ORDINANCE NO. 4288

AN ORDINANCE of the City Council of the City of Kent, Washington, repealing and readopting Chapter 7.02 of the Kent City Code entitled “Water,” to reorganize the chapter and update the Cross-Connection Control sections to develop and implement procedures to ensure the elimination or control of cross-connections between a water consumer’s system and the City’s public water system and to create additional enforcement provisions allowing for more flexibility.

RECITALS

A. The city of Kent ("City") has codified its regulations concerning water service by its water utility within Chapter 7.02 of the Kent City Code. This chapter also contains provisions for the elimination and control of cross-connections between a water consumer’s system and the City’s public water system.

B. Washington Administrative Code 246-290-490 requires the City Council of the City of Kent to ensure the elimination or control of all cross-connections between a water consumer’s system and the City’s public water system.

C. The City is required to adopt an ordinance and develop and implement procedures to ensure approved backflow preventers commensurate with the degree of hazard are installed to prevent backflow into the City’s public water system. Accordingly, this ordinance sets forth

1 Chapter 7.02 KCC re: Water Repeal Existing and Adopt New Chapter
what service connections require premises isolation and the requirements for commercial fire lines.

D. A city's ordinance must include corrective actions used to ensure water consumers comply with cross-connection control requirements. Currently, the only enforcement options available for a violation of cross-connection control requirements are criminal or civil code enforcement proceedings. This ordinance makes additional remedies available to the city of Kent, including imposing monetary penalties, water shutoff and the issuance of a civil infraction for violations of the cross-connection control requirements.

E. In addition, this ordinance reorganizes and restructures the chapter into two separate parts in order to clearly distinguish between the sections concerning water service—metering, rates, installation—and the sections concerning the elimination and control of cross-connections.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

ORDINANCE

SECTION 1. - Repealer - Chapter 7.02 KCC. Chapter 7.02 of the Kent City Code, entitled "Water," is repealed in its entirety.

SECTION 2. - Adoption - Chapter 7.02 KCC. Title 7 of the Kent City Code, entitled "Utilities," is amended to adopt a new Chapter 7.02, entitled "Water," as follows:
PART ONE

Water Utility and Water Service Generally

Sec. 7.02.010. Water to be metered. All water of the water utility of the city shall be sold by use of a water meter that measures the amount of water used by a consumer.

Sec. 7.02.020. Rates for water connection. The city council shall fix rates to be paid by a consumer for water procured from the water utility of the city, and for the amount of cost to be charged to and paid by the applicant for a water connection to a water main including the water meters. Water connection shall be of various sizes as specified in this chapter. All water connections and water meters shall be installed by the water utility of the city or by a contractor approved by the director of public works. All connections shall be made under the supervision of the director of public works or his authorized representative and shall meet or exceed the standards and specifications approved by the director of public works.

Sec. 7.02.030. Using water in excess of meter capacity. The water utility will not install a water meter on a service which demands water in excess of the rated capacity of the meter. The water utility of the city shall have the right to discontinue water service to any consumer when the demand of the service exceeds the following meter capacities:

<table>
<thead>
<tr>
<th>Meter size (inches)</th>
<th>Gallons per minute</th>
</tr>
</thead>
<tbody>
<tr>
<td>5/8 x 3/4</td>
<td>20</td>
</tr>
<tr>
<td>3/4</td>
<td>30</td>
</tr>
<tr>
<td>1</td>
<td>50</td>
</tr>
<tr>
<td>1 1/2</td>
<td>100</td>
</tr>
<tr>
<td>2</td>
<td>160</td>
</tr>
</tbody>
</table>
Sec. 7.02.040. Maintenance of water system. All tanks, reservoirs, water meters, water mains, pipes, couplings, shutoff valves, stop cocks, and every other kind of equipment or material in use or in place as a part of the water system of the city and located in any street, alley, city park, city property, or in any easement or franchise belonging to the city, or located upon private property from a water main of the water system to and including the water meter, are the property of the city and are subject to the exclusive control and regulations of the city. All pipes and connections from the water meter to the premises or building served by the city water are the property and the sole responsibility of the owner or lessee of the premises or building.

Sec. 7.02.050. Separate meters required – Exceptions. Except as provided in this chapter, each separate building occupied as a dwelling or as a place of business must have a separate water service and water meter. Where the applicant desires to have two (2) or more service pipes on the same premises, he shall state in his application for a water connection, and separate service pipes shall be run with individual stop cocks to each water meter. Each mobile home park and each condominium may be served by one (1) water meter. The city council may enter into agreements with commercial and industrial users to allow more than one (1) building to be served by a single meter.

Sec. 7.02.060. Existing service to more than one (1) building. At the time of the adoption of this chapter where more than one (1) building is served through one (1) meter, the consumption of water for
each billing period shall be divided by the number of buildings served and
the charge will then be calculated as if each building were a separate
account.

Sec. 7.02.070. Connection with other water supply.
A. No service connection shall be allowed from the city mains to any
premises supplied by water from any other source, unless special
permission is given by the director of public works, which special
permission may be terminated at any time if in the judgment of the
director of public works the public interest requires it.
B. No cross-connection shall be made or maintained between any city
service connection and pipe supplying water from any other source unless
the water supplied from the other source, by tests by the State Board of
Health, is shown to conform with the United States bacteriological standard
for drinking water. Such tests must be made by a professional tester and
submitted to the city at least once each month.

Sec. 7.02.080. Connections outside of city limits.
A. Whenever any person outside the limits of the city, not already
furnished with water by the city, shall desire the system to be extended,
such person shall apply to the city council to have such water service
extended. Such application shall designate the premises to be supplied and
the number of services desired. If a permit is granted by the city council,
the applicants shall, at their own expense, install all necessary mains or
pipes in accordance with the requirements of the city engineer and the
comprehensive water plan of the city which is on file in the office of the
director of public works. All regulations concerning the size of service and
meter shall apply.
B. Whenever any water district desires to purchase water from the city, it shall make application to the city council and if accepted, install all mains and services in accordance with the rules and regulations of the city. An individual contract will be negotiated for the purchase of water. Whenever any portion of a water district is annexed to the city, the ownership of the mains, meters, and services shall become the property of the city in accordance with RCW 35.13A.020.

Sec. 7.02.090. Installation and connection charges inside city limits, permits, and inspection fees.

A. Tap charge – Connection by water utility. Any property owner within the city limits applying for water service shall pay in full a tap charge and a permit review and inspection fee, plus a system development charge prior to issuance of the water service permit. The tap charge will include the cost of connection and laying the pipe from the city water main to the property line of the property to which service is desired, or at a distance of sixty (60) feet from the main toward such property line, whichever is shorter. The minimum tap charge so established for service installed by the water utility is as follows:

1. Two hundred seventy-five dollars ($275) for each five-eighth (5/8) inch by three-quarter (3/4) inch connection.
2. Three hundred twenty-five dollars ($325) for each three-quarter (3/4) inch connection.
3. Three hundred fifty dollars ($350) for each one (1) inch connection.
4. Six hundred dollars ($600) for each one and one-half (1-1/2) inch connection.
5. Eight hundred dollars ($800) for each two (2) inch connection.

On any connection over two (2) inches, the minimum tap charge shall be the actual cost of the meter and installation, plus twenty-five (25) percent.
B. **Tap charge – Connection by licensed contractor.** If the workload of the water utility as determined by the director of public works is such that the installation of the water connection would interfere with the proper operation and maintenance of the water system, the director of public works may require that the property owner employ a licensed contractor to make the connection and install the necessary line and materials except the water meter. All such water services shall meet or exceed the standards and specifications approved by the director of public works. The minimum tap charge is as follows:

1. One hundred dollars ($100) for each five-eighth (5/8) inch by three-quarter (3/4) inch connection.
2. One hundred twenty-five dollars ($125) for each three-quarter (3/4) inch connection.
3. One hundred seventy-five dollars ($175) for each one (1) inch connection.
4. Three hundred sixty dollars ($360) for each one and one-half (1-1/2) inch connection.
5. Five hundred dollars ($500) for each two (2) inch connection.

All such contractor-installed connections shall be guaranteed by the contractor for a period of one (1) year.

C. **System development charge.** The system development charge is as follows:

<table>
<thead>
<tr>
<th>Meter Size (inches)</th>
<th>Charge Effective Through March 31, 2009</th>
<th>Charge Effective April 1, 2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 1</td>
<td>$2,600</td>
<td>$5,949</td>
</tr>
<tr>
<td>Meter Size (inches)</td>
<td>Charge Effective Through March 31, 2009</td>
<td>Charge Effective April 1, 2009</td>
</tr>
<tr>
<td>---------------------</td>
<td>----------------------------------------</td>
<td>-------------------------------</td>
</tr>
<tr>
<td>1</td>
<td>$4,627</td>
<td>$14,872</td>
</tr>
<tr>
<td>1-1/2</td>
<td>$10,400</td>
<td>$29,743</td>
</tr>
<tr>
<td>2</td>
<td>$18,486</td>
<td>$47,589</td>
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<tr>
<td>3</td>
<td>$41,594</td>
<td>$95,179</td>
</tr>
<tr>
<td>4</td>
<td>$73,933</td>
<td>$148,717</td>
</tr>
<tr>
<td>5</td>
<td>$115,528</td>
<td>$222,932</td>
</tr>
<tr>
<td>6</td>
<td>$166,376</td>
<td>$297,434</td>
</tr>
<tr>
<td>8</td>
<td>$295,786</td>
<td>$475,894</td>
</tr>
<tr>
<td>10</td>
<td>$462,162</td>
<td>$654,354</td>
</tr>
</tbody>
</table>

After April 1, 2009, this system development charge will increase annually, on the first day of each calendar year, by an amount equal to the percentage increase in the Construction Price Index for Seattle-Tacoma-Bremerton for the twelve (12) months, October 31st through September 30th, of the previous calendar year.

However, if (1) the city’s fire marshal has required that, in conjunction with the city’s issuance of a single-family residential building permit, the applicant must install a fire sprinkler system, and (2) the need for a meter size greater than three-quarters (3/4) of an inch is based solely on the fire marshal’s requirement that the sprinkler system be installed, the single-family residential permit applicant shall pay only the system development charge listed above for a meter less than one (1) inch in diameter. It is not the city’s intent to require an applicant to pay a higher system...
development charge when the larger meter size is needed only in the unusual event of a fire demand rather than for normal daily user demand.

D. Permit and inspection fee. The city council shall, by resolution, establish the permit, inspection, and other related fees to be assessed to implement and operate the regulations adopted in this chapter. In the event of any conflict or ambiguity regarding any fees established by council resolution, the public works director is authorized to interpret the fee schedule(s) to resolve that conflict or ambiguity.

E. Installation of undersized meter. If an undersized meter is installed, a deduction will be allowed from the above charges, including system development charges, which will reflect the difference in cost between the undersized meter and the regular size meter. All service material (including water meter) will remain the property of the city.

F. Tap change. If the tap is changed to one of a larger size, the cost and expense of such charge must be paid before the larger size tap is installed.

G. Paving replacement – Charge. If it becomes necessary during the installation of such connection on a time and material basis to break and replace either concrete or blacktop paving, then in each instance an additional charge shall be made to cover the cost of such repair.

H. Fee deferral. Until December 31, 2013, at the time of issuance of any single-family residential building permit for a dwelling unit that is being constructed for initial sale, the owner of the subject real property may defer payment of the water system development charge in subsection (A) of this section, executing a first position lien in favor of the city in the amount of the water system development charge. The city shall record the lien against the real property and the lien amount shall be paid by the
seller to the city at the time of closing of the sale of the real property and
single-family residence. An owner who chooses to defer the water system
development charge must combine the lien with a lien deferring the
transportation improvement fee in KCC 12.11.090 or Chapter 43.21C RCW, and
drainage system development charge in KCC 7.05.165.

Sec. 7.02.100. Installation and connection charges outside
city. Any property owner outside the city limits applying for water service
shall pay in full the tap charge and a permit review and inspection fee, plus
a system development charge prior to the issuance of a water service
permit. The minimum charge established shall be the cost as established
for inside the city limits plus fifty (50) percent, except the system
development charge. The system development charge shall be the same as
for inside city limits.

Sec. 7.02.110. Temporary water meters.¹

A. When water service is required for a specific short-term duration,
upon approval of the director of public works, a temporary water meter
may be obtained from the water utility.

B. Such meters shall only be used for a designated project and shall be
promptly returned to the water utility upon completion of the project or at
the end of 60 days, whichever comes first. The meters are to be returned
in the same condition as when rented, and the user shall be held
responsible for any damage thereto including paying all repair or
replacement costs. While in the user’s possession, the user shall be solely
responsible for the meter and as such, should it be lost or stolen, the user
shall pay the water utility the cost of its replacement.

C. The director of public works shall require that a cash bond be
deposited with the city prior to receipt of a temporary meter. The amount
of the bond shall equal the replacement cost of the respective meter. Upon
return of the meter, the payment of all outstanding charges including any meter repair or replacement costs, the cash bond shall be released back to the user.

D. Temporary meters may be moved from one hydrant to another within the same project; provided, the water utility is notified in advance of the proposed relocation and that hydrant wrenches are used to make all connections and disconnections.

E. For each 100 cubic feet of water used with a temporary water meter, the rate charged will be $4.73 per 100 cubic feet of water used. All rates are also subject to a one-time temporary meter charge as follows:

1. Up to one-and-one-half-inch meter, $50;
2. Two-inch and larger meter, $100.

Payment shall be made in full upon return of the meter. If a meter is lost or stolen, payment for water used shall be based on an estimate made by the director of public works.

Sec. 7.02.120. Stop cocks. All service pipes must come directly from the street main and shall be laid at such depth and at such point as the water utility shall designate. All stop cocks and connections thereto shall be maintained by and under the control of the water utility.

Sec. 7.02.130. Turn on and off service by water utility employees. No person except employees of the water utility or the finance department will be allowed to turn the water on or off at the city's stop cock after the plumbing has been completed and the water turned on by the water utility, except to repair the special stop and waste cock or the pipe between it and the city's stop cock.

Sec. 7.02.140. Special stop and waste cock. A special stop and waste cock with a key attached thereto shall be placed on the pipe leading
from the city’s stop cock outside of the building or inside if basement is available. No branch pipe, bibb, or fixture of any kind shall be placed between this stop cock and the city’s main. If this stop cock does not thoroughly drain all pipes throughout the premises, additional ones shall be placed in all sags, bends, and traps that cannot otherwise be drained. If the service is to a business building adjacent to a city sidewalk, a valve type stop and waste cock in a cast iron valve box, with traffic type lid shall be installed near the outside wall of the building.

**Sec. 7.02.150. Replacement – Permit credit.** If a property owner, lessee, or occupant requests a change in meter size and/or water line size, an application shall be made to the city engineer. The city engineer shall review the application for compliance with KCC 7.02.030. If the request results in an increase flow capability to the property, the charge for this service shall include the respective system development charge, otherwise, the charge shall be limited to a time and material basis. In all cases a credit on this charge will be made for the meter removed. This credit will be based on a depreciation schedule of twenty (20) percent per year for the number of years the meter has been in service, with a minimum credit of two dollars and fifty cents ($2.50). No credit will be allowed for the valves, meter box, or pipe originally installed. Where a system development charge is included, a credit will also be given for that previously paid system development charge.

**Sec. 7.02.160. Connections from stop cock at owner’s expense and care.** All pipes and connections from the city’s adapter or coupling located on or near the property line or near the meter box shall be put in at the expense of the property owner, who shall be responsible for all damages resulting from leaks and breaks.

**Sec. 7.02.170. Plumber’s permit for turn on and off.** No plumber or other person will be allowed to make connection with the city
mains or make alterations in conduit, pipe, or other fixture connecting therewith, or to connect pipes when they have been disconnected, or to turn water off or on, upon any premises at the city’s stop cock without a permit from the director of public works.

Sec. 7.02.180. Water turned on by owner or tenant prohibited. If the water is turned on to the premises by anyone other than an employee of the water utility or the finance department after it has been turned off at the city stop cock, it will be turned off again at the city stop cock and locked, and will not be turned on again until the charges as prescribed in this chapter have been paid. These charges are based on the actual cost per hour, including overhead, of sending water utility employees to return service to the account, plus a turn on charge of thirty dollars ($30). In no case will the charge be less than thirty dollars ($30).

Sec. 7.02.190. Vacant premises – Water supply. If it is decided to discontinue the use of water supply to vacant premises for a period of thirty (30) days or more, notice in writing must be given to the finance department. The water will be turned off and will be turned on again upon written application at a charge of thirty dollars ($30) for such turn on. No remission of charges will be made for a lesser period than thirty (30) days or without receipt of notice by the finance department.

Sec. 7.02.200. Size of water main. No water main shall be installed unless it is at least six (6) inches in diameter and is the size indicated in the comprehensive water plan.

Sec. 7.02.210. Turn off and turn on charges.

A. For the purpose of paying the expense to the water utility or finance department, a charge as set forth in this chapter is hereby fixed and made to turn off or turn on the water service to any building for the making
within the building of any inspection, repair, maintenance, enlargement, replacement, addition, or change in or to the water line or lines, or plumbing, or plumbing fixtures, or for the purpose of connecting any kind of machine, appliance, toilet, or bath facilities, or any kind of plumbing in or to the water system located within the building when the building does not have stop and waste cock as required in KCC 7.02.210.

B. The charge shall be forty-five dollars ($45) if the turn off or turn on is done within a period of forty-eight (48) hours of the initial customer request, which charge shall be paid to the finance department before any water service is turned off or turned on for any of the purposes set forth in this section.

C. If the turn off and turn on is not done within a period of forty-eight (48) hours from the time of the initial consumer request, the charge is thirty dollars ($30) to turn off the water service and thirty dollars ($30) to turn on the service. The charge shall be paid to the finance department before any water service is turned off or turned on for any of the purposes set forth in this section.

D. If more than one turn off and turn on request occurs in any twelve (12) month period, a charge in the amount of forty-five dollars ($45) shall be assessed against the account for each additional service turn off.

Sec. 7.02.220. Prohibited uses. No person shall:

A. Use water from the city water system for sprinkling or irrigating when requested by a police officer or firefighter of the city to cease such use during a fire which the fire department is seeking to control or when use of water for sprinkling or irrigation is forbidden by the city council;

B. Bathe in, fish in, or throw any substance into any reservoir or water tank or standpipe or into any pipe or connection to the city water system,
or upon the premises where any reservoir, water tank or standpipe is located;

C. Obstruct the access to any fire hydrant or place lumber, dirt, rubbish, or other material upon public right-of-way or city owned property within twenty (20) feet of a fire hydrant or to open or operate a fire hydrant except a member of a fire department or employee of the city in pursuance of his employment or duty;

D. Break or deface the seal of a water meter or tamper with, damage, obstruct, or alter a water meter in service;

E. Make any connection with a water main, water pipe, or fire hydrant for delivery of water from the city water system to a consumer without a permit from the water utility and a means of measuring the quantity of water taken prior to consumption;

F. Turn on or turn off a water service at the water box or any place between the water meter and the water main of the city water system other than by an employee of the water utility or finance department who is authorized to either turn on or turn off a water service;

G. Interfere with, obstruct, or prevent free or safe access to any water meter or water service for purpose of reading, inspection, repair, removal, or installation by any employee of the water utility or finance department in pursuit of his employment;

H. Tamper with, destroy, break, or interfere with any part of the water system; or

I. Make, construct, buy, sell, or in any way dispose of to any person any curb cock key or hydrant wrench that fits or may be used on any part.
of the city water system without permission of the director of public works of the city.

Sec. 7.02.230. Water rates.

A. Water rates. The following monthly rates apply to all water customers served by the city of Kent. The lower rate applies per 100 cubic feet of water used up to or equal to 800 cubic feet per month, and the higher rate applies per 100 cubic feet of any water used in excess of 800 cubic feet:

<table>
<thead>
<tr>
<th>WATER USE/CONSUMPTION</th>
<th>Winter/Summer</th>
</tr>
</thead>
<tbody>
<tr>
<td>≤ 800cf:</td>
<td>$2.40</td>
</tr>
<tr>
<td>&gt; 800cf:</td>
<td>$4.73</td>
</tr>
</tbody>
</table>

All customers are also subject to a monthly demand charge for potable water service, dedicated fireline service, and water meters. For purposes of this chapter, a dedicated fireline constitutes the pipe(s) and appurtenances on private property that only supply water to the system riser for water-based fire protection systems, private hydrants, monitor nozzles, fire pump suckions, and tanks. The dedicated fireline begins after the property isolation device, and it contains water that will be used only when needed for fire protection purposes and so will become stagnant and nonpotable. The fees for these monthly demand services are as follows:

<table>
<thead>
<tr>
<th>Meter Size or, for Dedicated Fireline Pipe Size (inches)</th>
<th>Residential Charge Effective January 1, 2017</th>
<th>Commercial Charge Effective January 1, 2017</th>
<th>Dedicated Fireline Charge Effective January 1, 2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>≤ 3/4</td>
<td>$23.15</td>
<td>$29.10</td>
<td>$2.75</td>
</tr>
<tr>
<td>1</td>
<td>$36.25</td>
<td>$42.20</td>
<td>$3.21</td>
</tr>
<tr>
<td>Meter Size or, for Dedicated Fireline Pipe Size (inches)</td>
<td>Residential Charge Effective January 1, 2017</td>
<td>Commercial Charge Effective January 1, 2017</td>
<td>Dedicated Fireline Charge Effective January 1, 2017</td>
</tr>
<tr>
<td>---------------------------------------------------------</td>
<td>---------------------------------------------</td>
<td>---------------------------------------------</td>
<td>------------------------------------------------</td>
</tr>
<tr>
<td>1-1/4</td>
<td></td>
<td></td>
<td>$4.81</td>
</tr>
<tr>
<td>1-1/2</td>
<td>$69.00</td>
<td>$74.95</td>
<td>$6.42</td>
</tr>
<tr>
<td>2</td>
<td>$108.30</td>
<td>$114.25</td>
<td>$10.27</td>
</tr>
<tr>
<td>3</td>
<td>$173.80</td>
<td>$179.75</td>
<td>$25.67</td>
</tr>
<tr>
<td>4</td>
<td>$265.50</td>
<td>$271.45</td>
<td>$51.33</td>
</tr>
<tr>
<td>6</td>
<td></td>
<td>$402.45</td>
<td>$102.67</td>
</tr>
<tr>
<td>8</td>
<td></td>
<td>$533.45</td>
<td>$173.25</td>
</tr>
<tr>
<td>10</td>
<td></td>
<td>$664.45</td>
<td>$256.67</td>
</tr>
</tbody>
</table>

Beginning January 1, 2018, and on the first day of each calendar year thereafter, the total water rate for consumption, meters, and dedicated fireline usage will adjust by the Consumer Price Index (CPI), specifically the CPI-W Seattle-Tacoma-Bremerton, measured from June 1st through June 1st of the previous calendar year, if the CPI-W reflects an upward adjustment from the previous annual June to June period. For the years 2018 through 2022 the adjustment will not exceed 2.4 percent of the total water rate, but after that, beginning January 1, 2023, any increase in the CPI will not be subject to this 2.4 percent limit. In order to simplify the rate-making structure, the finance director is authorized to amend the rate each year to reflect the CPI adjustment.

B. Lifeline customers. Through Chapter 7.01 KCC, the city council has established eligibility criteria for lifeline customers. For lifeline-qualified water service customers, the following fees apply for monthly demand services, and water consumption per 100 cubic feet:
Sec. 7.02.240. Water billing adjustments.

A. Subject to the right of access and inspection by a representative of the city, a property owner receiving water service from the city may apply for adjustment of a city water bill under the following circumstances:

1. A water leak has been discovered on the subject property; or
2. A water line failure has occurred on the subject property; or
3. An inadvertent error on the part of the occupant of the subject property caused excessive water usage; or
4. An unexplained, abnormal water meter reading has occurred on the subject property.

This adjustment shall not exceed 100 percent of the difference between the total amount charged by the city for the billing period for which adjustment has been requested, and the average water usage at the subject property. For purposes of this subsection, “inadvertent error” does not include actions constituting knowing or willful neglect. Furthermore, the average water usage shall be computed by determining the total volume of water consumed, under normal use conditions, during the preceding 12 months and dividing that total volume by the number of times the city reads the customer’s water meter. If there is insufficient usage history by the owner at the subject property, the city may use additional consumption history before an adjustment can be made. This additional consumption history may include, but is not limited to: the owner’s prior usage at another location receiving water service from the city; the previous owner’s consumption history; and historical water consumption at comparable properties within the city.
B. This water bill adjustment can be applied to no more than two consecutive billing periods. Any bill submitted for adjustment must exceed two times the average usage in the preceding 12 months prior to the earliest billing period for which the adjustment is requested. The property owner must submit a signed application for adjustment, on a form prescribed by the finance director, within 90 days of the last day of the billing period for which an adjustment is requested, in order to be eligible for the adjustment.

C. Following receipt of an application for a water bill adjustment, the city’s customer services manager, or the manager’s designee, shall review the application and determine whether or not to adjust the water bill based on the criteria listed in this section. In order to make a proper and fair determination, city staff shall be entitled to enter upon and inspect the subject property, if necessary, and shall verify that the water meter serving the subject property does not indicate that excessive water usage is continuing. The customer services manager shall not approve an application for water bill adjustment if the city determines that the water meter shows the continued existence of abnormally high water usage.

D. If approved, the customer services manager shall adjust the water bill by issuing a credit to the water service billing account. In the alternative, if the owner no longer owns the subject property or is otherwise no longer legally responsible for the water bill, the city may, upon approval of the finance director, issue a check to the owner in an amount not to exceed what would have been credited to the water service billing account.

E. The owner may request reconsideration of the decision of the city’s customer services manager by the city’s finance director. This request must be in writing and delivered to the city no later than 30 days after the customer services manager’s decision is delivered to the property owner.
For purposes of this subsection, delivery is deemed complete upon the third day following the day upon which the written determination or request for consideration is placed in the mail, unless the third day falls on a Saturday, Sunday, or legal holiday, in which event service shall be deemed complete on the first day other than a Saturday, Sunday, or legal holiday following the third day. This request for reconsideration must contain all relevant facts and circumstances pertaining to why the owner believes that the decision of the customer service manager was incorrect. The finance director shall issue a written decision to the requestor within 45 days of receipt of the request for reconsideration. The finance director's determination cannot be appealed to the hearing examiner or the city council, and any further appeals may only be made pursuant to applicable state law.

F. A property owner may submit an application for adjustment of a water bill only once every 12 months; provided, however, that this does not prohibit an owner from submitting an application for adjustment of two billing periods simultaneously, pursuant to subsection (B) of this section. If a property owner has previously submitted an application for adjustment of a water bill to the city for the same property, the customer services manager will reject any subsequent application that does not also include tangible proof that repair work to correct the leak has already been completed, such as original or certified copies of invoices for parts and/or labor. The city may also enter onto the subject property to confirm that necessary repairs have been made, prior to granting a subsequent request for a water bill adjustment.

G. Subsection (F) of this section notwithstanding, a property owner submitting an application pertaining to a property for which that owner has not previously submitted a request for a water bill reduction, or a new owner applying for a water bill reduction pertaining to a property for which
a water bill reduction was previously requested by a prior owner, shall be treated as a first-time applicant under this section. The finance director shall not consider an heir, devisee, person related by blood or marriage, an affiliated corporate entity or an entity under common control with a prior owner of the subject property to be treated as a “first-time applicant” for purposes of this subsection.

**Sec. 7.02.250. Billing for service.** All billing for water shall be made to the nearest five cents ($0.05).

**Sec. 7.02.260. Charges when meter is out of order.** If a meter fails to register the amount of water used, the customer will be charged at the average rate of monthly consumption as shown by the meter when the meter was in working order.

**Sec. 7.02.270. Request for meter check.** A customer may request a meter check. If it is found that the meter is registering less than or more than the requirements of the state for meter accuracy, no charge will be made. If it is found that the meter is registering in accordance with state regulations, a charge which is on file in the city clerk’s office will be made. This charge will be added to the next water billing.

**Sec. 7.02.280. Fire protection service.**

A. Pipes for fire protection purposes must be fitted with such fixtures as are needed for fire protection and such fixtures shall be sealed by the water utility. In no case shall such seal be broken, except in case of fire or by the fire chief for the purpose of testing the pipes, fixtures or hose.

B. When seals are broken in case of fire, it shall be the duty of the owner or tenant of the premises to notify the water utility within twenty-four (24) hours after its occurrence, and the seal will be replaced by the water utility.
Sec. 7.02.290. Emergency shutoff without notice.

A. The water may at any time be shut off from the mains without notice for repairs, extensions, or other necessary purposes and persons having boilers supplied by direct pressure from the mains are cautioned against danger of explosion or collapse. Where meters are in use, a safety valve shall be placed between the boiler on such service and the meter at the owner’s expense, and the owner shall be held responsible to the city for any and all damages to meters caused by hot water.

B. The city will not be responsible for the safety of boilers or other fixtures on the premises of any water consumer.

Sec. 7.02.300. Penalty for violation.

A. Except as set forth in KCC 7.02.310 – 7.02.400, any violation of this chapter constitutes a civil violation under Chapter 1.04 KCC, for which a monetary penalty may be assessed and abatement may be required as provided therein.

B. In addition to, or as an alternative to, any other penalty provided in this chapter or by law, any person who violates this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to the penalties provided for in KCC 1.04.030.

PART TWO
Cross-Connection Restrictions

Sec. 7.02.310. Cross-connection restrictions – Purpose. The purpose of this section is to protect the city’s public water system from contamination via cross-connections.
Sec. 7.02.320. Cross-connection restrictions – Definitions.

A. Definitions in WAC 246-290-010, as they presently exist and as they may be amended, are hereby adopted and incorporated herein by this reference as if set forth in full, including, but not limited to the following terms.

1. **Backflow** means the undesirable reversal of flow of water or other substances through a cross-connection into the public water system or consumer’s potable water system.

2. **Consumer’s water system** means any potable or industrial water system that begins at the point of delivery from the public 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.

3. **Cross-connection** means any actual or potential physical connection between a public water system or the consumer's water system and any source of nonpotable liquid, solid, or gas that could contaminate the potable water supply by backflow.

4. **High health cross-connection hazard** means a cross-connection involving any substance that could impair the quality of potable water and create an actual public health hazard through injury, poisoning, or spread of disease.

5. **Premises isolation** means a method of protecting a public water system by installation of approved air gaps or approved backflow prevention assemblies at or near the service connection or alternative location acceptable to the purveyor to isolate the consumer's water system from the purveyor's distribution system.

6. **Uniform Plumbing Code (UPC)** means the code adopted under RCW 19.27.031 and implemented under chapter 51-56 WAC. This code
establishes statewide minimum plumbing standards applicable within the property lines of the consumer's premises.

B. In addition to those definitions contained within WAC 246-290-010, when used in this chapter, the following terms shall have the meanings ascribed to them in this section, unless the context indicates otherwise:

1. **Approved backflow preventer** means an approved air gap, an approved backflow prevention assembly, or an approved atmospheric vacuum breaker relied upon by the purveyor for the protection of the public water system. The requirements of this chapter do not apply to backflow preventers installed for other purposes.

2. **Approved backflow prevention assembly** means a reduced pressure backflow assembly, reduced pressure detector assembly, double check valve assembly, double check detector assembly, pressure vacuum breaker assembly, or spill resistant vacuum breaker assembly of make, model, and size that is approved by the Washington State Department of Health (Department of Health).

3. **Authority Having Jurisdiction** means the Building Services division of the City of Kent Economic and Community Development Department, which is authorized to administer and enforce the provisions of the UPC.

4. **Auxiliary Water Supply** means water supplied by wells or by cisterns or some other type of water not supplied by the city.

5. **Consumer** means the owner or operator of a water system connected to a public water system through a service connection.

6. **Director** means the director of the public works department or his/her designee.

7. **Public Water System** means all the public water treatment, storage, and distribution facilities, beginning at the water supply sources and ending at the point of delivery to the consumer's water system, which
begins at the downstream end of the service connection or water meter located on the public right of way or utility-held easement.

8. **Purveyor** means the city of Kent Public Works Department Water Utility, which operates the public water system.

9. **Substantial Alteration** means any upgrades, additions, repairs, or alterations to any site in exceedance of $100,000.00.

**Sec. 7.02.330. Adoption of state regulations.** The provisions of WAC 246-290-490, as they presently exist and as they may be amended, are hereby adopted and incorporated herein by this reference as if set forth in full.

**Sec. 7.02.340. Unprotected cross-connection declared unlawful.** The installation or maintenance of an unprotected cross-connection is hereby declared to be unlawful. The control and elimination of cross-connections by the public works department shall be in accordance with the applicable sections of the Washington Administrative Code, the Kent City Code and the policies and procedures of the city’s cross-connection control program.

**Sec. 7.02.350. Cross-connection restrictions – Administration.** The public works department shall be responsible for administering KCC 7.02.310 through 7.02.410, including the development of the necessary procedures and practices that are consistent with the standards in this code and chapter 246-290 WAC.

**Sec. 7.02.360. Cross-connection restrictions – Service connection.**

A. No water service connection from the public water system to any consumer shall be installed or maintained unless the public water system
is protected by an approved backflow preventer commensurate with the degree of hazard.

B. Water service may be discontinued to any consumer for failure to comply with this chapter. Service may not be re-established until the public works department has verified compliance with this chapter pertaining to cross-connections.

Sec. 7.02.370. Entry onto premises. With the consent of the consumer or owner/operator of any premises, through permissions granted in a water service agreement or pursuant to a lawfully issued warrant, public works department staff may enter any premises at any reasonable time to perform the duties imposed by this chapter. No consent, warrant, or permission is required to enter those areas open to the public generally or to which no reasonable expectation of privacy exists.

Sec. 7.02.380. Approved backflow preventers required.

A. Approved backflow preventers shall be installed at the city’s water service connection commensurate with the assessed degree of hazard. The consumer shall install and maintain all approved backflow preventers deemed necessary by the standards established by the city.

B. Premises isolation is required for the following service connections:
   1. Severe and high health cross-connection hazard premises listed in WAC 246-290-490(4)(b), Table 9;
   2. New commercial multi-tenant facilities;
   3. Single-family dwellings with access to an auxiliary water supply;
   4. Commercial fire lines;
   5. Commercial irrigation systems;
   6. Residential irrigation systems (per the UPC);
7. Residential fire sprinkler systems, excluding the flow-through type (per the UPC).

C. Premises isolation may be required after an assessment by the public works department of the following service connections:
   1. New commercial facilities;
   2. Commercial facilities after a substantial alteration;
   3. Facilities with complex plumbing arrangements that make it impracticable to assess whether cross-connection hazards exist;
   4. Facilities with cross-connection hazards that are unavoidable or not correctable, such as, but not limited to, facilities which are more than two stories.

D. Commercial fire lines with single check valve backflow preventers are subject to the following requirements:
   1. Where an existing fire line and/or private fire hydrant system is altered or extended, the existing fire line, fire hydrant(s) and/or yard hydrant and all related backflow protection assemblies shall be upgraded to comply with current City codes. The upgrade requires a backflow permit and all upgrades shall be completed prior to final inspection and permit approval.
   2. When single check valve backflow preventers are discovered, the public works department will issue a notice requiring replacement with an approved backflow prevention assembly. The replacement shall be completed within one year of the notice or other timeframe acceptable to the public works department.

**Sec. 7.02.390. Inspection and testing procedures of approved backflow preventers.**

A. Approved backflow preventers shall be inspected and tested:
   1. At the time of initial installation;
2. Annually after initial installation;
3. After the approved backflow preventer is repaired;
4. After the approved backflow preventer is moved, relocated, reinstalled or reinstated;
5. After the approved backflow preventer fails testing or inspection and the cause of the failure has been corrected;
6. After installation or replumbing of an air gap;
7. After a backflow incident;
8. More often if tests indicate repeated failures.

B. The consumer shall have all required inspections and tests performed by a backflow assembly tester certified by the Washington State Department of Health. The results shall be delivered to the city on a form acceptable to the city.

C. If any required inspection and/or test is not performed, or if the approved backflow preventer does not successfully pass the required tests, the city may initiate enforcement as set forth in KCC 7.02.410.

**Sec. 7.02.400. Approved backflow preventers administrative fee and permit.**

A. Administrative fee assessed. An administrative fee per approved backflow preventer has been established by council resolution, and is assessed annually. This fee is used to pay for costs incurred by the city to administer the cross-connection control program, including educational outreach, inspections, water-use surveys, and record-keeping mandated by the Washington State Department of Health and the UPC.

B. Backflow Prevention Permit. The installation of any approved backflow preventer requires a backflow prevention permit. An inspection fee for the backflow prevention permit shall be established by council.
resolution and assessed at the time of permit issuance. The director is authorized to interpret the fee schedule(s) to resolve any conflict or ambiguity.

Sec. 7.02.410. Cross-connection restrictions – Enforcement.

A. Any violation of any provision of this chapter may be enforced as provided for in this section.

B. Water Service Shutoff and Monetary Penalties. If the public works department determines that an unlawful cross-connection exists and/or that the consumer has failed to meet the inspection and testing requirements for approved backflow preventers, the consumer may be subject to the following penalties:

1. Residential Consumers.
   (a) Warning. Written notice will be sent to the consumer or, alternatively, a copy of such written notice will be posted on the premises involved. The notice shall provide that the unlawful cross-connection shall be corrected by testing or installation within 30 days of the date the notice is mailed or posted on the premises.
   (b) First Violation. If the consumer does not correct the violation by testing or installation within 30 days of the first written notice, the consumer may receive a $100 penalty and notice that water service to the premises may be shut off after 30 days. The notice shall include the actions necessary to avoid water service shutoff.
   (c) Second Violation. If the consumer does not correct the violation by testing or installation within 30 days of the issuance of the first penalty, the consumer may receive an additional $100 penalty and water service to the premises may be shut off immediately. Water service will not be restored until the consumer
corrects the violations and fully pays the penalty and water shutoff fee.

2. Commercial Consumers.
   (a) Warning. Written notice will be sent to the consumer or, alternatively, a copy of such written notice will be posted on the premises involved. The notice shall provide that the unlawful cross-connection shall be corrected by testing or installation within 30 days of the date the notice is mailed or posted on the premises.
   (b) First Violation. If the consumer does not correct the violation by testing or installation within 30 days of the first written notice, the consumer may receive a $500 penalty and notice that water service to the premises may be shut off after 30 days. The notice shall include the actions necessary to avoid water service shutoff.
   (c) Second Violation. If the consumer does not correct the violation by testing or installation within 30 days of the issuance of the first penalty, the consumer may receive an additional $500 penalty and water service to the premises may be shut off immediately. Water service will not be restored until the consumer corrects the violations and fully pays the penalty and water shutoff fee.

3. Appeal of Water Service Shutoff and Monetary Penalties. A consumer may appeal the water service shutoff and/or the assessment of a monetary penalty to the director. An appeal must be made in writing and must set forth the reasons and include any evidence of why the consumer is not in violation of this chapter. The director will provide written notice of his or her decision on the appeal within 10 business days of the director’s receipt of the appeal. That decision is final, and no additional appeal is available.
C. **Recovery of costs incurred by the city.** In addition to any penalty provided for in subsections (B) through (F) of this section, a consumer who violates any of the provisions of this chapter shall be liable for all costs incurred by the city as a result of the violation. The city will issue an invoice to the consumer for the violation advising of the amount of costs incurred by the city as a result of the violation. The consumer must respond within 14 days of service of notice by: (1) paying the invoice, (2) requesting a hearing before the city’s hearing examiner to mitigate the amount of the invoice, or (3) requesting a hearing before the city’s hearing examiner to contest the amount of the invoice. Failure to timely respond shall result in the invoice being deemed valid and the city may seek collection of the invoice through the process provided for in Chapter 3.10 KCC, including the use of a collection agency. Payment of any invoice issued shall not alleviate the consumer for the violation from complying with this chapter.

1. **Service of notice.** Service of an invoice issued under this subsection (C) shall occur and is deemed complete in the same manner and under the same provisions as provided for in KCC 1.04.060.

2. **Process to mitigate or contest invoice.** The process through which a consumer may request a hearing to contest or mitigate an invoice issued to him or her as a person responsible for the violation is the same as that provided for notices of violation under KCC 1.04.120 through 1.04.190. The hearing examiner’s decision as to any invoice issued under this subsection (C) is final and may not be further appealed.

3. **Failure to pay - Civil Infraction.** The failure to timely pay an invoice issued under this subsection (C), or any mitigated invoice amount set by the hearing examiner, is a separate violation that may be enforced through the issuance of a civil infraction pursuant to subsection (D) of this section.
D. *Civil infraction.* A person who violates any provision of this chapter may be issued a class 1 civil infraction as set forth in RCW 7.80.120, as currently enacted or hereafter amended. An infraction issued pursuant to this section shall be filed in the Kent Municipal Court and processed in the same manner as other infractions filed in the Kent Municipal Court. In addition, a civil code enforcement action may be instituted in accordance with subsection (E) of this section to effectuate any abatement or corrective action required by the person as a result of the violation.

E. *Civil code enforcement.* In addition to, or as an alternative to any other penalty provided for in this chapter or by law, a civil code enforcement action may be instituted under the provisions provided for in Chapter 1.04 KCC to effectuate any abatement or corrective action required as a result of a violation of this chapter, including the issuance of a stop use or stop work order under KCC 1.04.090 through 1.04.110. The process through which the person responsible for the violation may contest a stop use or stop work order is the same as that provided for notices of violation under KCC 1.04.120 through 1.04.190. Failure to timely abate the violation or take the required corrective action will result in the issuance of a fine in accordance with KCC 1.04.080 and 1.04.200, which fine will be separate and apart from any fine that may have been issued under subsection (B) of this section.

F. *Criminal offense.* Except as may otherwise be provided, a person who:

1. Negligently violates a provision of this chapter is guilty of a misdemeanor, punishable by up to the maximum penalty established in RCW 9A.20.021(3) as now enacted or hereafter amended; or who
2. Knowingly violates a provision of this chapter, or commits a repeated violation of this chapter, is guilty of a gross misdemeanor,
punishable by up to the maximum penalty established in RCW 9A.20.021(2), as now enacted or hereafter amended.

(a) For purposes of this section repeated violation means, as evidenced by either a prior committed finding by the Kent Municipal Court of an infraction issued under this chapter, or a committed finding by the hearing examiner of a notice of violation issued under Chapter 1.04 KCC, or a committed finding by operation of law under KCC 1.04.130, that a violation of this chapter has occurred on the same property or that a person responsible for the violation has committed a violation of this chapter elsewhere within the city of Kent. To constitute a “repeat violation,” the violation need not be the same violation as the prior violation.

3. If a person is found guilty of a criminal offense as provided for in this subsection (F), or pleads guilty to another offense on recommendation of the prosecutor, the court shall order the defendant pay restitution to the city of Kent, or any other victim of the offense, for the total suffered loss or damage by reason of the commission of the crime.

SECTION 3. - Savings. The existing Chapter 7.02 of the Kent City Code, which is repealed and replaced by this ordinance, shall remain in full force and effect until the effective date of this ordinance.

SECTION 4. - Corrections by City Clerk or Code Reviser. Upon approval of the city attorney, the city clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; ordinance, section, or subsection numbering; or references to other local, state, or federal laws, codes, rules, or regulations.
SECTION 5.  - Effective Date.  This ordinance shall take effect and be in force 30 days from and after its passage, as provided by law.

DANA RALPH, MAYOR

November 20, 2018
Date Approved

KIMBERLEY A. KOMOTO, CITY CLERK

November 20, 2018
Date Adopted

November 23, 2018
Date Published

ARTHUR “PAT” FITZPATRICK, CITY ATTORNEY