

**CITY OF SNOHOMISH
Snohomish, Washington**

ORDINANCE 2236

**AN ORDINANCE OF THE CITY OF SNOHOMISH, WASHINGTON,
AMENDING SNOHOMISH MUNICIPAL CODE CHAPTER 15.04
RELATING TO SEWER, WATER, AND STORMWATER CONNECTION
AND RATES AND PROVIDING FOR EFFECTIVE DATE AND
SEVERABILITY**

WHEREAS, the Snohomish City Council finds it to be in the public interest to review, revise and update provisions of its utility code to reflect current practice, new initiatives, changes in the law and to provide consistency with other provisions of City Code; and

WHEREAS, the City desires to amend 15.04.012 “Fire Service,” to be consistent with the National Fire Protection Association (NFPA) International Fire Code, 2009 Edition; and

WHEREAS, the City desires to amend 15.04.035 “Service Installation Charge,” to remove requirements for a deposit and to clarify that charges shall be set forth by resolution of the City Council; and

WHEREAS, the City desires to add a new section, 15.04.143 entitled, “Deferral of Connection Fee and Capital Facilities Charge,” to allow applicants for new utility connections to defer the payment of Utility Connection Fees and Utility Capital Facility Charges for a maximum of one year from the date of issuance of associated permits, subject to execution of an agreement providing for surcharges, liens, and shut off of water service without notice upon failure to pay; and

WHEREAS, the City finds it appropriate to amend other sections of SMC Chapter 15.04, specifically 15.04.020, 15.04.120, 15.04.125, and 15.04.155 to be consistent with the adding of section 15.04.143 “Deferral of Connection Fee and Capital Facilities Charge;”

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SNOHOMISH,
WASHINGTON DO ORDAIN AS FOLLOWS:**

Section 1. SMC Chapter 15.04, entitled “CONNECTION AND RATES” is hereby amended as set forth in the attached **Exhibit A** and incorporated herein by reference.

Section 2. Effective Date. This Ordinance shall take effect five days after publication by summary.

Section 3. Severability. If any section, subsection, sentence, clause, phrase, or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction,

such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase, or word of this ordinance.

ADOPTED by the City Council and **APPROVED** by the Mayor this 1st day of May, 2012.

CITY OF SNOHOMISH

By _____
KAREN GUZAK, MAYOR

Attest:

By _____
TORCHIE COREY, CITY CLERK

Approved as to form:

By _____
GRANT K. WEED, CITY ATTORNEY

Chapter 15.04

CONNECTION AND RATES

Sections:

- 15.04.010 Water Meters – Required
- 15.04.012 Fire Service
- 15.04.020 Applications for Service
- 15.04.022 Utility Service Subject to Annexation Policies
- 15.04.025 Minimum Utility Line and Water Meter Sizes within the Public Right-of-Way
- 15.04.030 Permit – Fee – Issuance
- 15.04.035 Service Installation and Charge
- 15.04.036 Meter Installation Charge – Existing, Un-Metered Services
- 15.04.040 Connection to Main
- 15.04.050 Pipes and Connections from the Meter Pit
- 15.04.055 Side Sewers – Connections to City Main
- 15.04.060 Activation of Water Service
- 15.04.070 Use of Water
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- 15.04.080 Furnishing Water to Other Persons Prohibited
- 15.04.090 Right to Shut Off – Notice Not Required
- 15.04.100 Right to Impose Water Use Restrictions
- 15.04.110 Water and Sewer Service Rates
- 15.04.120 Utility Connection Fee
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- 15.04.126 Project Development Fee
- 15.04.127 Payment Plan for Utility Connection and Capital Facility Charges for Low Income Senior Citizen and Disabled Persons
- 15.04.130 Collection of Charges
- 15.04.140 Connection to Sewer System Required
- 15.04.142 Surcharge/Payment Plan for Utility Connection Fee, Utility Capital Facility Charge, and Project Development Fee
- 15.04.143 Deferral of Connection Fee and Capital Facilities Charge
- 15.04.145 Exception to Connection Requirements for Newly Annexed Areas
- 15.04.150 Right of Entry
- 15.04.155 Vesting of Fees and Rates
- 15.04.160 Violations – Penalty
- 15.04.165 Violations of 15.04.140 – Penalty
- 15.04.170 Severability

15.04.010 Water Meters – Required. Water meters shall be installed on all water services of the City water utility. The cost of metering new water services shall be as set forth in Section 15.04.035. The cost of metering existing, unmetered services shall be as set forth in Section 15.04.036. (Ord. 1501, 1982; Ord. 1514, 1983; Ord. 1602, 1987; Ord. 1886, 1999)

15.04.012 Fire Service.

A. Definitions:

1. "Private fire main" means the pipe and its appurtenances on private property: (a) downstream of the connection to the public water system to the base of the system riser for water-based fire protection systems solely for the use of providing water for fire protection systems; or (b) downstream of the connection to the public water system and inlets to foam-making systems solely for the use of providing water for fire protection systems.
2. "Public fire hydrant" means a fire hose connection device situated on public property or easement.
3. "Fire Department Connection" means that portion of the service piping provided with internal swivel fittings that the Fire Department connects hoses to for active fire fighting purposes.

B. Fire Hydrant Installation. All fire hydrants shall be installed and connected to the City's water system on public property or within a City utility easement. Fire hydrants installed as part of private developments shall be provided with a utility easement conveyed to the City in a form and location as prescribed by the City Engineer. Location, type, and spacing of fire hydrants shall be in accordance with the current adopted edition of the International Fire Code and the City's Engineering Standards.

C. Private Fire Hydrant – Maintenance Costs. Existing private fire hydrants constructed and installed before adoption of this code shall be maintained at the expense of the property owner. Replacement or repair due to wear or casualty loss shall also be at the expense of the property owner. The City reserves the right to require private fire hydrants be terminated and new water main and fire hydrants be constructed and installed within City utility easements as prescribed by the City Engineer where redevelopment or development of the property occurs.

D. Use of Fire Hydrants. Except for fire and emergency use, use of fire hydrants connected to the City water system requires a Hydrant Use Permit. Neither public nor private fire hydrants, except private hydrants on metered lines, shall be used without prior City approval except for fire and emergency use. Fees for use of fire hydrants shall be set forth by resolution of the City Council. Tampering with or unauthorized use of fire hydrants is a misdemeanor subject to the penalties set forth in SMC 15.04.160. (Ord. 1514, 1983; Ord. 1602, 1987; Ord. 1730, 1993; Ord. 1886, 1999)

15.04.020 Applications for Service. All applications for connection to or use of City water or sewer services shall be made on forms furnished by the City and shall be filed with and approved by the City. Such applications shall state the name of the owner of the property to be served, the correct address and legal description of said property, the dimensions and locations of any buildings on the property, the purpose for which the water or sewer service is to be used, a description of the course of the water or sewer line from the point of its connection with the

public line to the building to be served, and such other information as the City shall require. The application shall be signed by the owner of the premises to be served, or by his duly authorized agent. (Ord. 1602, 1987; Ord. 1886, 1999)

15.04.022 Utility Service Subject to Annexation Policies. Connection to or use of City utility services for property located outside the City limits shall not be allowed until such property is annexed into the City; provided, however, that exceptions can be made by the City Council, where connection is required due to public health emergencies, where pre-existing contractual obligations limit the City's ability to require annexation, or as otherwise provided in the Growth Management Act, RCW 36.70A.110(4), as now or hereafter amended. (Ord. 2153, 2008)

15.04.025 Minimum Utility Line and Water Meter Sizes within the Public Rights-of-Way. All new sewer and water lines installed in the public rights-of-way shall be sized in accordance with adopted City standards and specifications, unless specifically exempted by the City Engineer. All waivers or exemptions must be consistent with the intent and purpose of the adopted City standards, specifications, and the City's adopted Water and Sewer Comprehensive Plans.

All new water service lines extending from the City waterline and meters shall be sized using the fixture count method as provided in the latest City-adopted Uniform Plumbing Code. In existing situations, if the consumption appears excessive for the meter size, the City Engineer may require meter up-sizing to prevent early damage to the meter. Downsizing of the meter may be considered if the fixture count can be reduced by installing a larger service line from the meter to the building, or, with single family residential units if a meter larger than the standard (a 5/8") is specified then the property owner may request the smaller meter. The standard size meter will be allowed if the property owner signs an agreement acknowledging acceptance of the smaller meter along with a commitment to pay the full cost of a meter exchange should upsizing be desired at a later date.

In existing situations where the meter must be larger in order to provide for fire flow, the City will allow the installation of a larger meter than is required by the fixture count but will bill the customer based on the meter size dictated by the fixture count plus an oversized meter maintenance fee. The City reserves the right to require a plan for separating the fire and domestic system. If a new or existing account has processes that are not covered by the fixture count method then the manufacturer's recommendations and the estimated peak flows will be used for proper sizing of the meter.

Exceptions to the code or Standards and Specifications due to existing conditions or future expansion must be approved by the City Engineer. (Ord. 1602, 1987; Ord. 1730, 1993; Ord. 1740, 1993; Ord. 1886, 1999)

15.04.030 Permit – Fee – Issuance. In accordance with the City rights-of-way use ordinance as codified in Snohomish Municipal Code 12.12, a permit shall be required for each separate water or sewer main connection. In addition, permits are required for any repair or modification to private sewer or water lines (See SMC. 15.12.030). There shall be a permit fee as set forth by resolution of the City Council for each such connection, repair, or modification. Applications which are submitted with the required fees shall be referred to the City Engineer. The City

Engineer shall review the same, and shall approve, modify, or deny the application. Upon approval of an application, the City Engineer shall provide a water or sewer plan showing the size and location of the public line, the point of connection, and such other information as may be necessary and required. Said plan shall be revised to show the water and sewer connection upon completion of work, and shall be kept as a permanent record of the City. In accordance with the City rights-of-way use ordinance as codified in Snohomish Municipal Code 12.12, the City Engineer shall issue a permit for all approved applications and shall inspect all construction to assure compliance with said permit and all other standards and specifications as adopted by the City. It is unlawful for any person to alter or do any work on a water or sewer line other than that which is provided for in a duly issued permit. Any person who shall violate this section shall be subject to enforcement action and the penalties set forth in the City rights-of-way ordinance as codified in Snohomish Municipal Code 12.12. (Ord. 1602, 1987; Ord. 1721, 1992; Ord. 1730, 1993; Ord. 1886, 1999)

15.04.035 Service Installation and Charge.

- A. The City shall install all water service connections from the public waterline to the private property line unless specifically approved otherwise by the City Engineer. A service connection charge, not including permits, capital improvement fees, or system connection charges, shall be charged as follows: The City shall charge the applicant based on the estimated unit cost of labor, materials, and equipment for each aspect of the installation, including, but not limited to ditching, laying pipe, connection and metering, and surface restoration. The City may charge the property owner for any damage by the owner or his or her developer or contractor to the work performed by the City either during the process of installation or subsequently.
- B. Any property owner or developer may install his own sewer service connection between the public sewer line and the property line, providing the work is done by a licensed and bonded contractor in accordance with the requirements of this code. Such connection must comply with all requirements of this code and other applicable specifications of the City of Snohomish. Whenever possible, all service connections must be installed coincident with the installation of the main public line. A service installation inspection fee as set forth by resolution of the City Council shall be paid for each water or sewer connection by a property owner or developer. Restrictions on property owner or developer relative to installations of a side sewer are outlined in SMC Sections 15.12.010-060.
- C. All utility service installation charges shall be paid in full in the amounts set forth by resolution of the City Council prior to issuance of the associated permit. All service installation charges received by the City shall be paid into the water-sewer revenue fund. (Ord. 1602, 1987; Ord. 1730, 1993; Ord. 1886, 1999)

15.04.036 Meter Installation Charge – Existing, Unmetered Services. The cost of metering for existing, unmetered services shall be based on the estimated unit cost for services to be installed by the City.

The cost of metering shall be included on the next utility billing to be issued after the meter is installed and shall be paid in full or in installments of not less than one-third of the total amount

for metering in three equal installments payable upon receipt of the next three utility billings issued after the installation of the meters. (Ord. 1501, 1982; Ord. 1602, 1987; Ord. 1886, 1999)

15.04.040 Connection to Main. All connections to a main waterline and all service pipes from the mains up to and including the meter pit shall be installed under the supervision of the City Engineer, and the same shall at all times be under the exclusive control of the City. The property owner-applicant ordering such installation shall pay therefore the sum established by resolution. (Ord. 1602, 1987; Ord. 1730, 1993; Ord. 1886, 1999)

15.04.050 Pipes and Connections from the Meter Pit. The property/owner applicant shall, at his own expense, install all necessary pipes and connections from the structure being served to the meter pit. All such pipes must be provided with stop and waste cocks and must be so installed that the service pipes may be drained; such pipes and stop and waste cocks shall be fully protected so as to prevent freezing, and all property owners shall be responsible for keeping the service pipes and stopcocks within their premises in good repair. No reduction of water charges will be made on account of frozen service pipes or stopcocks on the property owner's premises. (Ord. 1602, 1987; Ord. 1886, 1999)

15.04.055 Sidesewers – Connections to City Main. The property owner or applicant representing the property owner shall, at his own expense, install all necessary pipes and connections from the structure being served to the City sewer main. The installation, maintenance, and repair of the pipe (sidesewer) between the City main and the building being served shall be the sole responsibility of the property owner. (Ord. 1730, 1993; Ord. 1886, 1999)

15.04.060 Activation of Water Service. Compliance with all City codes, standards, and specifications will be required before water shall be turned on. A final report shall be made by the City Water Division to the City Engineer verifying completion and proper functioning of the new connection, and specifying the location on the premises. (Ord. 1602, 1987; Ord. 1730, 1993; Ord. 1886, 1999)

15.04.070 Use of Water. No consumer shall use or permit the use of water for any purpose other than that stated in the application filed therefore, and should other or additional service be desired then a new application therefore must be made and filed, conforming in all respects to the requirements of a new or original application. (Ord. 1514, 1983; Ord. 1602, 1987; Ord. 1886, 1999)

15.04.075 Use of Sidesewer. The sidesewer is for the exclusive use of the structure served. No other connections may be made. No connections of any surface water from roof downspouts, building footing drains, springs, or any other ground water drain shall be made to the sanitary sewer system without written approval of the City Engineer. (Ord. 1730, 1993; Ord. 1886, 1999)

15.04.080 Furnishing Water to Other Persons Prohibited. No property owner or consumer shall allow water to be taken or used from his premises by any other person for the purpose of supplying water to another property or to avoid any of the requirements of the ordinance codified in this title. (Ord. 1602, 1987; Ord. 1886, 1999)

15.04.090 Right to Shut Off – Notice Not Required. The City shall have the right to shut off or turn on the water from its mains and services at any time, without notice, for repairs, construction, reconstruction, maintenance, operation, and other purposes, without liability for injury to persons or damage to property of its customers and others. The City will endeavor to notify customers where practicable but shall not accept responsibility nor liability for injury to persons or the safety of boilers, hot water tanks, appliances, or other property on the premises of any water consumer. (Ord. 1602, 1987; Ord. 1886, 1999)

15.04.100 Right to Impose Water Use Restrictions. The City shall have the right to forbid and/or establish certain specified hours for lawn and garden sprinkling and other nonessential uses of water within the whole or specified parts of the City when there is an actual or impending water shortage, extreme pressure loss in the distribution system, or for any other reasonable cause. The City may at any time determine such rules and/or restrictions to be necessary and after reasonable notification thereof may enforce same. Upon the violation of any such rule and/or restriction, the water may be shut off to the premises of the violator without notice and shall not be turned on again until the owner or occupant of the premises has agreed to comply with the rules and/or restrictions and has paid to the City, in addition to any other applicable charges, a penalty charge as set forth by resolution of City Council. (Ord 1602, 1987; Ord. 1886, 1999)

15.04.110 Water and Sewer Service Rates. The City Council shall, from time to time by Council resolution, determine the rates and other fees to be charged for the use of City water and sewer service utilities. Those rates and fees in effect prior to the effective date of the ordinance codified in this chapter shall continue unchanged until subsequent amendment by resolution. All such resolutions shall be subject to public hearing and notice by publication thereof at least two weeks in advance of approval of said resolution. (Ord. 1514, 1983; Ord. 1602, 1987; Ord. 1886, 1999)

15.04.120 Utility Connection Fee.

- A. Except where a credit or deferral for the Utility Connection Fee is authorized by SMC 15.04.142 or SMC 15.04.143, a Utility Connection Fee shall be assessed for each new water or sewer connection and for each connection which has remained unused for twelve months and/or for which a minimum maintenance fee as set forth in Section 15.05.040 has not been paid during said period to provide means by which property owners who connect to the City's water and/or sewer utilities bear an equitable share of the cost of construction and replacement of major utility facilities and equipment, which include the following: all projects in the City's Water and Sewer Capital Facilities plans. The Connection Fee for both the water and sewer connection shall be based upon the size of the water service. Connection Fees for utility connection made to property located outside of the corporate City limits shall be one hundred fifty percent (150%) of those charges established by resolution as authorized in Snohomish Municipal Code 15.04.120 (B) below. (Ord. 2075, 2005)
- B. The City Council shall, from time to time by Council resolution, determine the amount of utility connection fee for water and sewer connection.
- C. Payment of all Connection Fees shall be made in full upon submission of an application for service under SMC 15.04.020 or by a credit against payment or deferral established by SMC

15.04.142 or SMC 15.04.143. No water or sewer service shall be commenced until such charges have been paid in full with good funds or by the credit against payment or deferral established by SMC 15.04.142 or SMC 15.04.143. All charges constitute a lien against the property superior to all other liens and encumbrances except those for general and special assessments. Such a lien may be foreclosed in the same manner provided by law for the foreclosure of delinquent local improvement district assessments. (Ord. 2075, 2005)

- D. All Utility Connection Fees received by the City shall be deposited in the Water Sewer System Replacement Fund. (Ord. 1602, 1987; Ord. 1730, 1993; Ord. 1886, 1999)

15.04.125 Utility Capital Facility Charge.

- A. Except where a credit for or deferral of a Utility Capital Facility Charge is authorized by SMC 15.04.142 or SMC 15.04.143, a Utility Capital Facility Charge shall be assessed for each new water or sewer connection which has remained unused for twelve months and/or for which a minimum maintenance fee as set forth in Section 15.05.040 has not been paid during said period to provide a means by which property owners who connect to the City's water and/or sewer utilities bear an equitable share of the cost of construction of major utility facilities and equipment. The Capital Facility Charge for both the water and sewer connection shall be based upon the size of the water service. Capital Facility Charges for utility connection made to property located outside of the corporate City limits shall be one hundred fifty percent (150%) of those charges established by resolution as authorized in Snohomish Municipal Code 15.04.120 (B). (Ord. 2075, 2005)
- B. The City Council shall, from time to time by Council resolution, determine the amount of Capital Facility Charge for water and sewer connection.
- C. Payment of all Capital Facility Charges shall be made in full upon submission of an application for service under SMC 15.04.020 or by credit against payment or deferral as established by SMC 15.04.142 or SMC 15.04.143. No water or sewer service shall be commenced until such charges are paid in full in good funds or by credit against payment or deferral as established by SMC 15.04.142 or SMC 15.04.143. All charges constitute a lien against the property superior to all other liens and encumbrances except those for general taxes and special assessments. Such a lien may be foreclosed in the same manner provided by law for the foreclosure of delinquent local improvement district assessments. (Ord. 2075, 2005)
- D. A developer who has, at the City's request, installed oversized utility infrastructure, and has not entered into any reimbursement agreement that includes a recovery for the oversized value, and has not applied for or received utility service connections prior to the adoption date of this ordinance, may apply for a Capital Facility Charge Credit. The value of the Capital Facility Credit shall be determined by the City Engineer and shall be based on the estimated value of the oversized infrastructure. The Capital Facility Credit shall be limited to the development that installed the utility infrastructure. Capital Facility Credits will be applied in equal amounts to each lot's utility specific capital facility charges.

- E. All Capital Facility Charges received by the City shall be deposited in the Water Sewer Cumulative Reserve Construction Fund. (Ord 1886, 1999)

15.04.126 Project Development Fee.

- A. Except where a credit for the Project Development Fee is given by SMC 15.04.142, a Project Development Fee shall be assessed for each new water or sewer connection, established in a defined special development area, to provide means by which property owners who connect to the City's water and/or sewer utilities through infrastructure constructed by City's water and/or sewer utility bear an equitable share of the cost required to develop the infrastructure. The Project Development Fee for both the water and sewer connection shall be based upon the size of the water service. The amount of the Project Development Fee shall be established by resolution as authorized in Snohomish Municipal Code 15.04.120 (B). (Ord. 2075, 2005)
- B. The City Council shall determine the benefit area for a project development fee, the estimated number of future connections, cost of the facility construction including debt service and/or administrative and overhead costs to determine the amount of Project Development Fee for a water and/or sewer connection
- C. Payment of all Project Development Fees shall be made in full upon submission of an application for service under SMC 15.04.020 or by credit against payment as established by SMC 15.04.142. No water or sewer service shall be commenced until such charges are paid in full in good funds or by credit against payment as established by SMC 15.04.142. All charges constitute a lien against the property superior to all other liens and encumbrances except those for general taxes and special assessments. Such a lien may be foreclosed in the same manner provided by law for the foreclosure of delinquent local improvement district assessments. (Ord. 2075, 2005)
- D. All Project Development Fees received by the City shall be deposited in a bond redemption fund, and shall be used solely for the repayment of debt associated with the specific project developed. (Ord. 1886, 1999)

15.04.127 Payment Plan for Utility Connection and Capital Facility Charges for Low Income Senior Citizen and Disabled Persons.

A. Definitions:

1. "Low Income Household" means a household in which the total annual income is below the very low income level for the Seattle/Everett area as established and amended by survey from time to time by the United States Department of Housing and Urban Development.
2. "Senior Citizen" means a person 62 years of age or older.
3. "Disabled Person" means a person with a physical or mental impairment that substantially limits one or more major life activities, such as walking, seeing, hearing, speaking, learning, performing manual tasks, caring for oneself, et cetera.

B. Payment Plan for Utility Connection and Capital Facility Charges allowed.

Low-income households in which the principal financial resources are provided by a person meeting the above definition of a low-income senior citizen or a disabled person may apply to defer the payment of Utility Connection and Capital Facility Fees. The application shall be made upon forms furnished by the City and approved or denied by the City Manager or his designee. As a condition of approving such application, customers will be required to authorize or consent to a lien for the amount of the Utility Connection and Capital Facility Fees and such lien will be recorded with the County Assessor. Payment of the lien shall be required on the sale or refinance of the property.

A low-income senior or disabled person is required to annually re-qualify for the deferral program on a form designated by the City Manager or his designee. Should the program participant fail to re-qualify, payment of the Utility Connection and Capital Facility Fee shall be due and payable ninety days from written notice by the City.

Customers requiring services in excess of a 5/8-inch single family residential service shall not qualify for a deferral of the Utility Connection or Capital Facility Fees regardless of income.

Appeals of the determination of the City Manager or his designee shall be to the Utility Hearing Examiner. The Hearing Examiner's decision shall be limited to determining whether the applicant meets the qualifying criteria established by this ordinance. The decision of the Utility Hearing Examiner shall be final. (Ord. 1923, 1999)

15.04.130 Collection of Charges. All water/sewer charges shall be paid to the City Treasurer, who shall collect, receive, and receipt for the same and make out and file such detailed statements of receipts as shall be called for or requested by the City Council. (Ord. 1602, 1987; Ord. 1886, 1999)

15.04.140 Connection to Sewer System Required. The owner or owners of each lot or parcel of real estate within the area served by the sanitary sewer sewage disposal system of the City, upon which lot or parcel or property there shall be situated any building or structure for human occupation or use for any purpose, and not now connected, shall immediately install toilet facilities therein, and except as provided in Section 15.04.145, shall immediately cause a connection to be made between said sewer system and each building or structure(s). The City Engineer may exempt the owner or owners from this requirement if the structure(s) have been permitted by the City Building Division as not intended for human occupation or business (for example: a garage used for storage).

All premises within two hundred (200) feet of a sewer line or lateral upon which a building is situated as now or hereafter constructed, shall be subject to the provisions of Section 15.06.020; provided, however, that all such premises listed on Schedule A and Schedule B, which are attached to Ordinance 2086, shall connect to the City sanitary sewer system either upon transfer of ownership or title of their property, upon development of their property that either is constructed over the existing septic tank or drain field or requires capacity in addition to that of

the existing septic system, upon failure of the existing septic system, or by June 1, 2010, whichever occurs first. The City will transmit a “notice of utility connection requirement and charges” to the Snohomish County Auditor, regarding the requirement to connect to the City sanitary sewer system, for all properties listed on Schedule A and Schedule B.

It is further provided that any building or areas for public use, including but not limited to schools, hospitals, apartments, hotels, cabins, motels, and trailer courts shall be deemed to be within the area served by such sewer system if such building or buildings or any of them are within five hundred feet of a sewer line or lateral as now or hereafter constructed.

All connections shall be made to such sewer system in a permanent and sanitary manner, subject to payment of, or credit for connection charges to be set by the City Council and subject to the approval of the City Engineer of the City and to such permit and construction requirements and regulations fixed by the City Council and in force at the time.

Connections to the City sewer system will require simultaneous connection to the City water system, unless City water is not available within five hundred (500) feet of the lot or parcel. (Ord. 2086, 2005)

15.04.142 Surcharge to Utility Billing. An owner or owners of a lot or parcel with an existing completed building(s) or structure(s) as of the effective date of this section required to be connected to City water or sewer utilities as a result of discontinuation of service from another water or sewer purveyor, may apply to the City for connection and obtain a credit against the Utility Connection Fee, the Utility Capital Facility Charge, and the Project Development Fee pursuant to an agreement to pay a surcharge added to his/her combined utility billing calculated as follows:

The surcharge shall be the sum of the Utility Connection Fee, the Utility Capital Facility Charge, and the Project Development Fee increased by an interest factor determined by the City to reflect the City’s cost of borrowed money for a five year term, said number being divided by sixty (60) to arrive at the monthly surcharge.

Said agreement shall be memorialized in writing and shall authorize the City to record a lien against the lot or parcel for which the surcharge is due. Upon signature on the agreement and recording a lien against the lot or parcel, the owner or owners shall receive a credit equal to the full amount of the Utility Connection Fee, the Utility Capital Facility Charge, and the Project Development Fee.

Upon payment of all other charges due for utility connection, sewer, and/or water service shall be commenced to the lot or parcel. (Ord. 2086, 2005; Ord. 2136, 2007)

15.04.143 Deferral of Connection Fee and Capital Facilities Charge. An owner or owners of a lot or parcel for which one or more new utility connections or one or more larger water meters are required or requested may apply to the City for deferral of the Utility Connection Fee and the Utility Capital Facility Charge for a maximum period of one year from the date of issuance of

associated permits. A deferral shall be subject to execution of an agreement with the City to pay a surcharge added to his/her combined utility billing calculated as follows:

The surcharge shall be the sum of the Utility Connection Fee and the Utility Capital Facility Charge increased by an interest factor determined by the City to reflect the City's cost of borrowed money for the term of the deferral plus an administrative fee of one hundred dollars (\$100). Interest shall be calculated for and compounded at two-month intervals until the obligation is fully paid. All unpaid charges and interest shall be due with the utility billing following the close of twelve-month deferral term.

Said agreement shall be memorialized in writing in a form approved by the City Attorney and shall authorize the City to record a lien against the lot or parcel for which the surcharge is due. Upon execution of the agreement and recording a lien against the lot or parcel, the owner or owners shall receive a deferral equal to the full amount of the Utility Connection Fee and the Utility Capital Facility Charge. If timely payment is not received with the first utility billing twelve months after permit issuance, water service to the property may be shut off without notice until the final payment is remitted and/or the City may foreclose on the lien.

Payment of all other charges due for applicable utility connection(s), including, but not limited to, applicable Project Development Fees pursuant to SMC 15.04.126, shall be made at the time of permit issuance.

15.04.145 Exception to Connection Requirements for Newly Annexed Areas. Structures existing at the time of annexation with on-site sewage disposal systems (septic tanks) and/or water services from wells or purveyors other than the City, will be required to connect to City sewer and water systems when:

- A. The Snohomish Health District determines the existing on-site sewage disposal system (septic tank) for the structure has failed; or
- B. A City permit is issued for either of the following:
 - 1. Addition of one or more rooms to an existing structure,
 - 2. Creation of one or more new lots; or
- C. Five years have passed from the date of annexation.

Connection to the City sewer system will not be permitted without simultaneous connection to the City water system.

Provided that nothing in this ordinance will be construed to compel the City to extend utility services to any property.
(Ord. 1670, 1989; Ord. 1886, 1999)

15.04.150 Right of Entry. The City Engineer and/or any authorized City employee shall have free access at all reasonable hours to buildings and premises to ascertain whether this title has been complied with and to inspect said premises where sewage service is rendered, and also for the purpose of exercising the right of water shut-off in any case where a water shut-off is authorized by this title. (Ord. 1602, 1987; Ord. 1886, 1999)

15.04.155 Vesting of Fees and Rates. Unless otherwise specifically stated in Chapter 15.04, all utility connection fees for water and sewer established by resolution, and all water and sewer service rates, and all Project Development Fees and Utility Capital Facility Charges shall be paid at the rates and in the amounts in effect at the time of City receipt of a complete application for a building permit and payment of all applicable permit fees. No application for connection to the City water and/or sewer utility shall be deemed approved until payment of the fees and charges in effect at the time of complete application for a building permit or credit or deferral is granted pursuant to SMC 15.04.142 or SMC 15.04.143. In cases where a building permit is not required then the fees and charges in effect at the time of issuance of a plumbing permit shall apply. (Ord. 2081, 2005)

15.04.160 Violations – Penalty. Whoever willfully injures or interferes with any stopcock, faucet, connecting or service pipes, main or lateral pipes, hydrant, well, powerhouse, pump, engine, dynamo or other machinery or appliances, filter, well, or reservoir which is a part of the City water-sewer works, or whoever in any manner pollutes the water supply of the City, or whoever violates any of the provisions of this chapter, except Section 15.04.140, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not to exceed one thousand dollars (\$1,000), or by imprisonment in the county jail of not more than thirty (30) days, or both by fine and imprisonment. (Ord. 1602, 1987; Ord. 1886, 1999; Ord. 2075, 2005)

15.04.165 Violations of 15.04.140 – Penalty. Any person failing to make a required connection to the City's sanitary sewer system within 365 days of the date of notice from the City that connection is required commits a civil violation pursuant to SMC 1.01.080 and Chapter 1.14 SMC, except as otherwise provided therein. (Ord. 2086, 2005; Ord. 2155, 2008)

15.04.170 Severability. If any section, subsection, sentence, clause, phrase, or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase, or word of this ordinance. (Ord. 2075, 2005; Ord. 2081, 2005)