

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5963

AN ORDINANCE repealing Chapter 24.02 of the Bellevue City Code in its entirety and replacing it with a new chapter; providing for severability; and establishing an effective date.

WHEREAS, the City of Bellevue desires to update Chapter 24.02 BCC (Water Utility Code) to provide clarity, consistency, and improve current practices; and

WHEREAS, preserving and enhancing Bellevue's utility resources is a goal of the City's Environmental Stewardship Initiative and the City's Comprehensive Plan; and

WHEREAS, the Environmental Service Commission reviewed the improvements to Chapter 24.02 BCC and recommends adoption of such amendments by the City Council.

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 24.02 of the Bellevue City Code is hereby repealed in its entirety and replaced with the following new chapter:

**Chapter 24.02
WATER UTILITY CODE**

Sections:

- 24.02.010 Title.
- 24.02.020 Purpose.
- 24.02.030 Applicability and compliance with other laws..
- 24.02.040 City not liable.
- 24.04.041 Conflict of provisions.
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- 24.02.050 Definitions.
- 24.02.060 Authority of the utility.
- 24.02.065 Duty to serve.
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- 24.02.115 System ownership.
- 24.02.120 Permits – Approvals.
- 24.02.125 [Reserved].
- 24.02.130 Engineering and design requirements.

- 24.02.140 Installation responsibility.
- 24.02.150 Latecomer agreements.
- 24.02.160 Water easement requirements.
- 24.02.170 Construction requirements.
- 24.02.175 Construction and warranty inspections and tests.
- 24.02.180 Water quality programs.
- 24.02.190 Cross-connection abatement and control.
- 24.02.200 Water conservation – Waste of water.
- 24.02.205 Landscape and irrigation water budgeting requirements.
- 24.02.210 [Reserved].
- 24.02.215 Maintenance of water system.
- 24.02.220 Right of entry for inspections.
- 24.02.230 Interconnection with adjacent water systems.
- 24.02.240 Regulations of other agencies.
- 24.02.250 Fees for permits/approvals – Specific services.
- 24.02.260 Connection charges.
- 24.02.270 Water rates.
- 24.02.275 Capital recovery charges.
- 24.02.280 Civil violations, enforcement, and penalties.

24.02.010 Title.

This chapter shall be known as the water utility code and shall be referred to herein as the “code.”

24.02.020 Purpose.

This code is enacted as an exercise of the city of Bellevue’s (“city”) police power as set forth in section 11 of the Washington Constitution to protect and preserve the public health, safety and welfare. The purpose of this code shall be liberally construed to:

- A. Provide for the planning, security, design, construction, use, maintenance, repair and inspection of public and private water systems;
- B. Establish programs and regulations to provide for the appropriate use of public and private water systems;
- C. Provide for the enforcement of the provisions of this code; the engineering standards and related city manuals and code provisions; and
- D. Provide for and promote the health, safety and welfare of the general public and not to create, establish, or designate any particular class or group of persons who may be especially protected or benefitted.

24.02.030 Applicability and Compliance with Other Laws.

A. This code supplements and references certain provisions of the Bellevue City Code, including but not limited to Chapter 1.18 BCC, and other city ordinances and regulations regarding protection of the public and private water systems.

B. Approvals, decisions, and permits granted under this code are not waivers of the requirements of any other laws, nor do they indicate compliance with any other laws. Compliance is still required with all applicable federal, state, and local laws and regulations.

C. Compliance with the provisions of this code, the engineering standards, permits or other approvals, or in rules promulgated by the director do not necessarily mitigate all impacts to the environment. The primary obligation for compliance with such regulations and standards is prevention of environmental harm, which ultimately is placed upon property owners and responsible parties as defined in this code and Chapter 1.18 BCC.

24.02.040 City not liable.

A. Nothing contained in this code is intended to nor shall be construed to create or form the basis for any liability on the part of the city, or its officers, employees or agents, for any injury or damage resulting from the failure of property owners or responsible parties to comply with the provisions of this code, engineering standards, or related manuals, or by reason or in consequence of any inspection, notice, order, certificate, permission or approval authorized or issued in connection with the application or enforcement of this code, engineering standards, or related manuals, or by reason of any action or inaction on the part of the city related in any manner to the application or enforcement of this code, engineering standards, or related manuals by the city, its officers, employees, or agents.

B. Nothing in this code, engineering standards, or related manuals shall impose any liability on the city or any of its officers, employees, or agents for cleanup or any harm relating to sites containing hazardous materials, wastes or contaminated soil.

C. Nothing contained in this code, engineering standards, or related manuals shall require city involvement or enforcement of this code for private disputes occurring between property owners.

24.04.041 Conflict of provisions.

Should a conflict occur between the provisions of this code, the engineering standards or manuals adopted by the city in relation to this code, or between this code, the engineering standards and related manuals with laws, regulations, codes or rules promulgated by other authority having jurisdiction within the city, the most

restrictive requirement shall be applied, except when constrained by federal or state law, or where specifically provided otherwise in this code.

24.04.042 Severability.

If any provision of this code, engineering standards, or related manuals, or its application to any person or circumstance, is held invalid by a court of competent jurisdiction, the remainder of the code, engineering standards, or related manuals, or the application of the provision to other persons or circumstances is not affected, and to this end the provisions of this code are declared to be severable.

24.02.050 Definitions.

Except where specifically defined herein, all words used in this code shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular; and the word "shall" is always mandatory, whereas the word "may" denotes a use of discretion in making a decision. The following words and phrases, when used in this code, shall have the following meanings:

A. A Definitions.

"As-built" means a final drawing of the actual installation of structures, materials and equipment.

B. B Definitions.

"Backflow" means the flow of contaminated water or other liquids, gases or substances into the potable water supply.

"Backflow prevention assembly" means an assembly which prohibits the backflow of water into the potable water supply.

C. C Definitions

"Capital recovery charge" means a monthly charge imposed on improvements, developments, redevelopments or existing structures that place additional demand on each utility system after January 1, 1997. The capital recovery charge shall be based on an allocation of the utility plant in-service costs plus interest and the number of single-family equivalents served by each utility.

"Connection charges" means charges imposed as a condition of providing utility service so that each connecting property bears its equitable share of the costs of the public water system and the utility's share of the cost of any regional water supply system and of the costs of facilities that benefit the property. Connection charges include latecomer charges, capital recovery charges, regional water supply system charges and direct facilities charges.

“Cross-connection” means any physical arrangement in a public or private water system or plumbing system where the potable water supply is connected, directly or indirectly, with a real or potential source of contamination.

“Cross-connection control” means a backflow prevention assembly, air gap or other control designed to prevent backflow from a cross-connection.

D. D Definitions.

“Director” means the director of the city’s utilities department, or his/her designated representative, or other person designated by the city manager.

E. E Definitions.

“Emergency” means any natural or human-caused event or set of circumstances which disrupts or threatens to disrupt or endanger the operation, structural integrity or safety of the public water system; constitutes an immediate health hazard to the potability of the utility’s water supply or endangers the health and safety of the public; or otherwise requires immediate action by the utility.

“Emergency management plan” provides the foundation, framework and guidelines for initiating and maintaining direction and control of the utility’s response efforts during all emergency or disaster scenarios. The emergency management plan is consistent with and supports the city of Bellevue emergency operations plans and emergency response plans maintained at the regional, state and federal levels of government.

“Emergency operation plan” provides guidance for mitigation, preparedness, response and recovery operations including disaster and emergency responsibilities and procedures, training and community education. The plan provides for the coordination of operations throughout the city during emergencies and disasters, and the best utilization of the city’s resources. The plan meets the requirements of a comprehensive emergency management plan as described in Chapter 118-30 WAC.

“Engineering standards” means the city’s utility engineering standards which include standards for the design and construction of water, storm and surface water drainage and sanitary sewer facilities.

F. F Definitions.

“Fire hydrant assembly” means a fire hydrant and the piping and valve to connect it to a water main.

“Fire protection system” means a privately owned and maintained system used for fire extinguishment only, including piping and appurtenances inside and outside a building beyond the valve on the public watermain, regardless whether within or outside of the right-of-way..

G. G Definitions. (Reserved)

H. H Definitions. (Reserved)

I. I Definitions.

“Irrigation systems” means an assembly of component parts that is permanently installed for the controlled distribution and conservation of water to irrigate any type of landscape vegetation in any location, and/or to reduce dust or control erosion.

J. J Definitions. (Reserved)

K. K Definitions. (Reserved)

L. L Definitions.

“Latecomer Agreement” means a contract that provides for the reimbursement of costs to developers who construct facilities that directly benefit other properties.

“Low-volume irrigation systems” means automatic irrigation systems, such as drip systems, micro-spray bubblers and soaker hoses that apply water directly to the root zone(s) of landscape plants only, in contrast to irrigation systems, such as those with overhead or broadcast nozzles, that apply water to all surfaces within the landscape.

M. M Definitions. (Reserved)

N. N Definitions. (Reserved)

P. P Definitions.

“Potable water system” means any part of the public water system or of a private water system that carries potable water.

“Private water system” means any part of the water system that is not part of the public water system.

“Procedure” means a procedure adopted by the utility, by and through the director, to implement this code, or to carry out other responsibilities as may be required by this code, engineering standards, related manuals, or other codes, ordinances, or resolutions of the city or other agencies. Procedure as defined herein is often referred to as a standard operating procedure or SOP.

“Property owner” means any individual, company, partnership, joint venture, corporation, association, society or group that owns or has a contractual interest in the subject property or has been authorized by the owner to act on his/her behalf, including but not limited to an agent, contractor, applicant, or developer.

“Public water system” means all pipes, pump stations, reservoirs, valves and appurtenances that are owned by the utility for the delivery of potable water. The public water system does not include those facilities located on the customer side of meters, or fire protection systems as defined herein.

Q. Q Definition. (Reserved)

R. R Definition.

“Redevelopment” means any site improvement that requires installation of water facilities greater than two inches in diameter to meet fire and/or domestic water pressure and flow requirements, or relocation of such existing facilities, except that facilities for the sole purpose of upgrading a backflow prevention assembly or retrofitting an internal fire protection system are exempt. Construction of any new building(s) or any property subdivision is defined as new development rather than redevelopment, regardless of prior use of the site.

“Regional water supply system” means any existing or planned water supply facilities or other assets which are owned by a regional water supply agency and which are utilized to provide water supply to the utility.

S. S Definition.

“Service connection.” See “water service.”

“Standard Operating Procedure” or “SOP”. Refer to the definition of “procedure”.

“Structure” means a combination of materials constructed and erected permanently on or under the ground or attached to something having permanent location on or under the ground. Not included are residential fences, retaining walls less than 30 inches in height, rockeries less than 30 inches in height and similar improvements of a minor character.

T. T Definition. (Reserved)

U. U Definition.

“Unsafe condition” means any condition on any premises, or in any private water system thereon, that is a hazard to public health, safety, welfare, or environment that does or may impair or impede the operation or functioning of any portion of the public water system, or that may cause damage thereto.

“Utility” means the water utility component of the waterworks utility of the city of Bellevue, administered as a part of the Bellevue utilities department, pursuant to Chapter 3.38 BCC.

“Utility developer extension agreement” means a contract between the utility and a property owner and/or developer that provides for plan review and inspection of water system facilities that satisfy all applicable code requirements.

“Utility service area” means that service area defined in the East King County Coordinated Water Supply Plan (EKCCWSP) adopted by King County in June 1990, and approved by the city council pursuant to Resolution No. 5249, and as may be expanded through subsequent interlocal agreements, annexations and special utility district assumptions.

V. V Definition. (Reserved)

W. W Definition

“Water emergency” means that period of time during which water is not available or its availability is limited due to shortages in supply, interruptions in the water transmission or distribution systems, contamination of water supplies, or other conditions where use restrictions or prohibitions are necessary in order to efficiently and effectively safeguard the safety and health of the general public and to provide water for essential public uses.

“Water facility” means any facility for the conveyance or storage of water and related appurtenances, whether part of the public water system or a private water system that is connected to or intended to be connected to the public water system.

“Water main” means a water pipe that is part of the public or private water system used for the transmission and distribution of potable water, excluding service connections, backflow assemblies, fire hydrant assemblies and fire protection systems.

“Water service” (also called a service, water service connection or service connection) means the pipe and appurtenances used to provide potable water to an individual building or irrigation system, including the water service line (the pipe extending from the water main to the meter setter), meter setter, meter box, meter and miscellaneous fittings.

“Water system” means the entire water system within the utility service area comprised of the public water system and the private water system.

“Water system plan” means the most current water system comprehensive plan for the utility as adopted by the City Council.

X. X Definition. (Reserved)

Y. Y Definition. (Reserved)

Z. Z Definition. (Reserved)

24.02.060 Authority of the utility.

The utility, by and through its director or his designee, including enforcement officers, shall have the authority to:

A. Develop, adopt and carry out procedures as needed to implement this code and to carry out other responsibilities of the utility, including, but not limited to, emergency management and operations plans, procedures pertaining to the billing and collection of water consumption charges, water service charges and all other fees and charges imposed pursuant to this code, and procedures for periodic adjustment of fees and charges imposed pursuant to this code.

B. Prepare, adopt, update, administer and enforce, as needed, engineering standards to establish minimum requirements for the design and construction of water facilities and requirements for protecting existing facilities during construction. The engineering standards shall be consistent with this code and adopted city policies.

C. Administer and enforce this code and all procedures relating to the planning, acquisition, security, design, construction, inspection, maintenance, management, operation and alteration of the public water system, including capital improvements, and relating to the design, construction and inspection of private water systems;

D. Enter into any contracts pursuant to Chapter 35.91 RCW, the Municipal Water and Sewer Facilities Act, including contracts which provide for the reimbursement of owners constructing facilities (latecomer agreements) and agreements with private property owners for the extension of the public water system (utility developer extension agreements);

E. Advise the city council, city manager and other city departments and commissions on matters relating to the utility;

F. Initiate and manage programs to further the water quality requirements and objectives of the utility including inspection of public and private property to identify and eliminate potential sources of contamination of the public water system and including inspection of backflow prevention assemblies installed to separate or isolate premises from the public water system;

G. Develop and implement programs and restrictions related to water use, including the comprehensive water conservation program, landscape water budgeting requirements, irrigation system design and performance requirements, and a water shortage contingency plan to be implemented during water shortages caused by weather or by system failure;

H. Prepare and recommend the water system plan referenced in BCC 24.02.070, and revisions thereto, for adoption by the city council and implementation by the utility;

I. Carry out other responsibilities as required by this code or other city codes, ordinances or regulations consistent with the Bellevue comprehensive plan;

J. Shut off water to any utility customer who is violating any provision of this code to the extent permitted by law;

K. Perform or direct the performance of financial review and analysis of the utility's revenues, expenses, indebtedness, rates and accounting and recommend budgets, rates and financial policy for adoption by the city council; and

L. Take enforcement action, to the extent allowed by law pursuant to Chapter 1.18 BCC.

24.02.065 Duty to serve.

The utility is responsible for providing water service to all customers within the utility service area subject to the requirements of this code, other provisions of the Bellevue City Code and applicable state law. This responsibility is separate from contractual obligations to provide water service outside the utility service area.

24.02.067 Service interruptions.

Notwithstanding BCC 24.02.065, the utility does not guarantee that water will be continuously available within the utility service area. Water may be temporarily unavailable due to a system failure, emergency, construction or maintenance or other unforeseen circumstance. The utility is not responsible for costs or damages incurred by property owner, tenant or customer due to an interruption in service, whether planned or unplanned.

24.02.070 Water system plan.

A water system plan, also referred to as the city's water comprehensive plan, shall be developed by the utility for review and adoption by the city council as required by state law. The utility shall recommend supplements or updated plans for adoption by the city council as needed.

24.02.080 [Reserved].

24.02.090 Water shortage contingency plan.

The utility shall develop, maintain and implement as necessary, a water shortage contingency plan to respond to anticipated or actual water supply shortages resulting from weather conditions, regional water system failure and/or local public water system failure. The director is authorized to implement the water shortage contingency plan at such times as the city's water supply is threatened by or experiencing a water supply shortage. Within the framework of the water shortage contingency plan, the director may impose restrictions and/or limitations on the use

of water by type of use, customer class or geographic area depending upon the nature and extent of the water supply shortage. A rate surcharge may be imposed pursuant to BCC 24.02.270(F).

24.02.100 Connections or modifications to the water system.

Connections or modifications to the public water system or to a private water system, including, but not limited to, extension of water mains, new service, meter size, location and grade changes, abandonment or removal of any structure connected to the public water system, and temporary connections to a fire hydrant, shall be allowed only if:

- A. Approval has been received from the utility (see BCC 24.02.120);
- B. All applicable requirements of this code and utility procedures have been met;
- C. All applicable engineering standards have been met or alternate standards have been approved by the utility as substantially equal;
- D. The property owner has paid all applicable fees and charges;
- E. The water is delivered from the utility to the user via a meter owned by the utility, except for fire protection systems over two inches in diameter and except for authorized temporary use of fire hydrants through adapters under two inches in diameter;
- F. Any private wells serving the property are disconnected from the potable water supply;
- G. Any existing non-reusable water services are abandoned; and
- H. The property is within the utility service area or within an area served by the utility through agreement with another jurisdiction.

24.02.115 System ownership.

A. Utility Ownership of Water Facilities.

1. The utility owns all water facilities in public rights-of-way and in easements dedicated to the public and accepted by the utility, up to and including the meter, except to the extent that private ownership is otherwise indicated as a matter of record. Such facilities typically include:

- a. Meters and all facilities connecting meters with water mains;
- b. Water mains;

c. Reservoirs, pumping stations, inlet meters, pressure reducing valve stations and other appurtenances intended to serve the general public;

d. The valve separating the public water system from a private fire protection system.

2. The utility may acquire existing private facilities, provided that:

a. Ownership of the facility would provide a public benefit;

b. Necessary and appropriate property rights are offered by the property owner at no cost to the utility;

c. The facility substantially meets current code and engineering standards, as determined by the utility, or is brought up to current code and engineering standards by the owner;

d. The utility has adequate resources to maintain the facility; and

e. The facility is transferred to the utility by bill of sale at no cost to the utility.

B. Private Ownership of water facilities. Water facilities located on private property are exclusively owned by the underlying property owner(s), unless otherwise assigned or dedicated by easement to the City, except to the extent that public ownership is otherwise indicated as a matter of record. Property owners shall be responsible for the development, maintenance, and repairs of all private water facilities.

24.02.120 Permits – Approvals.

A. General. The utility shall administratively develop submittal requirements for the various utility permits/ approvals.

B. Application for Water Service.

1. Any approval of an application for water service is required to initiate a new or upgraded connection to the public water system or a meter set that is two inches in diameter or smaller; and

2. If required, a water service application shall be made submitted and attested to by the property owner or their licensed and bonded contractor.

C. Utility Developer Extension Agreement.

1. The property owner and the utility shall enter into a utility developer extension agreement whenever any of the water facilities that must be installed to

serve the property are greater than two inches in diameter, or require multiple water services two inches in diameter or smaller. The utility developer extension agreement shall provide for the property owner to build all the water facilities needed to serve the property. These facilities may include meters and water services of any size, fire hydrant assemblies, fire protection systems, water main extensions and/or other system components.

2. The utility shall approve constructed facilities as complete once the facilities have been built according to the approved plans and specifications, as confirmed by utility inspectors; as-built drawings have been completed as specified in the engineering standards; and all applicable fees and charges have been paid.

3. The property owner shall be required to provide surety devices, in a form approved by the city: for water system extensions in city right-of-way; for connections to the water main during construction and for a one-year warranty period following acceptance by the city.

4. When a utility developer extension agreement is required to serve a proposed commercial or multifamily building, the utility will not approve the building permit until the system extension agreement has been initiated. When a utility developer extension agreement is required to relocate a water main from under a proposed building, the utility will not approve the building permit until the developer extension has been completed and has been accepted by the utility, unless the building permit is conditioned to require relocation prior to site construction.

D. Fire Hydrant Use Permit. A fire hydrant use permit is required to use water provided through fire hydrants. Each fire hydrant use permit expires at the end of the calendar year and must be renewed annually. A fire hydrant use permit will be issued only if the applicant demonstrates need and agrees in writing to the following conditions:

1. Water may be drawn from the fire hydrant only through hydrant meters or adapters owned by the utility, except the customer may supply his/her own hydrant adapter for tank lot sales. Appropriate backflow protection shall be provided by the customer as necessary and as determined by the utility.

2. Truck or tank backflow assemblies for tank lot sales are subject to utility approval. The customer must pass a utility cross-connection inspection prior to permit issuance.

3. Persons issued fire hydrant use permits shall:

a. Return utility-owned equipment in good condition by the date specified and compensate the utility for any loss or damage; and

b. For tank lot sales, the customer shall report the quantity of water purchased.

4. Tank trucks may only draw water from fire hydrants designated by the utility for this purpose.

5. The utility may suspend fire hydrant use permits during water emergencies or if the customer violates any of the conditions listed under this subsection D.

E. Approvals for Landscape Water Budgets and Irrigation System Design. When required by BCC 24.02.200 and/or 24.02.205, the owner's landscape and/or irrigation designer shall submit calculations and certification statements for utility review and approval.

F. Other Permits. It is the property owner's responsibility to identify and obtain all permits/approvals required for any proposed work.

G. Temporary Water Service Agreement. Any single-family residential property owner may request temporary water service if permanent facilities, that is, facilities that meet all code requirements (such as for system gridding) are not available. The utility may provide temporary single-family residential water service through a temporary water service agreement, which shall:

1. Calculate and collect the property owner's "fair share" costs for installing permanent water facilities. When the property is not fully developed and therefore is subject to redevelopment, the city shall collect only the developed portion's fair share cost at that time. When the property redevelops, the property owner must build the permanent water facilities, or if they are already built, must pay the remaining fair share costs. If a private property owner builds the permanent facilities, he/she will be paid the fair share costs that were collected under the temporary water service agreement plus accrued interest. Interest will be at a rate set by the director or his designee, based on appropriate standard cost indices. Total interest may not exceed the principal amount of the charge;

2. Establish a time limit for connecting to the permanent service once it is available;

3. Indicate that the temporary water service agreement does not guarantee the availability of water for fire protection;

4. Specify that the agreement is a covenant which runs with the land and is binding on the owners and their successors; and

5. Be recorded with King County against the real property on which the facilities are located.

24.02.125 [Reserved]

24.02.130 Engineering and design requirements.

A. General.

1. The property owner is responsible for water system design.
2. The water system designer shall be a civil engineer licensed in the state of Washington and qualified by both experience and educational background in the design of water facilities.
3. Engineering and design shall conform to the engineering standards.
4. Water facilities in a designated coal mine area are subject to additional design requirements; see the coal mine area subdivision, development and building permit regulations adopted by Resolution No. 5712.

B. Water Facility Requirements.

1. Whenever property is developed or redeveloped in any way such that water demand or use is altered, new water facilities shall be required whenever necessary to:

a. Meet fire flow and other fire protection requirements, including the number and location of fire hydrants and fire sprinkler components, as determined by the fire marshal's office of the jurisdiction in which the project is located;

b. Meet domestic and irrigation flow requirements. See the engineering standards;

c. Meet pressure requirements. See the engineering standards; or

d. Replace or relocate existing facilities as required or authorized by the utility.

2. Whenever property is developed or redeveloped, water mains shall be extended through and to the extremes of the property being developed as required by the utility when needed for the orderly extension or efficient gridding of the public water system.

C. Water Service Design.

1. Water services shall be designed in accordance with the engineering standards.

2. Each separate building is required to have its own water service, except detached garages, sheds and guest houses on the same single-family residential parcel, as specified in the engineering standards.

D. Cross-Connection Control. All connections to the public water system, including those located in any water districts located within the City of Bellevue's jurisdictional limits shall comply with the backflow prevention requirements of BCC 24.02.190.

24.02.140 Installation responsibility.

A. Utility Installation.

1. The utility shall install meters two inches or less in diameter provided the owner pays all applicable costs, fees and charges pursuant to BCC 24.02.250.

2. The utility may install water services two inches and smaller in diameter, where services are not provided through a utility developer extension agreement pursuant to BCC 24.02.120(C), provided the owner agrees to pay all costs, fees and charges pursuant to BCC 24.02.250.

B. Property Owner Installation. The property owner shall install all water facilities required by this code to serve the property when any of the required facilities are larger than two inches in diameter. The property owner may install water services two inches and smaller in diameter upon approval by the utility. Installation shall be authorized by execution of a utility developer extension agreement. See BCC 24.02.120(C).

C. Costs. The property owner shall be responsible for all installation costs regardless of whether the work is done by the utility or by the owner, provided that:

1. If the utility requires a property owner to construct a water facility beyond the scope of City code and engineering standards requirements, the utility shall compensate the property owner for the difference in cost between the normally sized water facility and the additional water facility, based on the lowest of three bids from reputable licensed contractors furnished by the property owner. Extending the water system to the extreme of the property, per 24.02.130.B.2, is a development requirement and is specifically not subject to reimbursement by the Utility.

2. An owner who constructs a water system extension that directly benefits a property in addition to the owner's may request a latecomer agreement in order to be reimbursed from benefiting properties that connect to the extension during the agreement's duration. See BCC 24.02.150 regarding latecomer agreements.

3. If the utility chooses to install water facilities to facilitate development, coordinate with other city projects, or for other utility purposes, it may recover its costs, including interest, through a connection charge.

24.02.150 Latecomer agreements.

A. General. The utility may enter into any contracts authorized by Chapter 35.91 RCW, the Municipal Water and Sewer Facilities Act, including contracts which provide for the reimbursement of property owners constructing public facilities, commonly known as latecomer agreements.

B. Requesting a Latecomer Agreement. A property owner may request a Latecomer Agreement if the owner constructs a public water facility that benefits property in addition to the owner's property and it is not feasible for the owner to include such other property owner in the utility developer extension agreement. The request must be made in writing and unit costs must be provided before the utility accepts the public water facility.

C. Zone of Benefit. The utility shall determine what properties benefit from the public water facility that shall be subject to the latecomer agreement.

D. Method of Cost Allocation. The utility shall determine the method of cost allocation used.

E. Recording. The utility shall record the latecomer agreement with King County against the benefitting properties, at the property owner's expense.

F. Cost to Latecomer. As a condition of connection to the public water facility, each latecomer shall pay, at the time of connection, his/her pro rata share of the construction costs of the water facility, which are determined by the utility and specified in the latecomer agreement. Construction costs shall include but are not limited to design, installation, inspection, construction management, interest and the utility's project management costs.

G. Agreement Duration. Latecomer agreements may be in effect for up to 20 years following acceptance of the water facility.

H. Forwarding Latecomer Payment. While the latecomer agreement is in effect, the utility will collect the latecomer payments and forward them to the property owner who paid for the water facility, as specified in the agreement.

24.02.160 Water easement requirements.

A. When Required. An easement is required whenever:

1. A public water facility will be built on private property;
2. A private water facility will be built on property owned by a different private party; or
3. A private water facility will serve two or more properties.

B. Requirements. All of the following requirements shall be met before the utility will accept, approve, or execute an easement:

1. Clear title in the grantor shall be demonstrated;

2. The proposed easement shall be compatible with utility clearance standards and setback standards and with other utilities, structures, buildings, or easements. The utility may require the easement to exclude other utilities and uses if necessary to protect the public water system and shall contain provisions for long-term maintenance;

3. The easement shall provide access to the facility for repair and maintenance. When deemed necessary by the utility, the easement shall contain provisions for long-term maintenance;

4. The easement shall prohibit all buildings and structures within the easement area except those which can readily be removed, as determined by the utility, by the property owner at the owner's expense when access to the water facility is required by the utility. If such buildings or structures are within the easement area, an agreement with the utility to have the owner remove the building or structure upon request by the utility, approved by the city, shall be recorded; and

5. The easement dimensions and other requirements shall be consistent with the engineering standards.

C. Costs. The property owner shall pay all costs of providing or obtaining and recording the easement.

D. Relinquishment of Easement. An easement granted to the utility may be relinquished only if the utility determines it is no longer needed and the city council authorizes the relinquishment.

24.02.170 Construction requirements.

A. General. When constructing or modifying water facilities, compliance is required with this code, the engineering standards, the approved permit, plans and specifications, the terms of any utility developer extension agreement, the recommendations of the manufacturer of the materials or equipment used and any applicable local, state or federal requirements.

B. Safety Requirements. Utility staff may perform inspections only if shoring and other site conditions conforms with WISHA safety standards and other safety requirements, as applicable.

C. Failure to Complete Work or Meet Requirements.

1. The utility may complete water facility construction begun by a property owner or contractor, or take steps to restore the site (such as backfilling trenches and restoring the public way) if the work does not meet the requirements of this code, the engineering standards and other applicable utility requirements; provided the property owner or contractor fails to rectify the problem following notification by the utility; and the work, in the opinion of the utility, constitutes a hazard to public safety, health or the public water system.

2. Utility costs incurred pursuant to subsection (C)(1) of this section shall be calculated pursuant to BCC 24.02.250(B) and charged to the property owner or contractor in charge of such work. The property owner or contractor shall pay the utility immediately after written notification is delivered to the responsible parties or posted at the location of the work. Such costs shall constitute a civil debt owing to the utility jointly and severally by such persons who have been given notice as herein provided. The debt shall be collectable in the same manner as any other civil debt owing the utility. In addition, if the City collected an assurance device it may collect the debt from the assurance device by use of all means available under the law.

3. If, in the opinion of the director, the work being performed is not in accordance with these codes or engineering standards and the responsible person is unwilling to change or correct the deficiencies, the director may issue a stop work order until the deficiencies are corrected as authorized by Chapter 1.18 BCC.

D. Utility Relocations – Developer Initiated.

1. Public Water System Relocations – To the extent authorized by law, when relocations of the public water system are necessary to accommodate any development or redevelopment, the property owner, applicant or project proponent for such development or redevelopment, including any governmental or regional entity, shall relocate at its sole cost and expense the affected facilities in accordance with all city codes, standards, permit conditions, and pursuant to any existing franchise or other agreement.

2. Non-Municipal Utility Relocations –To the extent authorized by law and except as provided in BCC 14.60.230, when relocations of non-municipal utility facilities are necessary to accommodate any public water facility associated with development or redevelopment, the property owner, applicant or project proponent for such development or redevelopment, including any governmental or regional entity shall, at is sole cost and expense, arrange for the relocation of such non-municipal utilities in accordance with all city codes, standards, permit conditions and pursuant to any existing franchise or other agreement.

24.02.175 Construction and warranty inspections and tests.

A. Construction/Installation Inspection.

1. All projects permitted or approved by the utility under a utility developer extension agreement or other permit are subject to utility inspection to ensure compliance with the code and permit/approval conditions. As a condition of permit issuance or execution of a utility developer extension agreement, the property owner shall consent to inspection and testing.

2. Newly installed water facilities shall be inspected, tested, and documentation completed according to the permit requirements or developer extension agreement conditions, the engineering standards, and procedures.

3. Newly installed or relocated backflow prevention assemblies shall be inspected, tested, and certified pursuant to the requirements of BCC 24.02.190(D).

4. The quality, taste and odor of water drawn from new water mains shall be the same as the quality, taste and odor of water in the existing facility classed as acceptable for use by the utility. Should the water not be acceptable in quality, taste or odor, required steps as approved by the utility shall be taken to attain acceptable water quality standards.

B. Warranty Inspections and Tests. Facilities and equipment accepted by the utility under specific warranties may be re-inspected at the utility's discretion and, if necessary, retested prior to the expiration of the warranty period.

24.02.180 Water quality programs.

A. General Requirements. The utility shall initiate and carry out any water quality testing, monitoring, maintenance, corrective activities or other activities necessary to ensure that the city's public drinking water meets or exceeds drinking water standards and other requirements of Chapter 246-290 WAC, the Washington State Health Department's Rules that Govern Group A Public Water Systems, the Federal Safe Drinking Water Act and any other applicable federal, state or local requirement for public drinking water, as now or hereafter amended.

B. Implementation of Water Quality Programs. To maintain water quality in the most effective and efficient manner, the utility may initiate, implement and carry out any required or necessary water quality testing, monitoring, maintenance, or corrective activities or programs locally, jointly with other local or regional water purveyors; or jointly with other federal, state or local agencies having jurisdiction within the city's water service area.

24.02.190 Cross-connection abatement and control.

A. General.

1. The utility shall initiate and carry out a cross-connection abatement and control program in conformance with state law by establishing and maintaining minimum requirements for the installation, inspection, testing, certification and

maintenance of backflow prevention assemblies. The program shall meet the minimum requirements of WAC 246-290-490 and the latest edition of the Uniform Plumbing Code adopted by the city.

2. The utility hereby adopts by reference the standards and requirements of WAC 246-290-490, as now or hereafter amended.

B. Approved Backflow Prevention Assemblies. Only those backflow prevention assemblies and controls identified in the most recent current edition of Approved Cross Connection Control Assemblies, published by the Washington State Department of Health, shall be approved for installation.

C. New or Upgraded Cross-Connection Control Requirements.

1. In situations where there is an existing water service or use and the water supply is protected from cross-connection by a nonconforming backflow prevention assembly (i.e., an assembly that does not meet the current standards and requirements of WAC 246-290-490 or this code), the existing nonconforming backflow prevention assembly shall, at the property owner's risk, be allowed to remain in service only if:

a. At the time the backflow prevention assembly was installed the assembly was a state-approved backflow prevention assembly;

b. At the time the backflow prevention assembly was installed its installation was approved by the city as appropriate for the degree of hazard; and

c. The backflow prevention assembly does not meet the criteria for upgrading as required in subsection (C)(2) of this section.

2. All existing nonconforming backflow prevention assemblies shall be replaced and upgraded to current standards at such time as any of the following conditions exist:

a. The assembly fails to operate properly;

b. The assembly fails required annual testing and certification;

c. The assembly requires continual and excessive repair or maintenance;

d. The degree of hazard at the premises increases from that which existed at the time the assembly was installed; or

e. The water service, fire protection system, landscape irrigation system or plumbing are, or have been, modified.

3. When the utility discovers previously unknown and/or unprotected cross-connections, the utility shall notify the property owner of the cross-connection, the degree of hazard, and the cross-connection abatement and control measures required. The property owner shall make provision to implement all required abatement and control measures within the time frame specified by the utility subject to the enforcement provisions of BCC 24.02.250 or state law.

D. Inspection, Testing and Certification Requirements.

1. Inspection of all newly installed or relocated backflow prevention assemblies shall be completed by the city. Testing and certification shall be done by a private backflow prevention assembly tester certified by the Washington State Department of Health.

2. All backflow prevention assemblies shall be tested and certified annually by a private backflow prevention assembly tester certified by the Washington State Department of Health.

E. Costs and Fees. The property owner or developer shall be responsible for paying all utility costs and fees associated with the installation, inspection, testing, certification, repair, replacement or upgrade of backflow prevention assemblies. See BCC 24.02.250 regarding fees.

24.02.200 Water conservation – Waste of water.

The waste of water supplied by the utility is prohibited at all times. Waste of water includes, but is not limited to, continuous application of water to lawns or landscaping that results in excessive puddling or runoff of water, failure to repair leaking water service lines and irrigation systems, application of water to impervious surfaces other than for cleaning purposes, and all other applications of domestic water that do not result in a beneficial use of the city's public water supply.

24.02.205 Landscape and irrigation water budgeting requirements.

A. Applicability. The water budgeting requirements of this section shall apply to new or modified landscaping whenever new or modified landscaping is required by the Land Use Code or proposed by the property owner except that the following shall be exempt from such requirements.

1. Single-family residential lots; provided, that community area landscaping installed by the developer is not exempt.

2. Any project with a total landscape area of less than 500 square feet. If a project is constructed in phases, the total landscape area shall include the total area of all phases.

3. Those portions of a site irrigated with water that is not supplied by the utility.

4. Turf portions of public athletic facilities where turf provides a playing surface and turf portions of public access land used for purposes of public recreation and activities, such as but not limited to outdoor assemblies, picnicking, unstructured sports fields and sunbathing. However, this exemption applies only if the applicant submits a statement designating such turf areas and specifying additional water needs above the irrigation water budget. The additional irrigation water needs shall be based upon the evapotranspiration information for the turf-grass species or species mix designated for the turf area.

5. Those portions of privately owned properties where athletic and recreation facilities, as identified by subsection (A)(4) of this section, are installed for use by the general public. However, this exemption applies only if the applicant submits a statement designating such area(s) as open to the public.

B. Water Budget Requirements. For each proposed landscape design not exempted by subsection A of this section, a state-registered landscape architect, Washington certified nurseryman (WCN) or Washington certified landscaper (WCL) shall certify that the estimated annual water use will not exceed the irrigation water budget, as calculated pursuant to the methodology contained in the engineering standards. Copies of the supporting calculations shall be submitted to the utility.

C. Landscape Management. All landscaped areas designed to meet water budget requirements shall be installed, operated and maintained such that the allowed annual water use is not exceeded.

D. All proposed new irrigation systems that will be connected to the public water system shall be designed in accordance with the engineering standards.

24.02.210 (Reserved).

24.02.215 Maintenance of water system.

The utility has responsibility for maintenance of the public water system unless otherwise provided by agreement, local ordinance or state law. Owners of private water systems are solely responsible for maintenance and operation of such private systems, including but not limited to fire protection and landscape irrigation systems. Private water system owners must comply with engineering standard requirements for operation, maintenance, and notification to the City about testing of private water distribution and fire systems.

24.02.220 Right of Entry for inspection.

A. An authorized representative of the utility may enter private property at all reasonable times to conduct inspections, tests or to carry out other duties imposed by the code, provided the utility shall first notify the proper owner or person

responsible for the premises. If entry is refused, the director shall have recourse to every remedy provided by law to secure entry.

B. For inspection programs authorized by the director or his designee, the utility may provide advance mailings of its intent to inspect properties consistent with such inspection programs;

C. If the utility has reason to suspect that conditions on a premises where access has been denied may pose an unsafe condition to the public water system, the director or his designee may discontinue water service to the property, as allowed by state law or may gain access to the property pursuant to WAC 246-994-90 as adopted or thereafter amended..

24.02.230 Interconnection with adjacent water systems.

The utility may provide water service to adjacent public or private water systems when needed in case of failure of physical system components such as pump failure or a reservoir out of service or similar temporary circumstance, where facilities exist for such interconnection. In such case, the utility shall bill for and be paid for the water used pursuant to the established rate structure as it exists or as otherwise updated from time to time. All requirements of this code regarding water quality and cross connection control shall be met. The utility shall not serve as a backup supply source to neighboring water systems in case of well failure or other supply disruption unless the neighboring system compensates the utility under separate contractual agreement as a backup supply source, or unless the neighboring water system becomes a permanent utility customer, and makes payment of all appropriate fees and charges.

24.02.240 Regulations of other agencies.

A. General. The responsibility for determining the existence and application of local, state and federal laws and regulations pertaining to water facilities and water use remains solely with the affected property owner.

B. Regulations of King County and Other Cities and Towns. Utility customers outside the city of Bellevue are subject to city of Bellevue requirements related to water utilities unless more stringent requirements of the local jurisdiction in which such customers are located are applicable.

24.02.250 Fees for permits/approvals – Specific services.

A. General.

1. The applicable city director shall develop for city council review and adoption a schedule of fees and charges for all permits and other specific services provided by the utility, including:

- a. Utility developer extension agreements;
- b. Water service and meter installation, modifications or repairs;
- c. Fire hydrant use permits;
- d. Backflow prevention assembly inspections and tests;
- e. Disconnections of unauthorized connections;
- f. Turn-on and turn-off services;
- g. Inspections;
- h. Abandonment of existing non-reusable water services;
- i. Temporary lawn watering permits during water shortages;
- j. Miscellaneous maps, plans, drawings, copies and documents provided by the utility; and
- k. Tank lot users.

2. The fees referenced in this section are in addition to applicable rates for water service and connection charges.

B. Fee Amount. The fee amount for each permit, approval or specific service shall cover all the utility costs associated with that permit, approval or service, including all of the following that apply:

1. Labor, including any and all time spent on engineering, plan review, installation, properly abandoning any existing facilities, site restoration, inspection, testing, certification, creating an as-built of the project and legal review. Inspections and other work requested beyond normal working hours are charged based on the utility's overtime pay practices;

2. Fees for materials or equipment issued by the utility, such as water services and meters;

3. Refundable deposits for utility-owned equipment such as fire hydrant wrenches and adapters;

4. Expenses including, but not limited to, supplies (not including office supplies), materials, equipment and tool rental, applicable state and federal taxes and any fees for permits the utility must obtain;

5. Water use, in the case of fire hydrant use permits, or estimated water use in the case of unauthorized connections or unreported use; and/or

6. Overhead, at a rate to be established by the utility pursuant to written procedures.

C. Fee Schedule. The applicable city director may adjust the schedule of fees and charges without further city council action to the extent necessary to reflect actual changes in the utility's cost of providing the service.

24.02.260 Connection charges.

A. General.

1. The utility shall collect connection charges in order that each connecting property shall bear its equitable share of the cost of the public water system and the utility's share of the cost of any regional water supply system providing water supply to the utility.

2. Connection charges shall be paid:

- a. Before a property is allowed to connect to the public water system; and/or
- b. At the time of redevelopment of the property, if connection charges apply that have not yet been paid such as charges for new facilities that directly benefit the property.

3. Connection charges that have been paid as a result of prior development activities or through participation in a LID or ULID shall not be reassessed.

4. The utility may enter into contracts with property owners of single-family homes and with the owners of redevelopment projects that meet criteria specified by the utility for payment of connection charges over time instead of as a lump sum. The utility will charge interest at a rate set by the director or his designee on any outstanding debt covered by a payment contract. A contract shall be payable in full at the time of closing upon sale of the property.

B. Direct Facilities Charges.

1. The utility shall collect direct facilities charges from property owners that directly benefit from utility-built or privately built water service facilities, except property owners who previously paid their fair share through an LID or ULID. Facilities that may be covered in a direct facilities charge include, but are not limited to, lines built from the water main to the property line, fire hydrant assemblies, pump stations, reservoirs and distribution and transmission mains.

2. The direct facilities charge is the property owner's equitable share of the established costs of the facilities he/she benefits from. The equitable share shall include interest charges applied from the date of construction acceptance of the facility until the property connects, or for a period not to exceed 10 years, whichever is less, at a rate commensurate with the rate of interest applicable at the time of construction of the facility to which the property owner is seeking to connect but not to exceed 10 percent per year; provided, that the aggregate amount of interest shall not exceed the equitable share of the cost of the facility allocated to such property owner.

3. The facilities' costs shall be allocated to benefitting property owners based on the number of single-family equivalents. The director may, however, make such allocation based on front footage or other reasonably based methodology if the director determines that such alternate basis or methodology better assures equitable sharing of cost by all properties benefitting from the facilities.

C. Administrative Procedures; Adjustment of Charges. The director is authorized to adopt administrative procedures for the purpose of administering the provisions of this section, and to adjust the charges established by subsections A and B of this section from time to time to reflect the actual cost of the facilities for which the charges are made.

24.02.270 Water rates.

A. General. The city council shall establish rates for water service and consumption; such rates are in addition to connection charges and fees for specific services. The utility may establish classifications of customers or service, using any method or methods authorized by law.

B. Rate Basis. Water rates shall be based on revenue requirements necessary to cover all costs of the utility, as authorized by the city council by the adoption of the biennial budget and subsequent amendments and shall be guided by adopted financial policies and bond covenants.

C. Rate Adjustments. Rates shall be evaluated periodically as part of the review and adoption of the biennial budget. Rate adjustments shall be recommended as needed to meet revenue requirements. The recommendation shall consider equity, adequacy, costs and other factors allowed by law.

D. Billing and Collection. The utility shall develop and implement procedures and systems pertaining to the billing and collection of water service charges and fees in accordance with state law.

E. Rate Relief. The city council may establish water rate relief measures for specific customer classes as authorized by state law.

F. Rate Surcharge. Upon the city manager's declaration of a water shortage emergency pursuant to the city's adopted water shortage contingency plan, the utility may impose a rate surcharge of 10 percent, without further city council action.

24.02.275 Capital recovery charges.

A. The utility shall establish and collect a monthly capital recovery charge so that each new improvement, development, redevelopment or existing structure that places an additional demand on the public water system bears its equitable share of the cost of said system.

B. Right-of-way and un-irrigated non-building tracts shall be exempt from the capital recovery charge.

C. The capital recovery charge shall be based on the cost of the water utility plant-in-service, less the cost of donated facilities, less the cost of city-built local facilities for which direct facilities charges are imposed, plus recoverable interest divided by the customer base as quantified by single family equivalent units.

D. The capital recovery charge shall be placed on affected properties as a monthly charge for a period of 10 years.

E. The director or his designee is authorized to adjust the capital recovery charge value based upon updated values of the above described elements.

24.02.280 Code violations, enforcement, and penalties..

The enforcement procedures and penalties associated with violations of this code are set forth in BCC 1.18.075.

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

Section 3. This ordinance shall take effect and be in force thirty (30) days after passage and legal publication.

Passed by the City Council this 20th day of September, 2010
and signed in authentication of its passage this 20th day of September,
2010.

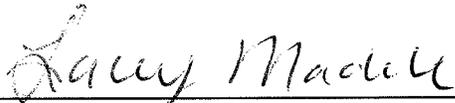
(SEAL)



Don Davidson, DDS
Mayor

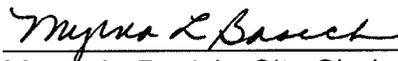
Approved as to form:

Lori M. Riordan, City Attorney



Lacey Madche, Assistant City Attorney

Attest:



Myrna L. Basich, City Clerk

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