

**CITY OF SNOHOMISH  
Snohomish, Washington**

**ORDINANCE 1886**

**AN ORDINANCE OF THE CITY OF SNOHOMISH AMENDING  
SNOHOMISH MUNICIPAL CODE CHAPTER 15.04 RELATING TO  
UTILITY CONNECTION CHARGES.**

**WHEREAS**, The City Council held public hearings on December 1, 1998, January 5, 1999, and February 2, 1999, and accepted public testimony concerning the proposed change to new customer connection fees and charges; and

**WHEREAS**, the City operates a combined water, sanitary sewer, and storm drainage utility; and

**WHEREAS**, the combined utility operations are required by the City to be financially self-sufficient with each customer bearing their equitable share of the cost of operating the utility; and

**WHEREAS**, the City has studied and reviewed the basis for establishing said charges and finds them to be reasonable;

**NOW THEREFORE**, the City Council of the City of Snohomish, Washington do ordain as follows:

Section 1: SMC Chapter 15.04 is hereby amended to read as follows:

**Chapter 15.04**

**Connection and Rates**

Sections:

- 15.04.010 Water meters--Required.
- 15.04.012 Fire service
- 15.04.020 Applications for service.
- 15.04.025 Minimum utility line and water meter sizes within the public right-of-way.
- 15.04.030 Permit--Fee--Issuance.
- 15.04.035 Service installation charge.
- 15.04.036 Meter installation charge--Existing, un-metered services.
- 15.04.040 Connection with main.
- 15.04.050 Pipes and connections from the meter pit.
- 15.04.055 Sidesewers - Connections to City Main
- 15.04.060 Activation of water service
- 15.04.070 Use of water.
- 15.04.075 Use of Sidesewer
- 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
- 15.04.125 Capital facility charge
- 15.04.126 System development fee
- 15.04.130 Collection of charges.
- 15.04.140 Connection to sewer system required-Penalty for violation.
- 15.04.145 Exception to Connection Requirements for Newly Annexed Areas.
- 15.04.150 Right of entry.
- 15.04.160 Violations-Penalty.

**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.

**15.04.012 Fire Service.**

A. Definitions:

1. "Fire prevention service line" means a service line serving the interior of a structure for the purpose of sprinklering or other types of fire prevention. Installation, design and location of any new fire prevention service line shall be approved by the City Engineer in accordance with City Standards.
2. "Flush-type hydrant" means a fire hydrant installed entirely below grade. Flush-type hydrants are not permitted;
3. "Private fire hydrant" means a fire hose connection device installed upon private property.
4. "Public fire hydrant" means a fire hose connection device situated on public property or easement.
5. "Fire Department Connection" means a small diameter (less than 6") line installed on the exterior of a building. This is used by the Fire Department to boost water flow and pressure through use of Fire Department equipment.

B. Fire Hydrant Installation. No private fire hydrant shall be installed upon a City or private water main. Exemptions may be allowed only when the criteria and standards established in the City Engineering and Construction Standards have been met. Location and installation of any new fire hydrant shall be approved by the City Engineer in accordance with City standards.

C. Private Fire Hydrant--Maintenance Costs. Private fire hydrants 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.

D. Use of Fire Hydrants. 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 and subject to the penalties set forth herein.

**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 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.

**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.

**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.

#### **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 owners or developers. Restrictions on property owner or developer relative to installations of a sidesewer are outlined in SMC Section 15.12.010-060.
- C. All service installation charges shall be paid in full prior to commencement of water or sewer service. In the event that a deposit made pursuant to subsections (1) and (3) of this section exceeds the actual service installation charge, the City shall refund the excess deposit to the applicant. All service installation charges received by the City shall be paid into the water-sewer revenue fund.

**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.

**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 therefor the sum established by resolution.

**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

**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.

**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.

**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 therefor, and should other or additional service be desired then a new application therefor must be made and filed, conforming in all respects to the requirements of a new or original application.

**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.

**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.

**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.

**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.

**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.

**15.04.120 Utility Connection Fee.**

- A. 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: water diversion dam, water filtration plant, water transmission line and sewer lagoon treatment plant. 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.
- 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 within thirty (30) days of completion of the connection. No water or sewer service shall be commenced until such charges are paid in full. If payment is not made within thirty (30) days, the charge shall be delinquent and shall bear interest at the rate of ten percent (10%) per year until paid and shall 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.
- D. All Utility Connection Fees received by the City shall be deposited in the Water Sewer System Replacement Fund.

**15.04.125 Utility Capital Facility Charge.**

- A. A Utility Capital Facility Charge 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 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) below.
  
- 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 within thirty (30) days of completion of the connection. No water or sewer service shall be commenced until such charges are paid in full. If payment is not made within thirty (30) days, the charge shall be delinquent and shall bear interest at the rate of ten percent (10%) per year until paid and shall 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.
  
- D. A developer who has, at the City's request, installed upsized utility infrastructure, within twelve months of the effective date of this ordinance, 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 plat, which 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.

**15.04.126 Project Development Fee.**

- A. 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 to the 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. Project Development Fee shall be established by resolution as authorized in Snohomish Municipal Code 15.04.120 (B)

below.

- 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 within thirty (30) days of completion of the connection. No water or sewer service shall be commenced until such charges are paid in full. If payment is not made within thirty (30) days, the charge shall be delinquent and shall bear interest at the rate of ten percent (10%) per year until paid and shall 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.
- D. All Project Development Fees received by the City shall be deposited in bond redemption fund, and shall be used solely for the repayment of debt associated with the specific project developed.

**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.

**15.04.140 Connection to Sewer System Required--Penalty for Violation.** The owner or owners of each lot or parcel of real estate within the area served by the sanitary 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 such building or structures. 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 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 of this title.

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.

If any such connection is not made within thirty days after the time herein required, the City Engineer is authorized and directed to cause such connection to be made and to file a statement of cost thereof with the City Clerk, and a warrant shall be issued under the direction of the City Council by the City Clerk and drawn on the water and sewer fund for the payment of such cost. Such amount, together with a penalty of ten percent thereof, plus interest at a rate of ten percent

simple interest per year upon the total amount of such cost and penalty, shall be assessed against the property upon which said building or structures is located and shall be a lien thereon superior to all liens except general taxes and special assessments, and all sums paid thereon shall be placed in the water and sewer fund of the City.

All connections shall be made to such sewer system in a permanent and sanitary manner, subject to payment of 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 as fixed by the City Council and in force at the time.

**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.

**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.

**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 shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not to exceed one thousand dollars, or by imprisonment in the county jail of not more than thirty days, or both fine and imprisonment.

Section 2 -- Severability: If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.

PASSED by the City Council and APPROVED by the Mayor this 2<sup>nd</sup> day of February 1999.

CITY OF SNOHOMISH

By \_\_\_\_\_  
Jeff Soth, Mayor

ATTEST:

By \_\_\_\_\_  
Molly Linville, City Clerk

APPROVED AS TO FORM:

By \_\_\_\_\_  
Grant Weed, City Attorney

Date of Publication: February 5, 1999

Effective Date (5 days after publication): February 10, 1999