

APPENDIX H

Title 13 Lewis County Code

Resolution of Approved Utility Rates

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LC Public Works

Title 13
PUBLIC UTILITIES

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Chapter 13.05
PURPOSE

Sections:

- 13.05.010 Purpose.

13.05.010 Purpose.

The purpose of this title is to establish a comprehensive system to manage, operate, and maintain a county public utility system of sewerage, water and drainage facilities consistent with and under authority of Chapter 36.94 RCW. Chapter 36.94 RCW recognizes that the construction, operation and maintenance of a system of sewerage and water is a county purpose. [Ord. 1215 §3 (Att. A), 2010]

Chapter 13.10
DEFINITIONS

Sections:

- 13.10.010 Definitions.

13.10.010 Definitions.

“Administrator” shall mean the director of public works or his/her authorized designee.

“Backflow prevention assembly” shall mean a RPBA, RPDA, DCVA, DCDA, PVBA, or SVBA of make, model and size that is approved by the State Department of Health.

“Board” shall mean the Lewis County board of county commissioners.

"Building sewer" shall mean the portion of the sewer line beginning two feet outside the outer foundation wall of the structure and extending to the edge of the right-of-way with no common sewers discharging into it. The building sewer is owned and maintained by the property owner.

"Building sewer permit" shall mean a permit issued by the department to monitor and to control work on sanitary side sewers to assure it is performed to specific and general standards.

"Commercial" shall mean any nonresidential customer who engages in business activities or combination of business and residential activities if combined through a single service meter.

"Connection" shall mean any physical connection to the utility water system by any water service or any private water system, or any pipeline extension.

"Cost" shall mean the cost of labor, material, transportation, supervision, engineering, and all other necessary overhead expenses.

"County" shall mean Lewis County, Washington.

"Cross-connection" shall mean 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 system by backflow.

"Customer" shall mean any person, firm or corporation obtaining or using water service from the water system of the utility.

"Department" shall mean the department of public works of Lewis County.

"Department of Health (DOH)" shall mean the State Department of Health.

"Department of Transportation (WSDOT)" shall mean the State Department of Transportation.

"Design or construction standards" shall mean department design guidance and other peer-reviewed documents generally accepted by the engineering profession as containing fundamental criteria for design and construction of water and sewer facility projects. Design and construction standards are comprised of performance and sizing criteria and reference general construction materials and methods.

"Developer" shall mean the applicant for any project permit including his successors and assigns.

"Director" shall mean the director of public works or his/her authorized designee.

"Easement" shall mean the right granted by a property owner to another to make lawful and beneficial use of a defined area of their property for a specific purpose created through an approved agreement.

"Ecology" shall mean the State Department of Ecology.

"Engineer" shall mean a professional engineer licensed in the state of Washington in civil engineering.

"Equivalent residential unit (ERU)" shall mean the unit used to calculate water or sewer capacity or consumption. For purposes of department guidelines:

1. Single-family residential: one ERU.

"Income" shall mean any gross income as defined in Section 61(a) of the Internal Revenue Code of 1954, as now in effect or hereafter amended. Gross income being described as the amount of money earned before deducting for taxes, insurance, and other deductions, including income from Social Security retirement and disability, federal civil service, pensions, wages, salaries, self-employment, rental property, disability, alimony, child support, interest income and dividends, public assistance payments, unemployment compensation, trust or estate income, and retirement benefits.

"Interceptor" shall mean a sewer pipe receiving flow from a number of main or trunk sewers, and force mains.

"Latecomer" shall mean any person who was not an original participant in the construction of a water or sewer system improvement or extension, and who later requests service.

"Local improvement district (LID)" shall mean a public improvement provided to a specific area that is specially benefitted and paid by a special assessment of a defined set of property owners benefiting from the improvement.

"Low income senior citizen customer" shall mean a person who is 62 years of age or older and whose total income, including that of his or her spouse or co-tenant, does not exceed the one-person, low income figure for Community Development Block Grant (CDBG) projects.

"Multiple dwelling" shall mean residential duplexes, apartment buildings, condominiums, mobile home parks, trailer courts or similar types of multiple dwelling arrangements.

"Private sewer" shall mean any portion of the sewer conveyance system or lines connected thereto, located on private property where no easements are granted to the county. Maintenance of a private sewer will be the responsibility of the property owner(s).

"Private utility system" shall mean any water or sewer system which is not part of the utility system described in this title.

"Property owner" shall mean the fee owner, except that with respect to property being sold under a real estate contract it means the contract purchaser, and with respect to property subject to a deed of trust it means the grantor.

"Public sewer" shall mean the portion of the sanitary sewer located within the public right-of-way or easements that are owned, operated and maintained by the county.

"Public water" shall mean the portion of the Class A water system located within the public right-of-way or easements that are owned, operated and maintained by the county.

"Residential service" shall mean water or sewer service to a single-family or multifamily dwelling using water for domestic use.

"Service area" shall mean the specific area or areas a water or sewer system currently serves or plans to provide water or sewer service. This may be comprised of the existing service area, retail service area, future service area, and include areas where water is provided to other public water systems.

"Sewage" shall mean water carrying waste discharged from sanitary facilities.

"Sewer lateral" shall mean the section of the sanitary sewer line extending from the county's main to the edge of the public right-of-way.

"Sewer main or trunk" shall mean a sewer pipe that received flow from one or more sewer laterals.

“Sewerage” shall mean a system of sewers.

“Sewerage and/or water general plan” shall mean the water system plan that is required and approved by DOH according to WAC 246-290-100, and the sewer system plan that is required and approved by Ecology according to WAC 173-240-050 and 173-240-060. These plans must also be adopted into the Lewis County comprehensive plan.

“Side sewer” shall mean the same as “sewer lateral.”

“Standard specifications” shall mean the most recent edition of the Standard Specifications for Road, Bridge and Municipal Construction, as published by the Washington State Department of Transportation, and the Washington State Chapter of the APWA Standard Plans for Road, Bridge and Municipal Construction, and any amendments.

“Totally disabled customer” shall mean any person who has been classified as totally disabled by the Social Security Administration and whose total income does not exceed the amount provided for low-income senior citizen customers.

“Utility” shall mean a company providing public service including, but not limited to, gas, oil, electric power, street lighting, telephone, telegraph, water, sewer, storm drainage, solid waste, or cable communication, whether or not such company is owned privately or by a governmental entity.

“Utility division” shall mean the utility division within Lewis County public works.

“Utility local improvement district (ULID)” shall mean a public utility improvement provided to a specific area that is specially benefitted and paid by a special assessment of a defined set of property owners benefiting from the improvement. The difference between an LID and a ULID is that utility revenues are pledged to the repayment of the ULID debt along with the assessments on the benefitted properties.

“Utility review committee” shall mean a committee created by the board of county commissioners pursuant to LCC 13.20.030.

“Utility service area” shall mean that area delineated in Lewis County’s water and sewer general plan adopted under Chapter 36.94 RCW, and the area comprised by any utility local improvement district or local improvement district established under Chapter 36.94 RCW.

“Utility system” shall mean the water or sewer systems owned or managed by the utility division.

“Water service installation” shall mean that portion of a public water line from a water main or stub line of a water main to the water meter of the customer to be served. A water service installation consists of a saddle, corporation stop, water services line, meter setter, meter, meter box, and appurtenances required to furnish water service. [Ord. 1221 §1, 2011; Ord. 1215 §3 (Att. A), 2010]

Chapter 13.20 GENERAL

Sections:

13.20.010 Administration.

13.20.020 Utility division.

13.20.025 Applicability.

13.20.030 Utility review committee.

13.20.040 Connection fees and rates.

13.20.050 Liability.

13.20.060 Violations and appeals.

13.20.010 Administration.

The board appoints the director of public works to be the administrator of the utility division and delegates, grants and conveys to him or her such duties, responsibilities and authority as are necessary and proper to manage and operate the utility system consistent with state law and regulations and the rules and regulations adopted by Lewis County. The administrator is authorized to:

- (1) Adopt and implement regulations that are reasonably necessary to implement the provisions of this chapter as established by state statutes and regulations and county ordinances and regulations.
- (2) Amend the design guidelines in accordance with sound engineering standards and practices.
- (3) Administer the planning, design, acquisition, construction, maintenance and operation, capital improvements, and programs of the utility system.
- (4) Establish fees, charges and deposits for installation, inspections, permits and other services with connection fees and usage rates to be set by the board.
- (5) Perform inspections and undertake enforcement as necessary to ensure compliance with this chapter. [Ord. 1215 §3 (Att. A), 2010]

13.20.020 Utility division.

For the purpose of carrying into effect the provisions and aims of this title, a Lewis County utility division within the Lewis County department of public works is hereby created and established consistent with RCW 36.94.120. [Ord. 1215 §3 (Att. A), 2010]

13.20.025 Applicability.

The provisions of this chapter shall apply to all properties within the utility service area. No water or sewer service shall be extended beyond the utility service area boundaries as identified in a sewerage or water general plan without proper amendment of such utility service area. [Ord. 1215 §3 (Att. A), 2010]

13.20.030 Utility review committee.

Prior to any establishment, acquisition or construction of a public sewerage or water system, the adoption of a new, amended or revised sewerage or water general plan for that utility service area is required. The board shall submit the document to a utility review committee with a membership consistent with RCW 36.94.050 for each plan area, or create a utility review committee for the entire county. The utility review committee shall be set by board resolution. If the board rejects the sewerage or water general plan for that service area, then the utility review committee is deemed to be dissolved; otherwise the utility review committee shall continue in existence to review the amendments to the plan. [Ord. 1215 §3 (Att. A), 2010]

13.20.040 Connection fees and rates.

Both connection fees and rates for water and sewer service shall be set by the board by resolution. All charges and rates for installation, inspection, permits and other utility services shall be in accordance with the current Lewis County rate schedule as approved by the board.

Rates and connection fees shall be uniform as to members of each class of customers or service. The board may consider the following factors in establishing service rates and fees:

- (1) Differences in costs of service to the various customers within and without the utility service area.
- (2) Differences in costs of maintenance, operation, repair and replacement of the various portions of the utility system.
- (3) Quantity and quality of the treated sewage and delivered water.
- (4) Capital contributions made to the utility system.
- (5) Debt and outstanding loans of the utility system.
- (6) Composition of customer base.
- (7) Record of public health violations.
- (8) Complexity of the utility system. [Ord. 1215 §3 (Att. A), 2010]

13.20.050 Liability.

The administrator and any other employee charged with enforcement of this chapter shall not be liable personally for any damages that may result to person or property from any act required under this chapter or from any act or omission in the discharge of such duties. Lewis County shall not be liable or responsible for any direct or consequential damage to any person or property caused by any cessation, reduction or shortage of water for water or sewerage service purposes. [Ord. 1215 §3 (Att. A), 2010]

13.20.060 Violations and appeals.

- (1) General.
 - (a) Failure to comply with this title shall be cause for withholding or withdrawing approval of overall project plans, forfeiture of the financial guarantee submitted to the county, and nonacceptance of portions of the work.
 - (b) The county utility division may require the applicant or property owner to remove or replace illegal utilities and other items associated with this title that were not properly permitted.
 - (c) Nothing contained herein supplants or replaces any greater penalty or other remedy provided under state or federal law.
- (2) Enforcement Actions. The county shall have the authority to enforce this title as well as other referenced or pertinent specifications. The utility division will appoint project engineers, assistants, and inspectors as necessary to inspect the work and they will exercise such authority as the administrator may delegate.
- (3) Stop Work Orders. Should the county become aware of conditions that invalidate the original design data used to obtain the permit or determine that the applicant is not complying with the conditions of the permit or approved plans, the county may revoke the original permit and order work stopped on the

project. Examples of reasons why the county may order all or part of the permitted work stopped include but are not limited to the following:

- (a) The applicant failed to comply with the conditions of the permit.
- (b) The permit was granted on the basis of erroneous or incomplete information submitted to the utility division by the applicant, applicant's engineer, or agent.
- (c) The weather or weather-related conditions caused off-site or downstream drainage problems.
- (d) The work has created a condition that is a hazard to life, endangers property, or adversely affects the use or stability of the work.

(4) Cease and Desist Orders. The county may serve a cease and desist order for violations of this title. The order shall include the following:

- (a) Description of violation.
- (b) Effective date, such as immediately upon receipt by the person to whom the order is directed.
- (c) Compliance outcome such as failure to comply with terms of a cease and desist order can result in enforcement action including but not limited to issuance of a civil infraction citation.
- (d) Corrective measures.

(5) Civil Infraction. Any person, firm or corporation violating any provisions of this title shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$250.00 per violation or by imprisonment for not more than 90 days as set forth in Chapter 1.20 LCC. Each person, firm, or corporation found guilty of a violation shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of any provision of this title is committed, continued or permitted by such person, firm, or corporation and shall be punished therefor. [Ord. 1215 §3 (Att. A), 2010]

13.20.080 Severability.

If any part of this title shall be found invalid, all other parts shall remain in effect. [Ord. 1215 §3 (Att. A), 2010]

Chapter 13.30 SERVICE

Sections:

- 13.30.100 Application, review and approval.
- 13.30.110 Water meters.
- 13.30.120 Violation of utility regulations.
- 13.30.130 Water and sewer system extension requirements.
- 13.30.140 Service connections required within local improvement district.

- 13.30.200 Variance.
- 13.30.300 Easements.
- 13.30.400 Inspections - Required.
- 13.30.410 Right of entry.
- 13.30.500 Correction of unsafe conditions.
- 13.30.510 Unlawful discharges to county sewers.
- 13.30.600 Maintenance of utility systems.
- 13.30.700 Water conservation.
- 13.30.800 Interlocal agreements.

13.30.100 Application, review and approval.

No person may connect to, extend or alter the water or sewer system without making application to and receiving approval by the utility division. If the administrator determines that the proposed action complies with the regulations of this chapter, the utility division will approve the application with any condition necessary to accomplish the purposes of this chapter.

The utility division shall not approve any application for water service unless a satisfactory water main exists, capable of meeting the requirements for pressure, circulation, storage, source of supply, conveyance and other requirements established by the utility division.

The utility division shall not approve any application for sewer service unless a satisfactory sewer main with adequate hydraulic and treatment exists, capable of meeting other requirements established by the utility. [Ord. 1215 §3 (Att. A), 2010]

13.30.110 Water meters.

All water services shall be metered. The utility will deliver water to users only through meters owned by the utility, except temporary use of fire hydrants for construction, building or related purposes may be authorized by the administrator in accordance with this chapter. [Ord. 1221 §2, 2011]

13.30.120 Violation of utility regulations.

Any person who connects to the utility system without obtaining the utility division's prior approval or who violates any section of this title shall be assessed a fine of \$250.00 per violation or by imprisonment for not more than 90 days as set forth in LCC 1.20.020, which shall be in addition to all other applicable charges and costs. The property owner shall be responsible for payment of all charges. Water and sewer service will be disconnected to the premises until the charges, fees and penalties are paid and any unauthorized installation is corrected and approved by the utility. [Ord. 1221 §3, 2011]

13.30.130 Water and sewer system extension requirements.

The utility division shall establish regulations for water and sewer main extensions, oversizing mains and other improvements to the water and sewer systems. All water and sewer system extensions and other system improvements shall upon completion and written acceptance by the administrator be conveyed to Lewis County and become part of the utility system. [Ord. 1215 §3 (Att. A), 2010]

13.30.140 Service connections required within local improvement district.

Any person having a structure with plumbing fixtures within the boundaries of a county water or sewer LID or ULID shall be required to connect to the system serving such LID or ULID within 60 days after receiving notice from the department to make such connection, or as specified in applicable LID or ULID ordinance. At the end of such 60-day period, the utility division shall begin assessing service charges regardless of whether the connection has been made. [Ord. 1215 §3 (Att. A), 2010]

13.30.200 Variance.

Any applicant may seek modification of the provisions of these guidelines based on extraordinary conditions of topography, access, location, shape, size or other physical features of the site. Written requests must include the technical aspects of the project that necessitate the need for a variance. A variance from design requirements will not be granted based solely on financial or convenience reasons.

No variance will be made that would have the effect of granting a special privilege not shared by other similar properties. The administrator will determine if the following conditions have been met:

- (1) There are exceptional or extraordinary conditions that apply to the project property and not to other properties in the vicinity.
- (2) The granting will not adversely affect the health or safety of persons residing or working in the neighborhood, be detrimental to the public welfare, be injurious to property or improvements in the area, or undermine the comprehensive plan.
- (3) The granting is consistent with other chapters of the county code and county programs.
- (4) The granting for a material item or method is substantially equal to prescribed materials and methods. [Ord. 1215 §3 (Att. A), 2010]

13.30.300 Easements.

The utility may require any person seeking to connect to the utility system to provide an easement for water or sewer system purposes as a condition to allow such connection. Easement widths will typically be 20 feet. Construction easements will be a minimum of 30 feet including the permanent easement. Under special circumstances, the administrator or his/her delegate may require alternate easement widths. [Ord. 1215 §3 (Att. A), 2010]

13.30.400 Inspections - Required.

As a condition to the issuance of any permit or authorization by the utility, each applicant shall consent to reasonable inspections by the utility. [Ord. 1215 §3 (Att. A), 2010]

13.30.410 Right of entry.

Whenever it is necessary to make an inspection to enforce any of the provisions of or perform any duty imposed by this title or other applicable health and safety law, the administrator is authorized to enter such property at any reasonable time to inspect the site and to perform any duty imposed by this chapter. The administrator shall first make reasonable efforts to contact the person responsible for the premises and shall present proper credentials to such person, and request entry onto the premises. If entry is refused, the administrator shall have recourse to every remedy provided by law to secure entry. In the event of an emergency, the administrator is authorized to enter the premises to inspect and to enforce this chapter without first attempting to contact the person responsible for the property. [Ord. 1221 §4, 2011]

13.30.500 Correction of unsafe conditions.

Whenever the administrator or his/her delegate determines that any condition on any premises is in violation, is used contrary to any provisions of this chapter, or is unsafe, the administrator or his/her delegate may order the correction or discontinuance of any such condition or activity causing such condition. The administrator or his/her delegate may take appropriate measures including the discontinuance of service to enforce any such order. [Ord. 1215 §3 (Att. A), 2010]

13.30.510 Unlawful discharges to county sewers.

No person shall discharge or cause to be discharged, by direct or indirect means, any of the following wastes or substances into any part of the sewer system:

- (1) Any rainwater from downspouts or other surface or subsurface drainage.
- (2) Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit.
- (3) Any water or waste which may contain more than 100 parts per million by weight of fat, oil or grease.
- (4) Any gasoline, benzene, naphtha, fuel oil or grease; or flammable or explosive liquid, solid or gas.
- (5) Any ashes, cinders, sand, mud, straw, hair, shavings, metal, glass, rags, feathers, tar, plastic, wood, manure or other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewer system.
- (6) Any waters or wastes having a pH lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewer system.
- (7) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals or create any hazard in the receiving waters of the sewer system.
- (8) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plan.
- (9) Any noxious or malodorous gas or substance capable of creating a public nuisance. [Ord. 1215 §3 (Att. A), 2010]

13.30.600 Maintenance of utility systems.

The responsibility of the utility division shall be limited to operation and management of water and sewer systems owned by the county, and it shall not have any responsibility with respect to private utility systems except on a contractual basis through a written agreement with the board. [Ord. 1215 §3 (Att. A), 2010]

13.30.700 Water conservation.

The utility division may develop and administer any programs necessary to further water conservation or to comply with water conservation requirements of any local, state or federal agency having jurisdiction within the utility service area. [Ord. 1215 §3 (Att. A), 2010]

13.30.800 Interlocal agreements.

The administrator, with approval from the board, may enter into such agreements with local, state or federal agencies or jurisdictions as may be appropriate in administering the provisions of this title. [Ord. 1215 §3 (Att. A), 2010]

Chapter 13.40 LATECOMER UTILITY HOOKUPS

Sections:

- 13.40.010 Purpose.
- 13.40.020 Application.
- 13.40.030 Application requirements – Fee.
- 13.40.040 Contents of agreement.
- 13.40.050 Eligibility of applicants.
- 13.40.060 Rights and nonliability of county.
- 13.40.070 Latecomer agreement benefit area.

13.40.010 Purpose.

To allow for a process by which any person who pays the cost to install utilities within a public right-of-way may recover a pro rata share of the costs of construction from other persons (latecomer) who benefit from those utilities at a later date.

The authority to establish latecomer agreements and benefit areas shall be consistent with the powers and authorities provided by Chapters 35.91 and 36.94 RCW. [Ord. 1215 §3 (Att. A), 2010]

13.40.020 Application.

Any person using private funds to install water or sewer utilities, improvements or appurtenances costing more than \$10,000 and within a public right-of-way may apply to the utility division for establishment of a latecomer agreement. The minimum expenditure level shall be adjusted annually effective on the first day of the year through a percentage increase which shall not exceed the lesser of the percent change in the Consumer Price Index, All Cities, Urban Workers and Clerical Workers (CPI) as published by the US Department of Labor for the 12 months ending the preceding September, or six percent. [Ord. 1215 §3 (Att. A), 2010]

13.40.030 Application requirements – Fee.

All applications for latecomer agreements shall be on forms approved and established by the administrator and shall be accompanied by a nonrefundable application fee to cover the county's expense in processing the application. This fee shall be as set forth in LCC Title 18. [Ord. 1215 §3 (Att. A), 2010]

13.40.040 Contents of agreement.

A latecomer agreement shall contain the following:

- (1) A legal description of the developer's property.

(2) A legal description of the properties within the developer's proposed latecomer agreement benefit area together with the name and address of the owners of each property as shown on the records of the Lewis County assessor.

(3) Map of the proposed latecomer agreement benefit area showing the location of the utility system improvements, parcels contributing to the original cost of the utility system, and parcels benefiting from the utility system improvements.

(4) Itemized cost of construction signed and dated by a professional engineer.

(5) Method of calculating latecomer payments and proposed allocation of the cost of construction to the individual properties in the proposed latecomer agreement benefit area.

(6) Expiration date of latecomer agreement or conditions under which the latecomer agreement shall be terminated. The maximum term of the agreement shall not exceed 20 years according to RCW 35.91.020.

(7) Identification of the recipient(s) of any latecomer payments, time period of payment, and disposition of any unclaimed funds.

(8) Identification of ownership of utilities after installation and responsibility of maintenance and repair.

(9) Any provisions, covenants or restrictions deemed appropriate by the utility division.

Within 30 days of receipt of the application, the utility division will provide the applicant written notice of whether the application is complete and, if incomplete, what must be done for the application to be considered complete. The applicant will have no more than 30 days from the date of the written notice to respond and provide the information required to complete application, or a written explanation of why they cannot provide the information within the designated time period and a date that the requested information will be submitted. The administrator or his/her delegate may grant the applicant an extension of no more than 60 days to submit the required information. If the applicant fails to meet this time frame, the utility division may, in its discretion, reject the application as untimely. [Ord. 1215 §3 (Att. A), 2010]

13.40.050 Eligibility of applicants.

Applicants for latecomer agreements shall be in compliance with all county ordinances, rules and regulations to be eligible for processing of latecomer agreements. [Ord. 1215 §3 (Att. A), 2010]

13.40.060 Rights and nonliability of county.

The utility division reserves the right to refuse to enter into any latecomer agreement or to reject any application. All applications for latecomer agreements shall be made on the basis that the applicant releases and waives any claims for any liability of the county in establishment and enforcement of latecomer agreements. Lewis County shall not be responsible for locating any beneficiary or survivor entitled to benefits by or through latecomer agreement. Any collected funds unclaimed by developers after three years from the expiration of the agreement shall be returned to parties making payment to the county. Any remaining undeliverable funds shall inure to the benefit of the appropriate utility or fund approved by the board. [Ord. 1215 §3 (Att. A), 2010]

13.40.070 Latecomer agreement benefit area.

The procedure to establish a latecomer agreement benefit area shall be:

(1) The utility division will formulate a latecomer agreement benefit area based upon a determination of which parcels did and did not contribute to the original cost of such utility system improvement and

which parcels may subsequently benefit from connection of those utilities. Connection can be by tapping or discharging into the utilities and beneficial users shall include users connected to laterals or mains.

(2) The preliminary determination of area boundaries and potential assessments along with a description of the property owners' rights and options shall be given by registered mail to all affected property owners of record within the proposed benefit area. Owners of record shall be as shown on the records of the Lewis County assessor. If any property owner requests a hearing in writing within 20 days of mailing of the preliminary determination, a hearing shall be held before the Lewis County hearing examiner. Notice of the hearing will be given to all affected property owners at least 10 calendar days in advance of the hearing. The Lewis County hearing examiner's ruling is final.

(3) The latecomer agreement will be recorded by the county in the Lewis County auditor's office within 30 days of the final execution of the agreement. The agreement shall include notice of additional tap or connection charges as required in RCW 65.08.170. The applicant will pay for all recording fees and related expenses.

(4) Once recorded, the latecomer agreement shall be binding on property owners of record within the assessment area.

(5) The county will file a release with the auditor's office upon satisfaction of the latecomer's assessment. [Ord. 1215 §3 (Att. A), 2010]

Chapter 13.50 DESIGN GUIDELINES

Sections:

13.50.100 Design and construction standards.

13.50.110 Standard specifications.

13.50.120 Plan format.

13.50.130 Submittal procedure.

13.50.140 Inspection.

13.50.150 Testing.

13.50.160 Bonding.

13.50.170 Emergency work policy.

13.50.100 Design and construction standards.

Water and sewer design and construction standards as contained within adopted sewerage and water general plans shall serve as the design standards for systems. [Ord. 1215 §3 (Att. A), 2010]

13.50.110 Standard specifications.

Design detail, materials and construction shall be in conformance with the most recent edition of the standard specifications. [Ord. 1215 §3 (Att. A), 2010]

13.50.120 Plan format.

All utility construction or reconstruction plans shall be prepared by and bear the stamp of a qualified professional civil engineer licensed in the state of Washington. Final plans and profile drawings must be accepted by the county engineer prior to the start of construction. [Ord. 1215 §3 (Att. A), 2010]

13.50.130 Submittal procedure.

Plans, profiles, details and general notes shall be submitted in accordance with submittal procedures provided by the utility division. [Ord. 1215 §3 (Att. A), 2010]

13.50.140 Inspection.

All new utility work performed in the utility service area shall comply with the provisions of this chapter. Any revisions to construction plans must be approved by the administrator or his/her delegate before being implemented.

The contractor or applicant shall notify the utility division in advance of any authorized work. Other requirements before commencement of work are: a preconstruction meeting or field review, permits, paid inspection fees, legal access, traffic control, erosion and sediment control, and performance surety. [Ord. 1215 §3 (Att. A), 2010]

13.50.150 Testing.

All testing shall be performed at the contractor's or applicant's expense. [Ord. 1215 §3 (Att. A), 2010]

13.50.160 Bonding.

Bonds or other allowable securities are required to guarantee the performance of and maintenance of new utility work by the contractor. The amount of the performance security shall be 125 percent of the cost of the improvements. The cost of the improvement surety shall be determined by a professional engineer subject to the approval of the director. The maintenance surety shall be 25 percent of the cost of the constructed improvements, posted and maintained by the contractor for a period of one year from the date of acceptance by the director. The maintenance bond shall guarantee the constructed facilities against defects and failures in workmanship. [Ord. 1215 §3 (Att. A), 2010]

13.50.170 Emergency work policy.

Should the work of a contractor result in an emergency road or utility shutdown during normal working hours, the direct overtime costs of responding county personnel shall be billed to the responsible party. [Ord. 1215 §3 (Att. A), 2010]

Chapter 13.60 WATER

(Reserved)

Chapter 13.70 SEWER

(Reserved)

Chapter 13.80 WATER AND SEWER SERVICE CONNECTIONS

Sections:

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13.80.100 Conditions of utility service.

(1) Accounts shall be in the name of the property owner. Rental tenants with accounts in their own names may retain their existing accounts in their names until their accounts are closed. The property owner may request to have duplicate bills mailed to a tenant, lessee or agent; however, this shall not relieve the property owner from liability for incurred charges. This request shall be made on the application form provided by the utility.

(2) Ownership of Water Lines.

(a) The utility shall install, own and maintain water service lines from the main to and including the meter. Water service lines from the main to and including the meter box may be installed by the customer's contractor, subject to payment of fees, inspection and approval by the utility.

(b) The meter wherever feasible shall be placed within the public right-of-way as to be easily associated with the intended building; and within two feet of the edge of existing or proposed road surfacing, within two feet of the property line nearest the customer's premises, or as approved by the administrator if there are unusual or conflicting conditions. The utility will record the location of the meter.

(c) For each residential service connection, the utility will install a one-inch corporation stop, service piping from the corporation stop to the service meter, a three-fourths-inch-by-five-eighths-inch water meter, a meter stop, and meter box; and record the location. The connection

to the utility's water main will extend at right angles from the main to the property line. One inch 200 psi or greater pipe shall be placed two feet (minimum) below grade, and three feet (minimum) below grade at the street or alley crossings.

(d) Customer lines from the meter to the premises shall be installed, owned and maintained by the customer.

(3) Individual Service Required. Each service line or sewer lateral shall be connected to only one residence, building, and customer as practicable; and the property so supplied shall not supply water to any other properties. Property owners of multifamily buildings or multiple dwellings may use a single connection with the approval of the utility.

(4) Installation on Private Property. Service lines and meters shall not be installed on private property unless the utility finds that service cannot be practically provided, in which case an easement shall be granted to the utility from the property owner.

(5) Charge for Installation of Larger Service Line or Relocation of Existing Service Line. The customer will complete an application form and pay the fees and applicable costs to install a larger service line and meter, or to relocate an existing service line.

(6) Backflow Prevention Requirements. All water service connections serving buildings or properties with domestic potable water, fire sprinkler or irrigation systems will comply with the minimum backflow prevention requirements established by DOH. Backflow assembly testers (BAT) shall supply the utility with documentation indicating that their testing equipment has a current certificate of accuracy and with a current DOH BAT certification card.

(7) Transferring Customer Line. Whenever a service line is realigned by the utility, the customer shall immediately upon notice and at customer's expense transfer the customer line to the newly positioned service line.

(8) Owner Is Responsible for Installation and Maintenance of Customer Lines and Sewer Laterals.

(a) Customer lines from the water service meter to the premises, and of the sewer lateral from the premises to the public sewer shall be installed, owned and maintained by the customer. Customer lines shall be constructed to avoid concrete surfaces, buildings and any obstructions; and with no joints beneath pavement areas.

(b) The customer shall be responsible for obtaining all building, right-of-way permits and use permits required for work on the premises and within the public rights-of-way.

(c) The utility may reimburse the customer for the cost of the repair of that portion of the sewer lateral within the dedicated public right-of-way if damage to the sewer lateral was proved to be caused by the utility. Damages from natural disasters, root intrusion, and acts and omissions of the customer are excluded from claims to the utility. The amount of the reimbursement from the utility shall not exceed the cost for installation of a new sewer lateral from the main sewer to the property line. Claims must be made on approved forms by the utility. The administrator shall investigate all submitted claims, and determine the validity and amount of reimbursement.

(9) Specifications for Customer Lines and Sewer Laterals.

(a) All customer lines shall have a two feet (minimum) cover depth above the line, and equipped with an approved backflow prevention device or check valve, and a readily accessible ball or wheel valve between the meter box and the building so that the customer may at any time shut off water to the premises. Customer lines larger than one-inch diameter shall be equipped with

an accessible gate valve. Water service shall not start until these appurtenances are installed and inspected by the utility.

(b) All sewer laterals shall be installed in accordance with the utility's sewerage general plan. Each sewer lateral shall be provided with a cleanout to within six inches of finished grade at the property line or not to exceed 30 feet from the property line with an easement granted to the utility from the property owner.

(10) Installation of Service Lines and Sewer Laterals. All installations within the public rights-of-way including obtainment of permits and approvals for the work shall be performed by a state licensed contractor. No service lines crossing paved streets shall be surface trenched, nor shall the paved road surface be damaged in any way.

(11) Liability for Leakage or Stoppage. The utility is not responsible for any partial or complete stoppage, leakage or damage to any customer's pipelines, fixtures, sewer laterals, plumbing, premises and contents.

(12) Termination of Service. Sufficient causes to terminate service are delinquency and nonpayment of water service; and finding by the appropriate authorities of an unsafe, dangerous to human life or unfit for human habitation building. Water service shall be restored when the property owner has fully paid the delinquent utility bill and any associated fees; or secured a release or clearance from said authorities.

(13) Authority to Disconnect. The utility shall have the right to shut off the supply of water whenever it is necessary to make repairs, improvements, enforce rules, or for any operating reason. Reasonable notices will be given to customers, except in emergency shut-off situations.

(14) Dangerous and Defective Customer Equipment. Water for steam boilers and other industrial use involving possible danger to the system will not be furnished by direct pressure from the water mains. The utility has the right to refuse water service or to discontinue water service without notice to any customer upon finding any apparatus and operations which will be detrimental to the water system. Standpipes, fire hydrants, gate valves or other equipment that cause water hammer or any danger to the water system shall be immediately repaired or removed upon notice from the utility.

(15) Liability for Damage. The customer shall be responsible for and pay for any damages to the water system and water service line appurtenances owned by the utility.

(16) Tampering with Equipment and Fire Hydrants. It shall be a violation of this title for any person other than authorized personnel of the utility or the fire department to operate, alter, change, remove, disconnect, connect with, interfere, or attempt to interfere in any manner with any part of the water system owned by the utility including fire hydrants.

(17) Unauthorized Use of Water. It shall be a violation of this title for any person making and breaking any connection to the water system to obtain water without paying the just charges. The utility shall have the authority to shut off water to the premises, and to collect all charges due for water properly and improperly obtained and all incurred costs by the utility. If the improper connection is on public right-of-way, the utility will make the necessary changes, removals or repairs. If the improper connection is on private property, the property owner shall do the directed work immediately upon demand. [Ord. 1221 §5 (Att. A), 2011]

13.80.200 Costs of meter installation.

(1) The costs of installation to the utility system shall be based on the service and meter sizes.

(2) These costs shall include meters where open cutting or conventional boring methods and direct burial of the service lines are not permitted. Where special conditions exist or special approvals and permit fees

are required, all costs and fees associated with such restrictions, and any special conditions, shall be added to the above installation costs.

(3) Where it is necessary to open cut paved roadway, cross under a sidewalk, or an improved area between the curb and the property line to install the service, the customer shall also be charged the costs necessary to restore the disturbed roadway, sidewalk, or improved area to its original condition or better condition. Such costs for restoration shall include time and materials plus overhead charges.

(4) For water service larger than two inches, the costs of the installation will be based on the actual cost for materials, labor, and equipment, plus overhead charges. The customer requesting a service larger than two inches shall pay a deposit in an amount of the administrator's estimate of the cost for construction work and the work shall thereafter be billed on the basis of actual cost difference from the estimated cost, including overhead. [Ord. 1221 §5 (Att. A), 2011]

13.80.300 Customer deposit.

(1) A deposit shall be paid by each residential and commercial water customer at the time of application for a service connection or a service account. The deposit paid by each customer shall be refunded to the person paying the deposit when the account is closed.

(2) Any deposit not refunded to the customer when the account is closed shall be held by Lewis County for a period of one year from the date of account closure. If demand is not made upon Lewis County for refund of the deposit by the customer within the period of one year after the account is closed out, the amount of the deposit remaining shall be deemed to be unclaimed property and shall pass to the State of Washington Department of Revenue, in accordance with the mandates of the Uniform Unclaimed Property Act of 1983, as it now exists or is hereafter amended. [Ord. 1221 §5 (Att. A), 2011]

13.80.400 Customer charges.

Customers receiving utility services shall be required to pay all charges, fees and other costs prior to any physical connection or installation of facilities. No service shall be delivered or provided until all such charges are paid. Such charges shall be nonrefundable. [Ord. 1221 §5 (Att. A), 2011]

13.80.410 Turn-on and shut-off charges.

There shall be a charge for turning on and shutting off the water service meter during normal working hours and during nonnormal working hours.

Water customers shall notify the utility at least two working days before the date they desire water to be shut off or turned on. A shut-off fee will be charged when the water is turned off and a turn-on fee will be charged when the water is turned back on. Customers that shut off their own valves on their customer service lines will still incur water service usage charges. [Ord. 1221 §5 (Att. A), 2011]

13.80.420 Temporary shut-off charges.

Water customers desiring their water be shut off for a period up to one year may apply for a temporary shut-off. The customer pays a shut-off charge, two-thirds (67 percent) of the base charges from the month of shut-off to the month of turn-on, and a turn-on charge upon resuming water service. [Ord. 1221 §5 (Att. A), 2011]

13.80.430 Service call charges.

(1) Service calls involving extraordinary and unusual time demands shall be charged to the customer requesting the service call at the cost of labor of each employee involved, including travel time, for

service calls made during the hours of 8:00 a.m. to 4:00 p.m., Monday through Friday, except holidays. The minimum charge for such service call during normal working hours shall be applied.

(2) Service calls made on Saturdays, Sundays, holidays, or during the hours of 4:00 p.m. to 8:00 a.m., Monday through Friday, shall be charged to the customer requesting the service call at the cost of labor of each employee involved, including travel time. The minimum charge for such service call during nonnormal working hours shall be applied. [Ord. 1221 §5 (Att. A), 2011]

13.80.440 Meter testing and service meter charges.

(1) Any person requesting a test of any water meter shall, at the time of request, deposit with Lewis County the amount to be charged for such test.

(2) Meters two inches and smaller in size shall be tested off-site. Meters larger than two inches shall be tested in the field. After the deposit has been made and the test has been scheduled, the customer shall be notified of the date and time that the meter test is scheduled to take place. The customer shall have the option of being present when such test is made. In the event the test discloses an error of more than three percent of water consumed in favor of the utility, the deposit and any service charges shall be refunded to the customer, the meter shall be corrected or an accurate meter shall be installed, and the customer's account shall be credited with the amount charged for the excess consumption on the three previous readings. When the test discloses an error of three percent or less, the amount deposited shall be retained by the utility to cover the costs of such test.

(3) There shall be a service meter charge. This charge shall apply if the customer requests a replacement meter or a new meter for new service connection. This charge shall not apply if the utility determines that the existing service meter is defective. [Ord. 1221 §5 (Att. A), 2011]

13.80.450 Water service user charges.

Every water customer shall pay a base charge and usage charge per billing period as approved by resolution for the utility service area. [Ord. 1221 §5 (Att. A), 2011]

13.80.455 Use of fire protection facilities for other purposes charges.

Whenever water is used from fire protection facilities or equipment for other purposes, or fire protection water is misused, such usage shall be charged at the usage charge. [Ord. 1221 §5 (Att. A), 2011]

13.80.460 Charges for low-income senior citizen customers.

(1) The fixed rates for low-income senior citizen residential customers and low-income totally disabled residential customers shall be one-half (50 percent) of the residential base charge that would otherwise apply. All consumption shall be as for residential customers as set forth in this chapter.

(2) All low-income senior citizen residential customers and low-income totally disabled residential customers applying for low-income senior citizen customer or totally disabled residential customer rates herein provided shall furnish a claim for exemption in such affidavit form as shall be prescribed by the administrator. Such form shall be furnished on or before January 31st of each year, within 30 days from the date of account opening, or unexpected sudden change of income status. The utility may request that all or some requests be renewed annually by the customer. [Ord. 1221 §5 (Att. A), 2011]

13.80.470 Delinquent charges.

A delinquent charge shall be added to each unpaid bill if it is not paid by the fifteenth day of the month following the billing month. A doorhanger charge shall be added to each unpaid bill if a doorhanger for

delinquency is made by utility personnel by the twenty-second day of the month following the billing month. [Ord. 1221 §5 (Att. A), 2011]

13.80.480 Overhead charges.

An overhead charge of the total costs for labor, materials, and equipment for work and services performed or installation of service water lines or other facilities by the utility shall be added to the costs charged to the customer. Such overhead charge shall be to accommodate administration, supervision, and accounting costs. [Ord. 1221 §5 (Att. A), 2011]

13.80.500 Method of billing and payment.

(1) Billing Method. Every two-month period the utility shall read the water meters for each customer that is provided water service by the utility on the first and second day of the billing month. Bills shall be mailed by the tenth day of the billing month and shall be due on the fifth day of the next month.

(2) Receipt of Payment. The utility bill shall be paid in its entirety by the fifth day of the month following the billing month. Payment must be received by the close of public business day at: Lewis County, Fiscal Office, 351 NW North Street, Chehalis, WA 98532.

(3) Delinquent Payments. Payments not paid in full by the close of public business day of the fifth day of the month following the billing month will be considered delinquent. All late notices issued by the utility shall include a delinquent charge which must be paid in addition to the utility bill by the twenty-second day of the month following the billing month. The utility will prepare a list of delinquent customers on the twenty-third day of the month following the billing month. If the utility bill is still not paid in full, then utility personnel will place a door hanger at the delinquent utility customer's premises by the twenty-third day of the month following the billing month. There will be a doorhanging charge added on the utility bill.

(4) Shut Off Water Service. If payment is not received in full within three days from the date of the hung door hanger or by the twenty-sixth day of the month following the billing month, the utility will immediately shut off the water service to such delinquent premises. Utility personnel are not authorized to accept payment at the service address in lieu of disconnection.

(5) Designated Dates. If designated days fall on nonworking days or other approved closure days of the utility, the next working day will be used for that designated day. Subsequent designated days will not be adjusted to account for prior designated days.

(6) Delinquent Payment Recovery. All charges for water and sewer service when the account becomes delinquent and unpaid shall constitute a lien against the premises to which the service has been furnished. In the event an occupant of the premises moves to another location within the system and applies for water at the new location, services shall be denied at such new location until fees and charges for service at the first location are fully paid.

The utility may record a lien in the office of the auditor of Lewis County against the property for which the service was connected or provided. Such liens shall include all delinquent charges and the property owner shall be responsible for all cost incurred by the utility, including reasonable attorney fees, for preparing and recording a lien and the court enforcement thereof. [Ord. 1221 §5 (Att. A), 2011]

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LEWIS COUNTY, WASHINGTON**

**ESTABLISHING WATER CONNECTION
FEES AND RATES FOR THE
VADER WATER SYSTEM**

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RESOLUTION NO. 11-095

WHEREAS, Lewis County established a Utility Division within the Department of Public Works per Ordinance 1215 on July 26, 2010; and

WHEREAS, Lewis County assumed full operation and management of the City of Vader water system on January 1, 2011 through the State receivership process to correct health and safety deficiencies; and

WHEREAS, connection fees and rates are to be established by the Board per Section 13.20.040 of the Lewis County Code; and

WHEREAS, the Board has reviewed the proposed connection fees and rates (attached as Attachment A); and

WHEREAS, the Board has conducted a public hearing on March 21, 2011 about the proposed fees and rates for the City of Vader water system; and

WHEREAS, the Board has reviewed testimony from the public hearing; and

WHEREAS, it is in the best public interest to approve these connection fees and rates for the City of Vader water system.

NOW THEREFORE BE IT RESOLVED, that the water service connection fees and rates for the Vader water system are approved and shall be effective for the water connection services as of April 1, 2011.

DONE IN OPEN SESSION this 21st day of March 2011.

APPROVED AS TO FORM:
Jonathan L. Meyer, Prosecuting Attorney

By: Civil Deputy

BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON

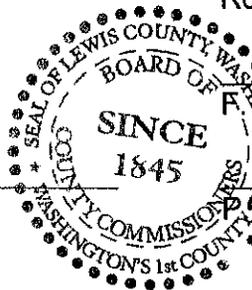
Ron Averill, Chairman

ATTEST:

Karri Muir, Clerk of the Board

F. Lee Grose, Vice Chairman

W. Schulte, Member



Resolution No. 11-095

ATTACHMENT A

**UTILITY FEES AND RATES
FOR THE
VADER WATER SYSTEM**

CUSTOMER DEPOSIT FOR NEW ACCOUNTS:

Residential	\$100.00
Commercial	\$200.00

CONNECTION CHARGES:

Service Size: 3/4"	Meter Size: 5/8"x3/4"	\$2,500.00
1"	1"	\$2,500.00
1-1/2"	1-1/2"	\$2,500.00
2"	2"	\$3,000.00
Above 2"	4" and larger	Actual Cost plus Overhead

DELINQUENT CHARGE \$25.00

DOORHANGER CHARGE \$25.00

METER TESTING CHARGES:

Meter Size: 5/8" x 3/4"	\$50.00
1"	\$50.00
1-1/2"	\$50.00
2"	\$100.00
3"	\$200.00
6"	\$300.00
8"	\$400.00

OVERHEAD RATE CHARGE 25%

SERVICE CALL CHARGES:

During Normal working Hours*	\$25.00
During Non-normal working Hours*	\$75.00

*Add labor costs per employee and travel time at Overhead Rate Charge.

SERVICE METER CHARGE \$300.00

TURN-ON CHARGE \$25.00

SHUT-OFF - there is no shut off charge

WATER USAGE CHARGES:

Residential Base Charge	\$43.50/month
Commercial Base Charge	\$43.50/month
Usage Charge	\$6.50/1000 gallons

WATER USAGE CHARGE FROM FIRE PROTECTION FACILITIES \$6.50/1000 gallons

SIGN IN SHEET

Voors *Whitby* *3-21-11*

Date: _____
Lewis County Courthouse, second floor
351 NW North Street, Chehalis WA

	Name (Please Print)	Representing	Phone #	Email	Address
1.	<i>Don Adings</i>				<i>Voors</i>
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