

**BOARD OF YAKIMA COUNTY COMMISSIONERS**

**ORDINANCE NO. 13-2017**

IN THE MATTER OF AMENDING ORDINANCE 3-2015 AND YAKIMA COUNTY CODE CHAPTER 12-08, PERTAINING TO YAKIMA COUNTY WATER SYSTEMS.

**WHEREAS**, the Water System Ordinance was last amended on October 20, 2015; and,

**WHEREAS**, the Growth Management Act, and the State Supreme Court's interpretation of the Growth Management Act, mandate that county governments include water supply availability in their growth management activities; and,

**WHEREAS**, RCW 19.27.097(1) states "Each applicant for a building permit of a building necessitating potable water shall provide evidence of an adequate water supply for the intended use of the building. Evidence may be in the form of a water right permit from the department of ecology, a letter from an approved water purveyor stating the ability to provide water, or another form sufficient to verify the existence of an adequate water supply. In addition to other authorities, the county or city may impose conditions on building permits requiring connection to an existing public water system where the existing system is willing and able to provide safe and reliable potable water to the applicant with reasonable economy and efficiency. An application for a water right shall not be sufficient proof of an adequate water supply."; and

**WHEREAS**, RCW 58.17.110(2) requires that "A proposed subdivision and dedication shall not be approved unless the ...county legislative body makes written findings that...appropriate provisions are made for ...potable water supplies... "; and

**WHEREAS**, the Washington Supreme Court held, in *Kittitas County v. Eastern Washington Growth Management Hearings Board*, 172 Wn. 2d 144, 256 P. 3d 1193 (2011), that counties must ascertain that water is available, when implementing statutes governing land use decisions, and before approval of applications for subdivisions and building permits; and,

**WHEREAS**, the Washington State Supreme Court also held, in *Kittitas County v. Eastern Washington Growth Management Hearings Board*, that counties have the authority and responsibility, under the GMA, to protect area resources (including surface and groundwater resources) and to plan and provide for development in locations where water resources can support anticipated development and,

**WHEREAS**, the Washington State Court issued a ruling in the case of *Whatcom County v. Hirst, Futurewise, et al* (commonly known as Hirst Decision) (2016) that counties must evaluate and protect water availability by considering the cumulative effect of permit-exempt wells in the preparation and approval of Comprehensive Land Use Plans and in the building and subdivision permit process, , and,

**WHEREAS**, recent USGS studies have indicated that the groundwater and surface water resources in the Yakima River Basin are integrated; and,

**WHEREAS**, the development of new uses of groundwater in the basin may interfere with the use of surface water by senior water right holders and instream flows; and,

**WHEREAS**, the Water Resources Act of 1971 (Ch. 90.54 RCW), provides that all agencies of state and local government, including counties and municipal and public corporations, shall, whenever possible, carry out powers vested in them in manners which are consistent with the provisions of this chapter; and

**WHEREAS**, the potential interruption of post-1905 rural domestic water use in Yakima County poses a public health and safety concern for Yakima County and that it is therefore advisable and necessary for the public health and welfare of the inhabitants of Yakima County for Yakima County to establish, purchase, acquire, and construct a system to ensure ongoing water availability and conservation of the groundwater resource; and,

**WHEREAS**, Yakima County, working together with the Washington State Department of Ecology, the U.S. Bureau of Reclamation, and other agencies and organizations, has advocated adoption of the Yakima Basin Integrated Water Resources Management Plan (YBIP), through which water supply security would be provided for the citizens of Yakima County; and,

**WHEREAS**, the YBIP's necessary water resource projects are not likely to be fully available until after Year 2030, and it will therefore be necessary to develop an interim water resource plan for use by new rural domestic water users; and,

**WHEREAS**, the Board of Yakima County Commissioners wishes to ensure that sufficient water supplies be available in Yakima County for future rural domestic water use for public health and safety; and,

**WHEREAS**, Yakima County adopted a Rural Water and Sewerage General Plan, on May 24, 1988, as required by RCW 36.94.030, which was approved by the Department of Ecology on November 1, 1988; and,

**WHEREAS**, that Rural Water and Sewerage General Plan was adopted as an element of the comprehensive plan in effect in 1988, and is a current element of Yakima County Horizon 2040 Comprehensive Plan, pursuant to RCW 36.94.030; and,

**WHEREAS**, Washington counties are authorized by statute, RCW 36.94.020, to own and operate water supply systems to provide sufficient water supply to accommodate anticipated growth; and,

**WHEREAS**, Yakima County adopted Resolution 399-2013 on December 10, 2013 directing the Yakima County Public Services Director to develop and organize a Yakima County Water Resource System (YCWRS) which would establish and maintain adequate water resource security in Yakima County; and,

**WHEREAS**, the Yakima County Public Services Department has recommended that certain provisions be added to Yakima County Code Chapter 12-08 to accommodate the creation and operation of the Yakima County Water Resource System (YCWRS), and,

**WHEREAS**, the Board of Yakima County Commissioners held a duly advertised public hearing for the purpose of considering the amendment of Ordinance No. 4-1985, Ordinance No. 9-2001, Ordinance 9-2007, Ordinance 3-2015 and Yakima County Code Chapter 12-08 on

December 12, 2017, pursuant to Resolution No. 388-2017 dated November 28, 2017, wherein testimony was heard from all those persons present who wished to be heard; and,

WHEREAS, the time and date of the public hearing were published in the November 30, 2017 issue of the Yakima Herald-Republic newspaper; and,

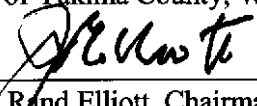
WHEREAS, after considering the testimony and materials presented, the Board of Yakima County Commissioners believes it is in the best public interest to amend Ordinance 4-1985, Ordinance 9-2001, Ordinance 9-2007, Ordinance 3-2015 and Yakima County Code Chapter 12-08 as proposed below; now, therefore,

**BE IT ORDAINED** that the Yakima County Board of Commissioners adopts the above "WHEREAS" recitals as findings of fact in support of its action.

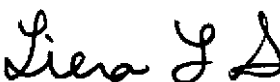
**BE IT FURTHER ORDAINED** by the Yakima County Board of Commissioners that the  
the  
Yakima County Code 12.08 is hereby amended as shown in Exhibit A.

**Effective Date.** This Ordinance shall be effective the first day of January 2018.

**ADOPTED** and **PASSED** by the Board of County Commissioners of Yakima County, Washington this  
this 19th Day of December, 2017

  
\_\_\_\_\_  
J. Rand Elliott, Chairman

  
\_\_\_\_\_  
Ron Anderson, Commissioner

  
\_\_\_\_\_  
Attest: Tiera L. Girard  
Clerk of the Board



  
\_\_\_\_\_  
Michael D. Leita, Commissioner  
*Constituting the Board of County Commissioners  
for Yakima County*

**EXHIBIT A**

**Chapter 12.08  
WATER SYSTEM**

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## **ARTICLE I – DEFINITIONS**

### **12.08.010 Definitions.**

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

- (1) **“Adequate Water Supply”** means a supply of potable water adequate to serve a land use associated with a project permit in terms of quality, quantity, and legal availability.
- (2) **“Approved Water Purveyor”** means an entity owning a public water system approved by the Washington State Department of Health (DOH) to serve additional connections. Group A water systems must have a green or yellow operating permit from DOH. Group B water systems must be approved by DOH for the proposed connection.
- (3) **“Backflow”** means the undesirable reversal of flow of water or other substances through a cross-connection into the public water system or consumer’s potable water system.
- (4) **“Connection”** means water service provided through one water meter to residential, commercial, industrial or institutional consumers from a public water system or YCWRS domestic well.
- (5) **“County”** means Yakima County under the direction of the Yakima County department of public services.
- (6) **“Cross-connection”** means any actual or potential physical connection between a public water system or the consumer’s water system and any source of non-potable liquid, solid, or gas that could contaminate the potable water supply by backflow.
- (7) **“Customer” or “consumer”** means any individual, firm, company, association, society, hospital, church, corporation or group provided service from a public water system or a YCWRS domestic well.
- (8) **“Domestic water system”** means that water, and water system in which it is carried, which is for human consumption and normal household, commercial, industrial or institutional uses provided under the county’s direction. Public water systems and YCWRS domestic wells are domestic water systems.
- (9) **“Extension”** means continuation of the domestic water system to serve additional customers.



- (10) "Fire protection service charge" means the monthly charge, based on private water line size, for fire protection service from the public water system.
- (11) "Multiple family unit" means a building or arrangement of buildings or portions thereof, used or intended to be used as the home of two or more families or householders living independently of each other.
- (12) "Permit Exempt Well" or "Exempt Well" means a well withdrawing water under the groundwater permit exemption contained in RCW 90.44.050.
- (13) "Private water lines" means those lines serving more than one single dwelling unit and larger than one inch in diameter constructed, operated and maintained by private owners and connected to the county's public water system.
- (14) "Public services director" means the county public services director or his assigns charged with the operation of the domestic water systems.
- (15) "Public water system" means a Group A or Group B public water system as defined in WAC 246-290-020.
- (16) "Ready to serve charge" means the minimum monthly, bimonthly, or quarterly charge for connection to the domestic water system based on size of the water meter servicing the customer.
- (17) "Service line" means the water line connection to a public water system from the customer's side of the water meter box to the structure or facility served and shall be owned and maintained by the customer.
- (18) "Shall" and "May." The word "shall" is mandatory; the word "may" is permissive.
- (19) "Single dwelling unit" means a building arranged or designed to be occupied by not more than one family or household.
- (20) "Water Budget Neutral" – means the withdrawal of water whose impact to area streams and senior water rights is offset by water from existing water rights being left in-stream. The consumptive use (amount of water not returned to rivers and streams) does not exceed the amount of water of these existing water rights.
- (21) "Water consumption charge" means the monthly, bimonthly, or quarterly charge for the amount of water used by the customer based upon monthly, bimonthly, or quarterly meter readings.

(22) "YCWRS Domestic well" means a privately owned permit exempt well that provides water for human consumption and normal household use where the legal withdrawal of water from the well is permitted under the Yakima County Water Resource System.

(23) "Yakima County Water Resource System (YCWRS)" is a water system organized pursuant to RCW 36.94.140 which provides service to the public in the form of "mitigated" or "water budget neutral" water supplies for domestic use through the withdrawal of domestic supply from a groundwater permit exempt well. The service area of the water system is all of the privately held property in Yakima County within the Yakima River watershed except those areas within the corporate limits of a City, within the exterior boundaries of the Yakama Reservation, or within the service areas of Type A and Type B water systems in existence prior to Jan. 1, 2018. The YCWRS holds senior water rights and allows the use of such rights by the public when wells are constructed and metered according to YCWRS procedures.

## **ARTICLE II –AUTHORITY**

### **12.08.020 County to Operate Water Systems.**

A utilities division under the supervision of the county public services department to develop, design and operate county domestic water systems is established.

### **12.08.030 Connection Required for Service.**

Each separate dwelling, building or structure shall be connected in accordance with the provisions of this chapter before the county will provide water service.

### **12.08.040 Public Services Director – Duties.**

The public services director shall supervise and be responsible for development, design, construction, excavations, repairs, connections, maintenance, operation and administration of the county water systems and enforce the rules and regulations provided in this chapter.

The public services director has the authority, on behalf of the County, to ascertain whether there is legal evidence of an adequate water supply.

### **12.08.050 Evidence of Adequate Water Supply Required**

All applicants for a building permit or other development permit requiring potable water must provide evidence of an adequate water supply to the county prior to the issuance of the permit. Applicants for a building permit to improve, repair, or replace a residential structure permitted

prior to January 1, 2018 that is served by an existing permit exempt well are exempt from this requirement.

A. Evidence of the legal availability of water shall be in the form of:

1. A water right permit from the Department of Ecology, or
2. A letter from an approved water purveyor stating the ability to provide water, or
3. A YCWRS domestic well permit, or
4. Other adequate evidence of interest in a suitable water right held for mitigation purposes by an existing water bank, or
5. A Yakama Nation Water Code permit for properties located within the exterior boundaries of the Yakama Nation, or
6. Documentation that the well site is located outside of the Yakima River watershed.

B. Evidence of the quality of water shall be in the form of:

1. A letter from an approved water purveyor stating the ability to provide water, or
2. Notification from the Yakima Health District that the water supply is potable.

C. Evidence of the quantity of water shall be in the form of:

1. A letter from an approved water purveyor stating the ability to provide water, or
2. Notification from the Yakima Health District that the water supply is adequate to meet the intended use.

## **II – GENERAL PROVISIONS**

### **12.08.060 Water Meters Installation Required – Costs – Inspection.**

All water services to a county owned public water system or to a YCWRS domestic well, connected after January 1, 2018, except fire hydrants and standby fire services, shall be metered and the cost of the water meter and service line installation shall be the responsibility of the property owner being served. All water service connections shall be inspected by the public services director.

### **12.08.070 Water Meters – Type**

The meter type shall be as specified by the public services director.

#### **12.08.080 Water Meters – Location**

Meters shall be so placed as to render the meters convenient and accessible to the inspection and reading thereof by the county. The right is given and granted to the county to enter all premises where any such meter or meters are placed for the purpose of inspecting and reading the same at all reasonable times.

#### **12.08.090 Water Meters - County Ownership.**

All meters, following installation, shall be and remain the property of the county and shall be set and placed for use upon lands and premises or building or structure of the applicant at said applicant's charge and expense.

#### **12.08.100 Water Meters - Protection, Repair and Replacement.**

It shall be the responsibility of the customer to protect water meters from damage caused by activities on their property. In the event that such activities result in damage to the meter then the county will repair or replace the meter and the cost thereof shall be borne by the customer.

It shall be the responsibility of the county to protect water meters from damage by freezing. When necessary, a frozen meter will be repaired or replaced by the county and the cost thereof shall be borne by the county.

#### **12.08.110 Water Meters and Valves – Obstruction Prohibited.**

- (1) No water meter, valve or other appurtenance shall be obstructed in any manner and nothing shall be permitted to block access to said meter, valve or appurtenance.
- (2) A 3-foot clear space shall be maintained around the circumference of meters, valves and other appurtenances except as otherwise required or approved by the public services director.
- (3) Upon notice from the county, the customer shall within fourteen (14) days remove such obstruction. If the obstruction is not removed within the time required, the county shall remove the obstruction and bill the customer for the actual cost of the work.

#### **12.08.120 Interference with System Prohibited.**

- (1) No person shall break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the domestic water system.
- (2) Customers shall notify the county in writing prior to making changes to their landscaping which then necessitates the county to make changes to the water system, such as raising or lowering meter boxes, valve boxes, etc. Customers shall reimburse the county for the county's costs to make changes to the water system resulting from the customer's landscaping changes.

**12.08.130 Application for Service.**

All applications for water service installation shall be made at the office of the public services department on forms furnished by the county, which the applicant shall supplement with such information as deemed necessary by the public services director. All applications shall be made by the owner of the property to be served or his authorized agent, and all accounts shall be in the name of the owner of such property. No person shall make any connection to the domestic water system or add any additional unit to an existing connection without first obtaining a permit as required in this section.

**12.08.140 Separate Connection Required for Each Unit.**

- (1) Each residence, residential unit, individual business, business enterprise or business unit, or industrial enterprise or unit connecting to the domestic water system or using a YCWRS domestic well, shall be considered an individual customer and shall be supplied through a separate service connection, unless modified by the public services director.
- (2) Multiple dwelling units, such as apartment complexes, mobile home parks, and duplexes may be served by a single service connection with a master meter provided they are on a single tax lot. Multiple dwelling units served by a single meter that later convert to condominiums shall first install individual meters to each dwelling unit.
- (3) Individual businesses, business enterprises or business units, or industrial enterprises or units connecting to the domestic water system that are located on more than one tax lot shall have a separate connection for each tax lot where water is being used, unless modified by the public services director.

**12.08.150 Required Connection.**

Any building or structure built or moved to within two hundred feet of an existing public water system main water line for the purpose of residential, business, industrial or institutional use after adoption of the ordinance codified in this chapter must connect to and obtain water from the public water system.

**12.08.160 Abandonment of Service.**

All service installations connected to a public water system that have been abandoned or that have not been used for three years or that for any reason have become useless for further service may be disconnected at the meter by the public services department and all pipe and appurtenances removed shall be the property of the county.

**12.08.170 Building or Property Once Connected Must Continue to Use Public System.**

Any building, mobile home or other property connected to the public water system must continue to receive water from the public water system and shall not receive potable water from any other source.

#### **ARTICLE IV – PUBLIC WATER SYSTEM PROVISIONS**

##### **12.08.180 Water Service Pipes and Connections.**

All water service pipes and connections, including the stop valve and water meter, shall be placed in the county road right-of-way or utility easement as directed by the public services director, and shall be furnished, installed and maintained by and under the exclusive control and supervision of the public services director. The property owner shall be solely responsible for maintaining the water line on the building side of the water meter box.

##### **12.08.190 Private Water Lines – Permitted When – Construction Standards.**

Water connections by construction of private water lines to the public water system shall be constructed in conformance with the applicable county water line construction standards in effect. Private water lines will only be allowed when approved by the public services director when the public services director determines that the impact to the existing water system is insignificant.

##### **12.08.200 Private Water Lines – Regulations.**

All private water lines shall be installed, owned and maintained by the customers and the County shall have no duty to repair or replace such mains or lines. Water meters on private water lines shall be placed, installed and maintained as directed by the Public Services Director, and shall remain the property of the County regardless of location. Private water lines used for fire protection service lines shall include all piping downstream of the County's tee and isolation valve supplying the fire protection service line, including the piping between the County's isolation valve and the customer's backflow assembly.

##### **12.08.210 Authority to Shut Off and Repair Private Water Lines.**

The public services director is directed and authorized to immediately shut off all private water lines whenever such water lines develop leaks or their condition is such as to constitute a danger to the domestic water supplies of the county. Such private water lines shall remain shut off until properly repaired or replaced by the owner. In the event of leaks or defects on service lines connected to the private water line or on any portion of private water lines, such repairs and replacements as may be necessary shall be accomplished by and at the sole expense of the customers or owner of the property to which the service is provided, subject to the supervision and final approval of the public services director.

##### **12.08.220 Authority to Shut Off and Repair Public Water Lines.**

The public services director is directed and authorized to immediately shut off all public water system lines whenever such water lines develop leaks or their condition is such as to constitute a danger to the drinking water supplies of the county. Such water lines shall remain shut off until properly repaired or replaced. All repairs shall be at the expense of the county.

**12.08.230 Fire Hydrants – Operation.**

No person other than an authorized employee of county public services or the fire department shall operate fire hydrants or interfere therewith in any way without first obtaining authority to do so from the public services department. Fire hydrants on private water lines shall be operated by the county, and all necessary easements to access and operate the fire hydrants shall be granted to the county. All maintenance costs of the hydrants shall be the responsibility of the owner of the private water line.

**12.08.240 Fire Hydrants – Obstruction Prohibited.**

(1) No fire hydrant shall be obstructed in any manner and nothing shall be permitted to block access to said fire hydrant within fifteen feet thereof.

(2) A 3-foot clear space shall be maintained around the circumference of fire hydrants except as otherwise required or approved by the public services director.

(3) Upon notice from the county, the customer shall within fourteen (14) days remove such obstruction. If the obstruction is not removed within the time required, the county shall remove the obstruction and bill the customer for the actual cost of the work.

**12.08.250 Pipe Depth Below Ground.**

All new service lines shall be placed not less than thirty inches below the surface of the ground.

**12.08.260 Responsibility for Leaks and Damages.**

Owners of service lines are responsible for all leaks or damages to the lines. Privately owned services shall be deemed to include all domestic service lines between the meter box and consumer's property, and all domestic service lines lying in, on or under the consumer's property.

**12.08.270 Cross-connections – Prohibited – Exception.**

Cross-connections between the public water systems and other systems or equipment containing water and other substances of unknown or questionable safety are prohibited, except when and where suitable backflow prevention assemblies, as approved by the public services department, are installed and maintained by the customer and tested by a backflow

assembly tester certified by the Washington State Department of Health to ensure proper operation on a continuing basis.

**12.08.280 Cross-Connections – Failure to Remedy.**

Failure on the part of customers to discontinue the use of any and all cross-connections and to physically separate such cross-connections or install a suitable backflow prevention assembly when ordered to do so by the public services department will be sufficient cause for the discontinuance of water service to the premises on which the cross-connection exists and shall subject the customer to penalties as provided by Section 12.08.680.

**12.08.290 Cross-Connections – Inspection.**

The county may make periodic inspections of premises served by the water supply to check for the presence of cross-connections. Any cross-connections found in such inspection shall be ordered removed and water service to the premises shall be discontinued until it is verified that the cross-connection has been removed.

**12.08.300 Air Gap and Flood Level Specifications for Tanks.**

Air gap separation shall be an unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the flood level rim of the receptacle. To be an approved air gap, the separation must be in accordance with WAC 246-290 and be at least:

- (1) Twice the diameter of the supply piping measured vertically from the overflow rim of the receiving vessel, and in no case be less than one inch, when unaffected by vertical surfaces (sidewalls); and
- (2) Three times the diameter of the supply piping, and in no case less than one and one-half inches, if the horizontal distance between the supply pipe and a vertical surface (sidewall) is less than or equal to three times the diameter of the supply pipe; and
- (3) Four times the diameter of the supply piping, and in no case less than one and one-half inches, if the horizontal distance between the supply pipe and two intersecting vertical surfaces (sidewalls) is less than or equal to four times the diameter of the supply pipe.

**12.08.310 Double Check Valve Assemblies.**

Double check valve assemblies shall be an assembly composed of two single, independently acting check valves, with tightly closing shutoff valves located at each end of the assembly and suitable connections for testing the watertightness of each check valve. Only Washington State Department of Health approved assemblies shall be accepted.



**12.08.320 Reduced Pressure Principle Backflow Prevention Assemblies.**

A reduced pressure principle backflow prevention assembly shall be an assembly incorporating two or more check valves and an automatically operating differential relief valve located between the two checks, two shutoff valves, and equipped with necessary appurtenances for testing. The assembly shall operate to maintain the pressure in the zone between the two check valves, less than the pressure on the water supply side of the assembly. At cessation of normal flow, the pressure between the check valves shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve shall operate to maintain this reduced pressure by discharging to the atmosphere. When the inlet pressure is two pounds per square inch or less, the relief valve shall open to the atmosphere, thereby providing an air gap in the assembly. Only Washington State Department of Health approved assemblies shall be accepted.

**12.08.330 Backflow Prevention Assemblies – Installation Location.**

Backflow prevention assemblies, where required, shall be installed at the meter or at a location designated by the public services director at the expense of the consumer. The assembly shall be located so as to be readily accessible for maintenance and testing, and where no part of the assembly will be submerged.

**12.08. 340 Backflow Prevention Assemblies – Situations Requiring Assemblies.**

Backflow prevention assemblies shall be installed at the service connection or within any premises identified in Section 12.08.350 where, in the judgment of the public services director, the nature and extent of activities on the premises, or the materials used in connection with the activities, or materials stored on the premises may present an immediate and dangerous hazard to health should a cross-connection occur, even though such cross-connection does not exist at the time the backflow prevention assembly is required to be installed, including, but not limited to, the following situations:

- (1) Premises having an auxiliary water supply;
- (2) Premises having internal cross-connections that are not correctable; or intricate plumbing arrangements which make it impracticable to ascertain whether or not cross-connections exist;
- (3) Premises where entry is restricted so that inspections for cross-connections cannot be made with sufficient frequency or at sufficiently short notice to assure that cross-connections do not exist;
- (4) Premises having a repeated history of cross-connections being established or reestablished;

(5) Premises on which any substance is handled under pressure so as to permit entry into the public water supply, or where a cross-connection could reasonably be expected to occur. This shall include the handling of process waters and cooling waters;

(6) Premises where materials of a toxic or hazardous nature are handled such that, if back siphonage should occur, a serious health hazard may result;

(7) Premises with underground sprinkler systems;

(8) Premises recommended in the latest edition of the Pacific Northwest Section of the American Water Works Association Cross Connection Control Manual.

**12.08.350 Backflow Prevention Assemblies – Premises Requiring.**

The following types of facilities shall have a backflow prevention assembly installed as provided in Section 12.08.340 unless the public services director determines that no hazard will exist without said assembly:

(1) Hospitals, mortuaries, clinics;

(2) Laboratories;

(3) Piers and docks;

(4) Sewage treatment plants;

(5) Food or beverage processing plants;

(6) Chemical plants using a water process;

(7) Metal plating industries;

(8) Petroleum processing or storage plants;

(9) Radioactive material processing plants or nuclear reactors;

(10) Others specified by the public services director.

**12.08.360 Backflow Prevention Assemblies – Determination of Type.**

The type of backflow prevention assembly required shall depend on the degree of hazard which exists, as follows:

(1) An air gap separation or a reduced pressure principle backflow prevention assembly shall be installed where the water supply may be contaminated with sewage, industrial waste of a toxic nature, or other contaminant which would cause a health or system hazard;

(2) In the case of a substance which may be objectionable but not hazardous to health, a double check valve assembly, air gap separation or a reduced pressure principle backflow prevention assembly shall be installed.

#### **12.08.370 Backflow Prevention Assemblies – Standards and Inspection.**

(1) Backflow prevention assemblies shall be installed by the consumer under the supervision of, and with the approval of, the county at the expense of the consumer.

(2) Backflow prevention assemblies shall be inspected and tested by the public services department at the time of installation, annually after installation, after an assembly is repaired, reinstalled or relocated, or more often where successive inspections indicate repeated failure. Assemblies shall be repaired, overhauled or replaced whenever they are found to be defective. Inspections, tests and repairs and records thereof shall be done under the county's supervision at the expense of the consumer.

(3) In lieu of the public services department inspecting and testing the consumer's backflow assembly, the consumer may elect to contract the inspecting and testing with a backflow assembly tester certified by the Washington State Department of Health at the consumer's expense.

#### **12.08.380 Backflow Prevention Assemblies – Termination of Service for Noncompliance.**

Failure of the customer to cooperate in the installation, maintenance, testing or inspection of backflow prevention assemblies required in this chapter shall be grounds for the termination of water service to the premises or the requirements for an air gap separation and shall subject the customer to the penalties provided in Section 12.08.680.

### **ARTICLE V – YAKIMA COUNTY WATER RESOURCE SYSTEM PROVISIONS**

#### **12.08.390 – Applicability**

An applicant for a building permit or land use permit necessitating an adequate water supply determination where potable water is not available from an approved water purveyor, may obtain a YCWRS domestic well permit for a permit exempt well as evidence of the legal availability of water up to 5,000 gallons per day, provided the applicant's property is an eligible property as defined in 12.08.400 and further provided that the well is an eligible well as defined in 12.08.410.

#### **12.08.400 – Property Eligibility Criteria**

An applicant for a YCWRS domestic well permit for a specific property and use shall go through an eligibility review process. The review process shall include an evaluation of YCWRS water availability for the property and the proposed use of the well. Only those properties located within areas of the county where the YCWRS has water available shall be eligible properties for a YCWRS domestic well permit.

#### **12.08.410 – Well Eligibility Criteria**

A permit exempt well on an eligible property may be permitted as a YCWRS domestic well provided the well meets the well depth standards contained in 12.08.420. In such cases, the applicant for a YCWRS domestic well permit shall provide a well report meeting the requirement of WAC 173-160-141 to the county for a well depth standard evaluation. Upon verification that the well is in compliance with the well depth requirement, the county will issue a YCWRS domestic well permit.

#### **12.08.420 – Well Depth Standards**

The YCWRS holds senior water rights and allows the use of such rights by the public when wells are constructed according to YCWRS procedures. Accordingly, all permit exempt water wells permitted as a YCWRS domestic well must be constructed to the water bearing zone as specified by the public services director.

#### **12.08.430 – Discontinuance of Well Use – Well Decommissioning**

If a customer using a YCWRS domestic well is later required or elects to connect to a public water system then the well shall be decommissioned in accordance with Chapter 173-160 WAC. It shall be the responsibility of the county to decommission the well and the cost thereof shall be borne by the county.

#### **12.08.440 – Limitations on Use**

A YCWRS domestic well permit for a permit exempt well may only be obtained concurrent with a building permit or a land use permit. The amount of water withdrawal permitted shall not exceed 5,000 gallons per day.

### **ARTICLE VI – RATES AND CHARGES**

#### **12.08.450 Water Connection Permit Charges.**

A connection permit charge shall be paid to the county by the person desiring to make such connection, which charges shall be payable at the time application is made for the permit to perform the work and make the connection. Connection permit charges shall apply to all connections including connections for domestic service and connections for fire protection service. The connection permit charge shall be in accordance with the following schedule:

<b>Meter Size</b>	<b>Buena Water System Connection Permit Charge</b>
3/4" and less	\$2,500.00
1"	\$2,790.00
1-1/2"	\$4,000.00
2"	\$5,670.00
3"	\$9,670.00
4"	\$13,330.00

<b>Meter Size</b>	<b>Terrace Heights Water System Connection Permit Charge</b>
3/4" and less	\$2,500.00
1"	\$2,790.00
1-1/2"	\$4,000.00
2"	\$5,670.00
3"	\$9,670.00
4"	\$13,330.00
6"	\$26,990.00
8"	\$40,480.00
10"	\$53,970.00

<b>Meter Size</b>	<b>Gala Estates Water System Connection Permit Charge</b>
3/4" and less	\$4,000.00
1"	\$4,460.00
1-1/2"	\$6,600.00
2"	\$9,060.00

Meter Size	Crewport Water System Connection Permit Charge
3/4" and less	\$2,500.00
1"	\$2,790.00
1-1/2"	\$4,000.00
2"	\$5,670.00

Meter Size	YCWRS Domestic Well
3/4" to 1"	\$650.00

**12.08.460 Service Installation Charges.**

A charge shall be paid to the county by the customer for the installation of a water service, which charge shall be the actual costs incurred, including administration and overhead, for all materials and labor for the installation. The service installation charge shall be payable in the user's next water bill after the installation. Service installation charges shall be in addition to the water connection permit charges.

**12.08.470 Ready to Serve Charges.**

(1) The minimum monthly ready to serve charge for the Buena water system shall be in accordance with the following table. The amounts shown below are current 2018 charges adjusted annually in accordance with Section 12.08.550 of this Code.

Meter Size	Buena Water System Ready to Serve Charge
3/4" and less	\$11.90
1"	\$20.30
1-1/2"	\$43.00

<b>Meter Size</b>	<b>Buena Water System Ready to Serve Charge</b>
2"	\$70.90
3"	\$160.00
4"	\$281.00

(2) The minimum monthly ready to serve charge for the Terrace Heights water system shall be in accordance with the following table. The amounts shown below are current 2018 charges adjusted annually in accordance with Section 12.08.550 of this Code.

<b>Meter Size</b>	<b>Terrace Heights Water System Ready to Serve Charge</b>
3/4" and less	\$19.20
1"	\$34.30
1-1/2"	\$76.80
2"	\$136.00
3"	\$309.00
4"	\$548.00
6"	\$1,228.00
8"	\$2,188.00
10"	\$3,415.00

(3) The monthly service charge for any single-family residential customer in the Terrace Heights water system that does not have a readable meter shall be a flat rate of thirty dollars per month.

(4) The minimum monthly ready to serve charge for the Gala Estates water system shall be in accordance with the following table. The amounts shown below are current 2018 charges adjusted annually in accordance with Section 12.08.550 of this Code.

<b>Meter Size</b>	<b>Gala Estates Water System Ready to Serve Charge</b>
3/4" and less	\$32.20
1"	\$39.30
1-1/2"	\$88.80
2"	\$151.00

(5) The 2018 minimum monthly ready to serve charge for the Crewport Water System shall be \$43.70 per month for a 3/4-inch connection. The minimum monthly ready to serve charge shall be adjusted annually in accordance with Section 12.08.550 of this Code.

(6) The minimum monthly ready to serve charge for small satellite water systems with 14 or less connections shall be in accordance with the following table. The amounts shown below are current 2018 charges adjusted annually in accordance with Section 12.08.550 of this Code.

<b>Water System</b>	<b>Minimum for Undeveloped Lot</b>	<b>Minimum for Developed Lot</b>
Beckon Ridge	\$14.40	\$39.90
Bittner	\$16.30	\$125.00
Bonair	\$14.80	\$43.10
Buchanan	\$16.30	\$53.50
Fairway Estates	\$11.10	\$54.30
Gibson	\$11.60	\$34.00
Heysman	\$14.40	\$33.20
Horizon	\$13.00	\$42.00
Huntzinger	\$11.70	\$44.50
Kodiak	\$11.10	\$27.70
Meadowbrook	\$12.10	\$39.70
Nagler	\$11.60	\$34.90
Norman	\$14.40	\$46.50
Oliver	\$13.00	\$37.00
Pleasant View	N/A	\$54.00
Raptor	\$14.40	\$46.50
Ray Symmonds	\$16.10	\$52.10



Speyers	\$14.40	\$46.50
Star Crest	\$11.70	\$52.70
Stein	\$11.40	\$33.10
Wendt	\$18.30	\$48.90
Wiseacre	\$14.40	\$39.90

(7) The 2018 minimum quarterly ready to serve charge for a YCWRS domestic well shall be \$35.00 per quarter. The minimum quarterly ready to serve charge shall be adjusted annually in accordance with Section 12.08.550 of this Code.

(8) Ready to serve charges and flat rate monthly service charges shall not apply when water service is suspended following disconnection for nonpayment of delinquent charges or when suspension of service is requested by the customer, if the disconnection or suspension is for an entire billing cycle, and if the connection is not on a small satellite water system with 14 or less connections.

**12.08.480 Water Consumption Charges.**

(1) For water delivered based upon monthly meter readings or estimated water consumption, the water consumption charge shall be computed at the following rates per one hundred cubic feet or prorated to portions thereof of water consumption. Rates shown below are current 2018 charges adjusted annually in accordance with Section 12.08.550 of this Code.

Water System	Rate Per 100 Cubic Feet
Buena water system	\$1.10/100cf
Terrace Heights water system	\$1.58/100cf (first 1,000cf)
	\$1.75/100cf (second 1,000cf)
	\$1.92/100cf (over 2,000cf)
Gala Estates water system	\$3.84/100cf (first 1,000cf)
	\$4.28/100cf (second 1,000cf)
	\$4.89/100cf (over 2,000cf)
Crewport water system	\$0.71/100cf (first 1,000cf)
	\$0.83/100cf (second 1,000cf)
	\$0.95/100cf (over 2,000cf)
Oliver Drive water system	\$1.00/100cf

(2) Consumption charges for small water systems not listed above in Section 12.08.550 with 14 or less connections shall be computed based on monthly service meter readings if the source meter at the well indicates the source is producing more than allowed for an exempt well (5,000 gallons per day). Consumption charges shall not apply if the well is producing less than 5,000 gpd.

When applicable, water consumption charges for small water systems with 14 or less connections shall be computed at the rate of one dollar (\$1.00) per one hundred cubic feet, or prorated to portions thereof, for water consumption in excess of the volume included in the minimum ready to serve charge.

Water System	Volume Included in Ready to Serve Charge
Beckon Ridge	2,500 cf
Bittner	5,010 cf
Bonair	3,340 cf
Buchanan	2,500 cf
Fairway Estates	2,500 cf
Gibson	3,340 cf
Heysman	2,500 cf
Huntzinger	5,010 cf
Kodiak	2,500 cf
Meadowbrook	3,340 cf
Nagler	2,860 cf
Norman	2,500 cf
Oliver	0 cf
Raptor	3,340 cf
Ray Symmonds	3,340 cf
Speyers	2,860 cf
Star Crest	6,680 cf
Stein	2,500 cf
Wendt	2,500 cf
Wisecre	2,860 cf

(3) For water delivered annually based upon meter readings, the water consumption charge for a YCWRS domestic well shall be computed at the following rates per 100 cubic feet or prorated to portions thereof of water consumption. Rates shown below are current 2018 charges adjusted annually in accordance with Section 12.08.550 of this Code.

Water System	Rate Per 100 Cubic Feet Based on Annual Use
YCWRS Domestic Well	\$0.36/100cf (first 17,000cf)
	\$1.86/100cf (from 17,000 to 50,000cf)
	\$2.48/100cf (from 50,000 to 100,000cf)
	\$3.72/100cf (from 100,000 to 200,000cf)
	\$4.34/100cf (over 200,000cf)

**12.08.490 Fire Protection Service Charge.**

A monthly fire protection service charge shall be paid to the county for fire protection service received from the public water system when the fire protection service is delivered from a private unmetered water line. The minimum monthly fire protection service charge for the Terrace Heights and Buena water system shall be in accordance with the following table. The amounts shown below are current 2018 charges adjusted annually in accordance with Section 12.08.550 of this Code.

Private Water Line Size	Terrace Heights and Buena Water System Fire Protection Service Charge
2"	\$37.00
3"	\$86.00
4"	\$155.00
6"	\$346.00

Private Water Line Size	Terrace Heights and Buena Water System Fire Protection Service Charge
8"	\$615.00
10"	\$960.00

**12.08.500 Total Monthly or Quarterly Charge.**

The total monthly or quarterly charge shall be the sum of the ready to serve charge (Section 12.08.470), the water consumption charge (Section 12.08.480), the fire protection service charge (Section 12.08.490), and any other miscellaneous charges described within this chapter.

**12.08.510 Charge for Turning on After Turnoff for Nonpayment or New Account.**

- (1) A prepaid thirty-five-dollar service charge shall be required for the establishment of new accounts at existing connections and the establishment of temporary services.
- (2) A prepaid thirty-five-dollar service charge shall be required for resumption of water service following disconnection for nonpayment of delinquent charges, when resumption of water service is requested during normal business hours (8:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays). If resumption of water service is requested outside of normal business hours, the service charge shall be seventy dollars.
- (3) The service charge for resumption of water service following disconnection for nonpayment shall apply once the county arrives at the property to turn the water off for nonpayment. If the customer agrees to make payment within one business day, then the county shall leave the water on and include the service charge for resumption of water service on the customer's bill. If the customer fails to make payment within one business day, then the county shall disconnect the service and charge an additional service charge for resumption of water service when water service is restored.
- (4) A thirty-five-dollar service charge shall apply for resumption of water service when disconnection of water service was requested by the customer due to a leak on the customer's side of the meter and the customer did not have a shut-off valve to isolate the leak. If resumption of water service is requested outside of normal business hours, the service charge shall be seventy dollars. The service charge will be waived if the customer installs a shutoff valve before water service is returned, or, if the leak is in the service line, and the customer replaces the service line.

**12.08.520 Charges for Premises Supplied Through More Than One Meter.**

Where an individual customer is supplied with water through more than one metered service, charges shall be computed separately for each individual meter.

**12.08.530 Backflow Prevention Assembly Inspection Charges.**

(1) Backflow prevention assembly inspection and testing, as required under Section 12.08.370 of this chapter, shall be thirty-five dollars per assembly.

(2) Repairs made to backflow prevention assemblies shall be performed by the property owner or a licensed plumber at the property owner's expense. The property owner or licensed plumber shall provide written notification of completion of repairs and request an inspection and/or test upon completion of the work.

**12.08.540 Temporary Water Use Charges.**

(1) Water furnished through a temporary service shall be measured by a meter furnished by the county. A rental charge of five dollars (\$5.00) per day shall apply for each day the meter is charged out to the customer, regardless of the number of days the meter is actually used.

(2) In addition to the daily rental charge, the customer shall pay the county for the volume of water furnished through a temporary service in accordance with the consumption charges included in Section 12.08.480 and as adjusted by Section 12.08.550 of this chapter.

(3) The customer shall provide a damage deposit of two hundred fifty dollars (\$250.00) for the use of a hydrant meter. The customer shall return the hydrant meter in the same state of repair as when furnished to the customer by the county, or shall be responsible to the county for the actual cost of any repair, or the replacement cost of the hydrant meter in the event of its destruction or loss.

(4) Temporary services used to fill a water tank shall be inspected by the county for proper backflow prevention at the customer's expense. A backflow prevention assembly inspection charge as provided in Section 12.08.530 shall apply.

(5) When a temporary service is used to fill a water tank that is not equipped with a proper air gap or backflow prevention assembly, then the service shall be equipped with a double check valve assembly furnished by the county. A rental charge of one dollar (\$1.00) per day shall apply for each day the assembly is charged out to the customer, regardless of the number of days the assembly is actually used.

(6) The customer shall provide a damage deposit of fifty dollars (\$50.00) for use of a double check valve assembly. The customer shall return the assembly in the same state of repair as when furnished to the customer by the county, or shall be responsible to the county for the actual cost of any repair, or the replacement cost of the assembly in the event of its destruction or loss.

(7) Prior to the installation of a temporary service, the customer shall sign an application agreeing to the terms and conditions of this section.

(8) No charge shall be made for water supplied through fire hydrants when the water is used for fire suppression or for maintenance and operation purposes by the county.

**12.08.550 Annual Charge Adjustment.**

The Public Services Director shall annually determine a water system's financial ability to meet its annual operating expenses and required fund reserves in comparison to the system's annual revenue received from the system's ready to serve charges, consumption charges, and fire protection service charges. The Public Services Director's findings will be presented to the Board of Yakima County Commissioners on or before September 1st of each year. The findings shall include a recommendation for any charge adjustment deemed necessary for a system to meet its annual operating expenses and required system fund reserves.

The Board of Yakima County Commissioners may adjust by resolution a system's ready to serve charges, consumption charges, and fire protection service charges annually up to the seasonally adjusted Consumer Price Index (CPI) as published by the U.S. Bureau of Labor Statistics for water and sewerage maintenance in the closest applicable area. Such adjustments shall be effective as of January 1st of each year, and shall be based on increases in the CPI for the previous calendar year.

**12.08.560 Returned Check Charges.**

Checks returned due to insufficient funds shall result in an additional charge of ten dollars (\$10.00) per occurrence. The ten-dollar charge will be in addition to applicable county treasurer charges.

**ARTICLE VII – BILLING AND COLLECTION**

**12.08.570 Accounts – Collection Responsibility.**

All accounts shall be kept in the office of the county public services department under the name of the property owner and the tenant or occupant if so requested and approved. The public services director shall collect all fees and charges provided for by this chapter.

**12.08.580 Billing.**

Billing shall be done on a monthly basis for water service provided by the county from a public water system during the preceding month. Billing shall be done on a quarterly basis for water service provided by the county from a YCWRS domestic well during the preceding quarter. Bills and other notices shall be sent to the address of the property owner, provided that the public services director may, upon written request of the property owner, cause bills and notices to be

sent to the tenant or other occupant of the property served. Deposit of the bill or notice in the U.S. mail, with postage prepaid and addressed to the owner of the property, or other addressee if requested by the owner, shall be evidence of receipt of the bill or notice by the customer.

**12.08.590 Single Billing for Each Connection and Meter.**

- (1) Where two individual customers are supplied with water through one meter, the individual who applies for service shall be responsible for all charges. If the meter is 3/4-inch or smaller and serves two homes, the bill shall be computed with two 3/4-inch ready to serve charges. If the meter is 1-inch or larger, the bill shall be computed with one ready to serve charge.
- (2) When more than two individual customers are supplied with water through one meter, the individual who applies for service shall be responsible for all charges and the bill shall be computed as described in Section 12.08.500 of this chapter, and the bill shall include one ready to serve charge based on the size of the meter.
- (3) All new services providing water to two individual residential customers on one tax lot shall be a minimum 1-inch diameter. The minimum diameter of all other new services providing water to more than one individual customer on one tax lot shall be based on an engineering study by the public services director that takes into consideration estimated peak demands and the normal flow range of the meter.
- (4) For purposes of this section, each one-family dwelling unit and each dwelling unit in a two-family or multiple dwelling unit shall constitute one individual customer. Each individually housed business or commercial enterprise shall constitute one customer. Further, for purposes of this section, each separate mobile home site within a mobile home court, park or other mobile home complex shall constitute one individual customer.

**12.08.600 Liability for Charges.**

The owner of the premises to which water services are provided shall be responsible for all fees and charges.

**12.08.610 Due and Delinquency Dates.**

All charges for water service shall be due and payable on the date of billing and shall become delinquent 21 days from the date of the billing. If the charges remain delinquent and unpaid for a period of forty-five days following the delinquency date, the public services director shall certify the delinquency to the county treasurer and cause a notice of suspension of service to be sent to the property owner and the tenant or other occupant.

**12.08.620 Delinquency Charge.**

(1) If the charges for water service are not paid by the delinquency date, then there shall be added to the charges a one-time late payment penalty of ten percent (10%) of the previous month's delinquent charges, and interest shall then be attached and accrue on all unpaid charges computed at a rate of eight percent (8%) per annum starting on the next day after the delinquency date until paid. Interest shall be computed on the entire unpaid balance, excluding lien certification costs, whereas the one-time late payment penalty shall only apply to charges accrued during the previous month.

(2) A partial payment on any delinquent charges shall first be applied to the oldest unpaid bills.

#### **12.08.630 Lien for Delinquent Charges.**

(1) All charges for water connections and service as provided in this chapter together with penalties and interests thereon shall be a lien upon the property served. The lien shall be superior to all other liens and encumbrances, except general taxes and local and special assessments of the county.

(2) The public services director shall periodically certify delinquencies to the county treasurer at which time the lien shall attach. Upon expiration of sixty days after the attachment of the lien, the county may bring suit in foreclosure by civil action in superior court. The lien shall be foreclosed in the same manner as the foreclosure of real property taxes.

#### **12.08.640 Suspension of Service – Hearing Procedure.**

(1) As an additional and concurrent method of enforcing the county's lien for water service charges, the public services director is authorized and directed to suspend service to any premises for which the charges remain unpaid for a period of fourteen days from the date on which the written notice of suspension was served upon or mailed to the property owner and tenant or other occupant. Such notice shall state the date upon which service will be suspended, the amount of delinquent charges, and that the customer may request in writing a hearing before the public services director or his designee to contest the suspension, provided such request is received prior to the suspension date set in the notice of suspension.

(2) Upon timely receipt of a request for a hearing, the public services director or his designee shall conduct a hearing, and the customer requesting the hearing shall be notified in writing of the date, time and place of such hearing. Pending the outcome of the hearing, no service shall be suspended. The customer shall be notified in writing of the decision prior to suspension of service.

#### **12.08.650 Suspension of Service – Exceptions.**

Suspension of service for nonpayment shall only apply to customers in which the total unpaid charges are more than \$200.



#### **12.08.660 Adjustment for Water Leakage.**

(1) Adjustments for the billing of water consumption based upon a water loss resulting from a leak or leaks in any portion of the water system within the customer's property may be made one time per calendar year, at the discretion of the Public Services Director.

(2) Prior to receiving a billing adjustment for water losses resulting from leaks in the customer's system, the customer shall:

(a) Cause all leaks to be repaired as soon as possible after being discovered.

(b) File a written request for billing adjustment in which the cause of the water loss and the repair or repairs made to the customer's system are described.

(c) Provide copies of the plumbing bill or cost of defective parts indicating that the leaks causing the water loss have been repaired.

(d) Provide evidence that the repairs for leaks have been made on the premises receiving water service.

(3) If it is determined by the public services director that a water loss has occurred by reason of a leak or leaks in the customer's system, and the customer has complied with the procedures set forth in this section, then an adjustment shall be calculated in accordance with the following criteria and credited to the customer's account.

(a) The public services director shall determine the amount of water consumed by the customer during the period of water loss in excess of the average amount of water used for the same period in the previous two years.

(b) The adjustment shall be calculated as 50% of the difference between the amount of water consumed during the period of water loss and the average amount of water used for the same period in the previous two years.

(c) In no case shall the leak adjustment exceed \$200.00.

#### **ARTICLE IX – VIOLATION – PENALTY**

#### **12.08.670 Public Nuisance Violations Designated.**

The violation of Sections 12.08.150, 12.08.170, 12.08.250, 12.08.270 and 12.08.690 of this chapter is declared to be a public nuisance and shall be subject to prevention or abatement in an action at law or equity to the same extent as are other public nuisances.

#### **12.08.680 Violation – Penalty.**

