

**TOWN OF FAIRFIELD
SPOKANE COUNTY, WASHINGTON
ORDINANCE NO. 369**

**AN ORDINANCE OF THE TOWN OF FAIRFIELD, WASHINGTON,
ADOPTING RULES AND REQUIREMENTS FOR CUSTOMERS OF THE
TOWN'S WATER UTILITY AND OTHER MATTERS PROPERLY
RELATED THERETO.**

WHEREAS, the Town through its legislative authority has the power and authority to establish conditions for water service to include reasonable rates, fees, and connection charges;

WHEREAS, the Town is vested with the authority to operate a municipal water system pursuant to Chapter 35.92 RCW; and

WHEREAS, the Town also has authority to establish reasonable rules for the safe and effective operation of the Town's water system.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN
COUNCIL OF THE TOWN OF FAIRFIELD, WASHINGTON AS
FOLLOWS:**

For purposes of convenience, the Table of Contents entitled "Water System" for Ordinance No. 369 is reorganized by assignment of new code citations as set forth below.

WATER SYSTEM

Sections:

- .010 Purpose.
- .020 Water Department.
- .030 Application for Connection.
- .040 Meter—Required.
- .050 Interruption, Restriction or Termination of Service.
- .060 Prohibitions.
- .070 Meter and Meter Box Installation.
- .080 Meter--Supply and Repair.
- .090 Meter--Accessibility.
- .100 Meter--Tampering or Unauthorized Removal.
- .110 Connections with Town Mains.
- .120 Separate Service Connections for Each Building.
- .130 Connection Responsibilities--Fees.
- .140 Furnishing Water to Others.
- .150 Owner Responsibility for Account.
- .160 Lien Against Property.
- .170 Water Rates.
- .180 Payment Delinquency.

- .190 Payment Plan.
- .200 Adjustments.
- .210 Water Turnoff.
- .220 Obstructing Access to Fire Hydrants.
- .230 Service to Persons Outside Town Boundaries.
- .240 Minimum Water Use and Fee.
- .250 Rules and Regulations.
- .260 Severability.
- .270 Effective Date.

Section 1 Amendment. Section 13.04.010 entitled "Purpose" of the Town of Fairfield Code is amended:

13.04.010 Purpose:

The purpose of this chapter is to establish the conditions and general rules and regulations for the operation and extension of the public water system of the Town of Fairfield and thereby promote the public's health, safety, and general welfare.

Section 2 Amendment. Section 13.04.020 entitled "Water Department -- Established" of the Town of Fairfield Code is amended:

13.04.020 Water Department- - Established:

The water department of the Town is established. The officers and other employees of the department shall consist of a Superintendent and such other laborers, engineers and employees as may be provided by resolution or ordinance of the council.

Section 3 New Section. Section 13.04.030 entitled "Application for Connection" of the Town of Fairfield Code is added:

13.04.030 Application for Connection:

All applications for water service shall be made through the Town Clerk on forms approved by the Town. Connections to the public water system are permitted only upon approval of the Superintendent with connection and receipt of water service subject to the Ordinances of the Town and its public works standards, as well as State, Federal and County laws, rules and regulations.

Section 4 Amendment. Section 13.04.040 entitled "Meter -- Required" of the Town of Fairfield Code is hereby amended:

13.04.040 Meter -- Required:

Whenever any new service shall connect a property with the water supply system of the Town, the applicant or owner of the property shall have installed a meter approved by the Town.

All system users are required to have a meter that is approved by the Town's water department. Any water supply or consumption that is obtained other than that which is metered can be considered defrauding public utilities and could be a class B felony (RCW 9A.61.010)

Section 5 New Section. Section 13.05.050 entitled "Interruption, Restriction or Termination of Service" of the Town of Fairfield Code is hereby added:

13.04.050 Interruption, Restriction or Termination of Service:
Water service may be interrupted, restricted or terminated with or without notice as the Superintendent shall determine for all necessary repairs, construction or alterations and in case of an emergency, to protect the public health and safety. The Town disclaims all liability for damage to property or injury to persons occurring from: (a) temporary or permanent interruption for necessary construction or repairs; (b) damage to any pump, pipe or fixture of the public water supply system; (c) and costs and expenses incurred by any party as a result of interruption, restriction or termination of service.

Section 6 New Section. Section 13.04.060 entitled "Prohibitions" of the Town of Fairfield Code is hereby added:

13.04.060 Prohibitions:

(a) Water service may be refused or discontinued where the provisions of this Ordinance, rules or policies of the Town or orders of the Superintendent are violated.

(b) No person may open or close any valve or other water device maintained by the Town, including but not limited to meters, hydrants, valves or pipes connected to the public water system.

(c) No person may contaminate, pollute or endanger in any way the public water system of the town.

Section 7 Amendment. Section 13.04.070 entitled "Meter and Meter Box Installation" of the Town of Fairfield Code is hereby amended:

13.04.070 Meter and Meter Box Installation:

The installation of meters and meter boxes shall be done by the water department and the cost of the meter, meter box and installation shall be paid by the applicant or owner of the property. All meters shall be installed at the property line with boxes, fittings, and plumbing approved by the Town in compliance with any public works standards of the Town.

Section 8 Amendment. Section 13.04.080 entitled "Meter – Supply and Repair" of the Town of Fairfield Code is hereby amended:

13.04.080 Meter -- Supply and Repair:

Meters will be supplied, tested and repaired by the Town. All meters are property of the Town. The Town shall service or replace meters as necessary at the expense of the Town except when meters are damaged by the customer including, but not limited to failure to insulate meter boxes from freezing or to maintain appropriate protection for the meter. In those cases, the property owner shall be liable for all costs associated with the repair or replacement of the meter.

13.04.081 Meters inside a structure:

For meters located within a structure, the property owner shall be responsible for all costs associated with repairing or replacing the meter, and shall bear full responsibility for any water damage to the structure and its contents. Should a meter located within a structure need to be replaced or repaired, the Town will only install a new meter outside of the structure in a location on the property that is accessible to the Town for any future repair or replacement that may be needed. The Town shall not be responsible for the removal of the old meter, nor be responsible for any service line needing to be replaced within the structure. If a new meter is installed outside of the structure, upon installation the meter shall then become the property of the Town. This shall become the meter of record and the Town shall service or replace the meter as necessary at the expense of the Town except when meters are damaged by the customer including, but not limited to failure to insulate meter boxes from freezing or to maintain appropriate protection for the meter. In those cases, the property owner shall be liable for all costs associated with the repair or replacement of the meter.

Section 9 Amendment. Section 13.04.090 entitled "Meter Accessibility" of the Town of Fairfield Code is hereby amended:

13.04.090 Meter Accessibility:

Meters shall at all times be accessible by Town personnel. Where it is necessary to place the meter under lock and key, a key must be furnished to the water department. It is the property owner's duty to keep meter boxes clear of obstructions prior to meter readings. Failure to do so shall require the Town to remove obstructions at the property owner's expense.

Section 10 Amendment. Section 13.04.100 entitled "Meter – Tampering or Unauthorized Removal" of the Town of Fairfield Code is hereby amended:

13.04.100 Meter -- Tampering or Unauthorized Removal:
Meters shall not be tampered with or removed except by the water department or its agents and only upon a written order from the water superintendent. A violation of this section may result in suspension of water service until proper installation of or repair of the meter.

Section 11 Amendment. Section 13.04.110 entitled "Connections with Town Mains" of the Town of Fairfield Code is hereby amended:

13.04.110 Connections with Town Mains:
Connections to the public water system for standpipe, sprinkler service or hydrants to be used in case of fire will be made only upon the Superintendent's prior written consent. Such connections will be separate from the regular service tap, with the complete installation to be under the supervision of the water department and paid for by the applicant or property owner. Every valve or outlet must be sealed. Seals may be broken only in case of fire and in such case, prompt notification must be made to the superintendent of the water department and the valve will be resealed.

Section 12 Amendment. Section 13.04.120 entitled "Separate Service Connections for Each Building" of the Town of Fairfield Code is hereby amended:

13.04.120 Separate Service Connections for Each Building:
Every separate building supplied with Town water must have its own separate service connection to the town public water system, except that two or more buildings located on the same lot or on contiguous lots under a single ownership may, upon written permission of the superintendent, be supplied through the same connection so long as such single ownership continues. Upon change from single ownership, a new and separate connection shall be immediately made for the building or the premises unless otherwise permitted by the superintendent.

Section 13 Amendment. Section 13.04.130 entitled "Connection Responsibilities -- Fees" of the Town of Fairfield Code is hereby amended:

13.04.130 Connection Responsibilities:

- a. All applicants and/or property owners shall be financially and legally responsible for extending water main/service from the Town's public water system to their property. All work, including engineering, must meet Town and State standards.
- b. The Town shall not be obligated to perform any work or share in any water expenses. However, the Town may contract with owners or developers for extension of facilities pursuant to RCW Chapter 35.91.
- c. Upon installation, the pipes and facilities on public property shall become property of the Town and part of the public water system with the Town being responsible for maintaining and operating the mains.
- d. Applicants and/or property owners or developers shall be legally and financially responsible for installation, maintenance and operation of lateral lines connected to the Town's mains and any other expenses directly or indirectly related to the installation and connection of the Town's water system.
- e. Any water line installed upon any private property shall be maintained by the owner of that property.
- f. The Town shall not be obligated or required to issue a residential building permit until the property owner or developer has made adequate provision for extension of the water main to the property. See RCW 19.29.097. The applicant or property owner shall provide:
 - a map indicating the exact location of the water line(s) and all other equipment installed and connected to the Town's public water system. The map shall reference the type of materials used, the size of all materials, as well as a drawing showing the location of the water line(s), the point of connection, the approximate depth of the line(s) and other matters required by the Superintendent.
- g. No water shall be provided to any property until the connection has been approved by the Superintendent and all charges paid in full.
- h. After water service lines have been installed and inspected, the Town shall be responsible for repairs and replacement of service lines from the public water system to the meter or property line whichever is closer. The property owner shall be responsible for all repairs from the meter or property line to the premises.
- i. On pre-existing installed water service lines the Town shall be responsible for repairs or replacement of service lines to the

meter or property line whichever is closer to the main. For meters located within a structure the property owner shall be responsible for all repairs and replacement of service lines to the meter from the main and shall bear full responsibility for any water damage to the structure and its contents.

Section 14 Amendment. Section 13.04.140 entitled "Furnishing Water to Others" is hereby amended:

13.04.140 Furnishing Water to Others:
No owner or occupant of property supplied with water from the Town shall furnish water to any other premise or property without first obtaining written permission from the Superintendent. The Town shall have the right to require payment of a fee as a condition of granting such permission. Persons violating this provision shall be subject to a fine or penalty (imprisonment or both) pursuant to Section 10.08.010 of this code, and may have their water shut off.

Section 15 Amendment. Section 13.04.150 entitled "Owner Responsibility for Account" of the Town of Fairfield Code is hereby amended:

13.04.150 Owner Responsibility for Account:
All accounts for water shall be the responsibility of the owner of the real property receiving the water. In the case of a mobile home, or other temporary or mobile structure, the owner of the real estate shall be the responsible party. Water accounts may be put in the name of the tenant only upon written application to the Town signed by the owner of the property and the tenant. The owner shall not be released from the responsibility for payment and must pay amounts due in case the agent or tenant refuses or neglects to do so with all charges representing a lien against the real property. No change in ownership or occupancy shall affect the application of this section.

Section 16 Amendment. Section 13.04.160 entitled "Lien Against Property" of the Town of Fairfield Code is hereby amended:

13.04.160 Lien Against Property: All water charges, fees, fines, supplies and meters furnished shall be a lien against the property benefited. Pursuant to RCW 35.21.290 and RCW 35.21.300 the property owner shall remain liable for all water service charges.

Section 17 Amendment. Section 13.04.170 entitled "Water Rates" of the Town of Fairfield Code is hereby amended:

13.04.170 Water Rates, Fees and Charges:

A. The Town Council, annually through Resolution, shall establish the rates for water service, meters, meter installation, connection charges, disconnection/reconnection charges, late charges, penalties, interest, and all other financial matters relating to the operation, maintenance, use and construction of the public water system.

B. Each customer supplied with water service shall pay minimum bi-monthly rates as fixed by resolution of the Town Council. Meters will be read between mid-April and the end of October. During the months that meters are not read, customers shall pay the base rate.

C. Each customer receiving water service shall pay the base rate plus any additional water usage fee, to include the reserve fee as established by Council Resolution.

Section 18 Amendment. Section 13.04.180 entitled "Payment Delinquency" of the Town of Fairfield Code is hereby amended:

13.04.180 Payment Delinquency:

Material and work performed by the Town shall be paid by the property owner and shall be delinquent thirty (30) days after presentation of the Town invoice.

Water charges will be delinquent on the 16th day of each month. A late charge shall be assessed on all past due accounts. The Town shall provide notice to the account holder that continued delinquency may result in termination of water service. The notice shall include: (a) the total amount and date due; (b) the date when water service will be disconnected; (c) the availability of a payment plan; (d) the procedure to dispute the fees or charges; and (e) that disconnection will result in a lien against the property.

As authorized by applicable law, the Town may disconnect water service and assess a late charge for a delinquent account. RCW 35.92.010. Any delinquency must be paid before the water service is resumed. Late and reconnection fees shall be set forth by Council Resolution.

Section 19 Amendment. Section 13.04.190 entitled "Payment Plan" of the Town of Fairfield Code is hereby amended:

13.04.190 Payment Plan:

A payment plan may be set up between the delinquent utility customer and the Town providing for periodic payments of past due amounts for utility services. Along with the payment of past

due accounts, the customer must keep their current charges paid. No late fees will be assessed on the past due balance as long as payments are made on or before the 15th of each month. Minimum payments are to be determined in order to have the delinquent balance paid off in no more than one year. This is a one-time opportunity. Failure to pay the agreed amount and paid by the due date to the Town of Fairfield will result in a payment default with the payment plan agreement terminated and all monies immediately due. Water will be shut off until the account is paid in full or other acceptable arrangements have been made. After the water has been turned off at the curb cock, should it be turned on without the consent of the water department, it shall be considered defrauding a public utility and the sheriff will be notified. An additional fee, to be set by council resolution, will also be collected before it will be turned on again.

Section 20 Amendment. Section 13.04.200 entitled "Adjustments" of the Town of Fairfield Code is hereby amended:

13.04.200 Adjustments:

a. Any customer who believes there has been an error in their billing may submit to the Clerk a claim for adjustment of the billing; provided the submission for the claim must be made within two months from the date the billing in question is issued, or the claim will be barred. Any adjustments or disputes that cannot be resolved by the Clerk, may be submitted to the Mayor. If the disputed account cannot be resolved by the Mayor, the final adjudication of the matter shall rest with the Town Council. If a refund is due it shall be made only upon the approval of the Town Council and paid by checks drawn on the water fund or credit toward future water billings.

b. Any customer whose monthly water charges have suddenly and unexpectedly increased as the result of a water leak, may petition the Town Council for an adjustment in charges for the period during which the leak remained undetected, provided, as a condition of any such adjustment, the Town Council must find:

1. the customer did not know about the water leak and exercised reasonable diligence to discover the leak;
2. the leak did not occur through any fault of the customer;
3. the customer took reasonable action to promptly repair the leak; and
4. the increased water charges resulting from the leak will impose an undue hardship upon the customer.

The Town Council shall act upon all such petitions promptly and impartially, but shall be under no obligation to grant the requested adjustment. Any such adjustment may be in the form of a reduction in the water charge, payment plan, or a combination thereof.

Section 21 Amendment. Section 13.04.210 entitled "Water Turnoff" of the Town of Fairfield Code is hereby amended:

13.04.210 Water Disconnection:
Water shall, when possible be turned off at the curb cock. Service may not be restored without the consent of the water department with all fees and charges fully paid.

Section 22 Amendment. Section 13.04.220 entitled "Obstructing Access to Fire Hydrants" is hereby amended:

13.04.220 Obstructing Access to Fire Hydrants:
It is unlawful for any person to obstruct access to any fire hydrant by placing within twenty (20) feet any material or equipment, to willfully or carelessly injure the same or have in their possession any hydrant or curb wrench. Any person in violation of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine pursuant to section 1.08.010 of this code

Section 23 Amendment. Section 13.04.230 entitled "Service to Persons Outside Town Boundaries" of the Town of Fairfield Code is hereby amended:

13.04.230 Service to Persons Outside Town Boundaries:
All persons applying for and receiving water service who are not in the corporate limits of the Town are subject to this Ordinance.

Section 24 Amendment. Section 13.04.240 entitled "Minimum Water Use and Fee" of the Town of Fairfield Code is hereby amended:

13.04.240 Minimum Water Use and Fee:
a. The minimum amount and fee for domestic use shall be set by Council Resolution. Where two or more houses or living units are serviced by one meter, each house or living unit shall be assessed the monthly minimum as set by council resolution and the rate set by Council Resolution per hundred cubic feet thereafter.

Section 25 Amendment. Section 13.04.250 entitled "Rules and Regulations" of the Town of Fairfield Code is hereby amended:

13.04.250 Rules and Regulations:

The Superintendent may propose rules and regulations for operation, maintenance and construction of the water system to include any connection, service or other related matter. The proposed rules or regulations shall be adopted by the Town Council prior to being effective. The Town Clerk shall maintain the original and provide copies of all adopted rules and regulations.

Rules are made for the benefit of the water customers and for protection of the water system. Their enforcement shall in no case be willfully ignored by any city official or officer, but when a strict enforcement of any rule or rules would work a gross injustice on a customer, the superintendent of the water department may order a suspension of the rule or rules as to that particular case, and that decision shall in all such cases be final.

Section 26 New Section. Section 13.05.260 entitled "Severability" of the Town of Fairfield Code is hereby added:

13.04.260 Severability:

If any section, sentence, clause or phrase of this ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 27 New Section. Section 13.04.270 entitled "Effective Date" of the Town of Fairfield Code is hereby added:

13.04.270 Effective Date:

This Ordinance shall be in full force and effect after publication of this Ordinance or a summary thereof in the official newspaper of the Town as provided by law.

This ordinance amends any previous ordinances including 67, 219, 302, 211, 163, 288, 271, 175, 157, 143 and 108.

PASSED by the Town Council in regular session the 10-16-2012.

Ed Huber, Mayor

Attest:

Cheryl Loeffler, Clerk/Treasurer

Stanley Schwartz, Attorney