Service connection--No main in street**

A. Whenever an applicant requests water service to premises with no main in the adjacent street, a standard main must be installed as a prerequisite to connection to the City water supply-system. The standard main must conform with to the water system plan of the City water system and must be installed along the complete street frontage of the premises to be served in accordance with the water system plan.

B. A standard main may be installed by any of the following methods:

1. The main may be installed at the expense of the owner by a competent contractor under the supervision and approval of the City Engineer, in which case the City will contract with the owner to provide for the reimbursement of such owner and his assigns for a period of ten years by any owner of real estate who did not contribute to the original cost of such main and who subsequently taps onto the main for service of a fair pro rata share of the cost of construction of the main. The contract shall be recorded in the office of the Thurston County Auditor upon acceptance of construction of the main by the City Council. Assessments after the expiration of the contract shall revert directly to the City. Any party, including the City, that funds installation of water appurtenances may apply for a latecomers agreement, for fair pro rata reimbursement from other benefitting properties if the improvements meet all the criteria for a latecomer's agreement.

2. If the premises lies within the City limits~~corporate limits of the City~~, the owner may elect request to have the main installed by a local improvement district, formed~~the formation of a local improvement district~~ as prescribed by state law and the ordinances of the City.

#### **13.04.290 Local Improvement District--Assessment rates**

Whenever any main is installed by the local improvement district formed under method OMC chapter 3.20, the assessment rates to be charged to the property-premises specially benefited shall must be established by the City Council.

#### **13.04.295 Oversizing of mains**

Whenever the City requires a main size larger than would be required to serve the adjacent ~~property-premises~~ or, in the case of a subdivision or development, a main size larger than required to serve that development, the City shall participate in the cost of the main to the extent of the additional size required, provided the amount of such participation ~~shall be~~ established by the City Engineer prior to the commencement of construction.

#### **13.04.310 All services to be metered**

All service connections to the City water system ~~shall~~ must be metered and all meters ~~shall~~ remain the property of the City and any meter may be exchanged with another meter of similar kind as deemed necessary by the drinking water purveyor.

#### **13.04.320 ~~Turning on water~~ Utility account required**

Whenever the owner or occupant of any premises connected with the City's water supply system desires to use water, ~~they~~ the owner or occupant shall notify Utility Billing and request the water to the premises be turned on.

#### **13.04.330 Permission required to connect or turn water on or off**

No plumber or other person ~~will be~~ allowed to make connection with the City mains or make connection with any ~~conduit, pipes, or any fixtures connected therewith~~ water appurtenance, or to connect pipes that have been disconnected, or to turn water on or off of premises without the permission of the drinking water purveyor ~~or their designee~~.

#### **13.04.335 Requirement to Connect**

All new premises within the City limits or the City's urban growth area shall connect to a public water supply provided that the premises lies within 200 feet of a public water main. When connection to the City water system is desired by a customer connected to an existing well, a physical disconnect between the well and the public water system must be made and maintained. This is necessary to assure that an unapproved auxiliary water supply (the customer's well) will not contaminate the City water supply.

#### **13.04.340 Notice required to have water discontinued and other charges for requests that water be turned on or turned off**

To discontinue the use of water supplied to any premises, the customer must provide notice to the Drinking Water Utility. The water will then be disconnected and restored without charge during normal business hours upon proper application. Non-emergency related requests for water turn on or shut off required to be performed after normal business hours will be subject to charges as set forth in OMC Chapter chapter 4.24 of this code.

#### **13.04.350 Service reconnection or transfer of service**

When ~~a~~ a new buildings ~~are-is~~ to be erected on the site of ~~an~~ an the-old buildings, and the City receives a request to increase the size of or change the location of the old service connection, or where a service connection to any premises is abandoned or no longer used, the drinking water purveyor may ~~cut-out-or~~ remove such service connection. Should a new service connection be required for the premises, the ~~owner~~-customer must complete an application and pay for a new tap-service connection pursuant to City code. When the service connection of any premises is located in a place other than a main that runs in front of the premises, once a new main is located in front of such premises, the drinking water purveyor may transfer the service connection to the new main without charge. Upon service transfer to the new main, the old service connection will be disconnected and may be removed.

#### **13.04.360 Occupant turning on water--Penalty**

Should the City discover that water to the premises has been restored by other than the City after being shut off by the Drinking Water Utility, the service may be turned off by the Drinking Water Utility, and the owner or occupant of the premises may be charged an additional fee as set forth in OMC Title 4, Fees and Fines, for the expense of turning it off and on.

#### **13.04.370 Charges to become lien**

The City ~~shall have~~has a lien against premises to which water has been furnished, which lien ~~shall be~~is in the amount and to the extent allowed by RCW 35.21.290 as the same now exists or may hereafter be amended. The lien ~~shall is~~ be enforceable in the manner allowed by RCW 35.21.300 as it now exists or may hereafter be amended.

#### **13.04.375 Water general facility charge (GFC)**

A. A water general facility charge ~~shall be~~is assessed for the connection of any premises to the City water system as set forth in OMC Title 4, Fees and Fines, ~~of this code~~. This charge is assessed in addition to any other charges or assessments levied under this chapter. Payments of such charges must be deposited in the water capital improvement fund established under OMC Section 3.04.400 and may be used only for the purposes enumerated therein. Payment must be made at the rate in effect at the time of payment.

B. Except as set forth in subsections C and D below, such charge ~~shall become~~s due and payable no earlier than at the time of issuance of a building permit and no later than at the time each ~~the~~ connection is completed ~~at the rate in effect at the time of payment~~. ~~For projects located outside the City, the date of building permit issuance by Thurston County shall constitute the earliest time of payment. This charge shall be assessed in addition to any other charges or assessments levied under this chapter. Said funds shall be deposited in the water capital improvement fund established under Section 3.04.740~~ 3.04.400 and shall be used only for the purposes enumerated therein.

C. The Water GFC may be deferred for residential developments in the Downtown Deferred General Facility Charge Payment Option Area. An unpaid Water GFC deferred under this section ~~shall constitute~~ a lien against the property for which it is payable. Payment of a Water GFC need not be made prior to the time of connection if the payer provides the Community Planning and Development Department with proof that a Voluntary General Facility Charge Lien Agreement, in a form approved by the City Attorney, has been executed by all legal owners of the property upon which the development activity allowed by the building permit is to occur, and the agreement has been recorded in the office of the Thurston County Auditor. When such deferral is sought for a portion of the development activity, the City, at its sole discretion, ~~shall determine~~ the portions of the Water GFC to be applied to the portions of the development activity. If a Voluntary General Facility Charge Lien Agreement has been recorded, payment of the Water GFC ~~shall be~~ deferred under the following conditions:

1. The Water GFC will be assessed at the rate in effect at the time of issuance of the building permit for the project, and
2. Payment of the Water GFC ~~will~~ must be made at the earlier of the closing of sale of the property or any portion of the property, or three (3) years from the date of the City's issuance of a Certificate of Occupancy for the property against which the Water GFC is assessed, and
3. A GFC payment made within one (1) year of issuance of the Certificate of Occupancy for the development shall pay the fees assessed at the time of issuance of the building permit, or
4. A GFC payment made within the second year from issuance of the Certificate of Occupancy for the development shall pay the Water GFC plus interest, for a total of 105% of the fees assessed at the time of issuance of the building permit, or
5. A GFC payment made within the third year from issuance of the Certificate of Occupancy for the development shall pay the Water GFC plus interest, for a total of 110% of the fees assessed at the time of issuance of the building permit.

In the event that the Water GFC and/or interest (if any) is not paid within the time provided in this subsection, all such unpaid charges, fees, and interest ~~shall constitute~~ a lien against the property for which they were assessed. The lien may be enforced either by foreclosure pursuant to RCW 61.12 or by termination of water service pursuant to ~~OMC Section-section~~ 13.04.430 of this Code. The City may use other collection methods at its option. In the event of foreclosure, the owner at the time of foreclosure shall also pay the City's reasonable attorney fees and costs incurred in the foreclosure process. Notwithstanding the foregoing, the City shall not commence foreclosure proceedings less than thirty (30) calendar days after providing written notification to the then-present owner of the property via certified mail with return receipt requested advising of its intent to commence foreclosure proceedings. If the then-present owner cures the default within the thirty-day cure period, no attorney fees and/or costs will be owed.

D. Where the Water GFC is assessed upon connection of an existing residential dwelling which previously received water from a different source, a property owner who is economically disadvantaged may, in lieu of a lump sum payment, pay the charge over a maximum three (3) year period. To qualify, the owner shall execute a Voluntary General Facility Charge Lien Agreement with the City which sets forth, among other terms, a quarterly or annual payment schedule to run no more than three (3) years from execution or the sale of the property, whichever occurs first. The agreement ~~shall~~ must require that any balance owing ~~shall be~~ is due in full upon sale of the property or the expiration of three (3) years from execution of the agreement. The payments ~~shall~~ must be secured by a lien against the property served, which may be enforced either by foreclosure pursuant to RCW 61.12 or by termination of water service pursuant to ~~OMC s~~ Section 13.04.430 of this Code. The City may use other collection methods at its option. The agreement ~~shall~~ must be prepared by the City Attorney and made available by the appropriate official in the Drinking Water Utility. For the purpose of this section, the term "economically disadvantaged" ~~shall have~~ has the same meaning as provided in ~~OMC s~~ Section 3.20.300.

#### **13.04.380 Water meter rates--~~Inside city~~ City limits**

A. Schedule I: Monthly Charges. The schedule ~~as set forth in OMC Title 4, Fees and Fines, of this code~~ is the monthly charge based upon meter size for all ~~consumer~~ customers. ~~Customers with Monthly charges for meter sizes not listed in the schedule shall~~ will be charged at the rate applicable to ~~correspond to~~ the next larger meter size listed.

B. Rates for Wholesale ~~Consumer~~ Customers. The ~~City Council~~ council may at its discretion pass a special ordinance fixing rates for such wholesale ~~consumer~~ customers as may be authorized by the ~~council~~ Council for industrial, manufacturing, commercial, or other such ~~consumer~~ customers, using in excess of one million cubic feet of water per month.

C. State Buildings with Sprinkler Systems or Fire Service Connections. All buildings owned by the state with an automatic sprinkler system or special fire service connected with the City water ~~distribution~~ system shall pay the ready to serve charge based on pipe size as substituted for equal meter size in the rate schedule. No water ~~shall~~ may be used through such connections or sprinkler systems except for actual fire control. If the ~~consumer~~ customer is found using water through unmetered special fire or sprinkling service connection for other than fire protection, then each such connection of three inches or over ~~shall~~ must be equipped with a detector check type of meter, and those connections under three inches ~~shall~~ must be equipped with a conventional type of meter.

~~D. Residential, Unmetered Services. Residential unmetered services shall be charged as set forth in Title 4, Fees and Fines, of this code.~~

#### **13.04.390 Water meter rates--~~Outside city~~ City limits**

A. Charges for the use of water outside the ~~corporate limits of the City limits~~ shall be as provided in subsections A, ~~and~~ C and D of ~~OMC Section 13.04.380, as amended~~, plus fifty percent; provided, that the fifty

percent surcharge herein ~~shall does~~ not apply to charges for water service to such properties within Olympia's ~~Urban-urban Growth-growth Management Area-area~~ which cannot be annexed due to non-adjacency to the ~~cityCity~~ limits or due to ~~cityCity~~ policies, and for which a power of attorney or agreement to annex in the future is executed.

B. ~~OMC Section 13.04.380 subsection B applies to water services provided to wholesale customers~~~~Subsections B and D of Section 13.04.380 shall prevail for water services outside the City limits.~~

#### **13.04.400 Charges for hydrants and ~~f~~Fire protection outside ~~cityCity~~ limits**

~~All business, industrial, commercial or manufacturing consumers of city water located outside the city limits shall pay for protection afforded by fire hydrants as follows:~~

~~A.— All such users who have a fire hydrant located upon property owned or leased by the user shall pay a fee as set forth in Title 4, Fees and Fines, of this code.~~

~~B.— All such users with an automatic sprinkler system or special fire service connection with the City water distribution system shall pay the monthly 'ready to serve' charge based on pipe size as substituted for equal meter size provided in the rate schedule set forth in Title 4, Fees and Fines, of this code. All such sprinkler systems or special fire services with a connection of three inches or over shall be equipped with a detector check type of meter, and those connections under three inches shall be equipped with a conventional type meter, and all water used through said systems shall be paid for at the same rates provided for in Title 4, Fees and Fines, of this code in addition to the minimum rate provided for in this chapter.~~

~~C.— With reference to all fire hydrants located on public rights-of-way and serving areas outside the corporate limits of the City, the agency responsible for furnishing fire protection to the area shall pay to the City the sum as set forth in Title 4, Fees and Fines, of this code. Failure to pay the sums to the City shall be cause for the removal of all such hydrants.~~

~~D.— The City shall not furnish water for fire protection to any premises located in an area outside of the City that is not served by the City water for domestic water supply.~~

#### **13.04.410 Water for construction purposes**

A. Any owner, agent, or contractor intending to use water in the course of the construction of any residential or commercial building or of any street, utility, etc., shall apply to Utility Billing for such water use. ~~on forms provided for that purpose. All such water use will be metered.~~

~~Water for construction purposes shall be furnished only upon application and will via hydrant meters will be charged for at the rate as set forth in Chapter-OMC chapter 4.24 of this code for consumption, the same to be billed at the time of return of the meter; and all delinquent and unpaid charges therefor shall become a lien~~



upon the premises supplied and ~~shall~~may be collected in the same manner as other delinquent and unpaid charges.

Water for construction purposes, including sprinkler system testing, to be provided via the premises water service meter will only be furnished upon application and payment of the water general facility charge and will be charged the rates set forth for regular water service in OMC chapter 4.24.

#### **13.04.420 Cash deposit for water service**

~~Meter consumers~~Customers may be required to make a cash deposit with Utility Billing, based upon the estimate of the monthly consumption through the meter as set forth in OMC Title 4, Fees and Fines, ~~of this code~~. The deposit ~~shall~~will be held by Utility Billing until the severance of the contract, and ~~shall~~will be repaid to the customer after all claims against the premises have been fully paid.

Deposits for bimonthly customers, when required, ~~shall beare~~ based upon the estimate of the bimonthly consumption.

#### **13.04.430 Payment of water bills--Delinquency Notification--Service discontinued for nonpayment--Past due fees**

Monthly and bimonthly statements of charges for water service ~~shall beare~~ due and payable at the City Clerk's Office, or at such place or places designated by ~~him/her~~the City Clerk, on the date established by the Director of Administrative Services as authorized in OMC sSection 4.24.050 ~~of this code~~. The statements ~~shall cover~~ service charges for the period shown thereon and ~~shall must~~ be issued ~~and forwarded by mail~~ to the customer as soon as practical after the service period.

Delinquency and nonpayment of one or more water service charges ~~shall beis~~ sufficient cause for discontinuance of service by turning off the water service to the premises notwithstanding the existence of any deposits made as provided in OMC sSection 13.04.420. Water service ~~shall will~~ not be turned on again until all charges, together with penalties set forth in OMC Title 4, Fees and Fines, ~~of this code~~ for shutting off and turning on the water and for delinquency notification are paid, or a satisfactory arrangement and agreement for payment of delinquent charges and penalties has been made with Utility Billing.

#### **13.04.440 Failure to Comply--Violations--Penalties**

A. Discontinuance of Water Service. Service to any ~~property, landowner, or water user~~customer receiving its water ~~supply~~ from the ~~city~~City water ~~supply~~ system is contingent upon compliance with all legal requirements pertaining to such water service. Service may be discontinued to any ~~premises, water user, or property owner~~customer for failure to comply with such requirements and discontinued service will not be re-established until the Director of Public Works or ~~his/her~~the Director's designee ~~is satisfied~~has determined that the customer is in compliance with all applicable legal requirements~~there has been compliance~~.

B. Any person, firm, or corporation who knowingly violates or fails to comply with any term or provision of this chapter ~~shall be deemed to have committed~~ commits a misdemeanor, and if found guilty, ~~shall be~~ subject to a fine not to exceed One Thousand Dollars (\$1,000), and/or to imprisonment not to exceed ninety (90) days or to both such fine and imprisonment. Each day ~~shall be~~ a separate offense. In the event of a continuing violation or failure to comply, the second and subsequent days ~~shall constitute~~ a gross misdemeanor punishable by a fine not to exceed Five Thousand Dollars (\$5,000) and/or imprisonment not to exceed three hundred and sixty-five (365) days or both such time and imprisonment. Continuing violation ~~shall mean~~ the same type of violation which is committed within a year of the initial violation.

C. As an additional concurrent penalty, it ~~shall be~~ a civil infraction for a person, firm, or corporation to violate or fail to comply with any term or provision of this chapter. Each day ~~shall be~~ a separate infraction. A person, firm, or corporation found to have committed a civil infraction ~~shall~~ will be assessed a monetary penalty as follows:

1. First offense: Class 3 (\$50), not including statutory assessments.
2. Second offense arising out of the same facts as the first offense: Class 2 (\$125), not including statutory assessments.
3. Third offense arising out of the same facts as the first offense: Class 1 (\$250), not including statutory assessments.

See also OMC ~~Chapter~~ chapter 4.44, Uniform Civil Enforcement.

D. In the event a ~~water user or property owner~~ customer refuses to allow authorized City personnel to enter onto private property to accomplish the purposes stated in this chapter, the Director of Public Works or ~~his/her~~ the Director's designee ~~may be empowered to seek~~ assistance from any court of competent jurisdiction to obtain a court order permitting entry. If such court order is required to obtain access, the ~~water user or property owner~~ customer who refused to allow the City entry is responsible for all costs of the City that are reasonably attributable to obtaining a court order.

#### **13.04.460 Allocation of funds**

A. Any funds received by the director of administrative services in payment of water, sewer, garbage, and/or stormwater charges ~~shall~~ must be applied against said charges, if applicable, in the following priority:

1. Stormwater
2. Garbage;
3. Sewer;

4. Water.

B. No amount received shall will be applied against any charge unless all higher priority charges are paid in full.

**Section 3. Amendment of Section 8.00.000 OMC. Section 8.00.000 of the Olympia Municipal Code is hereby amended to read as follows:**

**8.00.000 Title Contents**

Title 8  
HEALTH AND SAFETY

**Chapters:**

- 8.04 Foodstuffs**
- 8.08 Restaurants**
- 8.12 Sanitation**
- 8.16 Rat Control**
- 8.20 Drainage**
- 8.24 Chronic Behavioral Nuisances on Land and Buildings**
- 8.26 Single-Use Bags**
- ~~**8.28 Wells**~~
- 8.32 Noise**
- 8.36 Fishing**
- 8.40 Junk Vehicles**

**Section 4. Repeal of OMC Chapter 8.28. Chapter 8.28 of the Olympia Municipal Code is hereby repealed:**

Chapter 8.28  
WELLS

~~8.28.000 Chapter Contents~~

~~Sections:~~

- ~~8.28.010 Registration of wells.~~
- ~~8.28.020 Discretionary analysis of water.~~
- ~~8.28.030 Penalty for violation.~~

**8.28.010 Registration of wells**

~~On or before September 1, 1927, and annually thereafter, the owner or owners of any private wells and springs that are being used by the citizens of Olympia for domestic water purposes, shall register such wells or springs, giving the location of the same and the lot or block upon which the same are situated, or in the event that the wells or springs are situated upon unplatted property, then in that event the owner or owners shall give sufficient description of the property upon which the wells or springs are located so as to definitely and accurately identify the same; or provided, that the owner or owners of the private wells or springs that are being used for domestic purposes are not residents of the city, but have some local agent who has control and~~

supervision of the property upon which the wells and springs are located, then in that event, the agent shall register the wells or springs with the superintendent of the city water department as provided above.

**8.28.020 Discretionary analysis of water**

Whenever the department of health of the city deems that it is necessary to analyze the water that is being used from the wells and springs for domestic purposes, then either the city health physician or the city engineer shall take samples of the water and have the same officially analyzed by the State Board of Health.

**8.28.030 Penalty for violation**

Any owner or owners, or their agents, who fail to register any wells or springs located upon their property and under their supervision and control before September 1, 1927, and annually thereafter, shall be guilty of a misdemeanor and subject to a penalty of not more than fifty dollars for each violation thereof.

**Section 5. Corrections.** The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

**Section 6. Severability.** If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or application of the provisions to other persons or circumstances shall remain unaffected.

**Section 7. Ratification.** Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

**Section 8. Effective Date.** This Ordinance shall take effect thirty (30) days after publication, as provided by law.

\_\_\_\_\_  
MAYOR

**ATTEST:**

\_\_\_\_\_  
CITY CLERK

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
CITY ATTORNEY

CITY ATTORNEY

**PASSED:**

**APPROVED:**

**PUBLISHED:**