

ORDINANCE NO. _____

AN ORDINANCE of the City of Olympia, Washington, relating to reclaimed water; repealing and replacing Chapter 13.24 of the Olympia Municipal Code.

WHEREAS, the Olympia City Council adopted Ordinance No. 6359 in May 2005 pertaining to Reclaimed Water, Olympia Municipal Code (OMC) Chapter 13.24, to meet the requirements of the General Interlocal Agreement with the LOTT Clean Water Alliance (LOTT) partners and LOTT's National Pollutant Discharge Elimination System (NPDES) Waste Discharge and Reclaimed Water Permit, and to implement what is now the current reclaimed water program; and

WHEREAS, this ordinance brings up-to-date terminology and practices which are consistent with OMC 13.04 Water, the Olympia Engineering Design and Development Standards (EDDS), and Chapter 246-290-490 of the Washington Administrative Code; and

WHEREAS, this ordinance clarifies and expands various authorities of the City to control reclaimed water use; and

WHEREAS, this ordinance is supported by all staff reports and materials related to City Council and Committee discussions associated with it, and all documents on file with the City, including the Public Works Department, related hereto; and

WHEREAS, this Ordinance is adopted pursuant to RCW 36.70A and Article 11, Section 11 of the Washington State Constitution and all other applicable legal authority;

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

Section 1. Olympia Municipal Code 13.24 as currently written is hereby repealed and replaced in its entirety by this ordinance.

Section 2. Olympia Municipal Code 13.24 shall provide as follows:

**Chapter 13.24
RECLAIMED WATER**

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13.24.010 - Purpose

This chapter sets forth requirements for the City’s distribution of reclaimed water and the use of reclaimed water by the City and its customers, as allowed by the Reclaimed Water Permit issued to LOTT. These requirements are intended to be and shall be construed so they are consistent with provisions of Chapter 90.46 RCW Reclaimed Water Use, the State Standards, the Reclaimed Water Permit, the OMC, the City EDDS, and the General Agreement as defined in 13.24.020.

13.24.020 - Definitions

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

"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.

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

"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), or spill-resistant vacuum breaker assembly (SVBA) of make, or a model, and size that is approved by the Washington State Department of Health.

"City" means the City of Olympia, Washington, or as indicated by the context, may mean the Public Works Department, the Community Planning and Development Department, the Drinking Water Utility, the Public Works Director, the City Clerk, the City Engineer, the City Treasurer, or other City employee or agent representing the City in the discharge of his or her duties.

"City Council" means the City Council of the City of Olympia. "All its members" or "all council members" mean the total number of council members holding office.

"City EDDS" means the City Engineering Design and Development Standards (EDDS). The EDDS are the technical standards that govern all new construction and modification of City public works facilities, and apply to City and private development projects. The EDDS are approved and adopted by the City Council.

"City Engineer" means the City Engineer for the City of Olympia or his/her authorized designee.

"City Permit" means a permit issued by the City to construct, enlarge, alter, repair, move, or demolish a building or structure; change the use of a building; or erect, install, enlarge, alter,

repair, remove, convert or replace any plumbing system, including such used for the conveyance of reclaimed water.

"Consumer's water system" means any potable water supply 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.

"Cross connection" means any actual or potential connection between the City's public water system or the consumer's water system, and any source of non-potable 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 health cross connection hazards or high health cross connection hazards.

"Director" means the Director of the Public Works Department or his/her authorized designee.

"End User" means a person or entity that puts reclaimed water to one or more End Uses. End Users may include the City or a person or entity that receives reclaimed water from the City.

"End User Service Agreement" means the reclaimed water service contract between the City and an End User, in substantially the form established under the LOTT Supply Agreement. The End User Service Agreement is also known as the "Reclaimed Water Service Agreement" in the City EDDS.

"End Uses" means the permissible beneficial uses for which reclaimed water may be used consistent with the State Standards and Reclaimed Water Permits including, but not limited to, commercial and industrial uses, irrigation, aquifer recharge, stream flow augmentation, water right mitigation, and environmental enhancement or mitigation. End Use does not include the use of reclaimed water for human consumption.

"Frontage/fronting/fronts" means the area of a lot that directly abuts the boundary of a public or private street right-of-way.

"General Agreement" means the "General Interlocal Agreement between the LOTT Wastewater Alliance, Thurston County and the Cities of Lacey, Olympia and Tumwater for Distribution and Use of Reclaimed Water," January 16, 2004, and as hereafter amended.

"Local Improvement District" means a public improvement provided to a specific area that benefits that area and that is usually paid for by a special assessment for the benefit of property owners.

"LOTT" means the LOTT Clean Water Alliance. "LOTT" is an acronym for "Lacey, Olympia, Tumwater, and Thurston County" meaning the wastewater management partnership operating

the water pollution control facility serving the cities of Lacey, Olympia, and Tumwater and the urban portions of northern Thurston County.

"LOTT Supply Agreement" means the "Reclaimed Water Supply Agreement between the LOTT Alliance and the City of Olympia Regarding the Budd Inlet Reclaimed Water Facility", June 14, 2005, as amended, which provides for the terms of use of reclaimed water by the City.

"Mains" means reclaimed water pipelines designed or used to convey reclaimed water to serve more than one Premises.

"Makeup water" means potable water that replaces reclaimed water at a Use Area when the reclaimed water supply to that Use Area is temporarily interrupted and not available.

"Master meter" means a common meter which provides water service to a community or number of individual users.

"OMC" means the Olympia Municipal Code.

"Person," "Customer," "Owner," "Occupant," "Consumer" or "Agent" shall be held to include natural persons of either gender, associations, co-partnerships, or corporations whether acting by themselves or by a servant, agent, or employee. The singular number shall be held to include the plural and the masculine pronoun to include the feminine.

"Potable water" means water that is supplied through the City's municipal potable water supply system for human consumption. Reclaimed water is not potable water.

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

"Reclaimed water" means reclaimed water that meets Washington State Class A criteria established in the State Standards, as amended, and the definition set forth in RCW 90.46.010. Reclaimed water is water derived in any part from wastewater with a domestic wastewater component that has been adequately and reliably treated, so that it can be used for beneficial purposes. Reclaimed water is not considered wastewater.

"Reclaimed Water Permit" means the reclaimed water permit issued to LOTT pursuant to RCW 90.46.030 and RCW 90.46.040 including, but not limited to, "National Pollutant Discharge Elimination System Waste Discharge and Reclaimed Water Permit" (currently No. WA0037061), issued to LOTT by the Washington State Department of Ecology, effective October 1, 2011, as the same may be amended, extended, or renewed from time to time.

"Reclaimed water system" means reclaimed water mains, service connections, and appurtenances that are operated and maintained by the City, which are located within public streets or utility rights-of-way or easements.

"Reuse" means the use of reclaimed water for a direct beneficial use in compliance with Washington Departments of Health and Ecology regulations and State Standards.

"Service Area" means the incorporated City limits; however, service area does not include unincorporated portions of the Urban Growth Area.

"Service connection" means that portion of the City reclaimed water supply system connecting the reclaimed water supply system on a Premises to the City reclaimed water main, including the tap into the reclaimed water main, the reclaimed water meter and appurtenances, and the reclaimed water service line from the main to the meter, and from the meter to the property line. Service connections include connections for outdoor use, such as irrigation, and indoor use, and commercial and industrial uses.

"State Standards" means the Water Reclamation and Reuse Standards promulgated by the Washington State Department of Health and Department of Ecology (Publication #97-23, September 1997), as currently adopted or hereafter amended.

"Use Area" means any facility, building, or location approved by the City for reuse and consistent with regulations adopted by the Washington State Departments of Health and Ecology for such use.

"WAC" means Washington Administrative Code.

13.24.030 - Reclaimed water is part of the Drinking Water Utility

The City's Reclaimed Water Program shall be considered part of the City's Drinking Water Utility. The City elects to exercise all lawful powers necessary to design, construct, maintain, and operate the reclaimed water conveyance system, and to regulate, control, use, and distribute reclaimed water by requiring compliance with this chapter and the State Standards, Reclaimed Water Permit, General Agreement, LOTT Supply Agreement, City EDDS, End User Service Agreement, Uniform Plumbing Code, and all other applicable laws and regulations.

13.24.040 - Authority of the City Engineer

For purposes of the City's reclaimed water system, the City Engineer's duty and authority pertains to the planning, designing, permitting, and construction of reclaimed water system infrastructure.

13.24.050 - Authority of the Public Works Director

A. The Public Works Director is responsible for establishing policies and procedures consistent with this chapter, to obtain, regulate, control, use, and distribute reclaimed water.

B. The Director has the authority to implement and enforce the payment, collection, and remittance of reclaimed water fees, charges, and rates.

C. Except for End User Service Agreements with other governmental entities, which require approval of the City Council pursuant to Chapter 39.34 RCW and OMC 13.24.110, the Director is authorized to enter into End User Service Agreements. The Director is authorized to enforce all End User Service Agreements in accordance with this chapter and all applicable laws and regulations.

13.24.060 - Ownership, operation, and maintenance of the reclaimed water system

A. Ownership of the reclaimed water system in public streets and rights-of-way shall be vested solely in the City, and the persons, contractors, or corporations responsible for the construction of such reclaimed water system mains, service connections, and appurtenances shall relinquish by bill of sale all interest in ownership to the City; provided, however, that reclaimed water systems constructed by other governmental entities, including, but not limited to LOTT, the Port of Olympia, and the State of Washington, shall remain under the ownership of the entity that constructed the reclaimed water system, unless it has been dedicated to and accepted by the City under the provisions of this chapter.

B. The City will operate and maintain all City-approved and accepted reclaimed water mains, service connections, and appurtenances up to and including the meter in public streets or utility rights-of-way or easements within the Service Area.

13.24.070 - City authority required to work on reclaimed water system

Only City employees or qualified contractors duly authorized by the Director or City Engineer are allowed to perform work on or in connection with the City's reclaimed water system. This shall not apply to members of LOTT or any other agency duly authorized by law to access the City's reclaimed water system; provided that, except in emergency situations, authorized agencies must give prior notice of any such work to the City.

13.24.080 - Access to Premises

Authorized employees of the public works department, properly identified, shall have free access at reasonable hours of the day, to all parts or Premises or within buildings thereon to which Reclaimed Water is supplied for the purpose of checking conformity to these Regulations.

13.24.090 Application for service

All applications for reclaimed water service connections to and/or the use of reclaimed water within any Premises or Use Area shall be made at the office of Community Planning and Development or at such other place or places as the City may designate. Every such application shall be made by the owner of the property to be furnished, or by his authorized agent, and the applicant shall state fully and truly all the purposes for which the reclaimed water may be

required, and must agree to conform to the regulations and rules established from time to time as the condition for the use of the reclaimed water.

13.24.100 - End User Service Agreements – General requirements

An approved End User Service Agreement is required before connection to the City's reclaimed water system. End User Service Agreement roles and responsibilities are described in the City EDDS. The person who signs the End User Service Agreement represents all End Users subject to the End User Service Agreement and is responsible for the Terms and Conditions of Service as specified in the End User Service Agreement. The End User Service Agreement is also known as the Reclaimed Water Service Agreement in the City EDDS.

13.24.110 – End User Service Agreements with other governmental units

The City Council may, at its discretion, enter into an End User Service Agreement with any other municipal corporation or governmental unit for the purpose of obtaining or providing any service relating to reclaimed water supply as allowed by law. The terms of such agreements will be established by the City Council, and shall require compliance with the LOTT Supply Agreement, the Reclaimed Water Permit, State Standards, the City EDDS, and other applicable laws or regulations.

13.24.120 – Reclaimed water service – General requirements

A. The End User shall ensure the construction, operation, and maintenance of the End User's reclaimed water facilities, infrastructure, and equipment, and the uses of the reclaimed water meet all requirements of the Reclaimed Water Permit, State Standards, City EDDS, and other applicable laws and regulations.

B. The City reserves the right to deny any application for or disapprove any proposed use of reclaimed water, including, but not limited to, denial of any use allowed by the Washington State Departments of Health and Ecology, the LOTT Supply Agreement, the Reclaimed Water Permit, State Standards, and City EDDS.

C. No person shall install, connect to, or repair any part of the City's reclaimed water system, without first procuring a City Permit and receiving prior approval by the City for such work.

D. When a City Permit has been obtained from the City for the installation of reclaimed water service, and the required End User Service Agreement as provided in OMC 13.24.100 and OMC 13.24.110 has been executed between the City and the End User, the City Engineer will authorize the Premises described in the City Permit to be connected to the reclaimed water system in accordance with the City EDDS.

E. The property owner, in applying for reclaimed water service, shall pay to the City the actual cost to cover the expense for installation by the City. This requirement will also apply where exchanges in size of service are made at the request of the property owner.

13.24.130 Extension of mains

Any main extension of the City's reclaimed water system must be approved by the Public Works Department, and all extensions must conform to requirements of the Washington State Department of Health, the North Thurston Coordinated Water System Plan, the City of Olympia Water System Plan, the Olympia Fire Department, and the City EDDS.

13.24.140 – Main frontage requirements

A. Except as expressly provided elsewhere in this chapter, no Premises shall be connected to the City's reclaimed water system unless a City-owned reclaimed water main fronts the lot.

B. Whenever a potential End User requests reclaimed water service to a Premises or Use Area with no reclaimed water main fronting the Premises or Use Area, a reclaimed water main must be installed as a prerequisite to connection to the City's reclaimed water system. The reclaimed water main must conform to the State Standards and City EDDS, and must be installed along the entire frontage of the lot or lots that comprise the Premises or Use Area served.

C. A reclaimed water main may be installed by any of the following methods:

1. The main may be installed at the expense of the End User, the property owner, or the property owner's authorized agent, by a competent contractor approved by the City Engineer, in which case the City will contract with the owner to provide for the reimbursement of such owner, his successors, or assigns for a period of ten (10) years by any owner of real estate who did not contribute to the original cost of such reclaimed water main, and who subsequently taps into 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. See EDDS Chapter 2.080 Reimbursement Areas and OMC Title 4 Chapter 4.04 Latecomer Reimbursement Contract.

2. The End User or property owner may also elect to have the reclaimed water main installed by the formation of a Local Improvement District as prescribed by state law, City ordinances, and OMC 13.24.300.

13.24.150 – Oversizing mains

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

13.24.160 – Location of reclaimed water system from sanitary sewers and potable water mains

In accordance with the Reclaimed Water Permit, State Standards, City EDDS, Uniform Plumbing Code, and other applicable laws and regulations, all reclaimed water mains, service connections, and appurtenances shall be located a sufficient distance, both horizontally and vertically, from any sanitary sewer and potable water mains to prevent contamination, infiltration, and/or inflow. The locations of all waterworks facilities connected to the City's reclaimed water system are subject to the approval of the City Engineer.

13.24.170 - Displacement of reclaimed water service

A. When necessary due to the grading or re-grading of public streets, the City Engineer may relocate reclaimed water services on the Premises to conform to the grade or slope occasioned by the street grading.

B. All persons, contractors, and corporations performing construction work in streets or utility rights-of-way, such as grading, re-grading, filling, trenching, or paving, shall give the Drinking Water Utility ten (10) days written notice in case it becomes necessary during the work to move, remove, displace, or change any reclaimed water mains, service connections, and/or appurtenances that may interfere with the performance of such work.

13.24.180 – Additional services or reconnection or transfer of service

A. The Director or City Engineer has the right to require the installation of additional reclaimed water service connections from the reclaimed water main to one or more buildings or Use Areas located on the Premises already served.

B. When a new building is to be erected on the site of an old one and the City receives a request to increase the size of or change the location of the existing reclaimed water service connection, or where a reclaimed water service connection to any Premises or Use Area is abandoned or no longer used, the City Engineer may require the modification or removal of such service connection. Should a new reclaimed water service connection be required for the Premises or Use Area, the owner or his authorized agent must complete an application for a City Permit and pay for a new connection pursuant to this chapter and OMC Title 4 Fees and Fines.

C. When the reclaimed water service connection of any Premises or Use Area is located in a place other than the main that fronts the Premises or Use Area, once a new main is laid in front of the Premises or Use Area, after notifying the owner or tenant, the Drinking Water Utility may transfer the reclaimed water service connection to the new main without charge. Upon transfer of the service to the new main, the City shall disconnect or remove the old service connection.

13.24.190 - Temporary reclaimed water service

Upon City approval, reclaimed water service may be supplied to a Premises or Use Area on a temporary basis as long as requirements for adequate backflow prevention are met. Application

for temporary service shall be made by the End User and approved only upon payment of all required fees and assessments, along with execution of an End User Service Agreement as provided in this chapter. This application shall state the purpose(s) for which reclaimed water is desired, the circumstance(s) that require reclaimed water service by temporary means, the duration for which temporary service is necessary, and the quantity desired. All costs necessary to install and remove the temporary service shall be paid by the End User.

13.24.200 – Reclaimed water for construction purposes

Any End User intending to use reclaimed water in the course of the construction of any building, street, utility, or similar application shall apply to the City on forms provided for that purpose. Reclaimed water for construction purposes will be furnished by the City only upon application and will be charged at the rate and frequency set forth in Chapter 4.24 OMC, Utility Charges, and no less frequent than every six months. All delinquent charges therefore shall become a lien upon the property supplied with the reclaimed water and will be collected in the same manner as other delinquent and unpaid charges.

13.24.210 – Reclaimed water for groundwater recharge in City limits [RESERVED]

13.24.220 – Reclaimed water service outside Service Area

Reclaimed water service and the use of reclaimed water provided by the City, including but not limited to for example, trucking water from a reclaimed water filling station for use in dust control, is prohibited outside the Service Area. Violation of this section shall be cause for immediate discontinuance of reclaimed water service by the City.

13.24.230 – All Premises, service connections, and uses to be metered

A. All Premises served by and all service connections to the City's reclaimed water system and all uses of reclaimed water shall be metered according to the State Standards and City EDDS. The City will install and maintain reclaimed water meters to provide accurate measurement of the quantity of reclaimed water supplied under an End User Service Agreement. All meters shall remain the property of the City. Any meter may be exchanged with another meter of similar kind, at any time, as deemed necessary by the City Engineer.

B. The City Engineer may require each separate building or each separate Use Area on the same Premises to have its own reclaimed water meter and/or connection.

13.24.240 – Cross connections and backflow prevention

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 required or considered to be advisable, are hereby adopted and made a part of this chapter. All applicable provisions of Chapter 246-290 WAC may be applied by the City 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.

B. The design and installation of any cross connection control protection on the End User's reclaimed water service connection and meter must be approved and inspected by the City cross connection control specialist prior to reclaimed water use.

C. The City's cross connection control specialist shall evaluate the degree of potential health hazard to the potable water supply which may be created as a result of conditions existing in a Consumer's Water System or an End User's Premises or Use Area. The City, however, shall not be responsible for abatement of cross connections which may exist within the Consumer's Water System or End User's Premises or Use Area; such abatement is the responsibility of the person signing the End User Service Agreement.

D. The type of protection that shall be provided to prevent backflow of reclaimed water into the City's potable water supply shall be commensurate with the degree of hazard that exists in the Consumer's Water System or an End User's Premises or Use Area. The End User may choose a higher level of protection than required by the City's cross connection control specialist.

E. The installation or maintenance of any uncontrolled cross connection is prohibited. Any such cross connection now existing or hereafter installed is declared unlawful and shall be abated immediately. Abatement includes, but is not limited to, the discontinuance of potable water service and/or reclaimed water service, or the installation of an approved backflow prevention assembly that is equal to the degree of hazard, as determined by the City's cross connection control specialist. If potable water service is discontinued for this reason, potable water service will not be reestablished until the Director of the Public Works Department has confirmed compliance with the rules and regulations referenced in this chapter, Title 4 Fees and Fines, and Chapter 13.04 OMC, Water.

F. The End User shall install a state-approved reduced-pressure principle backflow prevention device or an approved air gap separation at the potable water service connection to the Premises or Use Area served by reclaimed water. Backflow prevention assembly installation and testing is the responsibility of the End User, who shall bear all costs to perform such activities.

G. Where both reclaimed water and potable water are supplied inside a building or buildings, the respective water systems shall be installed, separated, protected, and labeled according to regulations set by the Washington State Departments of Ecology and Health, the State Standards, the Uniform Plumbing Code, the City EDDS, and other applicable laws and regulations.

H. Potable water supplied as makeup water for reclaimed water uses shall be protected against back-pressure and back-siphon through the incorporation of an air gap separation system. The End User is responsible for incorporating the air gap separation system where reclaimed water is used indoors. The air gap shall be for the protection of the potable water supply.

I. The End User is responsible for backflow prevention assembly testing of the potable water service upon initial installation and annually thereafter. The End User is required to provide proof of installation and proof of a passing backflow prevention assembly test to the Director by the annual due date.

J. The Director will assign a test due date for each backflow prevention assembly. The due date for annual testing shall be based on the installation date of the assembly.

K. Potable water service will be discontinued to any Premises, Use Area, or End User for failure to comply or failure to allow entry upon the Premises by authorized City personnel for purposes of cross connection control inspection and/or testing.

13.24.250 – Turning reclaimed water on or off

A. No person will be allowed to turn the reclaimed water supply on or off without the prior permission of the Director or City Engineer.

B. When the End User desires to use or cease using reclaimed water, he/she shall request that the City turn the reclaimed water supply on or off. Upon proper notice and application, the City will then disconnect or turn off the reclaimed water supply, and restore it if necessary, without charge, during normal business hours.

C. Requests for reclaimed water non-emergency turn on or turn off performed after normal business hours will be subject to charges set forth in Chapter 4.24 OMC, Utility Charges.

13.24.260 – Temporary service interruptions

A. End Users are hereby on notice that temporary interruptions in reclaimed water service to the End Users may occasionally occur due to:

1. Unavailability or limited quantities of reclaimed water.
2. Emergencies requiring repair or replacement of the reclaimed water conveyance system, facilities, equipment, or appurtenances.
3. Routine repair or replacement of reclaimed water conveyance system, facilities, equipment, or appurtenances.
4. The need for LOTT to take action to comply with its Reclaimed Water Permit (for example, and without limitation to, addressing treatment upsets).
5. As a result of regulatory or judicial orders.
6. Other circumstances beyond the control of LOTT or the City.

B. The City will attempt to provide notice to the End User of any substantial interruption, but is not obligated to do so and shall not be liable for any resulting consequence of failing to notify.

C. Where reclaimed water is the only source of water supply to a Premises or Use Area and the reclaimed water supply is interrupted to the extent that reclaimed water is temporarily unavailable to the Premises or Use Area, the End User shall make the Premises or Use Area unavailable for public and private use until the service is restored.

13.24.270 – City discontinuation of reclaimed water service

The City reserves the right to temporarily or permanently discontinue reclaimed water service at any time in accordance with the End User Service Agreement.

13.24.280 – Prohibitions

A. Use of reclaimed water beyond what is specified in the End User Service Agreement is prohibited without prior written consent of the City.

B. The sale, lease, gift, transfer, or conveyance of reclaimed water by the End User to any other Premises or Use Area is prohibited, except for conveyance to a direct tenant of the End User with prior approval by the City.

C. Extension of reclaimed water facilities, infrastructure, and equipment beyond what is authorized in the End User Service Agreement is prohibited without prior written consent of the City.

D. Interconnection of reclaimed water systems or facilities with any public or private potable water supply is prohibited.

E. No person shall allow reclaimed water to be wasted. Waste of reclaimed water is defined as:

1. Applying reclaimed water to a Use Area in sufficient quantity to cause significant runoff or accumulation of that reclaimed water, or to allow significant overspray onto non-Use Areas.
2. Allowing pipes, valves, closets, faucets, or other fixtures or appurtenances to leak without correcting such leak in a timely manner.
3. Allowing pipes, valves, closets, faucets, or other fixtures or appurtenances to run open to prevent the service from freezing or for any other reason.

F. In no case shall an owner, agent, officer, or employee of any Premises have the right to remove or change any part of the reclaimed water system without the prior approval of the City Engineer.

G. It is unlawful for any person to open, close, turn, interfere with, or connect to, or attempt to perform any of the foregoing actions to, any main, service connection, or appurtenance belonging to the City reclaimed water system unless authorized by the City Engineer in writing.

H. It is unlawful for any person, contractor, or corporation to willfully disturb, deface, or damage any reclaimed water main, service connection, appurtenance, structure or improvements belonging to or connected with the City reclaimed water system.

I. It is unlawful for any person to place any potential or known source of contamination, garbage, or deleterious matter of any kind or description, into or upon any part of the City's reclaimed water system.

J. Whenever the owner or occupant of any Premises or Use Area supplied by the City reclaimed water system prohibits or restricts authorized City employees from making necessary inspections and surveys as allowed under OMC 13.24.080, the City may immediately discontinue reclaimed water service to the Premises and/or Use Area.

K. Master meters are not allowed in the conveyance or use of reclaimed water.

L. Discharge or release to any watercourse or water body or stormwater collection or conveyance facility is prohibited, unless as expressly authorized by the City.

13.24.290 – Fees, rates, and charges

Reclaimed water service and use fees, rates, and charges including, but not limited to, application, reviews, permitting, construction, installation, inspection, metering, and use to be assessed reclaimed water customers shall be as set forth in OMC Title 4 Fees and Fines; more specifically:

A. Fees. Fees for reclaimed water infrastructure including, but not limited to, applications, reviews, permits, and inspections, are specified in OMC 4.04 Engineering Fees, OMC 4.36 Building Code Review and Permit Fees, and OMC 4.40 Land Use Application Review Fees.

B. Rates and Charges. Reclaimed water rates and charges are outlined in OMC 4.24.

13.24.300 - Local Improvement District – Assessment rates

When any reclaimed water main is installed by the Local Improvement District method, the assessment rates to be charged to the properties specially benefitted will be established by the City Council.

13.24.310 - Cash deposit for reclaimed water service

Reclaimed water meter customers may be required to make a cash deposit with the City, based upon the estimate of regular consumption through the reclaimed water meter, as set forth in OMC Title 4, Fees and Fines. The deposit shall be held pursuant to City policy.

13.24.320 - Charges to become lien

The City shall have a lien against Premises to which reclaimed water has been furnished, which lien shall be in the amount and to the extent allowed by RCW 35.21.290 or as otherwise provided by law.

13.24.330 - Occupant turning on reclaimed water – Fine

Should the City discover that reclaimed water to the Premises or Use Area has been restored by other than the City after being turned off by the Drinking Water Utility, the reclaimed water service may be turned off by the Drinking Water Utility, and the owner or occupant of the Premises or Use Area may be charged a fine as set forth in OMC Title 4, Fees and Fines.

13.24.340 - Payment of reclaimed water bills – Delinquency notification – Service discontinued for nonpayment – Past due fees

Monthly and bimonthly statements of charges for reclaimed water service shall be due and payable to the City on the date established by the Director of Administrative Services as authorized in OMC 4.24.050. The statements shall cover service charges for the period shown thereon and shall be issued and forwarded by mail to the customer as soon as practical after the service period.

Delinquency and nonpayment of one or more reclaimed water service charges shall be sufficient cause for the City to discontinue reclaimed water service by turning off the reclaimed water service to the Premises or Use Area notwithstanding the existence of any deposits made as provided in the End User Service Agreement or in this chapter. Reclaimed water service will not be turned on again until all rates, charges, and fees, together with penalties set forth in OMC Title 4, Fees and Fines, for turning off and turning on the reclaimed water and for delinquency notification and nonsufficient funds, are paid, or an agreement satisfactory to the City for payment of delinquent charges, fees, and penalties has been made.

13.24.350 - Failure to comply – Violations – Penalties

A. The Director shall have the authority to terminate reclaimed water service under an End User Service Agreement for any breach of such agreement, including failure to pay for service.

B. Reclaimed water service to any Premises or Use Area, and to any End User receiving its reclaimed water supply from the City's reclaimed water system, is contingent upon compliance with all City requirements pertaining to such reclaimed water service. Reclaimed water service

may be discontinued to any Premises, Use Area, or End User for failure to comply with such requirements and discontinued service will not be re-established until the Director is satisfied that compliance has been achieved.

C. As an additional concurrent penalty, 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 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 to 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.

D. 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 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 Chapter 4.44 OMC, Uniform Civil Enforcement.

E. In the event a reclaimed water End User or property owner refuses to allow authorized City personnel to enter onto private property to accomplish the purposes stated in this chapter, the Director is empowered to seek assistance from any court of competent jurisdiction to obtain a court order allowing entry. If such court order is required to obtain access, the reclaimed water End User or property owner refusing to allow the City entry is responsible for all costs of the City that are reasonably attributable to obtaining a court order.

F. The Court may also order a person found to have committed a violation of this chapter to make restitution.

13.24.360 - Allocation of funds

A. Any funds received by the Director of Administrative Services in payment of water, reclaimed water, sewer, garbage and/or stormwater charges shall be applied against said charges, if applicable, in the following order of priority:

1. Stormwater
2. Garbage
3. Sewer
4. Reclaimed water
5. Water

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

Section 3. 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 4. Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 5. Effective Date. This ordinance shall take effect five (5) days after publication, as provided by law.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:



ASSISTANT CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED: