

12/06/21  
12/20/21

ORDINANCE NO. M- 4359

AN ORDINANCE relating to the sewer and surface water utility user charges, amending Chapters 14.04, 14.08, 14.09, and 14.12 of the Vancouver Municipal Code; providing for savings, severability and an effective date.

WHEREAS, it is in the public interest to amend certain sections of Title 14 of the Vancouver Municipal Code to clarify definitions; maintain consistency; utilize gender neutral language; and ensure compliance with current practices; and

WHEREAS, with proper notice to the public, the City Council conducted a first reading of the proposed ordinance on December 13, 2021, and a public hearing concerning the ordinance and proposed code changes on December 20, 2021.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

**SECTION 1.** Chapter 14.04 of the Vancouver Municipal Code is hereby amended to read as follows:

**Chapter 14.04**

**WATER AND SEWER USE – REGULATIONS AND CHARGES**

**Sections:**

**14.04.010 Water-sewer department created – Appointment of personnel.**

- 14.04.020**            **Power and duties of director of public works.**
- 14.04.022**            **General Sewer Plan.**
- 14.04.030**            **Departmental regulations – Altering.**
- 14.04.035**            **Right of entry to public utility easements.**
- 14.04.040**            **Definitions.**
- 14.04.060**            **Deposit of moneys.**
- 14.04.070**            **Information on charges or delinquent accounts.**
- 14.04.080**            **Inspection and Approval.**
- 14.04.090**            **Charges for water meter and service line installation.**
- 14.04.100**            **Condition of water and/or sewer service.**
- 14.04.105**            **Permit required for plumbing work.**
- 14.04.110**            **Unauthorized use of water.**
- 14.04.120**            **Sharing or selling water to another.**
- 14.04.130**            **Effect of leakage on bills.**
- 14.04.140**            **Unlawful acts.**
- 14.04.145**            **Cause of action for tampering, unauthorized connections and diversion  
of services.**
- 14.04.150**            **Fluoridation authorized.**
- 14.04.155**            **Cross Connection Control Program.**
- 14.04.160**            **Department employee rules.**
- 14.04.170**            **Meter connections – Exceptions – Placement.**
- 14.04.180**            **Meter tests and adjustments.**
- 14.04.190**            **Billing procedure and conditions.**
- 14.04.191**            **Termination of utility service to rental dwellings.**
- 14.04.192**            **Termination of utility service to rental dwellings – Exceptions.**
- 14.04.193**            **Termination of utility service to rental dwellings – Service restored.**
- 14.04.194**            **Termination of utility service to rental dwellings – Action by utilities  
administration.**
- 14.04.195**            **Termination of utility service to rental dwellings – Transfer charges.**
- 14.04.196**            **Termination of utility service – City’s rights.**

- 14.04.197**            **Termination of utility service to customers other than residential rental tenants occupying single-family units or individually metered multifamily units – Action by utilities administration.**
  - 14.04.210**            **Water service – User charges.**
  - 14.04.230**            **Sanitary sewer service – User charges.**
  - 14.04.230B**           **Conditions and charges applicable to water, sewer and stormwater accounts.**
  - 14.04.235**            **System development charges – Connection fees.**
  - 14.04.236**            **In-city rates for some property – When.**
  - 14.04.237**            **In-city rates for property outside city – When.**
  - 14.04.240**            **Sewer connection fee installment contract.**
  - 14.04.241**            **Water connection fee installment contract.**
  - 14.04.242**            **Recording Fees.**
  - 14.04.250**            **Fire hydrants.**
  - 14.04.260**            **Automatic sprinkler systems for fire protection services.**
  - 14.04.265**            **Automatic sprinkler systems for fire protection purposes – Unmetered water connections – No charge.**
  - 14.04.270**            **Polluting or obstructing water supply.**
  - 14.04.280**            **Procedure for extending mains.**
  - 14.04.285**            **Water and Sewer Reimbursement Contracts.**
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- 14.04.010**            **Water-sewer department created – Appointment of personnel.**

There is hereby established a Water-Sewer Department of the City of Vancouver which shall be under the supervision of the Director of ~~Public Works~~ for the purposes hereinafter enumerated. The officers and other employees of the department shall consist of a superintendent and such officials, clerks, accountants, engineers, laborers and assistants, to be appointed by the city manager, as may be necessary for the efficient administration of the department.

**14.04.020 Power and duties of director of ~~public works~~.**

The director of ~~public works~~ shall have full supervision, charge and control of the water-sewer department, and shall make, in addition to the rules and regulations contained in this chapter, such additional written rules and regulations from time to time as they may deem necessary for the efficient administration and regulation of the department.

**14.04.022 General Sewer Plan.**

A. The City hereby adopts by reference the “City of Vancouver April 2011 General Sewer Plan as amended August 2011” (2011 General Sewer Plan) as its general sewer plan. The 2011 General Sewer Plan is a required comprehensive plan for a system of sewers adopted by the local government entity. The 2011 General Sewer Plan is adopted by ordinance as required by RCW 35.67.030. The Washington State Department of Ecology has approved the 2011 General Sewer Plan as required by RCW 90.48.110, as being in compliance with WAC 173-240-030, 173-240-040, and 173-240-050.

B. At least one copy of the 2011 General Sewer Plan shall be filed in the Office of the City Clerk for use and examination by the public. The 2011 General Sewer Plan may also be made available for use and examination by the public at the Office of the Director, and on the City website.

**14.04.030 Departmental regulations – Altering.**

The following rules and regulations are the effective rules and regulations of the municipal water-sewer department of Vancouver. No officer, employee or agent of the water-sewer department has any authority to waive, alter or amend in any respect the provisions of these rules and regulations. Changes, amendments or additions may be made at any time by action of the city council. The city

council shall have authority to decide any question which may arise and which is not fully settled by any of the provisions of this chapter and its decision in such cases shall be final.

**14.04.035 Right of entry to public utility easements.**

After January 1, 2013 all new public utility easements required under this Title shall provide that the ~~Public Works~~ Director and other duly authorized employees of the City of Vancouver bearing proper credentials and identification shall be permitted to enter all utility easements located on private properties for the purposes of inspection, observation, measurement, sampling, testing, public information, education and outreach, code enforcement and maintenance in accordance with the provisions of this title.

**14.04.040 Definitions.**

For the purposes of construing this chapter, the following definitions are made a part thereof:

“Accessory Dwelling Unit (ADU)” means one or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit within or attached to a single-family dwelling, or in a detached building on the same lot as the primary dwelling unit. An ADU is distinguishable from a duplex in that, unlike a duplex, it is clearly subordinate to the primary dwelling unit, both in use and appearance. Approved ADU’s shall not be subject to separate metering requirements of VMC 14.04.190(I).

“Agent” means any person empowered to act on behalf of the legal owner in matters concerning utility service.

“Building permit” means those permits issued pursuant to Title 17 of the Vancouver Municipal Code, authorizing the customer or ~~his~~ their agent to perform work upon ~~his~~ their premises.

“Combined sewer” means those sewers which are designed to carry both waste matter permitted by this title to enter the system and surface drainage water.

“Commercial” means all property zoned or used for nonresidential purposes.

“Consumer” means any person who uses services of the city’s utility; provided that in the case of calculating the pro rata charges for service when one line serves multiple premises owned by multiple customers, it shall mean each single family unit, or unit of a multi-family residential complex, or each separate business which occupies a commercial or industrial building.

“Customer” means the fee owner of property or premises served by the city’s utility through and by the department, provided that the fee owner may designate an agent for purposes managing the customer’s account and provided further that a tenant may put service in ~~his/her~~ their own name under the provisions of Sections 14.04.192 through 14.04.195 of this chapter.

“Customer line” means the pipe, valves and fittings leading from the water meter into the premises served.

“Department” means the water/sewer/stormwater division of the department of public works of the City of Vancouver, and the City of Vancouver, acting by and through its water/sewer/stormwater utility, its authorized agents and employees.

~~“Director of utilities” or~~ “Director” means the Director of Public Works or duly authorized representative.

“Dwelling unit” means one room or a suite of two or more rooms, designed for use by one family or housekeeping unit for living and sleeping purposes, and having one kitchen. Each unit shall provide a complete independent living space for one or more persons, including permanent facilities for living, sleeping, cooking and sanitation.

“Fee owner” means the owner of record, as shown by the records of Clark County. (See also “customer.”)

“Final Acceptance” means the acceptance of civil improvements by the City of Vancouver upon completion of all required development conditions, document submittals, and final inspections of all civil improvements installed as part of a project. Final acceptance shall be documented by signature of the Director of ~~Public Works~~ or designee on the Final Acceptance letter. Once final acceptance is issued the City of Vancouver will assume operation and maintenance of said civil improvements.

“Latecomer fee,” for purposes of VMC 14.04.285, means a charge collected by the City, whether separately stated or as part of a connection fee for providing access to a City system, against a real property owner who connects to or uses a water or sewer facility subject to a reimbursement contract created under RCW 35.91.020 as implemented by VMC 14.04.285.

“Main Line Fee” means reimbursement to the City paid by new customers under the terms of VMC 14.04.280 for the costs of City-extended water and/or sewer mains.

“Monthly base charge” means the minimum charge for water/sewer service as established by this chapter or as hereafter amended.

“Municipality,” for purposes of VMC 14.04.285, means the governing body of any county, city, town, or drainage district.

"Multiple family (multifamily) dwelling" means a building or portion thereof designed or used as a residence by two or more families and containing two or more dwelling units. This also includes ADU's that share water and sewer service from service connections for the primary residence.

“Person” means any individual, firm, company, partnership, association, society, corporation or group.

“Premises” means a continuous tract of land, building or groups of adjacent buildings under a single ownership or control with respect to water or sewer service and responsibility for payment ~~therefore~~ therefor. Subdivisions of such use or responsibility shall constitute a division into separate premises as defined here.

“Public sewer” means a sewer constructed for conveyance of liquid wastes and which is located in a public right-of-way, street, alley or easement and is controlled by the city or other public authority. The public sewer does not include sewer laterals serving individual buildings, properties or premises.

“Reimbursement contract,” for purposes of VMC 14.04.285, means a contract entered into under RCW 35.91.020 as implemented by VMC 14.04.285 which provides for the pro rata reimbursement to an owner of real estate or the owner’s assigns within a period of twenty years for a portion of the costs of the water or sewer facilities improved or constructed by the owner from latecomer fees received by the City from property owners who subsequently connect to or use the water or sewer facilities, but who did not contribute to the original cost of the facilities.



“Right of way use permit” means any permit required by any public agency authorizing the customer or ~~his~~ their agent to perform work within public rights-of-way. For the purpose of this title, the term “right of way use permit” includes, but is not limited to, street-cut permit, sidewalk permit, driveway permit, curb permit, utility permit.

“Sanitary sewer” means those sewers used to collect and transport only domestic, commercial or industrial waterborne wastes permitted to be discharged thereto by this title.

“Service line” means the pipe, fittings and water meter connecting the main to the customer’s meter.

“Sewer lateral” means the pipe and fittings necessary for connecting the customer’s building sewer to the public sewer main.

“Sewer system” means the system of conduits, pipes, pumps, treatment facilities and structures used for the purpose of conveying from their source, treating in any manner, and conveying to final points of disposal all wastes of any nature permitted by this title.

“Single-family dwelling” means a building designed or used for residence purposes by not more than one family and containing one dwelling unit only, including mobile homes when not located in a mobile home park and including condominium units subject to fee simple ownership, and excluding multiple-family dwellings, apartments and motels. This also includes ADU’s that take water and sewer service from service connections separate from the primary residence.

“Storm sewer” means those sewers used to collect and transport stormwater runoff, surface drainage, or other water which may be permitted under this title.

“Utility” means the water/sewer/stormwater utility consisting of the water/sewer/stormwater division of the city department of public works and the utility administration division of the city department of public works, or successor department or division which are charged with the furnishing of water and sewer service within the City of Vancouver’s water and sewer and stormwater service areas.

“Water main” means the pipe laid in a public right-of-way, street, alley, or easement owned by the city, and used or intended for the distribution of water to customers through service lines, and may also be referred to as “main.”

“Water meter” means any device used for the measurement of water delivered to an individual location, customer or user.

“Water or sewer facilities,” for purposes of VMC 14.04.285, means storm, sanitary, or combination sewers, pumping stations, and disposal plants, water mains, hydrants, reservoirs, or appurtenances.

“Water system” means the system of conduits, pumps, treatment facilities, and structures used for the purpose of production and conveying potable water from their source, treating in any manner, and conveying to users in the city and adjacent areas.

**14.04.060     Deposit of moneys.**

All charges, deposits, late fees, penalties and other moneys of whatever kind accruing to the benefit of the department shall be paid to the City of Vancouver through the Director of Financial and Management Services, or ~~designate their designee~~, and by ~~him or her~~ them deposited to the credit of the water-sewer fund.

**14.04.070 Information on charges or delinquent accounts.**

The city shall upon request of any interested person give information as to whether any water service lien or other charge is outstanding against any given piece of property.

**14.04.080 Inspection and Approval.**

All work done under a permit issued pursuant to this chapter shall be subject to the inspection by the director or designee, and the work shall not be deemed completed until it has been inspected and approved as satisfactory.

**14.04.090 Charges for water meter and service line installation.**

If any street or alley is to be improved, the service lines to all adjacent tracts, lots or parcels of lands, either vacant or occupied, shall be installed prior to such improvement at the property owner's expense.

A. Effective January 1, 2017, rates for meter and service installation shall be as follows:

<b>Meter/Service Diameter</b>	<b>Meter and Service</b>	<b>Service Only</b>	<b>Meter Only</b>
5/8 x 3/4 with 1" service	\$2,000.00	\$1,930.00	\$135.00
1 inch	\$2,045.00	\$1,930.00	\$180.00
1-1/2 inch	\$3,220.00	\$2,835.00	\$450.00
2 inch	\$3,535.00	\$3,140.00	\$460.00
3 inch	Note 1	Note 1	\$2,700.00

<b>Meter/Service Diameter</b>	<b>Meter and Service</b>	<b>Service Only</b>	<b>Meter Only</b>
4 inch	Note 1	Note 1	\$3,200.00
6 inch	Note 1	Note 1	\$4,900.00
8 inch and larger	Note 1	Note 1	Note 2

Note 1. The city does not install service larger than 2 inch. For larger services the customer is responsible for submitting drawings for city approval and for installation of the service.

Note 2. Prices available upon request.

B. *Meter and Service Relocates*. Effective January 1, 2017, rates for relocation of water service shall be as follows:

Service relocates ten feet (10') and less	\$265.00
Service relocates over ten feet (10')	\$1,180.00
Meter box raise/raise yoke fee	\$130.00
One (1") inch yoke replacement fee	\$260.00

The city does not perform half-street restoration work. If the service installation or relocation requires half-street restoration, the applicant shall hire a contractor approved by the city to work within the right-of-way, obtain a right-of-way permit, and complete all work themselves (including service installation or relocation). The service installation or relocation and the half-street restoration work must be complete prior to the city setting the water meter.

C. Commencing January 1, 2018, and effective January 1st of each year thereafter, the fees set by subsections A and B of this section shall be adjusted annually at a rate based upon the change in the Consumer Price Index for Urban Wage Earners and Clerical Workers for the Seattle-Bellevue Metropolitan Area as prepared by the United States Department of Labor, Bureau of Labor Statistics and as published as of the preceding June 30th. The annual fee adjustment for each rate category shall be rounded to the nearest \$5.00. This annual adjustment shall not apply to the “Meter Only” fees.

**14.04.100 Condition of water and/or sewer service.**

A. *Accounts to be in name of the fee owner.* Effective October 1, 2006, all accounts for water/sewer/stormwater shall be kept in the name of the fee owner of the property or premises served; provided that:

1. Rental tenants whose accounts are in their own names as of October 1, 2006, may retain their existing accounts in their names until they change service address or their accounts are otherwise terminated;
2. Tenants may put service in their own names pursuant to Sections 14.04.192 through 14.04.195 of this chapter;
3. As provided by RCW 35.21.217, the fee owner may request to have duplicate bills mailed to a tenant, lessee, contract buyer, or agent, provided that:
  - a. This shall not relieve the fee owner from liability for charges incurred; and

b. Current contact information for the fee owner and for the tenant, lessee, contract buyer, or agent must be provided to the city, on forms approved by the city, in order for a customer/owner to have bills mailed to a tenant, lessee, or agent; and

4. Nothing in this section shall prevent a tenant from paying a utility charge which has been billed to a fee owner.

B. *Ownership of Lines.* The department shall install, own and maintain all 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 city. Customer lines from the meter to the building or premises shall be installed, owned and maintained by the customer. Insofar as is possible, customer lines leading to such service lines shall be installed so that they will not be under any concrete walk or driveway or other obstruction.

C. *Individual Service Required.* Each service line or sewer lateral shall be connected to only one house or building or a multi-tenant commercial building and for only one consumer insofar as practicable; provided, that the owner of a multifamily building may at ~~his~~ their option supply such building from a single connection, in which case the billing provisions of Section 14.04.190 shall apply. Any meters that are inter-tied within the customer's system shall be combined into one account; separate accounts for inter-tied meters will not be allowed.

D. *Installation on Private Property.* Service lines and meters shall not be installed on private property except where the Department of ~~Public Works~~ finds that service can be afforded in no

other practical way, in which case an easement granted to the city shall be secured from the legal owner.

*E. Charge for Installation of Larger Service Line or Relocation of Existing Service Line.*

Whenever a customer desires to have a service line changed to a larger size, ~~he~~ the customer shall pay all charges and fees applicable for installation of such larger size line and meter. Whenever a customer desires to have an existing service line relocated without a change in size of service the customer shall pay the costs as required in Section 14.04.210.G. In either case, the work shall be done by the department at the customer's expense as provided in Section 14.04.090. In all cases, the customer shall pay the costs thereof in advance.

*F. Transferring Customer Line.* Whenever a service line is ~~re-laid~~ re-laid or changed in position for any reason by the department, the customer shall immediately upon notice and at ~~his~~ the customer's own expense transfer the customer line to the newly laid or newly positioned service line.

*G. Customer Responsible for Installation and Maintenance.*

1. The water customer to be served by the department's mains shall install and maintain, at the customer's own expense, all water pipe, fixtures, and plumbing on ~~his~~ the customer's premises and shall own and maintain the customer line to the meter.

2. The sewer customer to be served by the department's mains shall install and maintain, at the customer's own expense, the sewer lateral from the premises to the public sewer main and shall own and maintain the sewer lateral from the premises to the public sewer main.

3. The customer or authorized agent shall be responsible for obtaining all building and right of way use permits required for work performed either on the premises or within public rights-of-way; provided, that the city may reimburse the customer for the cost of repair of that portion of the sewer lateral within dedicated public right-of-way, if damage to the sewer lateral was the result of deficiencies caused by acts or omissions of the city or third parties not acting as agents of the customer, and specifically excluding damage to the sewer lateral resulting from deficiencies caused by acts of God, root intrusion from the customer's trees or any other act or omission of the customer or customer's agent(s) or contractor(s). A claim for such reimbursement shall be submitted to the city within ten days of the incurrence of such costs and shall meet all of the following criteria:

- a. Eligible costs shall include only those actual expenses paid by the customer for any required city permits or to a licensed, bonded contractor.
- b. Only that portion of costs for repair work done within the dedicated right-of-way shall be eligible.
- c. The customer shall submit copies of the itemized invoices from the contractor. Such invoices shall indicate the type and cause or suspected cause of such damage.
- d. The amount of the reimbursement shall not exceed the estimated cost for installation of a new sewer lateral from the public sewer to the property line.
- e. All work shall be in conformance with city codes, ordinances and standards, including obtaining all necessary permits, inspections and approvals.



f. The director shall investigate all claims submitted for reimbursement and shall determine the validity of such claims and the amount of reimbursement, if any, which is due the customer.

H. *Specifications for Customer Lines and Sewer Laterals.* All customer lines shall be laid to a depth of two feet below the surface of the ground and shall be equipped with a readily accessible ~~value~~ valve for each house or building so that the customer may at any time shut off the entire water supply. Customer lines larger than two inches shall be equipped with an accessible gate valve controlling the full supply on the premises.

All sewer laterals shall be installed in accordance with the department's standard details and with Chapter 17.20 of this code. When a property is connected to public sewer each sewer lateral shall be provided with a clean out to within six inches of finish grade at the property line, except that when a cleanout is provided at a distance not to exceed thirty feet from the property line, no additional cleanout will be required at the property line.

I. *Installation of Service Lines and Sewer Laterals.* All installations performed within public rights-of-way shall be performed by a licensed contractor acting as the owner's agent. The contractor shall be responsible for obtaining all necessary permits for work within the right-of-way. All installation shall be performed in accordance with the department's standard details.

J. *Liability for Leakage or Stoppage.* Under no condition shall the department be held responsible or liable for any partial or complete stopping of flow, any leakage, or damage to any customer's pipeline, fixtures, sewer lateral, plumbing, premises or contents therein, served by the water/sewer utility.

K. *Approval of New, Re-laid Lines.* Approval of all new, re-laid or relocated customer lines must be secured from the department before water will be turned into the service.

L. *Temporary Water Use from Hydrants.* Temporary use of water from fire hydrants may be authorized by the Director of ~~Public Works~~ or designee. “Temporary Water Use from Hydrants” is defined as use of water from a fire hydrant where an established service point or permanent water meter is not available. The Director of ~~Public Works~~ shall approve a written policy that will include, but not be limited to; when temporary water use from hydrants will be permitted, the appropriate deposit for the renting of a temporary meter, conditions of forfeiture of water meter deposit, rental fees for the temporary meter, and fees for temporary water use from hydrants. Persons requesting temporary water use from hydrants shall apply for a temporary water use permit on forms prescribed by the city at the City of Vancouver Utilities Administration offices. Such permits shall be subject to conditions of use set forth therein, and subject to the written policy of the ~~Public Works~~ Director, including provisions for cross connection control and other measures prescribed by the Director to ensure the public safety and health and water conservation. This subsection shall not apply to authorized fire-fighting agencies.

M. *Temporary Service.* Where water service is desired from a permanent service line for a period of less than three years, upon approval of the Director of ~~Public Works~~, it shall be considered temporary service, except that permanent buildings or establishments where service is discontinued because of change of occupancy shall not be considered as coming under this regulation.

N. *Tap and Line for Temporary Service.* When a new tap and service line is required for a temporary service, the department shall collect, at the time application is made, an amount

covering the estimated installation cost as provided in Section 14.04.090. The installation cost shall include all labor and material necessary for connection and disconnection and shall not be less than the regular charge for a new service.

O. *Advance Payment for Temporary Service.* In all cases of temporary service, the department shall collect in advance the minimum charge for one month for the size of meter in use and in no case shall the charge be less than this amount. Temporary services shall be billed at the rate applicable to the current use of the premises.

P. *Transfer of Temporary to Permanent Status.* Temporary service may be transferred to permanent service status upon payment of system development charges effective as of the date of transfer to permanent status as assessed by VMC 14.04.235.

Q. *Existing Service Out of Use.* When any existing service line of two inches or less has been out of use for three years or more, the same shall be considered out of service and shall not be used again for water service purposes, unless the department determines that the existing service line is acceptable.

#### **14.04.105 Permit required for plumbing work.**

It shall be a violation of this chapter for a plumber or any other person to make connection, installation, replacement, extension or repair to any city water service pipe, or to connect one service pipe with another building, without having first obtained a permit from the department. Upon issuance of a permit to a plumber or other person authorized by the department to do plumbing work, the permittee shall make a report in writing to the department of all connections,

attachments and extensions made by ~~him~~ the permittee in accordance with the permit within three days after the completion of work.

**14.04.110      Unauthorized use of water.**

If any person makes or lays or installs any pipe or pipes or connections thereto or makes or breaks any connection to any meter or breaks any seal attached to any meter or seal or reseals any meter with the purpose or intent of obtaining water without paying the just charges for the same, the department shall, ~~forthwith~~ upon becoming aware of the fact, have the authority to shut off and stop the entire supply to the premises affected without prejudice to its right to collect any and all charges due for water legally or illegally or properly or improperly ~~therefore~~ obtained or delivered to the premises. Such authority shall include the right to shut off the water supply serving the premises in any public street or right-of-way and charge the costs of labor and materials to such person or customer. If the improper connection is on public property, the department will make the necessary changes, removals or repairs, but if on private property, the owner shall do the work directed immediately upon demand. The customer having had such unauthorized supply shall pay on an estimated basis for the water used for the period during which such unauthorized service may have been obtained. The customer shall also pay all costs for labor and material used in removing the unlawful connections wherever found and in restoring the service line and meter to perfect conditions and all this work must be done and the cost thereof must be paid before service may be restored. Violation of any provisions of this section and failure to pay for all costs incurred shall constitute a violation of this chapter. These penalties shall be in addition to amounts assessed under VMC Title 22.

**14.04.120      Sharing or selling water to another.**

No person shall sell or permit any person or persons to carry water from, or to connect to any water pipe or hose heading from the customer's piping, whether on the same premises or adjoining property unless such person first obtain written permission or approval from the department. Where such use has been made the customer shall discontinue the practice on demand and pay for all charges and use as estimated to be reasonable by the department. Any person so doing shall be guilty of a violation of this chapter.

**14.04.130 Effect of leakage on bills.**

When any customer in any given billing period because of a broken water pipe on ~~their~~ ~~his or her~~ premises, has used according to ~~their~~ ~~his or her~~ meter, an amount of water which is more than double the average amount of water which had been used on such premises in similar period in prior years, ~~he~~ the customer may apply to the city in writing for an adjustment under this section. If the customer reports that there are broken water pipes on ~~his or her~~ their premises which have caused the high consumption of water and if repairs are verified by inspections by the city, the city shall thereupon reduce the bill in question to the average amount billed to such property for similar periods in previous years plus, for the excess over such average caused by such breakage, a special rate of only twenty cents per hundred cubic feet. In cases where repairs are not visible, proof of repairs must be supplied. A given piece of property shall be entitled to the benefits of this section unless it appears that continued waste of water is due to a continued negligent failure to repair. Reductions shall not be permitted on account of leaking toilets, plumbing fixtures, or unexplained usage and shall not exceed two bills.

The department may discontinue service to any premises if the owner, customer or consumer refuses to make repairs necessary to avoid waste of water. If ~~after~~ reasonable efforts to contact the

customer or consumer at the premises are not successful, and it is observable that water is being lost through leakage, the department at its option may terminate water service and shall leave post a written notice in a conspicuous location on the premises, documenting the reason for such termination of service ~~as to its action and the reason therefore.~~

**14.04.140 Unlawful acts.**

A. *Trespass.* Any person or persons found trespassing upon the watershed, polluting the water, damaging or attempting to sabotage or destroy any reservoir, tank pump, pump house, pipeline, treatment plant, or any other property of the department shall be guilty of a violation of this chapter.

B. *Cross Connections.* No person shall connect in any manner any fire pump or other apparatus drawing from any other water supply or carrying any foreign liquid or material to any main or pipe connected to the city water system even though such connection may be protected to some extent by check valves or closed gate valves, except in conformity with ~~Section 9 of this ordinance,~~ ~~codified as~~ VMC 14.04.155. Particular attention is called to the danger of pollution from ice machines, compressors, sewage pumps and other apparatus causing pressures higher than those in the system. Any customer having or making any such cross connection shall immediately remove it and pay the department all costs, direct and consequential, incurred because of the connection. The existence of any cross connection, whether open or not, shall be deemed cause to hold the customer solely responsible and liable for any and all expense, claims, or suits and damages, either direct or resultant, that could in any possible manner have been caused by such cross connection.

C. *Authority to Disconnect.* The department 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.

In all such cases, reasonable previous notice will be given to consumers, except in emergencies shut-off to prevent damage to plumbing. The department shall be responsible for closing at the meter all service lines which are affected by a shut-down to preclude drainage of water from tanks. The necessary work will be done as rapidly as practicable and whenever feasible, at times which will cause the least inconvenience. The department shall not be held responsible or liable for any direct or resultant damage to any person, company or consumer or to any pipe, fixture or plumbing caused by cessation of supply or reduced or insufficient pressure.

D. *Dangerous Industrial Uses.* Water for steam boilers, gas engines, ice plants or other industrial use involving possible danger will not be furnished by direct pressure from the mains.

E. *Defective Customer Equipment.* The department shall have the right to refuse water service or to discontinue water service without notice at any time to any customer upon finding any apparatus or appliances, the operation of which will be detrimental to the water system or an annoyance to any or all of its customers. Standpipes, hydrants, gate valves or any other apparatus or equipment that causes water-hammer or any danger to the water system or other customer's plumbing shall be immediately repaired or removed upon notice from the department.

F. *Liability for Damage.* The customer shall be responsible for and pay for any damage to meter, meter boxes, seals, curb stops, yokes, pipe, and other appliances belonging to the department caused by any unauthorized use, carelessness or neglect by the customer.

G. *Unauthorized Alteration of Equipment.* The department shall, under all circumstances and conditions, exercise through its authorized employee, full authority and complete jurisdiction over the entire water system. No one other than an authorized employee of the Department of Public

Works shall remove, relocate, turn off, turn on, test, regulate, repair, damage, or otherwise molest or alter any meter, curb stop, yoke, valve, or other property of the department. Any person so doing shall be guilty of a violation of this chapter and subject to amounts assessed under VMC Title 22.

H. *Department Access.* The department shall have access to all portions of the premises of the consumer at any reasonable time for inspection of the use of water and the customer's pipe, fixtures, plumbing and any other apparatus, in any manner connected with the city water system. The department shall have the right and option to demand termination of use or to require any repair, change, removal or improvement of any pipe, fixture, plumbing or other apparatus that will in the opinion of its engineer in any manner affect the water supply or water system or the supply or fixtures of other consumers.

I. *Noncompliance.* If any customer fails to comply with any of the rules and regulations in force the department shall give notice of such failure. If the customer does not comply as the rules provide and within reasonable time, the department shall have the right to shut off the water and collect the scheduled charge for restoration of service or to remove the meter and make the same charge for resetting as if the meter were removed at the customer's request. Any person who fails to comply with any of the rules and regulations in force consistent with this chapter shall be guilty of a violation of this chapter.

J. *Tampering with Fire Hydrants.* It shall be a violation of this chapter for any person other than an employee of the department or the city Fire Department to operate, alter, change, remove, disconnect, connect with, or interfere or attempt to interfere in any manner with any fire hydrant owned or used by the city without first obtaining a permit from the department.



K. *Unlawful to Turn on Water Without Authority or After Shut Off for Nonpayment.* Subject to the provisions contained in Sections 14.04.191 through 196, if water is shut off for nonpayment and is subsequently turned on by any water customer or other person without authority from the department and any outstanding bill for prior water service charges remains unpaid, the department may then stop water service by either shutting off the water at the main, by removing the meter, or by any other appropriate method. The charge for stopping water service by any other method and the charge for subsequent restoring of the water service shall be as set forth in this title. All such charges shall be charged to the customer or such other person and when the delinquent customer and/or such other person occupies the premises, water shall not again be furnished to the premises until the charges have been paid. The remedies and charges set forth in this section shall be in addition to and not in lieu of amounts assessed under VMC Title 22.

L. *Unauthorized use of water.* If any person makes or lays or installs any pipe or pipes or connections thereto or makes or breaks any connection to any meter or breaks any seal attached to any meter or seal or reseals any meter with the purpose or intent of obtaining water without paying the just charges for the same, the department shall forthwith upon becoming aware of the fact, have the authority to shut off and stop the entire supply to the premises affected without prejudice to its right to collect any and all charges due for water legally or illegally or properly or improperly theretofore obtained or delivered. Such authority shall include the right to shut off the water supply serving the premises in any public street or right-of-way and charge the costs of labor and materials to such person or customer or to both. If the improper connection is on public property, the department will make the necessary changes, removals or repairs, but if on private property, the customer shall do the work directed immediately upon demand. The customer having had such unauthorized supply shall pay on an estimated basis for the water used for the period during which

such unauthorized service may have been obtained. The department's estimate of charges due shall be deemed conclusive unless rebutted by the customer by clear and convincing evidence. The customer shall also pay all costs for labor and material used in removing the unlawful connections wherever found and in restoring the service line and meter to perfect conditions and all this work must be done and the cost thereof must be paid before service may be restored. Violation of any provisions of this subsection and failure to pay for all costs incurred shall constitute a violation of this title.

M. *Sharing or selling water to another.* No person shall sell or permit any person or persons to carry water from, or to connect to any water pipe or hose heading from the customer's piping, whether on the same premises or adjoining property unless such person first obtain written permission or approval from the department. Where such use has been made the customer shall discontinue the practice on demand and pay for all charges and use as estimated to be reasonable by the department. Any person so doing shall be guilty of a violation of this chapter.

N. Access to and obstruction of meters, hydrants, manholes, and easements.

1. No material or obstruction shall be placed on or over the meter box at any time regardless of whether the box is installed on public or private land.
2. No vegetation will be allowed to overgrow a meter box. Vegetation will be trimmed at the Department's discretion within an area that is 2' horizontal and 5' vertical of the meter box.
3. No person shall open, enter into, place, or allow anything to be placed in a manhole of the City's sanitary sewer system without written approval from the Director of Public Works or his designee.

4. No person shall damage, obstruct or cover a manhole of the City's sanitary sewer system.
5. No person shall plant trees, shrubs, or other plants within a water or sewer easement or obstructing a meter without prior written approval from the Director of ~~Public Works or his~~ designee.
6. No person shall place any part of a structure or any permanent equipment within a water or sewer easement or obstructing a meter without prior written approval from the Director of ~~Public Works or his~~ designee. Prohibited structures include buildings, houses, decks, garages, tool or storage sheds, swimming pools, walls, and fences. Prohibited permanent equipment includes air conditioning units and heat pumps.

**14.04.145 Cause of action for tampering, unauthorized connections and diversion of services.**

RCW 80.28.240 is hereby adopted by reference. Pursuant to RCW 35.21.180, an amendment, addition or repeal by the Washington State Legislature of such statute shall be deemed to amend, add or repeal this subsection without further action of the city. The remedies provided by RCW 80.28.240 and this subsection shall be in addition to and supplemental to all other remedies set forth in this chapter for tampering, unauthorized connections and diversion of services.

**14.04.150 Fluoridation authorized.**

The city council of the City of Vancouver hereby authorizes and directs that a source of fluoridation approved by the state department of health be added to the City of Vancouver water supply, under the rules and regulations of the Washington State Department of Public Health, such

addition to be administered in a manner approved by the State Director of Public Health, and in accordance with the laws of the State of Washington.

**14.04.155 Cross Connection Control Program.**

A. *Adoption of state regulations.* Rules and regulations of the Washington State Department of Health regarding public water supplies, entitled “Cross-Connection Control,” WAC 246-290-490, as they presently exist and as they may, from time to time, be amended, are hereby adopted and incorporated herein by this reference as if set forth in full.

B. *Adoption of City Cross Connection Control Procedures Manual.* Rules and regulations for cross connection control shall be outlined in a written manual, approved by the Director. This manual is hereby adopted and incorporated into the city code by reference, as it presently exists and as it may be periodically amended by the Director at the Director’s discretion.

~~B.C. *Backflow prevention assemblies to be installed.* In addition to situations requiring backflow prevention assemblies as set forth in subsection A of this section, the~~ The city reserves the right, as a condition of water service, to require any party seeking water service to install a backflow prevention assembly when the city, or the city’s designee, determines a need to protect the city’s water system and/or facilities. ~~Premises isolation for all service connections by an approved air gap or reduced pressure backflow assembly is required for all customers with access to unapproved auxiliary water supplies, as defined by WAC 246-290-010, connected to a piping system whether or not an interconnection exists between the unapproved auxiliary water supply and the city water system.~~ All backflow prevention assemblies shall be installed and maintained by, and at the expense of, the customer.

~~C. Backflow prevention assemblies to be inspected.~~ Backflow prevention assemblies installed shall be inspected and tested:

- ~~1. At the time of initial installation;~~
- ~~2. Annually after initial installation;~~
- ~~3. After the device is repaired;~~
- ~~4. After the device is moved, relocated, or reinstated; and~~
- ~~5. More often if tests indicate repeated failures.~~

~~D. The city shall provide 30 day advance notification to the customer of the required annual test of the backflow prevention assembly. Failure of the city to provide notification shall not affect the customer's duty to obtain testing under this section. The customer shall have such test performed by any person certified by the Washington State Department of Health, and the results shall be delivered to the city on a form prescribed by the city. If such test is not performed within the time required herein, the city may initiate proceedings for termination of water service.~~

~~E. The customer shall be responsible for the repair, overhaul or replacement of backflow prevention assemblies as required by the city whenever they are found to be defective within a time period as required by the city.~~

FD. Pursuant to VMC 14.04.020, the director may promulgate administrative rules and procedures and set fees to have the customer's backflow prevention assembly device tested by a properly certified independent contractor. The fees for such service may be added to the customer's water utility bill. Such service shall be at the customer's option and shall not preclude the customer from

making their own arrangements for testing in accordance with the manual adopted pursuant to subsection D B of this section.

**14.04.160 Department employee rules.**

A. *Office Transactions Only.* All transactions concerning water service and the business of the department shall be made only through the office of the department and no service shall be commenced other than by and through the procedure herein provided and in conformity with these regulations.

B. *Identification.* Every employee of the department being authorized to enter upon private property to inspect or have charge of the services, mains, plant or equipment of the department shall be furnished with means of identification and shall carry such identification at all times when engaged upon the duties of their position and produce and exhibit the same upon request.

C. *Tips Prohibited.* Every employee of the department is strictly prohibited from demanding or accepting if offered any gratuity, tip or compensation in any form whatsoever from any person during or in connection with his performance of their duties and any disrespect or unwarranted act of any employee shall be, upon complaint made to the director ~~of utilities~~, suitably dealt with.

D. *Department Employees are Not Permitted to Work on Customer Equipment.* No employee of the department shall do any work whatsoever on any customer's pipe lines, fixtures, or plumbing.

E. *Communicating Regulations.* It shall be the duty of the director ~~of utilities~~ to see that every employee is aware of all regulations governing their conduct.

**14.04.170 Meter connections – Exceptions – Placement.**

A. *Unmetered Connections.* There shall be no unmetered connections to the city water system except to automatic sprinkler systems for fire protection services which are approved by the Director of ~~Public Works~~. This subsection shall not apply to single-family residential structures; all single-family residential fire protection services shall be metered.

B. *Meters.* All meters and meter boxes shall be owned, installed and maintained by the department.

C. *Meter Location Specifications.*

‡ Whenever practicable the meter shall be installed in a convenient place in the public right-of-way between the curb line and the property line. When the meter cannot be placed in the usual position within public right of way, then the legal owner of the premises shall give consent in writing and grant an easement to the city and the meter and the meter box shall be placed at a suitable place which will be permanently accessible at all reasonable times for meter inspection, reading and testing. Meters shall not be located within any finished surface area other than dirt, grass, barked or landscaping rock and shall not be located within a driveway or sidewalk area unless prior approval is obtained from the Director of ~~Public Works~~. Meters shall not be obstructed, as set forth under VMC 14.04.140.N. Where meters are at present or may be installed within a building, the department shall not be held responsible for damage from leaking meter, pipe or fittings. No rent or other charge whatever shall be made by any customer against the department for placing or maintaining meters upon the customer's premises.

D. *Maintenance of Service Line.* The service line from the main to the meter shall be maintained by the department. The department may charge the customer for damage to the service line or meter which is located outside the public right-of-way. In the event of a maintenance repair on a water service or meter that is located within a surface area other than allowed in subsection C-4 above, the property owner will be responsible for the repair of the surface area or the City may repair at the property owner's expense. The customer shall be charged for such damage on a time and material basis and shall be provided with a specific account of such charges.

E. *Meter Connection Shut Off By City.* If a service has been shut off for nonpayment, and the customer has turned the water service on without city authorization, the department may cut off service to the premises from the public right of way. The minimum base fee charged the customer for such cut off shall be \$1300, plus any additional actual and reasonable costs incurred by the city on a time and materials basis. The customer shall be provided with a specific account of such additional charges.

**14.04.180 Meter tests and adjustments.**

A. *Customer Request for Test.* The department shall test meters as it finds necessary or upon the request of any customer.

B. *Result of Test – Meter Repair.* If the meter is found by such test to be defective, it shall be replaced or repaired at the city's expense and affected bills outstanding or paid during the previous six months shall be adjusted. Such adjustments shall be based, at the option of the department, upon either the nearest preceding six-month average use when the meter was in good order, or upon the same month of the preceding year if the use is seasonal.



C. *Meters for Seasonal Requirements.* Meters of different sizes will not be installed to meet seasonal or temporary requirements except on payment of the cost of all charges by the customer.

D. *Deduct Meter.* Deduct meters, for the purpose of subdividing the registration of the master meter, may be installed by the ~~department~~ customer for its their convenience. Where one or more deduct meters are installed the master meter consumer shall be billed by deducting the amount registered on the deduct meter or meters from the master meter registration.

E. *Meter Damaged by Hot Water.* Whenever a meter is found to have been damaged by hot water from the customer's heating equipment, the customer shall pay the actual cost of removing, repairing and replacing the meter. The previous water bills shall be corrected on an estimated basis to cover the period during which the meter was evidently so damaged and all such charges and amounts shall be thereupon due and payable.

F. *Check and Relief Valve Installation.* The department may, at its option, install a check valve in any service where there has been damage to the meter caused by hot water, or where there is reason to believe danger of such damage exists. The customer shall be notified at the time of installation of a check valve and shall be warned of the danger of possible bursting of hot water tanks and piping. The department will not resume service prior to such installation by the customer of a relief valve, and will not be liable for any damage, direct or consequential, from any accident due to the placing of a check valve or failure of the consumer to receive notice and install a relief valve.

**14.04.190 Billing procedure and conditions.**

A. *Billing Period.* Bills for metered water service shall be rendered according to the registration of the meter at regular intervals and shall be due and payable upon mailing. Bills shall clearly state when they will be considered delinquent; provided, that no bill shall be considered delinquent until at least 15 days after mailing.

B. *Reading Meters.* Residential meters shall be read as nearly as possible at regular intervals, unless otherwise arranged by the department. There shall be no special vacation rate or reduction made on any water bill because of part-time or restricted use. If a meter is pulled and the account is closed at the customer's request or if the account has been inactive for more than five years, upon installation of a new meter, all new meter installation fees shall apply.

C. *Billing When Meter Unread.* On metered service where the meter has not been read, the bill rendered shall be an average bill for the preceding year or applicable portion of year.

D. *Billing for Special Periods.* Opening and closing bills and bills for water service for periods less than the regular intervals shall be calculated on a pro rata basis.

E. *Bills for Special Services.* All bills for service charges, material and labor furnished, contributions to extensions and other authorized charges, shall be due and payable immediately upon presentation. If such bills are not paid, the department may refuse to furnish water service, and may shut off and discontinue service already being supplied until all bills are paid, and this without prejudice to its right to collect all amounts theretofore due.

F. *Separate Billing for Separate Meters.* When one customer is served by more than one meter on separate service lines, the meter minimum for each meter and the surcharge for water supplied may be calculated and billed separately.

G. *Responsibility for Joint Use.* When more than one consumer, whether a family, business, or other person, receives water through one meter on a single service line, in one building, and it is found impractical by the department to separate the water piping for each consumer, the customer shall be solely responsible and shall pay the total bill for such joint water service.

H. *Joint Consumer Responsibility.* All service to joint consumers shall be on the basis that if it becomes necessary to enforce these rules and regulations against any or all joint consumers that the department shall have the right to shut off the entire supply to all the joint consumers. Separate meters shall be installed and separate bills rendered to each consumer if the customer separates the piping and installs individual supply pipes from the property line.

I. *Separate Billings Required.* When two or more houses, buildings or other premises occupied by separate consumers are supplied from a single service connection, the customer shall immediately, upon notice from the department, separate each customer's lines and connect up individually to meters at the property line, and if separate services are not established within a reasonable time thereafter, the department may shut off the water and refuse further service to all such consumers.

J. *Billing Before Lines Are Separated.* Until the joint consumer lines are separated, computation of the total bill shall be made by multiplying the quantity in each bracket of the rate schedule by the number of consumers on one meter. The minimum charge shall be the regular minimum charge multiplied by the number of consumers served.

K. *Customer Emergency Assistance.*

1. *Eligibility.* Upon satisfactory proof, emergency assistance may be issued to each household for which:

a. A member of the household is billed by the city for water services;

b. The household has been verified by the city or the city's agent:

i. To have an annual income that, when combined with the annual income of all household members, meets the eligibility standards for the Low Income Home Energy Assistance Program (LIHEAP) authorized by the Low Income Home Energy Assistance Act of 1981, the Omnibus Budget Reconciliation Act of 1981, the Energy Policy Act of 2005, Public Law 109-58; and

ii. To not receive subsidized housing assistance;

c. The household has received notice from the city that payment or payment arrangements must be made to prevent disconnection;

d. The household is served with city water service at a residential, single-family account.

2. *Emergency Credit – Maximum.* Upon verification of eligibility, the household may receive an emergency credit of a maximum of \$400.00 of the delinquent bill for the service address; provided, that the household may only receive such credit once in a 24-calendar-month period. The household emergency credit maximum may be adjusted not more than once per calendar year by the director to address the impacts of future rate increases.

3. *Administrative Rules and Procedures.* Pursuant to VMC 14.04.020 and this section, the director of public works jointly with the director of financial and management services shall

promulgate administrative rules and procedures not inconsistent with this section to implement the customer emergency assistance program.

**14.04.191 Termination of utility service to rental dwellings.**

Except in cases involving public health or safety, or as otherwise provided in this chapter, the city will terminate utility service to a residential tenant occupying a rented dwelling pursuant to RCW 35.21.290 and 35.21.300 for a delinquent bill only when: (a) the bill was incurred by a current occupant; or (b) the dwelling is vacant. When a rented dwelling is occupied by a tenant who has opened an account in their ~~his/her~~ own name, no termination or threat of termination will occur because of the nonpayment of a bill for water or sewer utility services if the bill is the obligation of the tenant's landlord or the obligation of a prior occupant of the premises not currently residing therein; provided, however, that the term "threat of termination" shall not include the notices authorized by subsequent sections of this chapter.

**14.04.192 Termination of utility service to rental dwellings – Exceptions.**

*A. Delinquent Status.*

1. When a rented dwelling for which a delinquent utility bill is owed is occupied by a tenant, and the delinquent bill is in the landlord's name, no termination will occur until the tenant is first provided an opportunity to place the account in ~~his or her~~ their name without liability for the landlord's delinquent bill.

2. When a rented dwelling for which a delinquent utility bill is owed is occupied by a tenant and the delinquent bill is in the name of, and incurred by, a prior tenant no longer occupying the dwelling, no termination will occur until the current tenant is first provided the opportunity

to have the account placed in ~~his or her~~ their own name without liability for the delinquent bill.

B. *Application for Exception.* The current tenant must make application in person at a designated city office during normal office hours unless this is proved to be impossible because of a disability, to complete any forms required by the city in order to place service in ~~his/her~~ their name. Arrangements for continued service cannot be made by phone except that on Fridays such applicants can arrange by phone to have service over the weekend, pending applications to be made on the next Monday. Such applicant will be required to present personal identification, a copy of ~~his/her~~ their rental agreement, and/or a bill from another utility in ~~his or her~~ their name, and to provide the name, address, and telephone number of the landlord.

**14.04.193 Termination of utility service to rental dwellings – Service restored.**

If service is terminated before the current tenant has exercised the right provided for in the preceding section to have the account placed in ~~his or her~~ their own name, the current tenant can have water restored without liability for the delinquent bill by applying to place the account in ~~his or her~~ their own name for future service, as provided in Section 14.04.192, and by paying the usual reconnect charges.

**14.04.194 Termination of utility service to rental dwellings – Action by utilities administration.**

The city will not take any action which encourages or permits, whether by regulation, informal policy or oral statement, the termination of water services to residential tenants occupying single-family units or individually metered multifamily units because a prior occupant of the residence owes an unpaid bill or where the tenant's landlord has contracted for water service to the dwelling

and the account is delinquent, unless the following procedures are complied with. Procedures applicable to termination of utility services to consumers other than residential tenants occupying single-family units or individually metered multifamily units are set forth in VMC Section 14.04.197.

A. If payment on a utility account has not been received by the twenty-fifth day after the bill date the utility division will send or mail a reminder notice to the service address, and to the address (if any) listed for the property's owner of record or agent in the department's file. This notice will advise that payment is past due and will alert interested parties that service may be terminated unless payment is received or arrangements acceptable to city have been made. A statement describing tenants' rights as provided in this chapter will be presented on the back of the reminder notice.

B.

1. If payment on a utility account has not been received by the thirty-seventh day after the bill date, the utility division will send or mail a final notice to the service address, and to the address (if different) listed for the property's owner of record or agent in the department's file. This final notice will advise that the payment is past due and payment must be received to avoid disruption of service.

2. Such final notice shall advise that the account is past due and that service will be terminated not less than eight (8) days from the final notice date and will advise the customer of the process for service restoration.

3. A statement describing tenants' rights will be printed on the back of the disconnection notice.

C. The statement of tenants' rights included with the reminder notice(s) and printed on the disconnection notice shall be substantially in the following form:

#### NOTICE OF TENANTS' RIGHTS

If you are a tenant residing at the service address and water is presently being delivered to your home: You are not responsible for water and sewer utility bills incurred by a previous tenant who moved out before you moved in and you also are not responsible for water and sewer utility bills incurred by your landlord.

If this bill is the obligation of a prior tenant or your landlord, and you have made reasonable efforts to resolve the issue with the landlord, you have the right to obtain continued water and sewer utility services by contacting the utility division and having the account placed in your name. If you do place the account in your own name services will not be disconnected because of an unpaid bill for which you are not responsible. You will be responsible for future bills coming due during your tenancy.

To place service in your own name you must go to the City of Vancouver Utilities Administration offices, and make application in person for continued service during normal work hours. You will be required to present personal identification, your current written rental agreement, and/or a bill from another utility in your name. You also will be required to identify your landlord, ~~his~~ and provide your landlord's current address, and telephone number.



If service is disconnected before you have contacted the Utility Division a reconnection fee will be charged before service is restored.

You have the right to appeal the decision of the utility division relating to responsibility for past due utility bills or the right to have service placed in your own name. Utility service will not be disconnected during the appeal process.

**14.04.195 Termination of utility service to rental dwellings – Transfer charges.**

If a tenant elects to contract for future water service under the preceding sections, the tenant ~~he or she~~ must agree to pay appropriate transfer of account charges, reconnection charges if service has been terminated before the tenant has exercised the right to have the account placed in ~~his or her~~ their name, and all future utility bills coming due during ~~his or her~~ their occupancy of the premises. Application must be made in person at the City of Vancouver Utilities Administration offices during normal working hours ~~except by handicapped persons as provided in~~ unless exempt due to disability, in accordance with Section 14.04.192. The tenant will not be required to pay a deposit to obtain service unless that tenant's own credit worthiness justifies the imposition of a deposit under rules or policies regularly adopted under Section 14.04.03020 and applied to all customers.

All notices required by this chapter will also give notice of the Utility Division's customer appeal process. A tenant may request a hearing under this customer appeal process if the tenant has a dispute with the utility regarding the new account for the premises.

**14.04.196 Termination of utility service – City’s rights.**

Nothing set forth in this chapter shall be construed to limit the city’s rights to proceed either by judicial process or by the remedies prescribed by RCW 35.21.290 and 35.21.300 to the extent that such actions do not interfere with tenant’s rights as provided in this chapter. A “tenant” means any person who is entitled to occupy a dwelling unit primarily for living or dwelling purposes under a rental agreement. A “landlord” is the owner of record of the dwelling unit, as shown by the records of Clark County, or the owner’s agent.

**14.04.197 Termination of utility service to customers other than residential rental tenants occupying single-family units or individually metered multifamily units – Action by utilities administration.**

A. *Applicability.* This section specifies procedures applicable to termination of utility services to consumers other than residential rental tenants occupying single-family units or individually metered multifamily units. Procedures applicable to termination of utility services to residential tenants occupying single-family units or individually metered multifamily units are set forth in VMC Section 14.04.191 through VMC Section 14.04.196.

B. *Past Due Reminder Notice For All Service Types.*

1. This past due reminder procedure is applicable to all service types governed by this VMC Section 14.04.197.
2. If payment on a utility account has not been received by the twenty-fifth day after the bill date the utility division will send or mail a past due reminder notice to the service address, and to the address (if any) listed for the property’s owner of record or agent in the department’s

file. This past due reminder notice will advise that payment is past due and will alert interested parties that service may be terminated unless payment is received or arrangements acceptable to city have been made.

*C. Termination of Service For Single Family units and Multi Family units that are individually metered.*

1. For single family units and multi family units that are individually metered, if payment on a utility account has not been received by the thirty-seventh day after the bill date the utility division will send or mail a final notice to the service address, and to the address (if different) listed for the property's owner of record or agent in the department's file. This final notice will advise that the payment is past due and payment must be received to avoid disruption of service.

2. If payment on the utility account has not been received by the forty-fifth (45) day the account will be transferred to the shut off list and service will be terminated.

3. Thereafter, a utility service inspector will physically deliver to the services address a disconnection notice and will terminate the service

4. Such disconnection notice shall advise that the account is past due and that service has been terminated and will advise the customer of the process for service restoration.

*D. Termination of Service For Multi-Family units that share a single meter.*

1. For multi-family units that share a single meter, if payment on a utility account has not been received by the thirty-seventh day after the bill date the account will be transferred to the shut off list.
2. Thereafter, a utility service inspector will physically deliver to the service address(es) or will post at the service address door(s) a 10 day disconnection notice.
3. Such 10 day disconnection notice shall advise that the account is past due and that service will be terminated not less than ten (10) days after such delivery or posting of the notice unless payment is made or other arrangements satisfactory to the city have been made. Such notice will advise other tenants sharing the service, if any, of their rights for continuing service

E. *Termination of Service For Commercial units.*

1. For commercial units, if payment on a utility account has not been received by the thirty-seventh day after the bill date the account will be transferred to the shut off list.
2. Thereafter, a utility service inspector will physically deliver to the service address or will post at the service address door a twenty four (24) hour disconnection notice.
3. Such twenty four (24) hour disconnection notice shall advise that the account is past due and that service will be terminated not less than twenty four (24) hours after such delivery or posting of the notice unless payment made or other arrangements satisfactory to the city have been made. Such notice shall advise other tenants sharing the service, if any, of their rights for continuing service.

F. The statement of tenants' rights included with the reminder notice(s) and printed on the disconnection notice shall be substantially in the following form:

If you are a tenant residing at the service address and water is presently being delivered to your home: You are not responsible for water and sewer utility bills incurred by a previous tenant who moved out before you moved in and you also are not responsible for water and sewer utility bills incurred by your landlord.

If this bill is the obligation of a prior tenant or your landlord, and you have made reasonable efforts to resolve the issue with the landlord, you have the right to obtain continued water and sewer utility services by contacting the utility division and having the account placed in your name. If you do place the account in your own name services will not be disconnected because of an unpaid bill for which you are not responsible. You will be responsible for bills coming due during your tenancy.

To place service in your own name you must go to the City of Vancouver Utilities Administration offices, during normal work hours and make application in person for continued service. You will be required to present personal identification, your current written rental agreement, and/or a bill from another utility in your name. You also will be required to identify your landlord, their current address and current phone number.

If service is disconnected before you have contacted the Utility Division a reconnection fee will be charged before service is restored.

You have the right to appeal the decision of the utility division relating to responsibility for past due utility bills or the right to have service placed in your own name. Utility service will not be disconnected during the appeal process.

**14.04.210 Water service – User charges.**

*A. Base Charge, All Customer Classes.*

1. For all water customers, each customer shall pay a monthly base charge as follows:

Effective January 1, 2020

<u>Meter Size</u>		<u>Base Charge</u>	
		<u>Inside City Limits</u>	<u>Outside City Limits</u>
a. 5/8 x 3/4 inch and under	per month	9.15	13.73
b. 3/4 inch	per month	12.15	18.22
c. 1 inch	per month	18.55	27.83
d. 1-1/2 inch	per month	34.48	51.72
e. 2 inch	per month	53.44	80.16
f. 3 inch	per month	97.97	146.96
g. 4 inch	per month	161.42	242.12
h. 6 inch	per month	320.31	480.46

<b><u>Meter Size</u></b>		<b><u>Base Charge</u></b>	
		<b>Inside City Limits</b>	<b>Outside City Limits</b>
i. 8 inch	per month	510.92	766.37
j. 10 inch	per month	764.90	1,147.35
k. 12 inch	per month	1,486.27	2,229.41

Effective January 1, 2021

<b><u>Meter Size</u></b>		<b><u>Base Charge</u></b>	
		<b>Inside City Limits</b>	<b>Outside City Limits</b>
a. 5/8 x 3/4 inch and under	per month	9.61	14.42
b. 3/4 inch	per month	12.75	19.13
c. 1 inch	per month	19.48	29.22
d. 1-1/2 inch	per month	36.21	54.31
e. 2 inch	per month	56.11	84.17
f. 3 inch	per month	102.87	154.31
g. 4 inch	per month	169.49	254.23
h. 6 inch	per month	336.32	504.48

<b><u>Meter Size</u></b>		<b><u>Base Charge</u></b>	
		<b>Inside City Limits</b>	<b>Outside City Limits</b>
i. 8 inch	per month	536.46	804.69
j. 10 inch	per month	803.15	1,204.72
k. 12 inch	per month	1,560.58	2,340.88

Effective January 1, 2022

<b><u>Meter Size</u></b>		<b><u>Base Charge</u></b>	
		<b>Inside City Limits</b>	<b>Outside City Limits</b>
a. 5/8 x 3/4 inch and under	per month	10.09	15.14
b. 3/4 inch	per month	13.39	20.09
c. 1 inch	per month	20.45	30.68
d. 1-1/2 inch	per month	38.02	57.02
e. 2 inch	per month	58.92	88.38
f. 3 inch	per month	108.01	162.02
g. 4 inch	per month	177.96	266.94
h. 6 inch	per month	353.14	529.70



<u>Meter Size</u>		<u>Base Charge</u>	
		<u>Inside City Limits</u>	<u>Outside City Limits</u>
i. 8 inch	per month	563.28	844.93
j. 10 inch	per month	843.30	1,264.95
k. 12 inch	per month	1,638.61	2,457.92

2. The monthly base charge set in subsection (A)(1) of this section does not include any charge for consumption of water.

3. The monthly base charge for any single-family residential customer shall not exceed the charge set in (b) above.

**B. *Volume Charge (Uniform Volume).***

1. In addition to the monthly base charge in subsection (A)(1) of this section, each customer shall pay the following additional charge on his/her bill, based upon the amount of water consumed per each billing period:

Effective January 1, 2020

<b>Customer Class</b>	<b>Inside City Limits</b>	<b>Outside City Limits</b>
Single-Family:	2.59/CCF	3.88/CCF
Multifamily:	2.22/CCF	3.34/CCF

<b>Customer Class</b>	<b>Inside City Limits</b>	<b>Outside City Limits</b>
Nonprofit Shelters:	0.57/CCF	0.86/CCF
Commercial <sup>1</sup> and Industrial <sup>1</sup> :	2.22/CCF	3.34/CCF
Government <sup>1</sup> :	1.98/CCF	2.97/CCF

Effective January 1, 2021

<b>Customer Class</b>	<b>Inside City Limits</b>	<b>Outside City Limits</b>
Single-Family:	2.71/CCF	4.07/CCF
Multifamily:	2.34/CCF	3.50/CCF
Nonprofit Shelters:	0.60/CCF	0.90/CCF
Commercial <sup>1</sup> and Industrial <sup>1</sup> :	2.34/CCF	3.50/CCF
Government <sup>1</sup> :	2.08/CCF	3.12/CCF

Effective January 1, 2022

<b>Customer Class</b>	<b>Inside City Limits</b>	<b>Outside City Limits</b>
Single-Family:	2.85/CCF	4.28/CCF
Multifamily:	2.45/CCF	3.68/CCF
Nonprofit Shelters:	0.63/CCF	0.94/CCF

<b>Customer Class</b>	<b>Inside City Limits</b>	<b>Outside City Limits</b>
Commercial <sup>1</sup> and Industrial <sup>1</sup> :	2.45/CCF	3.68/CCF
Government <sup>1</sup> :	2.18/CCF	3.27/CCF

1. Note: As this use is classified under VMC Title 20.
2. All volume charges are computed per 100 cubic feet (CCF).
3. “Single-family customer” class shall include single dwelling unit with one meter, mobile homes either on individual lots or in mobile home parks. This also includes ADU’s that take water and sewer service from service connections separate from the primary residence. This definition is for utility billing purposes only.
4. “Multifamily customer” class shall apply to customers with two or more living units per meter. This also includes ADU’s that share water or sewer service from service connections for the primary residence. This definition is for utility billing purposes only.
5. *Nonprofit Shelter.* For the purpose of applying the rates as set forth in subsection (B)(1) of this section, the term “nonprofit shelters” shall be defined to mean a facility operated by a nonprofit organization that provides clients with on-site food, beds or shelter for free or at significantly below market rates.

*C. Charges for Cutting Off and Restoring Service.*

1. *Service Cut-Off.*

- a. *Cutting Off Service for Nonpayment.* There shall be a \$40.00 charge to cut off service for nonpayment. There shall be no additional charge for restoring service after such cut-off.
- b. *Emergencies – Cut-Off.* No cut-off charge shall be made if service is cut off to meet an actual emergency.
- c. *Customer Request.* No cut-off charge shall be made if service is cut off at customer's request for the first such request.

2. *Starting or Restoring Service.*

- a. For starting or restoring service at the customer's request, ~~the charge there~~ shall be no charge for the first such request, if requested during regular ~~working~~ office hours, and a fee of \$50.00 for each such request outside of regular office hours.
- b. *Altered Service.* If the meter or service has been altered without the written authorization of the director ~~public works or designee~~, the charge shall be \$15.00 additional to all other charges in this section.
- c. *Multiple Cut-Off/Restoration Requests.* For customers who require more than one trip to the service address to cut off or restore service at their request, there shall be a fee of \$25.00 per each additional trip during regular office hours.

D. *Testing Meters – Customer's Request.* Schedule of meter test charges for test of a meter at the request of a customer where meter is found not defective:

1 inch and under	\$50.00
1-1/2 inch	\$60.00
2 inch	\$60.00
3 inch	\$80.00
4 inches or more	At cost
Meter resets	\$50.00

Meters tested and found to be defective will be replaced at no cost to the customer for testing or for replacement.

E. *Testing Meters – Other Than at Customer’s Request.* The city reserves the right to test meters at any time. No charge will be made to the customer for meters tested pursuant to this subsection.

F. Temporary water use from hydrant fees shall be set by the director pursuant to VMC 14.04.100(L).

**14.04.230 Sanitary sewer service – User charges.**

A. *Monthly User Charges.*

1. *Residential Customers.* Each residential customer shall pay a monthly user charge as follows:

Effective January 1, 2020

<b>Customer Class</b>	<b>Inside City Limits</b>	<b>Outside City Limits</b>
a. Single-Family Residential	\$58.04 per mo. or \$5.80 per CCF	\$87.06 per mo. or \$8.71 per CCF
b. Multifamily Residential	\$46.43 per mo. or \$5.80 per CCF	\$69.65 per mo. or \$8.71 per CCF
c. Nonprofit Shelter	\$1.57 per CCF	\$2.35 per CCF

Effective January 1, 2021

<b>Customer Class</b>	<b>Inside City Limits</b>	<b>Outside City Limits</b>
a. Single-Family Residential	\$47.84 per mo. or \$5.98 per CCF	\$71.76 per mo. or \$8.97 per CCF
b. Multifamily Residential	\$47.84 per mo. or \$5.98 per CCF	\$71.76 per mo. or \$8.97 per CCF
c. Nonprofit Shelter	\$1.62 per CCF	\$2.42 per CCF

Effective January 1, 2022

<b>Customer Class</b>	<b>Inside City Limits</b>	<b>Outside City Limits</b>
a. Single-Family Residential	\$49.28 per mo. or \$6.16 per CCF	\$73.92 per mo. or \$9.24 per CCF
b. Multifamily Residential	\$49.28 per mo. or \$6.16 per CCF	\$73.92 per mo. or \$9.24 per CCF
c. Nonprofit Shelter	\$1.66 per CCF	\$2.50 per CCF

2. Sewer charges for each single-family or multifamily residential customer shall be based upon that customer's average water usage, recorded when meters are normally read for billing purposes, within the previous January through March window. Each customer, other than qualifying low-income seniors as defined in subsection (A)(2)(e) of this section, is subject to a minimum volume charge of three CCF per month.

a. Single-family or multifamily residential customers shall be charged an average 60-day consumption of the billing periods specified above at the applicable inside city or outside city rate per CCF for sewer as set forth in subsection (A)(1) of this section. For new accounts in which the two-month water consumption history has not been established, the director may establish an interim rate in accordance with department policies. The director shall approve a written policy for the setting of this interim rate that will include, but not be limited to, how the interim rate is calculated.

b. The applicable inside city or outside city flat rate set forth in subsection (A)(1) of this section shall be used as the monthly sewer billing rate for any customer for whom for any reason the provisions of this subsection cannot be used.

c. The utilities division shall develop written rules consistent with this subsection and the ordinance codified ~~in his~~ in this section for the fair and efficient administration of such sewer rate.

d. For the purpose of applying the rates as set forth in subsection (A)(2)(c) of this section, the term "nonprofit shelter" shall be defined to mean a facility operated by a nonprofit

organization that provides clients with on-site food, beds or shelter for free or at significantly below-market rates.

e. For the purpose of applying the low income senior minimum sewer flow waiver as set forth in subsection (A)(2) of this section, applicants shall meet the following:

i. Applications shall be obtained from and filed with the director or their designee. The application shall be on a form prescribed by the director, and shall contain the information necessary to evaluate the applicant's qualification for the low income senior minimum sewer flow waiver.

A. Submission of an application for a utility discount shall constitute a verification by the applicant that all information provided in such application is true and correct to the best of the applicant's knowledge.

B. Once approved by the department, the application shall become effective the next billing cycle after approval of the application.

C. Each application is effective for 12 months commencing the first month the reduced rate becomes effective for the applicant. It shall be the sole responsibility of the applicant to reapply for successive 12-month periods of eligibility.

D. The rate reduction shall only apply to utility charges for service to a residence. The residence for which the rate reduction is requested must be the applicant's principal place of residence.



E. The applicant must be the head of the household for the residence for which the rate reduction is requested.

F. The utility account must be in the applicant's name or the name of the applicant's spouse.

ii. For purposes of this section, the term "low-income senior" shall be defined as follows:

A. Be 62 years of age or older at all times during any period for which a minimum sewer flow waiver is requested; and

B. Have been a sewer customer of the city at all times during any period for which a minimum sewer flow waiver is requested; and

C. Have an income during the calendar year or portion thereof for which a minimum sewer flow waiver is requested, from all sources whatsoever, either (1) not exceeding 200 percent of the federal poverty guidelines for a household of any size as published by the Secretary of Housing and Urban Development or (2) not exceeding the income qualification for low-income seniors set forth in RCW 84.36.381(5)(a), whichever is greater.

3. *Commercial, Industrial, Electronics and Government Customers.* Each such customer shall pay a monthly user charge per hundred cubic feet (CCF) as follows; provided, each such customer is subject to a minimum user charge equal to the applicable inside or outside city flat monthly rate for one single-family service set forth in subsection (A)(1) of this section:

Effective January 1, 2020:

<b>Customer Class</b>	<b>Inside City Limits</b>	<b>Outside City Limits</b>
a. Commercial	\$6.80 per CCF	\$10.20 per CCF
b. Government	\$4.16 per CCF	\$6.24 per CCF
c. Industrial	\$7.04 per CCF	\$10.56 per CCF
d. Electronics	\$5.18 per CCF <sup>15</sup>	\$7.77 per CCF <sup>16</sup>

Notes for Electronic Customer Class – Effective January 1, 2020 – December 31, 2020:

**15** For monthly average flows above 2.88 million gallons per day, the rate shall be \$4.14 per CCF.

**16** For monthly average flows above 2.88 million gallons per day, the rate shall be \$6.21 per CCF.

Effective January 1, 2021:

<b>Customer Class</b>	<b>Inside City Limits</b>	<b>Outside City Limits</b>
a. Commercial	\$7.01 per CCF	\$10.51 per CCF
b. Government	\$4.28 per CCF	\$6.42 per CCF
c. Industrial	\$7.25 per CCF	\$10.87 per CCF
d. Electronics	\$5.33 per CCF <sup>17</sup>	\$8.00 per CCF <sup>18</sup>

Notes for Electronic Customer Class – Effective January 1, 2021 – December 31, 2021:

**17** For monthly average flows above 2.88 million gallons per day, the rate shall be \$4.27 per CCF.

**18** For monthly average flows above 2.88 million gallons per day, the rate shall be \$6.40 per CCF.

Effective January 1, 2022:

<b>Customer Class</b>	<b>Inside City Limits</b>	<b>Outside City Limits</b>
a. Commercial	\$7.22 per CCF	\$10.82 per CCF
b. Government	\$4.41 per CCF	\$6.62 per CCF
c. Industrial	\$7.47 per CCF	\$11.20 per CCF
d. Electronics	\$5.49 per CCF <sup>19</sup>	\$8.24 per CCF <sup>20</sup>

Notes for Electronic Customer Class – Effective January 1, 2022 – December 31, 2022:

**19** For monthly average flows above 2.88 million gallons per day, the rate shall be \$4.39 per CCF.

**20** For monthly average flows above 2.88 million gallons per day, the rate shall be \$6.59 per CCF.

4. The rate for discharging septage at the city's publicly owned treatment works (POTW) as provided for in Chapter 5.72 VMC effective January 1, 2021, shall be \$155.00 for each 1,000

gallons, or fraction thereof, discharged into the POTW. The rate for discharging septage at the city's POTW may be adjusted not more than once per calendar year by the director to address the unique operational and capital needs associated with providing this service.

5. "Industrial customer" is defined as an industrial user of the public sewer system who:

- a. Has a discharge flow of 10,000 gallons of processed wastewater or more per average workday; or
- b. Has a concentration of biochemical oxygen demand (BOD) and suspended solids (SS) in excess of 200 milligrams per liter per average work day; or
- c. Is found by the city, State Department of Ecology or U.S. Environmental Protection Agency to have potential for a significant impact on the wastewater treatment system.

6. "Electronics user" is defined as an industrial user of the public sewer system who:

- a. Has a discharge flow of 500,000 gallons or more per average work day; and
- b. Has a concentration of biochemical oxygen demand (BOD) and suspended solids (SS) less than 200 milligrams per liter per average work day.

B. *Liquids Not Originating From City Water System.* Any person discharging into the city sanitary sewerage system sewage which has in it liquids which did not originate from the city water system shall meter or measure by some method approved by the director all water used in the premises, whether the water is obtained from the municipal water supply system or from wells, private water systems or other sources.

C. *Used Water Not Flowing Into Sewer System.* Where the user of water is such that a portion of all of the water used does not flow into a city sewer but is lost by evaporation or is used in manufacture or processes such as ice, beverages, foods or the like and the person in control provides proof of this fact and installs a meter or other measuring device approved by the director to measure the amount of water so used or lost, no charge shall be made for sewerage because of water so used or lost.

D. *Computation of Utility Rates.* For the purpose of computing water and sewer bills, all residences, regardless of number of units, shall be deemed residential, and each unit therein shall be deemed a residence. All other uses shall be deemed commercial, industrial or government.

**14.04.230B Conditions and charges applicable to water, sewer and stormwater accounts.**

A. *Deposits.*

1. *Customer.* Applications for water, sewer or stormwater/drainage service by a customer who is the owner or owner's agent of the serviced property and who has previously been delinquent in paying for such service shall be accompanied by a deposit equal to twice the largest bill at the service address applied for the prior two years. Payments must be made by owner or owner's agent.

2. As authorized by 11 U.S.C. section 366, unless otherwise directed by the director of the affected department, the minimum deposit for adequate assurance of payment in the event of bankruptcy shall be:

a. Two months estimated utility charges for Chapter 7 and Chapter 11 filings; and

b. One month estimated utility charges for Chapter 13 filings.

3. *Rental tenants.* Applications for service made by the tenant of a rented or leased residential or commercial premises who has previously been delinquent in paying for such service, shall be accompanied by a deposit equal to twice the amount of the largest bill at the service address applied for or at the tenant's previous service address for the prior two years.

4. *Processing of deposits.* Deposits shall not bear interest. Upon termination of service to the customer/owner or rental tenant, the amount of the deposit shall be applied against any water, sewer, stormwater/drainage or other utility charges then due or to become due from the customer/owner or rental tenant, including any late fees, interest, penalties, reconnection/disconnect fees, or other charges or fees, and shall be remitted to the appropriate fund. If the amount of the deposit is not sufficient to pay the total unpaid charges, remittance shall be made to the appropriate fund or funds pursuant to rules prescribed pursuant to VMC 14.04.020. If there is a balance remaining on the deposit after payment of all charges, such balance shall be refunded, less a city processing fee of five dollars.

5. *Application of deposit prior to termination of service.* In the event that the Director determines, based on rules and criteria prescribed pursuant to VMC 14.04.020, that a deposit is no longer needed to ensure payment prior to termination of services to the customer, the deposit may, with customer consent, be applied to current utility charges.

6. Nothing in this ordinance shall prevent the city from requiring new or additional deposits should the conditions so warrant.

B. *Late fee.* There shall be added to any delinquent water, sewer, or stormwater bill a one-time late fee equal to ten percent (10%) of the delinquent bill.

C. *Missed appointments.* There shall be a twenty five dollar (\$25) fee for customers who miss an appointment for which a city employee is dispatched to the service address unless the service call is cancelled by the customer twenty four (24) hours prior to the appointment.

D. *Incorrect bank numbers.* For those customers who choose to utilize an electronic bill paying system, and who provide the city an incorrect routing transit number of the bank or incorrect bank account number, there shall be a fifteen (\$15) dollar fee assessed for each time the city utilizes such bank number until the customer provides the correct number.

E. *Requested reads.* For customers who request for meter reads not resulting from the sale or transfer of property will be charged seven dollars and fifty cents (\$7.50) for the first meter read, and twenty five dollars (\$25) for each additional meter read.

F. *Dishonored checks.* Utility customers whose checks to the city are dishonored shall be subject to the fees established under VMC 3.08.060. The city reserves the right to require payment by cash or certified funds from any customer who has previously tendered a dishonored check.

G. *Application of payments.* Payments, when received, shall be applied by date in the following sequence:

1. Deposits;
2. Service charges;
3. Stormwater penalties;

4. Sewer penalties;
5. Water penalties;
6. Stormwater;
7. Sewer; and then
8. Water.

H. *Budget payment plan.* The ~~Public Works~~ Director is hereby authorized to create and implement a budget payment plan in accordance with state law. Such plan shall permit the authorized customer to make payments of utility charges on an annual averaged basis rather than on a per billing cycle basis, with at least one annual adjustment to ensure that the amount paid by the customer on an annual basis reflects the actual charges incurred.

**14.04.235 System development charges – Connection fees.**

A. *General.* The following facts are found by city council based upon staff reports furnished to it and upon the testimony and evidence presented at public hearings:

1. Findings of fact made in Section (1) of Ordinance M-2267 and in the whereas clauses thereto are ratified and confirmed and this section is adopted pursuant to and consistent with RCW 35.92.025.
2. The need for connection charges has been previously established through engineering studies, task force reports, consultant reports and council action.



3. This chapter is consistent with the intent of previous ordinances and resolutions relating to system development charges.

4. It is found desirable to provide the director of ~~public works~~ with the authority to establish rules and regulations necessary to administer collection of system development charges; provided, that such rules and regulations shall be consistent with the intent of this chapter and related resolution.

5. The "unit" or "equivalent dwelling unit" measure used in this chapter is found to be the best method available to council to provide that customers will bear their equitable shares of the cost of the utility system and is found to comply with RCW 35.92.025.

B. *Definitions.* The following definitions are adopted for the following words and phrases as used for computing system development charges (connection fees):

“Accessory Dwelling Unit” (ADU) means one or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit within or attached to a single-family dwelling or in a detached building on the same lot as the primary dwelling unit. An ADU is distinguishable from a duplex in that, unlike a duplex, it is clearly subordinate to the primary dwelling unit, both in use and appearance. Approved ADU’s shall not be subject to the separate metering requirements of VMC 14.04.190(I).

"Average daily attendance (ADA)" means the average number of students attending an elementary or secondary school used for the design of the facility.

"Commercial unit" means any building or facility used for any purpose other than dwelling.

"Dry industry" means any industry which does not produce industrial waste as defined in VMC 14.12.010.

"Dwelling unit" means one room or a suite of two or more rooms, designed for or used by one family or housekeeping unit for living and sleeping purposes and having one kitchen. Each unit shall provide a complete independent living space for one or more persons, including permanent facilities for living, sleeping, eating, cooking and sanitation.

"Equivalent dwelling unit (EDU)" means any residential or nonresidential use which has been reasonably found by the director of public works to place a demand on the city's sewerage system or water system approximately equal to the demands thereon by a single-family dwelling.

"Expanded service" means any additional use, expanded use or change in use which will cause an additional demand on the water-sewer utility. Such additional demand shall be recognized to include, but shall not be limited to, the following changes in service:

1. Additional water meter;
2. Increased size of existing water meter;
3. Additional number of dwelling units on an existing water meter or sewer lateral;
4. Any change of occupancy or use which would increase the number of equivalent dwelling units connected or to be connected to an existing water meter or sewer lateral;
5. Expansion of an existing use where the system development charge is independent of the meter equivalent size.

"Fast food restaurant" means a restaurant in which the majority of items sold are served on paper or other nonwashable materials.

"Full-time equivalent (FTE)" means the equivalent number of full-time students attending a post secondary school such as a trade school, college or university.

"Industrial unit" means any building or facility other than a single-family dwelling, multiple-family dwelling, or hotel which discharges or is expected to discharge to the sanitary sewerage system a flow containing a total of more than 50 pounds of suspended solids and BOD in any one day.

"Industrial user" means a nonresidential user of the public sewer who discharges a waste that is distinct from sanitary sewage, resulting in an industrial waste.

"Industrial waste" means any liquid, solid or gaseous material or combination thereof resulting from any process of industry, manufacturing, commercial, food processing, business, agriculture, trade or research, including, but not limited to, development, recovering, or processing of natural resources and leachate from landfill or other disposal site.

"Irrigation meter" means a water meter used exclusively for irrigation of landscaped areas.

"Meter equivalent size (MES)" means the hydraulic equivalency of any meter related to a 5/8" by 3/4" meter. By definition a 5/8" by 3/4" meter has an MES of 1.

<u>Meter Size</u>	<u>Meter Equivalent Size (MES)</u>
5/8 " x 3/4"	1.0

<u>Meter Size</u>	<u>Meter Equivalent Size (MES)</u>
1"	2.5
1-1/2"	5.0
2"	8.0
3"	15.0
4"	25.0
6"	50.0
8"	80.0
10"	144.0
12"	231.0

"Mobile home" means any unit used or designed to be used for living or sleeping purposes or both, and which is designed to be equipped with wheels for the purpose of transporting the unit.

"Mobile home park" means a commercial enterprise in which rented or leased space, area, and/or buildings are designed, equipped or maintained for the harboring, parking or storing of two or more trailer coaches, or vehicles which haul such trailer coaches, or motor homes being used as living and/or sleeping quarters for humans; provided, two or more mobile homes located on a single parcel, allowed under a variance, conditional use or nonconforming use, shall be considered as single-family dwellings.

"Multiple family (multifamily) dwelling" means a building or portion thereof designed or used as a residence by two or more families and containing two or more dwelling units. This includes ADU's that share water or sewer service from service connections for the primary residence.

"Noncontact cooling water" means a separate water system exclusively for temperature conditioning that remains in a closed system from the water meter to the point of discharge into a storm sewer or dry well.

"Significant industrial user" means any industrial user of the public sewer system who:

1. Has a discharge flow of 25,000 gallons or more per average workday; or
2. Has a concentration of biochemical oxygen demand (BOD) and suspended solids (SS) in excess of 300 milligrams per liter per average workday; or
3. Is found by the city, State Department of Ecology, or U.S. Environmental Protection Agency to have significant impact on the waste system's effluent quality.

"Single-family dwelling" means a building designed or used for residence purposes by not more than one family and containing one dwelling unit only, including mobile homes when not located in a mobile home park and including condominium units subject to fee simple ownership, and excluding multiple-family dwellings, apartments and motels. This also includes ADU's that take water and sewer service from service connections separate from the primary residence.

"System development charge (SDC)" means that connection fee charged so that the property upon which it is imposed will pay its equitable share of the costs of water-sewer system facilities which

are system-wide in nature and are not site-specific needs, including such property's equitable share of the amount required to upgrade such system to meet the demands imposed by the development.

"Wet industry" means any industry which generates industrial wastes in addition to domestic wastes.

C. *Payment Required Prior to Connection.* A system development charge is imposed as a connection charge pursuant to RCW 35.92.025 upon all lands in the city and all lands outside the boundaries of the city which connect to either the city water system or sewerage system or to both. The system development charge shall be paid in full with an application for connection to the sewer system or water system; provided, that a building permit application or an application for expanded service has been filed. In any case in which a building permit expires from passage of time any utility connection permit which had been issued for the use provided for in that building permit shall likewise expire and a new system development charge must be paid and a new utility connection permit secured.

D. *Waiver and/or Mitigation.* The city council may authorize the city manager to enter into a contract to mitigate or waive systems development charges as set forth in this section provided that a written application for such mitigation or waiver is submitted to the director of public works from an applicant proposing a new or expanded development within the city of Vancouver.

In order to be eligible for mitigation or waiver, an applicant shall meet all of the following criteria:

1. *Type of Industry.* The applicant proposes a new development or an expansion of an existing development within the city of Vancouver that is environmentally compatible with the surrounding area and the city as a whole.

2. *Capital Investment Requirement.* Any new development or expansion of an existing development within the city of Vancouver will result in a minimum capital investment of \$100,000,000 over a five-year period. At least \$30,000,000 in capital investment will be completed within the first two years (adjusted for inflation).

3. *Employment Base Requirement.* The employment base generated by any new development or expansion of an existing development within the city of Vancouver shall provide an average annual compensation amount for employees of that new or expanded development equal to or in excess of ~~\$30,000~~ \$51,742 including all fringe benefits. For existing companies, average annual compensation for employees shall have equaled or exceeded ~~\$30,000~~ \$51,742 including fringe benefits, bonuses, etc., over the previous two-year period. Effective January 1, ~~1996~~ 2023, and every January 1st thereafter, the average annual compensation amount set forth above shall be adjusted by an amount equal to the percentage change in the Consumer Price Index for ~~the Portland Metropolitan Area for~~ Urban Wage Earners and Clerical Workers (CPI-W), All Items (~~Revised Series - West Region~~), 1967=100, July to July, prepared by the Department of Labor, Bureau of Labor Statistics (the "CPI") or a replacement index.

If the director of ~~public works~~ finds that the applicant meets such criteria, the director is authorized to negotiate a performance contract with any such qualifying company. The terms of such performance contract may include, if applicable, a timeline by which the entire capital investment commitment and the established annual compensation requirement shall be met. The extent of mitigation or the waiver of a systems development charge will be determined on a case-by-case basis which determination shall include, but not be limited to, the following:

- a. The estimated amount and characteristics of waste flow generated by the industry;

- b. The then current capacity and capability of the water-sewer utility;
- c. The number of jobs created by the proposed development and the extent to which such jobs exceed the average annual compensation requirement;
- d. Probability of significant increases in assessed valuation and generation of property tax revenues to reduce the tax burden;
- e. A determination that the location or expansion of the company is in compliance with the land use, transportation and other elements of the city of Vancouver comprehensive plan;
- f. An agreement by the company to contribute to the mitigation of impacts on the provision of public services attributable to the proposed development or expansion as the city of Vancouver deems justifiable.

Each such contract or agreement will include a recapture provision or other remedies to ensure that appropriate systems development charges will be paid by the industry in the event that it fails to meet its contractual obligations. Such recapture provisions shall not be imposed if the industry has made a good faith effort to comply and has failed to do so for reasons beyond its control. Each such contract shall be submitted to the city council for consideration at a public meeting.

E. *Credit for Existing and Prior Uses.* A credit against the system development charge (SDC) may be allowed by the director of public works for the elimination or conversion of existing water services or sewer connections in conjunction with improvement, expansion of use or



redevelopment on such parcel. The credit shall be calculated using the prevailing SDC rate schedule and is subject to the following limitations:

1. Existing and prior use sewer and water credit shall be allowed if the ~~public works~~ director finds that sewer and water capacity is available in the service area; and
  - a. If the existing or prior use has paid monthly water and sewer fees, respectively, within the 10-year period immediately prior to the date of application for connection, the customer may apply for a 100 percent credit against any new SDCs associated with the new use; or
  - b. If the existing or prior use has paid monthly water and sewer fees, respectively, prior to 10 years before the date of application for connection, the customer may apply for a partial credit for previous payments of SDCs, using the entire amount previously paid to be applied as credit against the current SDC charge calculated using the prevailing SDC rate schedule; or
  - c. If the city council approves a development agreement authorized under RCW 36.70B.170 that provides for a use credit for prior water and sewer uses if the city council finds that the proposed development will substantially advance the policies of the comprehensive plan.
2. Calculation of system development charge credits for water or sewer shall be separate, that is, not interchangeable or counter balancing toward one another; and
3. The credit against the SDC shall apply only to the parcel that the existing or prior water service or sewer connection serves; and

4. No refunds shall be allowed for credits which exceed the amount of the SDC for which an application for connection is made.

F. *Credit for System Improvements.* The ~~public works~~ director will consider requests for project participation by the city for the construction of water and/or sewer extensions or local improvement districts, in the form of a credit against the system development charge (SDC) for system improvements. The restrictions in subsections (E)(2), (E)(3) and (E)(4) of this section shall apply to any SDC credits. Consideration may be given when the improvements meet one of the following criteria:

1. There is a high economic return to the utility. A project will qualify for consideration under this criteria when the following equation is true:

$$2 \times (\text{City Participation Costs}) < \text{1st Year of Estimated Revenue from SDCs}$$

2. There is future city cost avoidance, such as installing utilities in advance of new road construction.

3. Master plan sizing is required under VMC 14.04.280(B) and the pipe size required is 12 inches or larger in diameter.

G. *Administration.* The ~~director of public works~~ director is authorized to establish rules and regulations consistent with this title, for the express purpose of interpretation and administration of this title.

H. *Additional Fees Permitted.* The city reserves the right to maintain, develop and impose other charges as may be found necessary for the support and improvement of the water-sewer system.

I. *System Development Charge Schedule.* The following system development charge schedule shall be used to determine the connection fees for new connections and expanded use or conversion of use:

1. *Water System Development Charge.* The system development charge for all types of use except multifamily shall be based upon the meter equivalent size of the water meter serving the premises without regard to type of use as follows:

**Effective January 1, 2010**

One meter equivalent size (MES)	\$2,360.00
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The water system development charge for each unit of a multifamily dwelling shall be 57 percent of the system development charge for a single-family dwelling.

2. *Sewer System Development Charge.* The system development charge shall be based upon equivalent dwelling units (EDU) as follows:

a. Charge per equivalent unit:

**Effective January 1, 2010**

One meter equivalent	\$2,740.00
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The sewer system development charge for each unit of a multifamily dwelling shall be 70 percent of the system development charge for a single-family dwelling.

b. Distribution of equivalent dwelling units shall be as set forth in Table 14.04.235.

**Table 14.04.235.**

<b>Type of Unit</b>	<b>Unit</b>	<b>EDU Per Unit</b>
<b>I. Residential</b>		
1. Single-family residential (including condominium)	Each	1.00
2. Multifamily dwelling	Each dwelling unit	0.70
3. Mobile home park	Space	1.00
4. Living group with shared kitchen and bath facilities	Bed	0.33
<b>II. Nonresidential</b>		
5. Hotel, motel, resort		
a. Without kitchen	Room	0.40
b. With kitchen	Room	0.60
6. Schools		

<b>Type of Unit</b>	<b>Unit</b>	<b>EDU Per Unit</b>
a. Day (nonresidential)		
i. Grades 13 and up (post-secondary)	25 students (FTE)	1.00
ii. Grades 9 through 12 (high)	25 students	1.00
iii. Grades K through 8 (elementary)	50 students (ADA)	1.00
b. Board (residential)	Student (ADA)	0.50
7. Churches, lodges, club houses, theaters		
a. Without kitchen facilities	100 seats	0.90
b. Kitchen facilities	Each	0.60
(added to the amount calculated for seating)		
8. Institutions		
a. Medical hospitals	Bed	1.00
b. Convalescent/rest homes	Bed	0.60
9. Restaurant, lounge, tavern		
a. Full service (indoor seating)	12 seats	1.00

<b>Type of Unit</b>	<b>Unit</b>	<b>EDU Per Unit</b>
b. Fast-food or tavern (indoor seats)	12 seats	1.00
c. Fast-food without seats		1.00
10. Commercial and industrial		(2)
a. Commercial and dry industrial		
b. Special commercial		
i. Laundries (commercial)		
ii. Car wash		
iii. Laundromat (self service)		
c. Service stations and garages		(3)
d. Wet industry		
11. Irrigation systems		(4)
12. Noncontact cooling water systems		(4)

Notes to system development charge schedule:

**1** Restaurants, lounges or taverns located within a main commercial or industrial building shall be charged a separate SDC, in addition to the SDC for the main building.

**2** Fast-food restaurants without seats (9c) and commercial and industrial uses (10a through 10c) shall be charged system development charges, based upon water meter equivalent size (MES).

**3** System development charges for any wet industrial use (10d) shall be based on a separate engineering study by the director of ~~public works~~. Such study shall assess the utility's actual costs to serve the specific use, but shall not be less than if calculated as a commercial or dry industrial use (10a).

**4** Irrigation meters (11) and noncontact cooling water (12) shall be charged system development charges for water only.

~~**5** An accessory dwelling unit (ADU) shall be charged the same sewer system development charge as a multifamily dwelling.~~

J. *Determination of SDC for Other Uses.* Other establishments not defined specifically in this chapter shall be determined on a specific use basis, consistent with the criteria of this section.

K. *Combined Uses.* Developments which include a combination of two or more uses as defined in this chapter shall be charged system development charges based on the summation of SDC calculated on each separate use.

L. *System Development Charge Capital Surcharge.* In lieu of paying a sewer system development charge prior to connection as required pursuant to subsection C of this section, any new nonresidential sewer customer that uses the equivalent of 50 EDUs per month or less of capacity may apply for the option to pay a higher monthly sewer service user charge that includes a capital surcharge equivalent to the carrying cost of sewer capacity recovered through the sewer system

development charge. In calculating the applicable SDC capital surcharge, the department will generally use the methodology for sewer connection fee installment contracts described in VMC 14.04.240. The system development charge capital surcharge program is voluntary. As such no customer may remain on the program for longer than 10 years. After 10 years the sewer customer shall pay the entire SDC as originally calculated or request an extension in writing from the ~~public works~~ director. The city reserves the right to record a notice against the title for any property owner who has agreed to participate in this program. Any nonresidential customer authorized by the city to pay the sewer capital surcharge rate may elect to return to the standard sewer service user charge by paying in full the sewer system development charge at the rate in effect as of the date of the election.

**14.04.236 In-city rates for some property – When.**

Property in any area for which city council per RCW 35.13.125 has accepted a ten percent annexation petition, which property receives city water or sewer service, shall receive such service at the in-city utility rates for the next six months after such acceptance, provided that the city council specifically approves such rates at the time it accepts a ten percent annexation petition. Thereafter, city council by motion may continue such in-city rates or it may discontinue them.

**14.04.237 In-city rates for property outside city – When.**

For property outside the city limits for which a ten percent annexation petition has been accepted by city council under RCW 35.13.125, connection charges computed under Section 14.04.235 shall be at the inside city limits rates for the six-month period so provided in Section 14.04.236.

**14.04.240 Sewer connection fee installment contract.**



Any person who has a sewer available to ~~his/her~~ their property but who on the date of ~~his or her~~ their application to connect to a sewer is using a subsurface sewage disposal system and/or any person whose property is included in a sewer LID established after the effective date of the ordinance codified in this section, may, in either case, enter into a written installment contract with the city on a form approved by the city attorney and signed for the city by the Director of ~~Public Works~~ or their ~~his~~-designate. Such contract shall include or incorporate the legal description of the property, be signed by the owner of the property and provide for the property owner to pay ~~his or her~~ their connection fee (systems development charge computed under Section 14.04.235) as specified in the contract over a term of ten years in annual installments or as may be provided in the contract. Such contract shall provide for interest to be paid at the rate shown for revenue bonds in the then most recent Revenue Bond Chart issued weekly as the "Municipal Bond Index Merrill Lynch 500," plus one percent. Such interest shall be computed and compounded annually on the unpaid balance. Such contract shall provide that the property owner may at any time pay off such contract without penalty and shall provide that upon any sale or transfer of ownership of the property the contract shall become due and be paid in full. Such contract shall provide that the property owner shall pay off such contract upon any future land division, prior to final plat approval. Such contract shall be filed by the city with the county auditor. Delinquent payments under such installment contracts shall be a lien upon the described property as provided in RCW 35.67.200, enforceable in accordance with RCW 35.67.220 through 35.67.280, and as an additional or concurrent method of enforcement, water service to the property may be terminated in accordance with RCW 35.67.290 until the delinquent payments have been paid. Upon full payment of the contract the director of Financial and Management Services or ~~his/her~~ their

designate shall execute and mail to such property owner a release of such lien. The interest shall be the only compensation to the city for its administrative costs.

The provisions of this section are only to provide an alternative for eligible property owners and they may choose to pay such fee in cash.

In any local improvement district approved by ordinance after the effective date of the ordinance codified in this section, such a contract may be entered into with any property owner in the LID and shall provide for payments to be made annually at the same time as payment of the LID assessment or as is otherwise provided in such contract, but such contractual obligation shall not be a part of the assessment nor be included in the assessment roll.

**14.04.241 Water connection fee installment contract.**

Any person who has water available to ~~his/her~~ their property but who on the date of ~~his/her~~ their application to connect to the city water system is using well water and/or any person whose property is included in a water LID established after the effective date of the ordinance codifying this section, may, in either case, enter into a written installment contract with the city on a city attorney approved form and signed for the city by the city manager or ~~his-~~their designee. Such contract shall include or incorporate the legal description of the property, be signed by the owner to pay ~~his-or-her~~ their connection fee (systems development charge computed under section 14.04.235) as specified in the contract over a term of ten years in annual installments or as may be provided in the contract. Such contract shall provide for interest to be paid at the rate shown for revenue bonds in the most recent Revenue Bond Chart issued weekly as the "Municipal Bond Index Merrill Lynch 500", plus one percent. Such interest shall be computed and compounded

annually on the unpaid balance. Such contract shall provide that the property owner may at any time pay off such contract without penalty and shall provide that upon any sale or transfer of ownership of the property the contract shall become due and be paid in full. Such contract shall be filed by the city with the county auditor. Delinquent payments under such installment contracts shall be a lien upon the described property as described in RCW 35.67.200, enforceable in accordance with RCW 35.67.220 through 35.67.280, and as an additional or concurrent method of enforcement, water service may be terminated in accordance with RCW 35.67.290, until the delinquent payments have been paid. Upon full payment of the contract, the city manager or ~~his~~ their designee shall execute and mail to such property owner a release of such lien. The interest charged shall be the only compensation to the city for its administrative costs.

The provisions of this section are only to provide an alternative for eligible property owners and they may elect to pay the entire connection charges at the time of application for connection to the city water system.

In any local improvement district approved by ordinance after the effective date of the ordinance codified in this section, such contract may be entered into with any property owner in the LID and shall provide for payments to be made annually at the same time as payment of the LID assessment or as is otherwise provided in such contract, but such contractual obligation shall not be part of the assessment nor be included in the assessment roll.

**14.04.242 Recording Fees.**

A. A document recording fee in the amount of ~~one~~ two hundred dollars (~~\$100~~ \$200) per document will be collected in advance of any document needing to be recorded for the purposes of water, sewer, and/or stormwater construction and/or connection.

**14.04.250 Fire hydrants.**

A. *Fire Hydrants – City Ownership.* All public fire hydrants with their gate valves, tees and connections from the mains shall, when inside the city, be installed, owned, maintained and used only by the various departments of the city, or may be used by a fire district when acting under an agreement with the city. The city shall solely be responsible for the costs of installation and maintenance of hydrants inside the city limits, except that in newly developed parcels of land and subdivisions the costs of installation shall be borne by the property owner. All hydrants, whether inside or outside the city limits, are to protect the public safety and are not to protect any specific property or class. The city shall never be liable for any failure or refusal to install any hydrant or for the failure of any hydrant to perform as designed. If the city is unable to supply water within or without the city for the prevention or suppression of fire, the city will in no manner be liable for damages by reason of any such failure to any patron of the water system, or to any person or persons whose property may have been damaged or destroyed by fire. Any duty created by this ordinance is a general duty running in favor of the public.

B. *Fire Hydrants – Outside City.* The city may install such hydrants outside the city in areas in which the city provides water service as the applicable fire district finds necessary if consistent with the fire plans for such areas; provided, no hydrant shall be installed except with the prior written concurrence of the city fire chief. The city shall solely be responsible for the costs of installation and maintenance of hydrants except that in newly developed parcels of land and

subdivisions the costs of installation shall be borne by the property owner. All hydrants, whether inside or outside the city limits, are to protect the public safety and are not to protect any specific property or class. The city shall never be liable for any failure or refusal to install any hydrant, or for the failure of any hydrant to perform as designed. If the city is unable to supply water within or without the city for the prevention or suppression of fire, the city will in no manner be liable for damages by reason of any such failure to any patron of the water system, or to any person or persons whose property may have been damaged or destroyed by fire. Any duty created by this ordinance is a general duty running in favor of the public.

**14.04.260 Automatic sprinkler systems for fire protection services.**

A. *City Installation.* Upon application of any customer installing an automatic sprinkler system for fire protection service only, the department shall permit laying of service lines to the affected property line. Such installations shall be made in accordance with city standards and shall be approved prior to connection to the building.

B. *Meters not Required.* A meter shall not be required on such automatic sprinkler system installed for fire protection service, provided that there is an approved backflow assembly and a water motorized flow alarm on sprinkler system pipes going into the building and that no water is drawn from such service for any purpose other than ~~firefighting protection~~. Customers shall report water use volume for any non-firefighting related purposes and shall be charged at the applicable customer class rate of their primary domestic service. No fire protection monthly base user service charge will be made for customers receiving separate metered domestic water to the structure or property served. Customers not receiving domestic metered water shall be charged the minimum monthly user charge based upon the size of the fire service line in accordance with

rates in Section 14.04.210(A)(1) of this chapter, in addition to any reimbursement or main line fees. This subsection shall not apply to single-family residential structures; all single family residential fire protection services shall be metered.

C. The department requires that all new single family dwelling residential structure combination domestic/fire sprinkler service and meters be served by a minimum 1-inch service and 1-inch meter. The customer is required to pay all fees to construct said 1-inch service and 1-inch meter and all applicable main charges. The monthly customer charge will be at the standard charge for a 1-inch meter as set forth in VMC 14.04.210A.1.

D. If a residential customer has an existing 3/4-inch x 5/8-inch service and meter that shows inadequate flow capacity, the customer will be required to pay the additional fees to retire the 3/4-inch service and install a new 1-inch service. The monthly customer charge will be at the standard charge for a 1-inch meter as set forth in VMC 14.04.210.A.1.

E. *Meter Bypass.* The department may at any time place a small meter bypass around the main gate valve to detect leakage or unauthorized use of water.

F. *Repairing Defective Equipment.* Immediately upon notice from the department, the customer shall repair or replace any defective piping and cease unauthorized use of water.

G. *Service Termination on Failure to Comply.* For failure of the customer to comply with the rules and regulations as directed, the department may terminate the service and render an estimated bill for the water used or wasted, and may install a meter in the service at the customer's expense and charge thereafter at the regular rate for metered service.

H. *Liability in Fire.* The city shall not be held responsible or liable for any fire loss or damage of any nature directly or indirectly caused by the condition of the customer's fire mains or other apparatus, by flow or fluctuating pressure, by amount of water available, or by shutoff for nonpayment, to make tests or to enforce rules.

**14.04.265 Automatic sprinkler systems for fire protection purposes – Unmetered water connections – No charge.**

Unmetered water connections for automatic sprinkler systems for fire protection purposes which meet the requirements of Section 14.04.260 (that is, where the alarm system is connected to a fire alarm system and there is an approved backflow assembly and a water motorized flow alarm on the alarm system), shall be furnished with water for fire protection and fire fighting purposes only at no charge, and ~~Section 14.04.210(4) and Section 14.04.260 are not applicable to connections under this section, to the extent inconsistent herewith.~~

**14.04.270 Polluting or obstructing water supply.**

A. *Polluting Water.* It is unlawful for any person to bathe in, fish in, or throw any substance into any reservoir or standpipe, or to place any foreign substance upon any ground belonging to or under the control of the water supply system of the City of Vancouver.

B. *Obstructing Access.* It is unlawful for any person to obstruct the access to any fire hydrant by placing around, thereon, or within twenty feet thereof, any stone, brick, lumber, dirt, rubbish or other material, or to open or operate any fire hydrant, or to draw or attempt to draw water therefrom, or to willfully or carelessly injure the same. Property owners shall maintain a three foot (3') minimum landscaping clearance around fire hydrants.

**14.04.280 Procedure for extending mains.**

A. *Size of Main Extensions.* All sewer and water main extensions installed whether within or without the corporate limits of the city shall be eight inches in diameter or larger unless otherwise authorized by the Director of Public Works; provided, the director may require the main extensions to be larger than ~~six~~ eight inches if it appears to him that the water and/or sewer needs of the area will require larger mains within the expected life of the main.

B. *Design Criteria.* Proposed water and sewer lines must be designed in accordance with master plan sizes, elevations, alignments, and capacities as found necessary by city staff for overall system development and network extensions.

C. *Development Extension Criteria.* Developing properties must at a minimum extend utility lines to the site, across the property frontage, and through the property, to allow connection and also to allow extensions for the development of adjacent parcels. Additional offsite work may be required at the department's discretion to provide an offsite sewer line extension, or a looped water main for water quality, fire protection, or system redundancy purposes. All development main extensions must be made from existing public mains.

D. *City Participation Criteria.* The Director of Public Works will consider requests for project participation under the conditions of VMC 14.04.235.G whereby SDC credits may be granted. In addition to SDC credits, the director may instead, under the same criteria as for SDC credits, authorize the contribution of city-supplied materials.

E. *Customer Expense.* All new mains and all new extensions of mains required to serve new customers shall be laid at the expense of the customers. The cost of such mains shall be assessed



either by the formation of a local improvement district under Chapter 35.50, RCW, as applicable, or in lieu of formation of such district such new customers may pay to the city in cash the actual costs of the pipes, valves and fittings to be installed and the actual costs of the mains to be installed, according to the records which shall be kept by the city.

Anyone later desiring to connect a house or building to a main which has been constructed or extended by the city by means other than by formation of a local improvement district may do so only upon payment to the city, in addition to normal connection charges, of a "main line fee." Said fee shall have been computed by the Director of Public Works upon completion of construction of the main by dividing the cost thereof by the number of parcels of property and considering the lineal feet of each such parcel which in his opinion could connect thereto either at the time of construction or later. Said fee shall be filed in the office of the Department of Public Works and be a public record. When applicable the "main line fee" must be paid in cash prior to connection to the main. The cost for each customer shall be ratable and computed in proportion to the whole cost according the entire number of continuous lineal feet of frontage owned by the customer which abuts upon the street, alley or easement in which the main lies or by some other equitable method selected by the Director of Public Works.

F. *Terms of Payment.* The charge mentioned in subsection E of this section is in addition to any other new tap, service line, or connection charge and either must be paid in full in cash or by LID warrants before such customer shall receive water service.

G. *Requirement to Install Larger Main.* If in the judgment of the city it is to the best interests of the city and of the general locality where a new main is contemplated to install a larger main than that needed by the owners immediately abutting upon the street, alley or easement in which the

main is to be placed, the city may require installation of such larger main and shall with the ~~Public Works~~ Director's approval pay the increased difference in cost between installation of the smaller and of the larger main or supply the pipe or apply SDC credits.

H. *Development Agreement.* The city may enter into a development agreement pursuant to RCW 36.70B.170 under which a developer will construct water or sewer facilities to serve an area in which the development is located and the expense of such facilities may be reimbursed by the city through system development charge (SDC) credits pursuant to section 14.04.235 of this title. Anyone later desiring to connect to and use facilities constructed pursuant to such a development agreement may do so only upon payment to the city of normal connection charges. This must be paid in full in cash before such customer shall receive water or sewer service.

I. *Supervision of Connection.* The department shall not connect to or provide service to any main or pipe unless that pipe was installed under the supervision of the department engineer and approved in writing with the consent of the state health department.

J. *Conditions for Approval.* The Director of ~~Public Works~~ shall not grant such approval if the main or pipe be of inferior material or improperly constructed or likely to produce future difficulties for the department through complaints of insufficient supply or pressure, leakage or waste.

K. *Meter Accessibility.* The department shall not connect to or provide service to any main unless that pipe was installed in a public road or alley in such manner that each and every meter shall be easily accessible to the meter reader.

L. *Quality of System.* In the interest of development of desirable districts the department shall not supply nor connect to its own or by private line any recorded or unrecorded subdivision or part thereof hereafter laid out, inside or outside the city limits, unless the plat or plan of same is substantially equal in standard to that adopted by the City of Vancouver of suburban areas.

M. *Negotiating Contract.* If the foregoing regulations are complied with, and not otherwise, the department may negotiate the terms of a contract (to be approved by the city attorney and accepted by the council) for the supply of water through lines owned by others. Such supply may be at wholesale rates through a single meter or through individual service meters owned by the city. Such contract shall specify that the prevailing schedule or rate shall apply. If the supply is through individual meters, a percentage of the annual total of bills for water sold through such a system may under such contract be paid annually in one sum to the owners thereof to amortize the purchase of the system.

N. *Easement Requirements.* When public sanitary sewer and water mains are extended outside of public right-of-ways to serve new development, the mains shall be extended in easements dedicated to the City of Vancouver. The minimum easement width for a single utility main is 15 feet. Two utilities require a minimum 20-foot wide easement. Obstructions, including fences and other structures, shall not be placed over grantee's facilities or in, upon, or over the property within such an easement without the prior written consent of the City of Vancouver. An access easement shall also be dedicated to the City of Vancouver to provide proper access to the sewer and water easement location and infrastructure for maintenance.

**14.04.285 Water and Sewer Reimbursement Contracts.**

A. *Purpose.* The purpose of this section VMC 14.04.285 is to implement the authority for water and sewer reimbursement contracts granted to municipalities under the most current version of Ch. 35.91 RCW, the Municipal Water and Sewer Facilities Act. This section shall be interpreted in a manner that is consistent with the purposes and provisions of the most current version of Ch. 35.91, the Municipal Water and Sewer Facilities Act.

B. *Delegation of Authority.* The City Council of the City of Vancouver, as the governing body of the City of Vancouver, hereby delegates its authority to enter into and administer water and sewer reimbursement contracts under Ch. 35.91 RCW to the Vancouver City Manager or designee. This authority shall include the ability to establish policies and procedures, including setting fees that are reasonable and proportionate to the total expenses incurred by the City in complying with this section VMC 14.04.285.

C. *General Description of Water and Sewer Reimbursement Contracts.* Under the conditions and provisions set forth in this section VMC 14.04.285, the City will enter into a water and/or sewer reimbursement contract with the owner of real estate for the construction or improvement of water or sewer facilities that the owner elects to install solely at the owner's expense. The contract will provide for the pro rata reimbursement to the owner or the owner's assigns for a period of twenty years from latecomer fees received by the City from property owners who subsequently connect to or use the water or sewer facilities, but who did not contribute to the original cost of the facilities.

D. *Conditions Required for Entering Into Contract.* The City must enter into a water or sewer reimbursement contract when all of the following conditions are met.

1. *General Conditions.*

- a. The owner must submit a request for a contract to the City prior to approval of the water or sewer facility for final acceptance by the City.
- b. The water or sewer facilities subject to a contract under this section VMC 14.04.285 must be in locations where the City's ordinances require the facilities to be improved or constructed as a prerequisite to further property development.
- c. Water or sewer facilities improved or constructed in accordance with this section VMC 14.04.285 must be located within the City's corporate limits or within ten miles outside of the City's corporate limits.
- d. The contract shall be filed and recorded by the City with the Clark County auditor. The provisions of the contract may not be effective as to any owner of real estate not a party thereto unless the contract has been recorded in the office of the Clark County auditor prior to the time the owner taps into or connects to the water or sewer facilities.
- e. The requirement for the City to contract with an owner of real estate for the construction or improvement of water or sewer facilities under this section VMC 14.04.285 is only applicable if the facilities are consistent with all applicable comprehensive plans and development regulations of the City. Determination of such consistency will be made by the City Community and Economic Development Department during the development review process.

2. *Conditions Related to Water or Sewer Facilities.* In order to be eligible for a water or sewer reimbursement contract under this section VMC 14.04.285, the water or sewer facility

must connect to the City system. Connection of water and sewer facilities to the City system must be conditioned upon compliance with all of the following:

- a. Compliance with all requirements of VMC 14.04.280, procedure for extending mains, and VMC 14.08.040, conditions for permit issuance;
- b. Construction of the water or sewer facility according to plans and specifications approved by the City;
- c. Inspection and approval of the water or sewer facility by the City;
- d. Transfer to the City of the water or sewer facility, without cost to the municipality, upon acceptance by the municipality of the water or sewer facility;
- e. Full compliance with the owner's obligations under the contract and with the municipality's rules and regulations;
- f. Provision of sufficient security as required by the City to ensure completion of the water or sewer facility and other performance under the contract;
- g. Payment by the owner to the municipality of all of the City's costs associated with the water or sewer facility including, but not limited to, engineering, legal, and administrative costs; and
- h. Verification by the owner, and approval by the City, of all contracts and costs related to the water or sewer facility, as follows: Within one hundred twenty days of the completion of a water or sewer facility, the owners of the real estate must submit the total cost of the water or sewer facility to the City. This information must be used by the City

as the basis for determining reimbursements by future users who benefit from the water or sewer facility, but who did not contribute to the original cost of the water or sewer facility.

E. *Contract Requirements.* A standard form of water or sewer reimbursement contract will be provided by the City to the owner, containing such contract provisions as required by the City. The contract shall be filed and recorded by the City with the Clark County auditor. The contract shall include, at a minimum, the following mandatory provisions.

1. The contract will provide for the pro rata reimbursement to the owner or the owner's assigns.
2. The contract will be in effect for twenty years from the date of its filing for recording by the City.
3. The reimbursements must be received by the City within the period of time that the contract is effective.
4. The contract will set forth the reimbursement obligation as calculated by the City for each affected parcel for a portion of the costs of the water or sewer facilities improved or constructed in accordance with ~~in~~ the contract. The amount of the total reimbursement obligation under the contract is limited to the dollar amount verified and approved as costs related to the water or sewer facility.
5. The reimbursements will be paid from latecomer fees received by the City from property owners who subsequently connect to or use the water or sewer facilities, but who did not contribute to the original cost of the facilities. All latecomer fees received by the City within

the period of time that the contract is effective shall be paid out by the city under the terms of its contract within sixty days after receipt thereof.

6. The contract will include a provision requiring that every two years from the date the contract is executed a property owner entitled to reimbursement under this section provide the City with information regarding the current contact name, address, and telephone number of the person, company, or partnership that originally entered into the contract. If the property owner fails to comply with the notification requirements of this subsection within sixty days of the specified time, then the City may collect any reimbursement funds owed to the property owner under the contract. The funds collected under this subsection must be deposited in the capital fund of the City.

F. *Payment of Reimbursement Obligation a Condition of Facility Use.* No person shall be granted a permit or be authorized to tap into or use any such water or sewer facility without first paying to the City, in addition to any and all other costs and charges made or assessed for such tap or connection, or for the water lines or sewers constructed in connection therewith, the fair pro rata charge above referred to, computed under such contract for the parcel of land.

G. *Non-liability of City.* Nothing in this section VMC 14.04.285 creates a private right of action for damages against the City for failing to comply with the requirements of this section. The City, its officials, employees, or agents may not be held liable for failure to collect a latecomer fee unless the failure was willful or intentional. Failure of the City to comply with the requirements of this section does not relieve the City of any future requirement to comply with this section.



H. *Separate Obligation for Additional Charges.* Nothing in this section VMC 14.04.285 prevents the City from collecting amounts for services or infrastructure that are additional expenditures not subject to the ordinance, contract, or agreement, nor does it prevent the collection of fees that are reasonable and proportionate to the total expenses incurred by the City in complying with this section.

**SECTION 2.** Chapter 14.08 of the Vancouver Municipal Code is hereby amended to read as follows:

**Chapter 14.08**

**CONNECTION TO PUBLIC SEWERS**

**Sections:**

- 14.08.010**            **Permit required.**
  - 14.08.011**            **Inspection and Approval.**
  - 14.08.015**            **Sewer availability.**
  - 14.08.020**            **Application – Fee.**
  - 14.08.040**            **Conditions for permit issuance.**
  - 14.08.041**            **Contract in lieu of connection fee for industrial sewer customers.**
  - 14.08.050**            **Separate connections by Tee – or Wye-branch required.**
  - 14.08.061**            **Sewer incentive fund – Established.**
  - 14.08.064**            **Sewer connection incentive fund – SCIP Phase II.**
  - 14.08.070**            **Sewerage – Filing of notice – Alternate enforcement.**
- 
- 14.08.010**            **Permit required.**

No person shall make or cause to be made or maintain any sewer connection with any sewer of the city or with any sewer which is connected directly or indirectly with any sewer of the City of Vancouver without first having obtained a permit ~~therefore~~ to do so.

**14.08.011 Inspection and Approval.**

All work done under a permit issued pursuant to this chapter shall be subject to the inspection and approval by the director or designee, and the work shall not be deemed completed until it has been inspected and approved as satisfactory.

**14.08.015 Sewer availability.**

For the purposes of Chapters 14.04 and 14.08, a sewer is available if one is within two hundred feet of the nearest property line for existing structures. Sewer is available if one is within three hundred feet of the nearest property line for new structures.

**14.08.020 Application – Fee.**

Application for any such permit shall be made to the department of public works upon a form to be provided by the city. A fee of twenty-five dollars for each connection shall be paid by the applicant. All work shall be done and inspection of the work shall be made in accordance with the plumbing code of the city of Vancouver.

**14.08.040 Conditions for permit issuance.**

The following subsections relate to proper payment of connection charges by persons connecting to a sewer constructed by any means other than a Local Improvement District (LID) for which such property was assessed:

A. As a condition precedent to issuance of a permit to connect any premises to any sewer or water facility constructed as part of a local improvement district for which the applicant's property was not assessed, the applicant shall pay the system development charge and a sum equal to the amount

that would have been assessed against such property if it had been included in such LID regardless of other provisions of Ordinance M-2267.

B. As a condition precedent to issuance of a permit to connect any premises to a sewer or water facility constructed by a developer under a reimbursement contract pursuant to a contract with the city under Section 14.04.285, as amended, the applicant shall pay a system development charge and the fee provided for in the reimbursement contract.

C. As a condition precedent to issuance of a permit to connect any premises to a sewer or water facility constructed by a developer pursuant to a development agreement with the city under Section 14.04.280, as amended, the applicant shall pay a system development charge.

D. As a condition precedent to issuance of a permit to connect any premises to any sewer constructed by the applicant, through the developer extension process, to serve the applicant's property, the applicant shall pay a system development charge.

E. As a condition precedent to issuance of any permit to connect any premises directly to any trunk or interceptor sewer, the applicant shall be required to pay, in addition to the system development charge, the following trunk line fee:

1. If standard construction which involves any pavement removal or replacement, a sum equal to the amount that would have been assessed against such property in such LID using the zone and termini average cost of sewer LIDs imposed in the two previous years in which the trunk to which such connection is permitted had been constructed;
2. If construction did not involve pavement removal and replacement, a figure equal to eighty-three percent of such LID figure;

3. If construction did not involve the installation of sewer laterals, a figure equal to eighty-three percent of such average LID cost;
4. If no construction of sewer laterals was involved, and removal and replacement of pavement was also not required, a figure equal to sixty-six percent of such average LID cost.

**14.08.041 Contract in lieu of connection fee for industrial sewer customers.**

Any new or potential industrial sewer customer who wishes to reserve treatment plant capacity may, in lieu of paying connection fees set forth in Section 14.08.040, enter into a contract or contracts with the city to reserve such capacity. Such contract shall be approved as to form by the city attorney and shall not be entered into except upon a finding by the Director of ~~Public Works~~ that the capacity to be reserved either is or will be available for such customer. Such contracts shall provide that such customer, after the effective date of the agreement, shall make monthly payments of its proportionate share of capital improvements made to the system, and its proportionate share of capital improvements to be made to the system within the term of the contract as are necessary for the system to treat sewage produced or to be produced by such customer during the contract term, and its proportionate share of base operation and maintenance costs, as defined in Section 14.12.010, Ordinance M-1977, and as are set and agreed to in said contract.

**14.08.050 Separate connections by Tee – or Wye-branch required.**

It is unlawful for any person to make or cause to be made any individual connection to a city sewer unless such connection is made by means of a Tee-or Wye-Branch, using city-approved methods and materials. Every main building shall be separately connected to or with the public sewer unless otherwise approved by the Director of ~~Public Works~~. A private garage, out-building or Accessory

Dwelling Unit located on the same property may have its plumbing connected to or with the plumbing of the main building if approved by the Director.

**14.08.061 Sewer incentive fund – Established.**

There is established a new fund designated the sewer connection incentive fund. The sum of six hundred thousand dollars ~~and~~ is provided to be paid the sewer connection incentive fund from moneys presently in the water/sewer fund which are proceeds of fees paid since 1979 by property owners who have a city sewer available to their property but who have not been connected to it. Such fees have been imposed by the city, pursuant to city ordinances codified as Sections 14.08.015 and 14.08.035 of this code and to state statute codified as RCW 35.67.190. Such fees shall be discontinued effective January 1, 1999, pursuant to Sections 1 and 2 of this amendatory ordinance. The city may pay such additional water sewer fund moneys into said sewer connection incentive fund as council finds necessary from time to time to accomplish the program's purposes as set forth in VMC 14.08.062 and in Section 5 of this amendatory ordinance codified as VMC 14.08.064.

**14.08.064 Sewer connection incentive fund – SCIP Phase II.**

Sewer Connection Incentive Program Phase II (SCIP II) funds shall be spent only for the purposes authorized in subsection A of this section, in conformity with the eligibility criteria set forth in subsection B of this section, subject to the priorities set pursuant to subsection C of this section, and subject to the deferral criteria set forth in subsection D of this section. For purposes of this section, "existing single family residential property" shall mean the property on which a

conforming single family residence is situated as of the effective date of this section of this ordinance.

A. *Authorized Expenditures.* Moneys in the sewer connection incentive fund established in VMC Section 14.08.061 shall be spent only for the following purposes under the Sewer Connection Incentive Program Phase II (SCIP II):

1. To finance a system development charge imposed by VMC Section 14.04.235 upon an existing single family residential property or a property that uses 50 EDUs of sewer capacity or less.
2. To finance city sewer main line fees for city-extended sewers outstanding pursuant to VMC 14.04.280(E) for an existing single-family residential property or property that uses 50 EDUs of sewer capacity or less, subject to the following limitations and conditions:
  - a. In the case of main line fees for the city's sewer line construction costs related to the 60th Street sewer and the Northgate sewer, such funds may be spent to pay any costs of main line fees for sewer line construction for such projects in excess of \$3,424.00.
  - b. In the case of main line fees for city-extended sewer projects constructed after the effective date of this amendatory ordinance, and notwithstanding the provisions of VMC 14.04.280(B), there shall be a maximum guaranteed main line fee assessed for single family residences accepted into SCIP Phase II based on the sewer construction costs for a single family residential lot with a nominal 75 foot frontage served by a standard 8-inch sewer, installed at a typical depth of nine feet, in residential street paving. The fee

maximum calculation shall be made by the Director of ~~Public Works~~ or designate using latest cost factors.

c. In the event any main line fee for a single family residential property accepted into SCIP Phase II calculated pursuant to VMC 14.04.280(E) exceeds the main line fee calculated pursuant to subsections A.2.a or A.2.b of this section, the excess main line fee shall become a lien on the property which shall become due and payable upon final approval for any further short platting or subdivision of the property. Any financing contracts executed after January 1, 2013 under SCIP II associated with the original parcel (prior to development) shall be paid in full prior to final plat approval.

d. The maximum guaranteed main line fee as calculated in 14.08.064.A.2.b will be available to a single family residence up to two years after the project's public sewer is available for connection. After two years the main line fee will be raised to the actual per lot cost or the guaranteed main line fee for that year in which connection is being sought, whichever is less.

e. Payment of the sewer main line fee is not allowed unless the appropriate applications and permits are also completed for connection of the parcel to the public sewer.

f. Properties, other than single family residential, that use 50 EDUs of sewer capacity or less shall be required to pay the actual sewer main fee for the SCIP II associated with that parcel and shall not be eligible for the maximum guaranteed main line fee as calculated in 14.08.064.A.2.b.

3. To finance payment of any sewer reimbursement contract outstanding under VMC Section 14.04.285.

4. To finance the actual costs to any owner of an existing single family residential property or a property that uses 50 EDUs of sewer capacity or less to connect the property to a city sewer lateral and to pay for the costs of abandonment of the septic system for the property as documented by an invoice from a licensed plumber.

5. To finance the costs of payment deferrals of system development charges, main line fees, and sewer reimbursement contracts, and actual on-site sewer connection and septic decommissioning costs for the owner/occupants of existing single family residences who are found to be economically disadvantaged, subject to the deferral criteria and standards set forth in subsection (D) of this section.

B. *Eligibility for SCIP II.* Payments and waivers as set forth in subsection (A) of this section shall be made only subject to the following eligibility criteria:

1. The property is an existing single family residential property.

2. The property is a property that uses 50 EDUs of sewer capacity or less.

3. The property is on a septic or other on-site sewage disposal system and is not connected to sewer or a substandard connection is being corrected.

4. The property has sewer available as defined by VMC 14.08.015 whether constructed by the city or by a developer.

5. The applicant for financial assistance is the owner of the property.



6. The applicant enters into an agreement with the city that the applicant will connect to the city sewer within one hundred eighty (180) days of execution of the agreement and that the use of the septic tank or other on-site sewage disposal system will immediately cease upon connection of the property to sewer and that such on-site system will immediately be properly treated and terminated.

7. The applicant pays all application and permit fees pursuant to VMC 14.08.020.

8. The applicant enters into loan and security agreements with the city providing for repayment and financing of the SCIP II funds expended for the property and for any excess main line fees calculated pursuant to subsection (A)(2)(c) of this section. Such agreements shall provide that the applicant at any time may elect to pay the debt in full together with accrued interest. For contracts executed after November 1, 2012, repayment shall be due upon sale or transfer of the benefited property and shall be paid prior to final plat approval if the property is subdivided.

C. *Prioritization Criteria.* The Director of ~~Public Works~~ or designate shall develop administrative criteria for prioritizing selection of projects and applications for assistance under SCIP II taking into consideration:

1. Projected risks to water resources.
2. Viability of existing septic systems in an area or particular property.
3. Coordination with roadway and other utility projects.
4. Total cost of connection.

5. Other available resources for sewer construction and connections.

D. *Deferrals.*

1. *Eligibility.* An economically disadvantaged applicant for SCIP II funds under this section may defer repayment installments for sums advanced from the sewer connection incentive fund pursuant to this section up to eighty percent of the amount of the applicant's equity value in the existing residential property which is benefited by such sewer connection incentive fund monies, and collection of installments for repayment of such funds may be deferred, upon application to the director of Financial and Management Services for a deferral certificate; provided that the director or his or her designate finds all of the following:

- a. The applicant has, at the time of application, an ownership interest in the existing residential property which is subject to repayment for the allowable costs set forth in subsection (A) of this section;
- b. The applicant resides in such residence and the property is used for residential use only;
- c. The applicant is economically disadvantaged as defined by this section.
- d. Each certificate shall be for no longer period than one year, with provision for annual reviews of continued eligibility; and provided further that no deferral certificate period so granted shall extend beyond the term of the loan and security agreements entered into by the applicant for repayment and financing of SCIP II funds.

2. *Definitions.* As used in this section, except where the context clearly indicates a different meaning:

“Applicant” means a person who applies to defer repayment of installments of funds from the sewer connection incentive fund which benefit the applicant’s existing single family residence by filing an application for a certificate of deferral as provided by this section. When two or more individuals of a household file or seek to file a certificate of deferral, they may determine between them as to who the applicant shall be.

“Combined disposable income” means the disposable income of the person applying for the deferral, plus the disposable income of ~~his or her~~ their spouse, and the disposable income of each co-tenant occupying the residence for the calendar year, less amounts paid by the person claiming the exemption or ~~his or her~~ their spouse during the calendar year for:

- a. Drugs supplied by prescription of a medical practitioner authorized by the laws of this state or another jurisdiction to issue prescriptions; and
- b. The treatment or care of either person received in the home or in a nursing home.

“Co-tenant” means a person who resides with the applicant for the deferral and who has an ownership interest in the residence.

“Disposable income” means adjusted gross income as defined in the federal internal revenue code, as amended prior to January 1, 1989, or such subsequent date as the director of Financial and Management Services or designate may provide by rule consistent with

the purpose of this subsection, plus all of the following items to the extent they are not included in or have been deducted from adjusted gross income:

- a. Capital gains, other than nonrecognized gain on the sale of a principal residence under section 1034 of the federal internal revenue code, or gain excluded from income under section 121 of the federal internal revenue code to the extent it is reinvested in a new principal residence;
- b. Amounts deducted for loss;
- c. Amounts deducted for depreciation;
- d. Pension and annuity receipts;
- e. Military pay and benefits other than attendant-care and medical-aid payments;
- f. Veterans benefits other than attendant-care and medical-aid payments;
- g. Federal social security act and railroad retirement benefits;
- h. Dividend receipts; and
- i. Interest received on state and municipal bonds.

“Economically disadvantaged” means at the time of application the applicant’s combined disposable income shall not exceed 80% of the area median income adjusted for family size as determined by the Department of Housing and Urban Development (HUD). An applicant is presumed to be economically disadvantaged if ~~his or her~~ their entire income

and that of ~~his or her~~ their spouse and any co-tenant is derived from benefits under the Federal Social Security Act.

“Equity value” means the amount by which the fair market value of a residence as determined from the records of the county assessor exceeds the total amount of any liens or other obligations against the property.

“Ownership interest” means a property interest in an existing single family residence under a recorded deed or under a contract of purchase, recorded mortgage, recorded deed of trust or recorded lease by which the applicant is responsible under penalty of forfeiture, foreclosure or default for payment of real property taxes and/or local improvement district assessments. The term shall also include a share ownership in a cooperative housing association, corporation or partnership if the applicant can establish that ~~his or her~~ their share represents the specific unit or portion of such structure in which ~~he or she~~ the applicant resides.

3. *Security Provisions.* The director of Financial and Management Services or designate shall not issue such a deferral certificate, however, unless the applicant and ~~his or her~~ their spouse and co-tenant, if any, has signed a contract with the city providing that:

a. Unpaid interest on any deferred payments shall accrue and be added annually to the unpaid principal balance. The deferred payments together with any unpaid interest shall bear the same rate of interest as under the payment agreement.

- b. The city shall have a lien on the benefited property in an amount equal to the amount paid from the sewer connection incentive fund, plus interest at the same rate of interest as under the payment agreement, computed to the date the payment is made;
- c. The applicant shall have and keep in force fire and casualty insurance on the benefited property in sufficient amount to protect the interest of the city in the property; provided, if the applicant fails to keep such insurance in force, the amount deferred shall not exceed one hundred percent (100%) of the applicant's equity in the land or lot only;
- d. The obligations deferred pursuant to this section shall become due and payable in full, including principal and accrued interest, upon the earliest of the following dates:
  - 1. Upon the sale of property which is the subject of the deferral;
  - 2. Upon the death of the applicant with an outstanding deferred certificate except a surviving spouse who is qualified under this ordinance may elect to continue the deferral and who agrees that the deferral lien shall then be payable by that spouse or co-tenant as provided in this section.
  - 3. Upon the condemnation of property with a deferral lien upon it by a public or private body exercising eminent domain power, except as otherwise provided in RCW 84.60.070 for properties subject to a lien for taxes.
  - 4. At such time as the applicant ceases to reside permanently in the residential property upon which the deferral certificate has been granted; provided that a spouse or co-tenant may apply for the continuance of the deferral.

5. Upon the failure of any eligibility criteria or condition set forth in subsection (A) of this section.
- e. If any obligations deferred pursuant to this section are not paid in full (including principal and interest) within thirty (30) days of the occurrence of any of the events listed in subsection (D)(3)(d) of this section, the entire remaining amount of the debt shall become due and payable and the city may begin foreclosure upon the entire remaining debt.
- f. No deferral period shall be granted or shall extend beyond the end of the loan term of the original payment agreement.
- g. The applicant to whom a deferral certificate is granted at any time may elect to pay the debt in full together with accrued interest.
- h. *Filing of Contract and Certificate.* Each contract and deferral certificate executed pursuant to this section shall be filed by the city with the county auditor.
- i. *Rules.* The director of Financial and Management Services, with assistance of the city attorney, shall adopt reasonable rules and forms for administration of the deferral program consistent with this section.

**14.08.070 Sewerage – Filing of notice – Alternate enforcement.**

A. All delinquent and unpaid rates and charges for sewer service and connection charges, including interest charges, if any, shall become a lien upon the property to which such sewer service is furnished or such connection is made, superior to all other liens or encumbrances except

those for general taxes and special assessments. Enforcement and foreclosure of such lien or liens shall be in the manner provided by law for enforcement of the same and for delinquent sewerage service charges, as provided in Chapter 35.67 RCW.

B. The sewerage lien provided in this section shall be effective for a total not to exceed twelve (12) months' delinquent service charges without the necessity of any writing or recording of the lien with the county auditor; provided that if such delinquent charges are not paid upon demand, the Finance Director shall cause to be filed with the Clark County Auditor a notice of sewerage lien in the form prescribed by law for a total charges not to exceed one year's delinquent charges, plus future charges. All costs associated with the filing and release of the lien shall be charged to the delinquent property's sewer account at the time the lien is filed.

C. As an additional and concurrent method of enforcing its lien upon any premises for sewer service charges, the city may, in accordance with RCW 35.67.290 and in the manner provided by Chapter 14.04 VMC, terminate water service to such premises for so long as any delinquent fees or charges remain unpaid.

D. The city reserves the right to terminate sewer service to premises for nonpayment of sewer charges.

**SECTION 3.** Chapter 14.09 of the Vancouver Municipal Code is hereby amended to read as follows:

**Chapter 14.09**

**STORMWATER MANAGEMENT – REGULATIONS AND CHARGES**

**Sections:**



- 14.09.010 Purpose.**
- 14.09.020 Stormwater management.**
- 14.09.030 Ownership of city stormwater facilities and assets.**
- 14.09.035 Inspection and Approval.**
- 14.09.040 Definitions.**
- 14.09.050 Surface water program and stormwater capital plan.**
- 14.09.060 Rates for storm and surface water management.**
- 14.09.070 Authority for charges for connection to the stormwater system.**
- 14.09.080 Surface water management fund.**
- 14.09.090 Billing.**
- 14.09.100 Credits allowed.**
- 14.09.110 Remedies.**
- 14.09.120 Appeals.**
- 14.09.130 Liens for service/interest.**

**14.09.010 Purpose.**

Council finds that this chapter is necessary to protect public and private property, to preserve streams, wetlands and floodways, to minimize water quality degradation from urban runoff and to ensure the sound development of property within the city to the benefit of all citizens.

The recognition of the city's stormwater system as an additional component of the municipal water-sewer utility is necessary to provide for the proper management and funding of the stormwater system, and for the orderly development of required stormwater systems and facilities.

**14.09.020 Stormwater management.**

Pursuant to RCW 35.67, the City of Vancouver water and sewer utility establishes provisions for storm and surface water management. Such provisions shall give the utility authority and responsibility for carrying out the comprehensive stormwater plan, including responsibility for

planning, design, construction, maintenance, administration and operation of all city stormwater facilities, as well as establishing standards for design, construction and maintenance of improvements on private property where these may ~~effect~~ affect stormwater management.

**14.09.030 Ownership of city stormwater facilities and assets.**

Title and all other incidents of ownership of the following assets are vested in the water and sewer utility:

All properties, interests, and physical and intangible rights of every nature owned or held by the city, however acquired, insofar as they relate to or concern storm or surface water runoff.

**14.09.035 Inspection and Approval.**

All work done under a permit issued pursuant to this chapter shall be subject to the inspection and approval by the director or designee, and the work shall not be deemed completed until it has been inspected and approved as satisfactory.

**14.09.040 Definitions.**

As used in this chapter:

"Commercial/multifamily" means all property zoned or used for multifamily, commercial, industrial, retail, governmental, or other nonresidential purposes.

"Director" shall mean the city of Vancouver public works' director.

"Hard surface" means any impervious surface, a permeable pavement, or a vegetated roof.

"Impervious surface" means a non-vegetated surface area that either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A non-vegetated surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to rooftops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater.

"Pervious surface" means a surface material that allows stormwater to infiltrate into the ground. Examples include lawn, landscape, pasture, native vegetation areas, and permeable pavements.

"Single-family" means all property zoned or used for single-family detached housing units. Except as noted in VMC 14.09.060(C)(2), all other residential development shall be classified as "multifamily."

"Single-family equivalent unit (SFU)" means the area of impervious surface on a property divided by 2,500 square feet.

"Stormwater Manual" means the Stormwater Management Manual for Western Washington, prepared by the Washington State Department of Ecology Water Quality Program, December 2014. Publication No. 14-10-055 (a revision of Publication No. 12-10-030), five volumes, and as hereafter amended.

"Stormwater Permit" means the city of Vancouver's National Pollutant Discharge Elimination System (NPDES) Western Washington Phase II Municipal Stormwater Permit issued August 1,

2013, which was modified, effective January 16, 2014, by the Washington State Department of Ecology and as hereafter amended or reissued.

"Utility" means City of Vancouver water-sewer-surface water utility.

**14.09.050 Surface water program and stormwater capital plan.**

The stormwater capital plan shall be reviewed and updated by staff periodically as necessary to meet the needs of the system and returned for public hearing and may then be added to or amended. Such plan provides a practical and reasonable means to relieve the stormwater flooding issues in the City, and to preserve the integrity of the City's water supply, to protect its wastewater collection and treatment system, and to prevent surface water quality degradation.

**14.09.060 Rates for storm and surface water management.**

A. Because all real property in the city contributes stormwater runoff to and/or benefits from the city's stormwater system, the owners thereof shall pay monthly charges as set forth in this section.

Monthly charges will have two components as follows:

1. *Operation and Maintenance.* To provide for administrative and field operations, billing, accounting, and for the maintenance, repair and upgrade of existing stormwater facilities.
2. *Capital Expenditures.* To provide for basin-wide and system master planning and subsequent capital improvement projects as identified in the stormwater capital plan.

B. The water and sewer utility is authorized to establish charges for the use and discharge to the city's stormwater system. Such charges shall be based on the cost of providing stormwater service

to all properties within the city and may be different for properties receiving different classes of service. Monthly charges shall be established as follows:

Effective January 1, 2020

<b>Single-Family</b>	<b>Multifamily</b>	<b>Commercial</b>	<b>Industrial</b>
\$11.80 per month	\$11.80 per 2,500 sq. ft. hard surface per month (\$11.80 minimum)	\$11.80 per 2,500 sq. ft. hard surface per month (\$11.80 minimum)	\$11.80 per 2,500 sq. ft. hard surface per month (\$11.80 minimum)

Effective January 1, 2021

<b>Single-Family</b>	<b>Multifamily</b>	<b>Commercial</b>	<b>Industrial</b>
\$12.39 per month	\$12.39 per 2,500 sq. ft. hard surface per month (\$12.39 minimum)	\$12.39 per 2,500 sq. ft. hard surface per month (\$12.39 minimum)	\$12.39 per 2,500 sq. ft. hard surface per month (\$12.39 minimum)

Effective January 1, 2022

<b>Single-Family</b>	<b>Multifamily</b>	<b>Commercial</b>	<b>Industrial</b>
\$13.01 per month	\$13.01 per 2,500 sq. ft. hard surface per month (\$13.01 minimum)	\$13.01 per 2,500 sq. ft. hard surface per month (\$13.01 minimum)	\$13.01 per 2,500 sq. ft. hard surface per month (\$13.01 minimum)

C. "Multifamily customer" class shall apply to customers with living units that share a common wall.

1. Multifamily customers with two or more living units per meter will be charged the effective rate per 2,500 square feet of impervious surface.

2. Multifamily customers with one water meter per living unit will be charged the prevailing “single-family customer rate” per unit. “Single-family customer rate” shall apply to mobile homes either on individual lots or in a mobile home park.

D. *State Highway Charge.* Pursuant to RCW 90.03.525, the monthly charge for all state highway properties within the city shall be 30 percent of the charge provided in subsection B of this section, unless the city and state agree to a different rate or unless the court of competent jurisdiction holds otherwise.

E. *Application to Publicly Owned Properties.* Other publicly owned properties shall be charged at the industrial rate as set forth herein.

F. *Application to Active Gravel Mining Operations and Publicly Owned Streets, Alleys and Rights-of-Way.* Active gravel mining operations, publicly owned streets, alleys and rights-of-way shall be charged at the state highway charge rate provided in subsection D of this section.

G. *Application to Certain Qualifying Properties.* For qualifying properties meeting all of the following criteria, the monthly charge shall be 30 percent of the charge provided in subsection B of this section.

1. The qualifying property is subject to a stormwater management program regulated by and in compliance with the requirements for a Phase 1, Phase 2, or secondary permittee as defined by Special Condition S6 of the NPDES Western Washington Phase II Municipal Stormwater Permit, and as hereafter amended; and

2. The qualifying property does not discharge stormwater into the city of Vancouver surface water drainage system; and
3. If infiltrating on site, water quality treatment shall meet current city of Vancouver and Department of Ecology standards and requirements for the land use.

**14.09.070 Authority for charges for connection to the stormwater system.**

The utilities shall be authorized to establish a systems connection charge for properties seeking to be developed and discharge stormwater to the city's stormwater system. Such connection charges shall be adopted by separate ordinance as either part of the service charge ordinance referenced in Section 14.09.060 or the city's general development fee ordinance. The fees for connection to the city's stormwater system shall be modified from time-to-time to reflect the true cost of service to new development. The city's stormwater master plan shall form the basis for such modifications to these charges.

**14.09.080 Surface water management fund.**

There is established a surface water management fund as part of the water and sewer utility into which all revenue from user fees, connection charges, grants, taxes and other funding sources shall be deposited and from which all expenditures related to the city's stormwater system shall be paid. This fund shall be kept in the manner prescribed by state law as to accounting and reporting expenditures.

**14.09.090 Billing.**

The charges imposed by this chapter shall be billed in conjunction with the property or user's customary water and sanitary sewer bill issued by the city. Such charges shall be due and payable as provided in this chapter. In the event a property does not have water or sanitary sewer service, but is subject to the charges imposed in this chapter, a new account shall be established and that property shall be billed separately for the surface water service charges.

**14.09.100 Credits allowed.**

A reduction in the rates described herein may be granted for the following reasons and purposes:

A. Multi-family, commercial and industrial accounts may receive a fifty percent rate reduction if the affected property either meets or exceeds the water quantity and water quality requirements established by the Stormwater Manual or city ordinance, whichever is more restrictive, applicable to civil plan approval of new development or redevelopment. In order to be eligible for such discounts, an applicant must submit the following:

1. Stormwater quantity and quality facilities site plan; and,
2. Report prepared by a professional registered civil engineer verifying by appropriate calculations that the facilities meet or exceed the requirements of the Stormwater Manual applicable to civil plan approval of new development or redevelopment.
3. Documentation that an existing water quality or quantity facility is properly maintained in accordance with the applicable requirements of the Stormwater Manual as defined in VMC 14.25.105. Failure to provide documentation demonstrating proper maintenance may result in revocation of credits.



B. Properties with facilities that provide water quality treatment to publicly-owned property or right of way and which have been identified in the surface water program as facilities of basin or system-wide importance may be eligible for a percentage reduction in the surface water charge.

C. Accounts identified for special rates in VMC 14.09.060 sections D, F and G shall not be eligible for additional credits allowed herein.

D. Properties relying on publicly-owned or maintained stormwater facilities for water quality or quantity treatment shall not be eligible for credits.

E. *Rainwater harvesting credits.* Pursuant to RCW 35.67.020, accounts not eligible for any other credit allowed herein shall be eligible for a 10 percent reduction in the monthly charge for any new or remodeled commercial building that utilizes a permissive rainwater harvesting system. Rainwater harvesting systems shall be properly sized to utilize the available roof surface of the building(s). The reduced rate shall apply only to the portion of the site impervious area draining to the rainwater harvesting system.

**14.09.110 Remedies.**

In the event a customer or property owner shall fail to pay the surface water service charge, the city shall have the authority to terminate domestic water service to said property or customer. Termination of such water service shall not limit other remedies available to the city under state law.

**14.09.120 Appeals.**

Any customer or property owner who feels that the surface water service charge as set forth in VMC 14.09.060 for their property has been incorrectly computed or applied, and/or that credits have not been properly granted may petition, in writing, to the Director of ~~Public Works~~ for a review of said computations, application or credit. The petitioner shall provide drawings and calculations demonstrating the factual basis of the claimed error in the service charge.

If not satisfied with the determination of the director, the petitioner may appeal to the hearing officer in accordance with the provisions of Chapter 14.20 of this code. Any credits authorized by the appeals process shall only be applied toward billings subsequent to the date the appeal is filed.

**14.09.130 Liens for service/interest.**

Pursuant to RCW 35.67.200, the city shall have a lien for delinquent or unpaid surface water service charges. Enforcement and foreclosure of said lien(s) shall be as provided by law. Interest on the unpaid balance shall be eight percent per year or such higher rate as authorized by state law. Penalties, as authorized by state law in the amount of five percent will also be assessed

**SECTION 4.** Chapter 14.12 of the Vancouver Municipal Code is hereby amended to read as follows:

**Chapter 14.12**

**DISCHARGE OF INDUSTRIAL WASTES TO THE INDUSTRIAL WASTEWATER  
PRETREATMENT FACILITY**

**Sections:**

**14.12.010 Purpose and policy.**

**14.12.020 Definitions.**

- 14.12.030**            **Wastewater characteristics.**
- 14.12.040**            **Sewer use service charges – High strength industrial waste charges.**
- 14.12.050**            *Reserved capacity charge – Rates.*
- 14.12.060**            *Reserved capacity charge – When imposed – After imposed reserved capacity charge.*
- 14.12.070**            **Allocated capacity charge.**
- 14.12.080**            **Excessive waste discharge.**
- 14.12.090**            **Sewer use service charges – Billing – Amount.**

**14.12.010**    **Purpose and policy.**

A. The ordinance codified in this chapter sets forth uniform requirements for discharges into the city of Vancouver's (city) industrial wastewater collection system and pretreatment facility, sometimes known as the pretreatment lagoon, but hereinafter referred to as facility. Charges for facility users are also set forth in this chapter.

B. By Ordinance M-1977 in June of 1979, the city entered into contracts with certain industrial users of the pretreatment facility by which such users agreed to pay certain charges for reserve and allocated capacity in such pretreatment facility. Such contracts are not affected by this ordinance and are ratified and confirmed, as modified by the parties since execution; provided, that the capital costs remain constant, as established in Ordinance M-1977 and as thereafter adjusted by the parties in KCM report dated August 19, 1980; operational and maintenance costs shall continue to be charged based upon actual annual operating costs.

C. The provisions in Chapter 14.10 of this title, in addition to the provisions of this chapter, shall apply to all dischargers with discharges to the facility. In the event of a conflict between the two chapters, Chapter 14.12 of this title shall govern facility users.

**14.12.020 Definitions.**

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall conform to the definitions in Chapter 14.10 of this title, with supplemental definitions as follows:

1. "Allocated capacity" means that capacity in the facility which by contracts has been allocated to specific industrial users and for which such users have agreed to pay charges representing fixed capital costs, base operation and maintenance costs, and demand operation and maintenance charges based upon actual usage. (See contracts incorporated into Ordinance M-1977).

2. "Base operation and maintenance" means those operation and maintenance functions of a general upkeep nature which are performed regardless of amount of usage to preserve the full value of the capital facilities.

3. "Demand operation and maintenance" means those operation and maintenance functions which vary directly with usage and would not be incurred if such usage ceased.

4. "Director" means the Director of Public Works or duly authorized representative.

~~5.4.~~ "Facility" means the city of Vancouver's industrial wastewater collection system and industrial wastewater pretreatment facility constructed in 1979, and sometimes known as the pretreatment lagoon.

~~6.5.~~ "Final treatment cost" means those operation and maintenance functions which vary with usage that are required for secondary treatment of the effluent discharges from the facility.

~~7.6.~~ "Peak hourly rate" means that maximum mass emission made by any individual user during any single continuous sixty-minute period.

8.7. "Peak monthly rate" means that maximum mass emission made by any individual user during any single continuous thirty-day period.

9.8. "Reserve capacity" means that capacity for which the facility has been designed and for which specific existing industrial users have contracted to pay the capital costs thereof. (See contracts incorporated into Ordinance M-1977).

10.9. "Unallocated capacity" means that capacity for which the facility has been designed which has not been assigned to any specific user as allocated or reserve capacity and for which city pays capital and base O & M costs.

**14.12.030 Wastewater characteristics.**

Unless prior written approval is obtained from the Director ~~department of public works~~, no discharger shall discharge into the facility wastes with the following characteristics:

- A. pH lower than 5.5 or higher than 11.5;
- B. BOD of more than three thousand mg/1;
- C. Suspended solids of more than three thousand mg/1;
- D. Or any other discharge prohibited by Chapter 14.10 of this title.

**14.12.040 Sewer use service charges – High strength industrial waste charges.**

A. Industrial waste charges shall be based on flow, BOD and suspended solids. All measurement methods shall first be approved by the director ~~of public works~~ before any consideration of

industrial waste charges. The rates of charge and methods of determining sewage strength are set forth below in this section and in Section 14.12.060.

B. To cover allocated capacity capital costs, an annualized charge (to be collected in equal monthly payments) is levied on each customer discharging into the facility, based on a peak hourly rate of sixteen thousand three hundred six dollars per million gallons per day of allocated capacity, plus an annualized charge (to be collected in equal monthly payments) based on a peak monthly rate of four thousand seven hundred ninety-one dollars per million gallons per day of allocated capacity; plus an annualized charge (to be collected in equal monthly payments) based on a peak monthly rate of four hundred twenty-seven dollars per each one hundred pounds of BOD per day of allocated capacity; plus an annualized charge (to be collected in equal monthly payments) based on a peak monthly rate of one hundred sixty-eight dollars per each one hundred pounds suspended solids (SS) per day of allocated capacity, in terms of committed loadings in the total industrial wastewater stream, as determined by the director of ~~public works~~. Recovery of such capital costs from the users shall cease upon payment by the city of revenue bonds issued in 1979 to pay for the facility.

C. To cover base operating and maintenance (O & M) costs, an annualized charge (to be collected in equal monthly payments) is levied, based on a peak hourly rate of five hundred seventy-two dollars per million gallons per day of allocated capacity; plus an annualized charge (to be collected in equal monthly payments) based on a peak monthly rate of one thousand four hundred fifty-six dollars per million gallons per day of allocated capacity; plus an annualized charge (to be collected in equal monthly payments) based on a peak monthly rate of fifty dollars per each one hundred pounds of BOD per each day of allocated capacity, in terms of committed BOD loading in the total

industrial wastewater stream, as determined by the director of ~~public works~~; plus an annualized charge (to be collected in equal monthly payments) based on a peak monthly rate of thirty-seven dollars per each one hundred pounds of suspended solids (SS) per day of allocated capacity.

D. To cover demand O & M costs, a monthly charge is levied based on a rate of one hundred thirty dollars per million gallons of measured volume of total industrial wastewater plus rates for strength of industrial wastes as established at five dollars and ninety cents per each one hundred pounds of BOD and four dollars per each one hundred pounds of suspended solids.

E. To cover final treatment costs of all facility effluent discharged to the Westside Wastewater Treatment Plant, a monthly final treatment cost is established based on a rate of seventy-one dollars and eighty-three cents per million gallons of measured volume of total industrial wastewater plus an industrial strength rate established at eighteen dollars and thirty cents for each one hundred pounds of BOD and nine dollars and twenty cents per each one hundred pounds of suspended solids. Waste loads will be determined on the basis that the average annual facility performance is ninety-one percent removal for BOD and eighty percent removal for suspended solids. Removal rates shall be reviewed annually by the city.

F. Waste water samples are to be taken by authorized representatives of the director of ~~public works~~. The samples taken shall be twenty-four-hour flow proportioned composite samples. Except for seasonal industrial wastes, charges shall apply as determined on the basis of at least eight twenty-four-hour flow proportioned sample analyses to be obtained each month, and at least twelve times per month in the case of seasonal users during respective canning seasons, and such analyses averaged for each month.

G. All sampling authorized in this chapter shall be in addition to, and shall not limit, the city's authority under Chapter 14.10 of this title.

H. Sampling procedures and methods conducted by or under direction of the director of ~~public works~~ shall involve a twenty-four-hour flow-proportioning sampling device and be in accordance with methods established by good engineering practices. Sampling shall be conducted at sampling manholes or other locations adjudged by the director of ~~public works~~ to be suitable points from which samples would be representative, either singly or with other samples of the industrial waste to be sampled. Samples shall be analyzed at an approved laboratory as designated by the director of ~~public works~~.

I. Rates established under this chapter shall be reviewed annually and may be amended as determined to be necessary and proper by the city council, but subject to contractual obligations to users. The annual review shall include, among other things, the principals and methodology included in the August 1980 Industrial Pretreatment Facility Rates Analysis and other sound engineering practices. Base O & M, demand O & M, and final treatment cost shall be reviewed annually.

**14.12.050 Reserved capacity charge – Rates.**

A. The charges established in Section 14.12.040 are to recover from users the capital and operation cost of the facility as referred to in Section 14.12.040; however, such user charges do not include the capital cost of currently unallocated capacity.

B. Each user of the facility shall pay the city such fees for its use thereof as are set by Section 14.12.040. In addition, each such customer who wishes to reserve capacity in the facility for its



own use may, by contract approved by the director of ~~public works~~ and the city attorney, agree to pay each month after the effective date of the ordinance codified in this chapter, a reserve capacity charge as set by this section. Such user shall thereafter be allowed to discharge flow, BOD and suspended solids up to its thus reserved amount, at the rates set by Section 14.12.040, and such capacity is guaranteed to such users by the city from September 1979 to and beyond the life of bonds issued for the construction of the facility.

C. Customers who thus have reserved capacity shall pay for the amount beyond their allocated capacity at the following reserve capacity charges; an annual charge of ten thousand two hundred dollars for each million gallons of peak hourly flow rates, plus two thousand four hundred sixty dollars for each one million gallons of peak monthly flow rates, plus two hundred eighty-five dollars per each one hundred pounds of BOD, and seventy-nine dollars for each one hundred pounds of suspended solids. Such charge shall be terminated by the city upon final payment by it of revenue bonds issued to pay for the facility.

D. All the above "reserve capacity charges" are to pay the capital costs (only) of such increased capacity.

**14.12.060 Reserved capacity charge – When imposed – After imposed reserved capacity charge.**

A. For the purposes of this chapter, an industry is considered to be using its reserve capacity, and thus is subject to base operating and maintenance (O & M) costs on a permanent ongoing basis, when its monthly mass emissions exceed its allocated capacity by five percent for either flow, BOD or suspended solids for any three months in a twelve-month period. Such base O & M costs shall be levied for the third such month thereof and on a monthly basis continuously thereafter. In

the case of a seasonal user, the base O & M costs shall be levied when its weekly mass emissions exceed its allocated capacity by ten percent for any three weeks in a twelve-month period.

B. Any existing industrial customer who chooses not to contract for sufficient reserve capacity to meet its needs and to pay therefore under this section, or any new customer, who thereafter seeks to discharge or is determined by monitoring by the city to be discharging more than its allocated capacity (plus reserve capacity, if any) flow or more BOD or more suspended solids into the system may do so upon approval of the director of ~~public works~~, and upon a finding by ~~him~~ the director that the facility can accommodate the increased use and will not infringe upon any allocated or reserved capacity of any other user. For such connection or for such increased use, ~~he~~ the customer shall pay a fee (composed of the allocated capacity plus base O & M fees and lease costs) of sixteen thousand six hundred eighty-six dollars for each million gallons of peak hourly flow rate, plus five thousand eight hundred twelve dollars for each million gallons of peak monthly flow rate, plus four hundred sixty-three dollars per each one hundred pounds of BOD, and one hundred ninety-four dollars per each one hundred pounds of suspended solids. This shall be an accumulated annual charge with a starting date of September 1, 1979. Such fee is set as an after-imposed reserved capacity charge required for such user to pay its fair share of the capital cost and base operating and maintenance costs which have been incurred in preserving full value of such capital facility with such increased capacity. In addition, a fee of one thousand dollars shall be collected at time of such new connection to pay city administrative costs in connection therewith.

**14.12.070 Allocated capacity charge.**

A minimum monthly charge is set for each industrial customer.

A. Each industrial customer has contracted with the city for a specified amount of allocated capacity in the facility. Each industrial user shall pay an allocated capacity charge for its actual use up to such allocated amount at the rates set in this chapter.

B. Such specified amount of allocated capacity may be reduced only with the agreement of the city and upon a finding that the city can transfer such capacity to another customer. Such specified amount of allocated capacity may be increased up to the amount of reserve capacity agreed to by the city and customer under Section 14.12.050, or in the absence of such an agreement only as set forth in that section.

**14.12.080 Excessive waste discharge.**

A. The city, by written order of the director of ~~public works~~, may prohibit any industrial customer from increasing its flow or BOD or suspended solids beyond its amount of permitted loading as indicated in Exhibit A of Ordinance M-1977 plus (if previously contracted) its reserve capacity; and the department of public works may install devices on facilities serving such customer to prevent excess flows.

B. An industrial customer is considered to be discharging excessive waste quantities when its monthly mass emissions, for any one of the cost allocation parameters, exceed its allocated plus any reserve capacity for a continuous eight-week period by more than five percent. In the case of seasonal users, such excessive emissions shall be deemed exceeded by ten percent of its allocated plus any reserve capacity for a continuous ten-day period, provided, that, if the seasonal user has advised the director of ~~public works~~ in writing of an anticipated excessive use fifteen days prior to

the start of the excessive use period, then it shall not be deemed to exceed its allocated or reserve capacities.

**14.12.090 Sewer use service charges – Billing – Amount.**

A. Sewer use service charges under this chapter shall be billed monthly by the city director of Financial and Management Services. The amount of the charge will be determined by the director of public works at the end of each month and will be submitted to the city director of Financial and Management Services after sufficient time has been given for laboratory analysis of all sewage samples and/or computations. Charges will be computed and billed based on records of flow for the previous month and mean waste strengths as determined in Section 14.12.040.

B. The Director of ~~Public Works~~ may check wastewater strength as outlined in this section and adjust charges where applicable at any time in accordance with all the provisions of this chapter.

**SECTION 5.** Savings. Those ordinances or parts of ordinances which are amended by this ordinance shall remain in full force and effect until the effective date of this ordinance.

**SECTION 6.** Severability. If any clause, sentence, paragraph, section, or part of this ordinance or the application thereof to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid, such order or judgment shall be confined in its operation to the controversy in which it was rendered and shall not effect or invalidate the remainder of any parts thereof to any person or circumstances and to this end the provisions of each clause, sentence, paragraph, section or part of this law are hereby declared to be severable.

**SECTION 7.** Effective date. This ordinance shall become effective as of January 1, 2022, following the date of final adoption.

Read first time: December 13, 2021

Ayes: Councilmembers Fox, Paulsen, Lebowsky, Glover, Stober, Hansen, Mayor McEnerny-Ogle

Nays: None

Absent: None

Read second time: December 20, 2021

PASSED by the following vote:

Ayes: Councilmembers Fox, Paulsen, Lebowsky, Glover, Stober, Hansen, Mayor McEnerny-Ogle

Nays: None

Absent: None

SIGNED this 20th day of December, 2021.

DocuSigned by:  
*Anne McEnerny-Ogle*  
58CB15C0632F403...  
Anne McEnerny-Ogle, Mayor

Attest:  
DocuSigned by:  
*Natasha Ramras*  
BCF6734E40E94AE...  
Natasha Ramras, City Clerk

Approved as to form:

DocuSigned by:  
*Jonathan Young*  
9A7DC2E31F694A2...  
Jonathan Young, City Attorney

## SUMMARY

### ORDINANCE NO. M-4359

AN ORDINANCE relating to the sewer and surface water utility user charges, amending Chapters 14.04, 14.08, 14.09, and 14.12 of the Vancouver Municipal Code; providing for savings, severability and an effective date.

The full text of this ordinance will be mailed upon request. Contact Raelyn McJilton, Records Officer at 360-487-8711, or via [www.cityofvancouver.us](http://www.cityofvancouver.us) (Go to City Government and Public Records).