

WP0438C-ORD  
03/30/95

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4751

AN ORDINANCE relating to the Water Utility of the City of Bellevue; repealing Chapter 24.02 of the Bellevue City Code; repealing Ordinance No. 2241; adopting a new Water Utility Code; adding a new Chapter 24.02 to Title 24 of the Bellevue City Code; and establishing an effective date.

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

Section 1. Chapter 24.02 of the Bellevue City Code and Sections 24.02.010 through 24.02.290 inclusive are hereby repealed.

Section 2. Ordinance No. 2241 is hereby repealed.

Section 3. A new Chapter 24.02 is hereby added to Title 24.02 of the Bellevue City Code, to be entitled the "Water Utility Code" and to read as follows:

**Chapter 24.02**

**WATER UTILITY CODE**

Sections:

- 24.02.010 Title
- 24.02.020 Purpose
- 24.02.030 Territorial Application
- 24.02.040 Construction-Intent
- 24.02.050 Definitions
- 24.02.060 Authority of the Utility
- 24.02.065 Duty to Serve
- 24.02.067 Service Interruptions
- 24.02.070 Water System Plan
- 24.02.080 Emergency Plan
- 24.02.090 Water Shortage Contingency Plan
- 24.02.100 Connections or Modifications to the Water System
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- 24.02.125 Demolition or Removal of Structures
- 24.02.130 Engineering and Design Requirements
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- 24.02.220 Existing System 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
- 24.02.280 Violations/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**

The purpose of this code is to: provide for the planning, design, construction, use, maintenance, repair and inspection of public and private water systems; establish programs and regulations to assure the quality of the water in such systems as well as provide for the efficient and conservative use of such water; and provide for the enforcement of the provisions of this code.

#### **24.02.030 Territorial Application**

This code shall be in effect throughout the Utility Service Area, as defined in Section 24.02.050(V).

#### **24.02.040 Construction-Intent**

This code is enacted as an exercise of the police power of the City of Bellevue to protect and preserve the public health, safety and welfare; its provisions shall be liberally construed to accomplish this purpose.

It is expressly the purpose of this code to provide for and to promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefitted thereby.

It is the specific intent of this code to place the obligation of compliance upon the owner/operator. Nothing contained in this code is intended to be or shall be construed to create or form the basis for liability on the part of the City of Bellevue, its Utility, officers, employees or agents for any injury or damage resulting from the failure of the owner or operator of any private system to comply with the provisions of this code, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this code by the City of Bellevue, its Utility, officers, employees or agents.

#### **24.02.050 Definitions**

The following words and phrases, when used in this code, shall have the following meanings:

- A. "As-Built" - A final drawing of the actual installation of structures, materials and equipment.
- B. "Backflow" - The flow of contaminated water or other liquids, gases or substances into the potable water supply.
- C. "Backflow Prevention Assembly" - An assembly which prohibits the backflow of water into the potable water supply.
- D. "Connection Charges" - 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 of the costs of facilities that benefit the property. Connection charges include the general facilities charge and direct facilities charges.
- E. "Cross-Connection" - 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.
- F. "Cross-Connection Control" - A backflow prevention assembly, air gap or other control designed to prevent backflow from a cross-connection.

- G. "Director" - The Director of the Bellevue Utilities Department, or his/her designated representative, or other person designated by the City Manager.
- H. "Emergency" - 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.
- I. "Engineering Standards" - The City of Bellevue Utility Engineering Standards which include minimum requirements for the design and construction of water, storm and surface water drainage and sanitary sewer facilities.
- J. "Fire Hydrant Assembly" - A fire hydrant and the piping and valve to connect it to a water main.
- K. "Fire Sprinkler System" - A privately-owned and maintained system used for fire extinguishment only, including piping and appurtenances inside and outside a building but excluding fire hydrant assemblies.
- L. "Irrigation Systems" - Any means of applying water to landscaped areas.
- M. "Low-volume Irrigation Systems" - 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.
- N. "Potable Water System"- Any part of the public water system or of a private water system that carries potable water.
- O. "Private Water System" - Any part of the water system that is not part of the public water system.
- P. "Property Owner" - 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.

- Q. "Public Water System" - 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 the customer side of backflow prevention assemblies on meterless fire services and serving individual properties.
- R. "Service Connection" - See Water Service.
- S. "Redevelopment" - 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 sprinkler 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.
- T. "Unsafe Condition" - Any condition on any premises, or in any private water system thereon, that is a hazard to public health or safety, 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.
- U. "Utility" - 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 of the Bellevue City Code.
- V. "Utility Service Area" - 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.
- W. "Water Emergency" - 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.

- X. "Water Facility" - 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.
- Y. "Water Main" - 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, fire hydrant assemblies and fire sprinkler systems.
- Z. "Water Service" - Also called a service, water service connection or service connection. 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.
- AA. "Water System" - The entire water system within the Utility service area comprised of the public water system and the private water system.
- BB. "Water System Plan" - The Water System Comprehensive Plan for the Utility as adopted by Resolution No. 5576, as now or hereafter amended.

#### **24.02.060 Authority of the Utility**

The Utility, by and through its Director, 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, 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 and update, 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, 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 (System 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 Section 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.

**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 Section 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.

**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 Emergency Plan**

The Utility will prepare and update an emergency plan, as required by state law, as part of the City's Emergency Operation Plan, for review and adoption by the City Council.

**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 Section 24.02.270(E).

#### **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, and temporary connections to a fire hydrant, shall be allowed only if:

- A. Approval has been received from the Utility. See Section 24.02.120; and
- B. All applicable requirements of this code and Utility procedures have been met; and
- C. All applicable Engineering Standards have been met or alternate standards have been approved by the Utility as substantially equal; and
- D. The property owner has paid all applicable fees and charges; and
- E. The water is delivered from the Utility to the user via a meter owned by the Utility, except for fire sprinkler systems over two inches in diameter and except for authorized temporary use of fire hydrants through adapters under two inches in diameter; and
- F. Any private wells serving the property are disconnected from the potable water supply; and
- 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 right-of-way and in easements dedicated to 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. Fire hydrant assemblies.
  - d. Reservoirs, pumping stations, inlet meters, pressure reducing valve stations and other appurtenances intended to serve the general public.
  - e. The valve separating the public water system from a private fire sprinkler system.
2. The Utility may acquire existing private facilities, provided that:
  - a. Ownership of the facility would provide a public benefit; and
  - b. Necessary and appropriate property rights are offered by the property owner at no cost to the Utility; and
  - c. The facility substantially meets current Engineering Standards, as determined by the Utility, or is brought up to current Engineering Standards by the owner; and
  - 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.

#### **24.02.120 Permits/Approvals**

- A. General. The Utility shall administratively determine submittal requirements for all Utility permits and approvals.

- B. **Application for Water Service.** 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.
- C. **Water System Extension Agreement.**
1. The property owner and the Utility shall enter into a Water System Extension Agreement whenever any of the water facilities that must be installed to serve the property are greater than two inches in diameter. The Water System 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 sprinkler 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 Water System Extension Agreement is required to serve a proposed building, the Utility will not sign off on the building permit until the System Extension Agreement has been initiated. When a Water System Extension Agreement is required to relocate a water main from under a proposed building, the Utility will not sign off on the building permit until the system 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. **Approval for Single Fire Hydrant Installation.** The Utility may allow relocation or upgrade of a single fire hydrant through an administrative process rather than through a Water System Extension Agreement, provided that proof of insurance and a surety

device acceptable to the Utility are furnished to the Utility and all review and inspection fees are paid. A one-year warranty period shall be required.

- E. **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.
  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 must:
    - a. Return Utility-owned equipment in good condition by the date specified and compensate the Utility for any loss or damage.
    - b. For tank lot sales, the customer must report the number of tank lots purchased.
  4. The Utility may suspend Fire Hydrant Use Permits during water emergencies.
- F. **Temporary Lawn Watering Permit.** A Temporary Lawn Watering Permit is required to water new lawns during a water shortage when a partial or total ban on lawn watering has been imposed pursuant to the City's Water Shortage Contingency Plan. Such a permit may be issued only for lawns planted no more than 60 days prior to the imposition of the temporary lawn watering ban. The permit allows such lawns to be watered at the minimum rate necessary to establish and maintain the turf. Overseeding does not constitute a new lawn for purposes of this permit.
- G. **Approvals for Landscape Water Budgets and Irrigation System Design.** When required by Section 24.02.200 and/or Section 24.02.205, the owner's landscape and/or irrigation designer shall

submit calculations and certification statements for Utility review and approval.

- H. Other Permits. It is the property owner's responsibility to identify and obtain all permits/approvals required for any proposed work.
- I. 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 City treasurer consistent with how interest rates are set for connection charges. 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.
  - 5. Be recorded with King County against the property on which the facilities are located.

#### **24.02.125 Demolition or Removal of Structures**

Any property owner who plans to demolish or remove any structure connected to the public water system shall notify the Utility and complete a utility abandonment form prior to the commencement of such work. The Utility will determine whether the water service can be re-used (if sufficiently sized for the new use). If the inspector determines that the water service cannot be reused, the property owner must pay for abandonment or upgrade of the water service through a Water Service application or through a Water System Extension Agreement for new site improvements.

#### **24.02.130 Engineering and Design Requirements**

##### **A. General.**

1. The property owner is responsible for water system design.
2. The water system designer must 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 are 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.
    - 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 sized in accordance with the Uniform Plumbing Code. Combination domestic/fire services shall be sized to meet the greater of the two demands, subject to approval by the Fire Marshal and, for projects within the Bellevue City limits, the Department of Community Development.
  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.
- D. Utility Separation Requirements. Water lines shall be separated from other Utilities in order to avoid hazardous conditions and to provide adequate space for alterations and repairs. See the utility separation requirements contained in the Engineering Standards.
- E. Electrical Service Grounding. Service connections or water utility distribution system piping shall not be used for grounding of electrical systems or for the maintenance, integrity or continuity of any grounding attachment or connection.
- F. Cross Connection Control. All connections to the public water system shall comply with the backflow prevention requirements of Section 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 Section 24.02.250.
2. The Utility shall install water services two inches and smaller in diameter, where services are not provided through a Water System Extension Agreement pursuant to Section 24.02.120(C), provided the owner agrees to pay all costs, fees and charges pursuant to Section 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. Installation shall be through a Water System Extension Agreement. See Section 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 oversize a water facility for reasons other than fire protection purposes or to adequately serve the owner's property, the Utility will compensate the property owner for the difference in cost between the normally-sized water facility and the over-sized water facility, based on the lowest of three bids from reputable licensed contractors furnished by the property owner.
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 benefitting properties that connect to the extension during the agreement's duration. See Section 24.02.150 regarding Latecomer Agreements.

3. If the City 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 Water System Extension Agreement. The request must be made in writing and unit costs must be provided before the Utility accepts the facility.
- C. **Zone of Benefit.** The Utility will determine what properties benefit from the public water facility and shall be subject to the Latecomer Agreement.
- D. **Method of Cost Allocation.** The Utility will determine the method of cost allocation used.
- E. **Recording.** The Utility will 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 15 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 a public water facility will be built on private property and whenever a private water facility will be built on property owned by a different private party.
- B. **Requirements.** All of the following requirements shall be met before the City will accept and approve any easement:
1. Clear title in the grantor shall be demonstrated; and
  2. The easement shall be consistent with utility clearance standards and setback standards and with other utilities 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; and
  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; and
  4. The easement must prohibit all structures within the easement area except those which can readily be removed by the structure's owner at the owner's expense when access to the water facility is required by the Utility. If such structures are in the easement, an agreement with the Utility to remove the structure on request 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**

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 Water System Extension Agreement, the recommendations of the manufacturer of the materials or equipment used and any applicable local, state or federal requirements.

**24.02.175 Construction and Warranty Inspections and Tests**

A. Construction/Installation Inspection.

1. All projects involving construction of new water facilities, or connections or modifications to an existing water system, are subject to Utility inspection to ensure compliance with the code and permit/approval conditions. As a condition of permit issuance, the applicant shall consent to inspection and testing.
2. Newly installed water facilities shall be inspected, tested, and documentation completed according to the Engineering Standards and procedures.
3. Newly installed or relocated backflow prevention assemblies shall be inspected, tested, and certified pursuant to the requirements of Section 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 reinspected at the Utility's discretion and, if necessary, re-tested 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 of the Washington Administrative Code, 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 the Seattle Water Department, jointly with other state 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 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; and
  - 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 Section 24.02.190(C)(2).
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 premise increases from that which existed at the time the assembly was installed; or
  - e. The water service, fire sprinkler 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 Section 24.02.250 or state law.

**D. Inspection, Testing and Certification Requirements.**

1. All newly installed or relocated backflow prevention assemblies shall be inspected, tested and certified by the Utility, except that newly installed irrigation system backflow prevention assemblies may be tested by a certified private Backflow Prevention Assembly Tester following City inspection of assembly installation.
2. All backflow prevention assemblies shall be inspected, tested and certified annually by the Utility or a private Backflow Prevention Assembly Tester certified by the Washington State Department of Health.

- E. Costs and Fees.** The property owner 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 Section 24.02.250 regarding fees.

**24.02.200 Water Conservation**

- A. General.** The Utility is authorized to develop and implement a water conservation program to further the water conservation objectives of the Utility. The program shall encourage the wise and efficient use of water throughout the service area at all times.
- B. 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 which 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 which do not result in a beneficial use of the City's public water supply.

**24.02.205 Landscape Water Budgeting Requirements**

- A. Applicability.** The water budgeting requirements of this Section 24.02.205 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 Section 24.02.205(A)(4), 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 Section 24.02.205(A), 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.

**24.02.210 Irrigation System Design and Performance Requirements**

- A. **Applicability.** The requirements of this Section 24.02.210 shall apply to all proposed new irrigation systems that will be connected to the public water system, except that the requirements do not apply to the following:
1. Single family residences; provided, that community area landscaping installed by the developer is not exempt.
  2. Any project with a total landscaped area of less than 250 square feet. If a project is phased, the total landscape area includes all phases.
- B. **Irrigation Efficiency Requirements.**
1. The irrigation system must be designed to have a minimum average distribution uniformity of 0.625 or greater.
  2. The irrigation system must comply with the irrigation system design requirements in the Engineering Standards.
- C. **Location Restrictions.**
1. Only low-volume irrigation systems may be installed in landscape strips less than five feet wide or in any parking lot landscape.
  2. Irrigation systems shall not be installed in turf strips less than five feet wide; in areas of turf where slopes exceed 3:1; in landscape berms exceeding a slope of 1:1; or in turf areas in right-of-way medians, curb strips or parking lots, with the exception that in right-of-way medians and curb strips, up to 5% of the landscape may be irrigated turf so long as all other requirements are met and the turf provides a functional use for pedestrians.
- D. **Design and Installation Certification.** Irrigation systems shall: be designed by a State registered Landscape Architect, State licensed professional engineer, or Irrigation Association Certified Irrigation Designer (IACID); pass an audit by an Irrigation Association Certified Landscape Irrigation Auditor (IACLIA); and be certified as being

designed, installed and operating at a minimum average distribution uniformity of 0.625 or greater.

- E. **Manual Watering.** Manual watering is permitted provided it meets the intent of the irrigation system requirements and overspray is minimized.

#### **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.

#### **24.02.220 Existing System Inspections**

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 obtain consent from the property owner or person responsible for the premises upon presentation of proper credentials to that person. If entry is refused or cannot be obtained, the Director shall have recourse to every remedy provided by law to secure entry.

#### **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. All requirements of this code regarding water quality 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. Multiple

#### **24.02.250 Fees for Permits/Approvals/Specific Services**

A. General.

1. The 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. Water System 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.
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, as-building 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.
  6. Overhead, at a rate to be established by the Utility pursuant to written procedures.
- C. Fee Schedule. The 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.
2. Connection charges shall be paid:
  - a. Before a property is allowed to connect to the public water system.
  - b. At the time of re-development 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 an L.I.D. or U.L.I.D. will not be re-assessed.
  4. The Utility may enter into contracts with the owners of existing single-family residences 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 City treasurer 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. General Facilities Charge. The Utility shall assess and collect a general facilities connection charge so that each property owner bears his/her equitable share of the cost of the public water system. Right-of-way and unirrigated non-building tracts are exempt from the general facilities charge. The general facilities charge shall be three hundred and twenty dollars (\$320) per acre or fraction thereof. For parcels less than 11000 square feet in area, the minimum charge shall be eighty dollars (\$80) per parcel. The City Council may modify these charges pursuant to the most recently adopted water consumption and service rate ordinance.
- C. Direct Facilities Charges.
1. In addition to the General Facilities Charge assessed pursuant to Section 24.02.260(B), 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 L.I.D. or U.L.I.D. 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 ten 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 ten 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.
- D. Administrative Procedures. The Director is authorized to adopt administrative procedures for the purpose of administering the provisions of this Section 24.02.260.

#### **24.02.270 Water Rates**

- A. General. The City Council shall establish rates for water service and consumption which are in addition to connection charges and fees for specific services. The City 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 annual 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 annual 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.

**24.02.280 Violations/Penalties**

- A. **Civil violation:** Any violation of any of the provisions of this code constitutes a civil violation as provided for in Bellevue City Code Chapter 1.18, for which a monetary penalty may be assessed and abatement may be required as provided therein. The City shall seek compliance through the civil violations code if compliance is not achieved through this code.
- B. **Destruction of Notice:** It shall be unlawful for any person to remove, mutilate, destroy, or conceal any notice issued and posted by the Director pursuant to this code.

**Section 4.** If any portion of this ordinance, or its application to any person or circumstance, is held invalid, the validity of the ordinance as a whole, or any other portion thereof, and its application to other persons or circumstances, shall not be affected.

WP0438C-ORD  
03/30/95

Section 5. This ordinance shall take effect and be in force thirty days after its final passage.

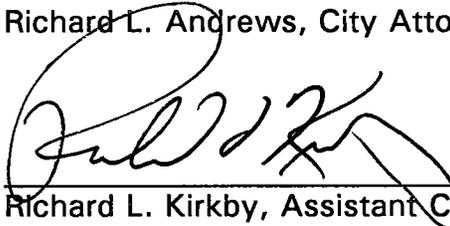
PASSED by the City Council this 3rd day of April, 1995, and signed in authentication of its passage this 3rd day of April, 1995.

(SEAL)

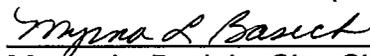
  
Donald S. Davidson, DDS, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

  
Richard L. Kirkby, Assistant City Attorney

Attest:

  
Myrna L. Basich, City Clerk

Published April 7, 1995