

***Appendix M***  
***Water Ordinances and Code***

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PUBLIC SERVICES**

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**Chapter 13.04  
WATER SYSTEM REGULATIONS AND CHARGES**

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**Article I. General Provisions**

**13.04.010 Statement of intent.**

It is the intent of the city council that the Bonney Lake water department shall serve all users of water within the city and within the city's water service area subject to appropriate statutes and ordinances and subject to the limitations of the water department's supply and delivery systems. (Ord. 588 § 1, 1987).

**13.04.020 Title.**

The ordinance codified in Articles I, II, III and V of this chapter shall be known as the water ordinance and may be cited as such. (Ord. 588 § 20, 1987).

**13.04.030 Definitions.**

A. "Business, commercial or industrial use of water" means any person, partnership or corporation which is a customer of the Bonney Lake water department and possesses a valid business or commercial license.

B. "City" means the city of Bonney Lake.

C. "Commodity charge" means the amount the customer must pay the city for water by volume (cost/100 cubic feet).

D. "Connection charge" means the total of the cost of the customer's connection to the system as defined in subsection J of this section plus the customer's equitable share of the cost of the system.

E. "Council" means the city council of the city of Bonney Lake.

F. "Detached accessory dwelling unit (ADU)" means a detached standalone dwelling structure on

the same lot as the primary dwelling for use as a complete, independent living facility with provision within the accessory unit for cooking, eating, sanitation, sleeping and entry separate from that of the main dwelling.

G. "Developer" means any person, partnership or corporation which develops land for subdivision or constructs buildings.

H. "Duplex" means a building not more than three stories in height, consisting of two attached single-family dwelling units in which each unit extends from foundation to roof. Each unit has a separate means of egress and each unit has separate open space on three sides. A detached single-family dwelling unit containing two independent living facilities as defined in subsection I of this section shall not be not considered a duplex for the purposes of utility billing under this section.

I. "Dwelling unit" means a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

J. "Installation charge" means the cost incurred by the city in making the physical connection to the water system, including both direct and indirect cost.

K. "Metered service" means the service for which charges are computed on the basis of measured quantities of water.

L. "Multifamily" means a single structure containing three or more dwelling units.

M. "Public works director" means the public works director of the city of Bonney Lake.

N. "Restoration fee" means a fee charged when service is reinstated to a property from which the owner had previously requested service be discontinued.

O. "Service charge" means the amount the customer must pay the city for the availability of water service, irrespective of whether any water is used.

P. "Utility rates" means those charges made for utility services by ordinance of the city council of Bonney Lake.

Q. "Water department" means the city of Bonney Lake water department.

R. Unless otherwise defined, all other terms shall have their usual and accustomed meanings. (Ord. 1374 § 1, 2010; Ord. 1221 § 1, 2007; Ord. 1129 § 1, 2005; Ord. 692 § 1, 1994; Ord. 588 § 2, 1987).

#### **13.04.040 Other applicable ordinances.**

It is the intent that Articles I, II, III and V of this chapter are not inconsistent with the city plumbing code and building code and Articles I, II, III and V are made a part of the building and plumbing

codes. (Ord. 588 § 15, 1987).

**13.04.050 Shutoffs.**

The city of Bonney Lake water department may shut off the water supply at any time without notice for repairs or for any other necessary reason. (Ord. 588 § 8, 1987).

**13.04.060 Water shortage emergency.**

A. The mayor or his designee may declare a water shortage emergency. Upon such a declaration, the public works director may take such steps as may be necessary to conserve water for basic household and domestic uses. Basic household and domestic uses shall not include lawn and garden watering.

B. The mayor or his designee may direct the public works director to take one of the following steps:

1. Direct water customers that lawn and garden sprinkling be done only on designated days and/or times;
2. Direct water customers to cease all outside use of water from the city system;
3. Direct that each water customer be allowed a certain number of gallons of water per specified time period, the number of gallons and time period to be determined by the mayor or his designee.

C. Notice of the emergency regulation shall be published in the official city newspaper at the earliest publication available and shall thereafter be published weekly during the emergency period. Notice of the regulations may also be delivered to each water customer by the best means available. However, lack of said personal notice shall not relieve a water customer from the duty to abide by the emergency regulation.

D. Any water customer found in violation of the emergency water regulations shall be subject to the following penalties:

1. Disconnection from water service. A \$50.00 reconnection fee shall be charged and paid in advance before service is restored.
2. For a second violation during any one emergency period a customer's water service shall be disconnected for the balance of the emergency period, and a reconnection fee of \$50.00 shall be charged and paid in advance.
3. In addition to the above penalties any customer in violation of a gallonage regulation as imposed under subsection (B)(3) of this section shall be charged \$0.01 per gallon for the water used over and above his allotment. The customer's water meter shall be conclusive evidence of the amount of water used.

E. The mayor may, at his discretion, direct that the public works director, declare a termination of the water shortage emergency. The declaration shall be published in the city’s official newspaper and the public works director shall contact as many news agencies as possible regarding the termination. (Ord. 588 § 4, 1987).

**Article II. Rates and Charges**

**13.04.070 Water service applications and connection charges.**

A. All applications for water service shall be made by the property owner or authorized agent. The records of the Pierce County auditor shall be prima facie proof of property ownership. The applicant shall furnish the city such information as may be required on the city’s application form. The applicant shall agree to conform to the rules and regulations for the operation of the city’s water system. Applications for water service shall expire in 180 days if no water permit has been issued. A 180-day extension may be granted for justifiable cause, including but not limited to extension of the related building permit application for 180 days.

B. No connection shall be made to the city’s water system without a water permit having been issued. The water permit shall expire if connection to the city’s water system is not made within 180 days of issuance. A 180-day extension may be granted for justifiable cause, including but not limited to extension of the related building permit for 180 days.

C. Water Taps. The city reserves the right to regulate the size of water taps. Taps will be made only by a Bonney Lake water crew or a licensed contractor for an approved water extension.

D. Water Service Connection Charges. Charges to connect to the city water system shall be due and payable upon issuance of a permit for connection to the city water utility and shall be charged at the rate in effect at the time of application for water service pursuant to this chapter. Rates shall include the following components:

1. Installation Charge. Effective January 1, 2014, the following installation charges shall apply in all cases where distance from the water main to the meter location does not exceed 60 feet. In such cases where the distance is over 60 feet there shall be an additional charge, based on cost of labor and materials.

| <b>Meter Size</b>      | <b>Installation Charge Only</b> | <b>Installation Charge and Service Line</b> |
|------------------------|---------------------------------|---|
| 5/8"                   | \$285                           | \$3,127                                     |
| 3/4"                   | \$333                           | \$3,074                                     |
| 1" with fire sprinkler | \$398                           | \$3,343                                     |

|                                  |  |         |
|----------------------------------|--|---------|
| system                           |  |         |
| 1" without fire sprinkler system | \$398  | \$3,343 |
| 1-1/2" or larger                 | Actual time and materials plus indirect costs. If installation involves work underneath the roadway surface, the fee shall be according to the actual time and materials plus 20 percent for indirect costs. |         |

2. System Development Charge (SDC). Effective January 1, 2014, each new connection to the water system shall pay, in addition to the installation charge, a system development charge (SDC) for equitable share of the cost of the system according to the following schedule:

a. Single-Family Residential.

| Meter Size                       | City and County SDC   |
|----------------------------------|---|
| 5/8" or 3/4"                     | \$9,095   |
| 1" with fire sprinkler system    | \$9,095   |
| 1" without fire sprinkler system | \$20,288  |
| 1-1/2" or larger                 | To be determined on each individual case, based on the projected amount of usage and peaking expected from the customer. These charges shall reflect residential equivalence (RE) values used for individual residential customers. |

b. Two-Living-Unit Residential Homes. Each duplex and townhouse-style building unit shall have a separate water meter and service for each living unit, and shall be charged the SDC applicable to single-family residences for each unit.

c. Accessory Dwelling Units (ADU). If no additional meter is required for an ADU, no SDC shall apply. If a second meter is required for the ADU, the installation charge plus an SDC of 77 percent of the single-family rate will be charged. If the existing meter is replaced with a larger meter, the difference in the current SDC rates for the two meter sizes will be charged. If an ADU is platted, sold independently, or otherwise segregated from the property, and no SDC had been paid for the ADU, the owner of the ADU shall pay the SDC applicable at the time of sale or segregation. A new water meter will be required and an installation charge due. If a reduced SDC was paid for a second or larger meter and/or connection for the ADU, the owner of the ADU shall pay the difference between that reduced charge and the SDC applicable at the time of segregation. A new water meter may be required and an installation charge due.

d. Multifamily, Mobile Home Parks, and Recreational Vehicle Parks.

i. Each living unit/space/stall shall be charged 77 percent of the SDC for single-family units.

ii. SDCs for meters one and one-half inches or larger shall be determined on each individual case, based on the projected amount of usage and peaking expected from the customer. These charges shall reflect residential equivalence (RE) values used for individual residential customers.

iii. There shall be only one water meter installed for each building housing multiple residential units.

e. Nonresidential SDC.

| <b>Meter Size</b> | <b>City and County SDC</b>   |
|-------------------|--|
| 5/8"              | \$11,565   |
| 3/4"              | \$15,297   |
| 1"                | \$22,751   |
| 1-1/2" or larger  | To be determined on each individual case, based on the projected amount of usage and peaking |

|  |  |
|--|--|
|  | expected from the customer. These charges shall reflect residential equivalence (RE) values used for individual residential customers. |
|--|--|

f. Irrigation Only SDC.

| <b>Meter Size</b> | <b>City and County SDC</b>  |
|-------------------|---|
| 5/8"              | \$7,454   |
| 3/4"              | \$11,187  |
| 1"                | \$18,652  |
| 1-1/2" or larger  | To be determined on each individual case, based on the projected amount of usage and peaking expected from the customer. These charges shall reflect residential equivalence (RE) values used for individual residential customers. |

g. Property Owner’s Responsibility. Property owners are responsible for all leaks or damage due to leaks from privately installed and owned water lines. The property owner shall install and maintain at his own expense all water service from the water meter to the place of use.

h. Water SDC Exemptions for City Facilities.

- i. Existing City Facilities. New water connections installed by the city in existing city rights-of-way, parks, and other existing city facilities shall be exempt from paying SDCs.
- ii. New or Expanded City Facilities. Facilities built to provide water system services shall be exempt from paying water SDCs. (Ord. 1517 § 1, 2015; Ord. 1477 § 1, 2014; Ord. 1465 §§ 1, 2, 2013; Ord. 1356 § 1, 2010; Ord. 1276 § 1, 2008; Ord. 1221 § 2, 2007; Ord. 1220 § 1, 2007; Ord. 1192 § 1, 2006; Ord. 1100 § 1, 2005; Ord. 1094 § 1,

2005; Ord. 1083 § 1, 2004; Ord. 1073 § 1, 2004; Ord. 968 § 1, 2002; Ord. 919 § 1, 2001; Ord. 828 § 2, 1999; Ord. 763 § 1, 1998; Ord. 692A §§ 1, 2, 1994; Ord. 692 § 2, 1994; Ord. 588 § 5, 1987).

**13.04.080 Water bills – Payment and collection.**

A. Inasmuch as the city provides year-round facilities for supplying water and collecting wastewater and factors a continuous rate base into its rate calculations, all users will be billed on a continuing basis for the water and sewer availability. Availability charges shall continue during periods of non-use, including periods during which the water service has been terminated due to delinquency or when a structure is unoccupied.

B. Billing will be done on a monthly basis for the water availability portion of the charge. Meters will be read bimonthly and water consumption billed thereafter.

C. Charges for utility services shall be due and payable on or before the tenth day following the date of billing. Amounts unpaid shall become delinquent 30 days after the billing date. A monthly penalty of two percent of the outstanding balance shall be charged to all accounts which have been delinquent for 30 days or more.

D. The city is authorized to discontinue the water service 30 days after the date of delinquency. The person responsible for payment of charges shall be notified by mail on or after 15 working days from the date of delinquency of a selected shutoff date. In order to have a disconnected service turned on, all charges plus the turn-on fee of \$100.00 must be paid.

E. The city shall mail all utility bills to the property owner. The owner of the premises to which the water service is attached shall be responsible for the payment of all connections, shutoffs, turn-on, service charges and liens. Utility billings for any property occupied by someone other than the owner shall be billed to the owner. Upon the written request of the owner, a copy of the bill may be sent to a tenant; provided, however, even upon such written request being made, the owner shall remain responsible for the payment of all charges under this chapter. Failure to receive mail will not be recognized as a valid excuse for failure to pay bills when due.

F. The city is authorized to establish payment plans for delinquent water customers meeting standard city guidelines for financial hardship. Such guidelines may be adopted and revised from time to time by the finance director. Where such plans take the form of a written agreement, such agreements shall either be approved by the council or be in a standard form agreement previously approved by the council for future use. (Ord. 1465 § 3, 2013; Ord. 871 § 1, 2001; Ord. 768 §§ 1, 4, 1998; Ord. 588 § 6, 1987).

**13.04.090 Miscellaneous charges.**

*Repealed by Ord. 1151.* (Ord. 826 § 13, 1999; Ord. 662 § 1, 1993; Ord. 588 § 7, 1987).

**13.04.091 Utility miscellaneous charges.**

A. Turn-On Charge.

1. Whenever utility service has been discontinued by the city for past due or a violation of any other provision of this chapter, the service will not be renewed until all charges plus the turn-on fee have been paid, provided a payment plan has not been established.
2. When it is desired to have the water turned on after it has been turned off for any reason other than past due, a charge of \$50.00 for such turn-on during the normal working hours of 8:00 a.m. to 4:00 p.m., Monday through Friday, and for the city's actual cost for all other hours. There is no charge for turn-off of customer water service.
3. This section shall not apply to disconnected service for violation of water shortage emergency as per BLMC [13.04.060](#).

B. Meter Testing Charge.

1. Where there is a question of the accuracy of a water meter and the customer requests a check of the meter, the following shall apply:
  - a. The customer shall pay to the city a deposit of \$50.00 to cover the cost of the meter testing. If the meter reads correctly, the city shall keep the deposit.
  - b. If the meter does not function properly, the city will refund the \$50.00 deposit, repair or replace the meter at no expense to the customer and adjust the water consumption charge accordingly and sewer volumetric charge if applicable.

C. Transfer Charge. For any change of property ownership, there is a charge of \$35.00; for a duplicate bill sent to an alternative address, there shall be a \$45.00 setup charge per request. However, the property owner shall be responsible for payment of the utility bill in accordance with this chapter. Any other read outside the billing cycle will have a \$45.00 charge. Requests for estimated finals will be in writing and a charge of \$5.00 per request will be applied to the current owner's utility account.

D. Disconnection from System – Reconnection Charge.

1. Disconnection from the water system shall occur only in the discretion of the finance director in extraordinary circumstances, such as demolition of a structure with no plans to construct a replacement structure within two years of disconnection. Disconnection shall require complete removal of the water meter by authorized city staff. Water billings shall cease during periods of disconnection.
2. A reconnection charge shall be paid to restore water service to any customer who has been disconnected from the system and wishes to reconnect. The reconnection charge will be calculated by taking the difference between the current charges for equitable share of the

system for water and sewer, and the charges for equitable share of the system for water and sewer paid by the customer, if any, at the time of original connection; provided, that if the original connection was prior to 2002, the reconnection fee shall be a flat charge of \$1,000. The customer shall also be responsible for paying any charges for establishing a connection to the system.

E. Fire Flow and Water Availability Certificate Completion Charge. The following fee schedule applies to complete fire flow and water availability forms for submission to Pierce County or other entities or jurisdictions:

|   |          |
|---|----------|
| 1. No testing required, all info available at City Hall | \$100.00 |
| 2. Testing required, info not available at City Hall    | \$150.00 |
| 3. Fire flow analysis, if required                      | \$700.00 |

F. If a lock has been removed from a meter that has been locked off for any reason, a \$100.00 fee will be charged in addition to any utility charges due and payable. If the meter or meter setter is damaged by this action, the property owner will be charged for the labor and materials to repair the service.

G. A returned check charge shall be imposed upon any account who, in full or partial payment of a city utility bill, tenders a check which is returned to the city for any reason.

H. Miscellaneous Charges.

|                                 |         |
|---------------------------------|---------|
| 1. Change of ownership          | \$35.00 |
| 2. Returned check charge        | \$35.00 |
| 3. Payment plan setup charge    | \$15.00 |
| 4. Read outside standard cycle  | \$45.00 |
| 5. Estimate final (per request) | \$5.00  |

(Ord. 1493 § 3, 2014; Ord. 1465 § 5, 2013; Ord. 1151 § 2, 2005).

**13.04.100 Water rates.**

Effective January 1, 2018, the following rates shall apply:

A. Discount for Senior Citizens and Disabled Persons. Owners of single-family residences who have qualified for real estate property tax exemption through the Pierce County assessor-treasurer’s office on the basis of age and/or disability, and who present proof thereof to the appropriate authority of the city, shall qualify and be entitled to a reduced water rate as may, from time to time, be set by the city council and established as a 50 percent reduction from the water availability charge.

B. Monthly Water Rates – Within City Limits.

**Water Availability Charge**

| <b>Meter Size</b>                | <b>Charge</b>      |
|----------------------------------|--------------------|
| 5/8" – 3/4"                      | \$18.56            |
| Qualified Senior, 5/8" – 3/4"    | See subsection (A) |
| 1" with Fire Sprinkler System    | \$18.56            |
| 1" without Fire Sprinkler System | \$36.82            |
| 1-1/4"                           | \$73.13            |
| 1-1/2"                           | \$73.13            |
| 2"                               | \$117.04           |
| 3"                               | \$219.32           |
| 4"                               | \$365.30           |
| 6"                               | \$731.41           |

In addition, the consumption charge per 100 cubic feet (CCF), or any part thereof used, shall be as follows:

| <b>Winter (October 1st through May 31st)</b>    | <b>Charge</b> |
|---|---------------|
| 0 – 10 CCF per month                            | \$1.53        |
| Over 10 CCF per month                           | \$3.03        |
|   |               |
| <b>Summer (June 1st through September 30th)</b> |               |

|                          |        |
|--------------------------|--------|
| 0 – 10 CCF per month     | \$1.53 |
| 11 – 20 CCF per month    | \$3.31 |
| 21 – 30 CCF per month    | \$4.63 |
| 31 or more CCF per month | \$5.96 |

C. Monthly Water Rates – Outside City Limits.

**Water Availability Charge**

| <b>Meter Size</b>             | <b>Charge</b>      |
|-------------------------------|--------------------|
| 5/8" – 3/4"                   | \$28.65            |
| Qualified Senior, 5/8" – 3/4" | See subsection (A) |
| 1"                            | \$47.70            |
| 1-1/4"                        | \$95.05            |
| 1-1/2"                        | \$95.05            |
| 2"                            | \$151.98           |
| 3"                            | \$285.08           |
| 4"                            | \$475.19           |
| 6"                            | \$926.58           |

In addition, the consumption charge per 100 cubic feet (CCF), or any part thereof used, shall be as follows:

| <b>Winter (November 1st through June 30th)</b> | <b>Charge</b> |
|--|---------------|
| 0 – 10 CCF per month                           | \$2.21        |
| Over 10 CCF per month                          | \$4.42        |
|  |               |
| <b>Summer (July 1st through October 31st)</b>  |               |
| 0 – 10 CCF per month                           | \$2.21        |
| 10 – 20 CCF per month                          | \$4.63        |
| 20 – 30 CCF per month                          | \$6.50        |

|                          |        |
|--------------------------|--------|
| 30 or more CCF per month | \$9.08 |
|--------------------------|--------|

#### D. Multiple Residential Units.

1. The water availability charge for a connection serving multiple (three or more) residential units shall be the availability charge set forth above, multiplied by the number of dwelling units connected to the meter, as follows:

- a. Each duplex unit as defined in BLMC [13.04.030\(H\)](#) will be billed as though separately connected to the water main, based on five-eighths- or three-quarters-inch meter rates.
- b. Any detached accessory dwelling unit (ADU) as defined in BLMC [13.04.030\(F\)](#) will be billed as though separately connected to the water main, based on five-eighths- or three-quarters-inch meter rates.
- c. In the case of apartment/trailer courts having one meter, each unit will be billed as though separately connected to the water main, occupied or not, based on five-eighths- or three-quarters-inch meter rates.
- d. In the case of building lots which have been granted a conditional use permit to allow more than one dwelling on one service meter, each dwelling unit will be billed as though separately connected to the water main, based on five-eighths- or three-quarters-inch meter rates.

2. The consumption charge provided for in this section shall be applied to multiple residential units as provided for above, except that the lower consumption charge rate shall be applied to the first "X" CCF per month, where "X" is the number of units served by the connection multiplied by 10. All consumption greater than that threshold will be charged the higher consumption charge rate.

3. There shall be only one water meter for each building housing more than two residential units.

E. Multiple Commercial and Industrial Buildings. Where all commercial or industrial buildings connected to a single service are used in the same business under single management, billing shall be made as for a single building.

#### F. Demand Charge.

1. Private fire hydrants, stand pipes, fire sprinkler systems, etc., shall have a monthly charge of \$4.31.
2. Special purpose use of water from fire hydrants or stand pipes shall be \$14.32 plus \$1.44

per 100 cubic feet for all water used inside the city limits and \$20.06 plus \$2.06 for all water used outside the city limits.

3. Where the water meters are shut off, the monthly charge will be \$7.16 within the city limits and \$9.88 outside the city limits.

4. Where unusual circumstances prevent a meter reading, water consumption will be estimated at an average of 1,000 cubic feet per month.

#### G. Leakage – Rate Reduction.

1. In the event that there is a water leak that is determined to have been undetectable by the water utility, after the service line is repaired by the owner and upon written request by the property owner, the city finance department may make an adjustment in the water bill. The maintenance of plumbing fixtures inside a structure is the responsibility of the property owner. No leak adjustments shall be made for water leaks due to faulty equipment or fixtures inside the structure, including leaky toilets, faucets, etc.

2. The adjustment shall be two-thirds of that portion of the customer's water bill determined by calculating the median consumption for the past five years for the same period the leak occurred. The adjustment shall be limited to the period of 120 days of consumptive use prior to the repair of the leak.

3. The city reserves the right to request documentation of the service line repair as a condition of granting a leak adjustment.

4. Should a customer who was granted a leak adjustment request a subsequent leak adjustment within 24 months of the previous adjustment due to an additional line break or leak, documentation, such as a receipt from a plumber, must again be provided to reasonably demonstrate that the leak has been repaired and that the repair is expected to be permanent.

5. No leak adjustments shall be authorized in the following situations:

a. The leak was caused by a third party from whom the customer is able to recover their costs. Examples include, but are not limited to, theft, vandalism, negligence and construction damage, unoccupied or vacant properties.

b. The meter at said property has been accessed, tampered with, or turned on/off by anyone other than a city of Bonney Lake employee and that action results in loss of water.

c. The leaky line is subject to a valid warranty.

d. The current property occupant has already been granted two leak adjustments in the

previous five years from the date of the current leak adjustment request.

H. Irrigation Meters.

1. New multifamily (three or more units) and nonresidential connections shall be required to install a separate meter for irrigation use, effective January 1, 2005.
2. Existing multifamily (three or more units) and nonresidential connections shall be required to install a separate meter for irrigation use no later than January 1, 2007.
3. There shall be no availability charge applicable to irrigation meters. The commodity charge shall be 25 percent greater than the applicable commodity charge for nonirrigation usage that exceeds 10 CCF per month (the “tailblock”).

|                       | <b>Charge</b> |
|-----------------------|---------------|
| Winter – In city      | \$3.79        |
| Summer – In city      | \$4.14        |
| Winter – Outside city | \$5.52        |
| Summer – Outside city | \$5.80        |

(Ord. 1576 § 1, 2017; Ord. 1541 § 1, 2016; Ord. 1476 § 1, 2014; Ord. 1465 § 4, 2013; Ord. 1429 § 1, 2012; Ord. 1374 § 2, 2010; Ord. 1356 § 2, 2010; Ord. 1277 § 1, 2008; Ord. 1129 § 2, 2005; Ord. 1101 § 1, 2005; Ord. 1046 § 1, 2004; Ord. 907 § 1, 2002; Ord. 828 § 3, 1999; Ord. 763 § 2, 1998; Ord. 692A § 3, 1994; Ord. 588 § 9, 1987).

Code reviser’s note: Effective January 1, 2019, the rates in this section have been updated pursuant to BLMC [13.04.105](#), which permits this update without an adopting ordinance.

**13.04.105 Annual rate adjustment.**

Effective January 1st of each year, beginning on January 1, 2019, through January 1, 2023, the water rates listed in BLMC [13.04.100](#) shall be adjusted upwards by eight and one-half percent.

Effective January 1st of each year, beginning on January 1, 2024, the water rates listed in BLMC [13.04.100](#) shall be adjusted by the annual change in the most recent Seattle Area Consumer Price Index (Urban Consumers) published by the U.S. Department of Labor. (Ord. 1606 § 1, 2018; Ord. 1277 § 2, 2008; Ord. 692 § 4, 1994).

**Article III. Regulations**

**13.04.110 General regulations.**

A. All ordinances and water regulations shall be effective in the city and the water service area.

- B. All water connections shall be metered.
- C. Where more than one water connection supplies a single property, the consumption of water measured by each meter shall be computed and billed separately.
- D. Unless otherwise stated in this chapter, each and every occupancy or use shall be served by a separate connection and shall be billed separately.
- E. No new application for water connection will be honored until a septic tank permit or a sewer connection permit has been procured from the Pierce County health department or the city.
- F. New water connections will be charged the minimum water availability charge beginning on the date of installation. All connections will be billed continuously for the availability charge during periods of nonuse, including periods during which the water service has been terminated due to delinquency or when a structure is unoccupied.
- G. All water connections and all charges connected therewith are the responsibility of the owner of the property served.
- H. Every water customer within the city limits shall establish and keep current an account for garbage service as per Chapter 8.04 BLMC and its amendments. Sewer, stormwater, and water charges will be billed together. Any delinquency in stormwater or sewer bills shall be deemed a delinquency as to water service.
- I. All water taken or appropriated for use within the city shall be taken or appropriated from the municipal water supply of the city, pursuant to appropriate connections thereto in conformity with the ordinances of the city.
- J. All buildings or structures within the city, designed, intended or actually used for human occupancy, shall contain such plumbing as may be required by the appropriate provisions of the building code of the city, and shall be connected to the aforesaid municipal water utility of the city.
- K. At such time as a property owner connects to city water service, through either development, new construction or when a property owner with a well chooses to connect to public water, the well must either be abandoned or deeded to the city.
- L. Any property used or occupied in violation of the provisions of this chapter shall be brought into conformity with the provisions hereof within 90 days of the effective date of the ordinance codified in this chapter. (Ord. 1477 § 2, 2014; Ord. 1465 § 6, 2013; Ord. 1356 § 3, 2010; Ord. 1230 § 20, 2007; Ord. 892 § 1, 2001; Ord. 588 § 3, 1987).

**13.04.120 Water meters.**

- A. All meters provided and installed on water service connections shall be and remain the property of the city and shall be removed only by the city.

B. The city will maintain and repair all domestic and commercial services to and including the meter when rendered unserviceable by ordinary use and will replace meters periodically when necessary.

C. Where replacements, repairs or adjustments to any meter are made necessary by improvements to the premises or by the willful act, neglect or carelessness of the owner or occupant of the premises served, all expenses of such replacement, repairs or adjustments incurred by the city shall be borne by the water customer.

D. All meters must be kept free of obstructions, including but not limited to trees and other vegetation, earth, rock, parked vehicles, yard art, landscaping materials, garbage cans, fences, or other stationary objects. Rockery walls and retaining walls must be constructed in such a manner as to maintain free access to the meter. Failure to keep a meter free of obstructions shall constitute damage to the public right-of-way and is addressed under the provisions of Chapter 12.22 BLMC; provided, however, that the property owner may be directed to remove an obstruction immediately. Repeat violations of this subsection, and refusals to move a stationary obstruction (such as a garbage can) at the request of an authorized city employee, shall constitute a misdemeanor, punishable by a maximum of a \$1,000 fine and 90 days in jail.

E. Single-Family Fire Sprinkler Service. All single-family houses, each duplex living unit, and each unit in other two-living-unit residential buildings shall have a one-inch water meter and one-and-one-half-inch water service line from the meter to the living unit installed. (Ord. 1356 § 4, 2010; Ord. 1346 § 1, 2010; Ord. 588 § 10, 1987).

**13.04.130 Tampering.**

*Repealed by Ord. 1151. (Ord. 588 § 11, 1987).*

**13.04.131 Defrauding a public utility – Statutes adopted by reference.**

RCW 9A.61.010, 9A.61.050, 9A.61.060 and 9A.61.070 are hereby adopted by reference. (Ord. 1151 § 4, 2005).

**13.04.140 Special use of water.**

A. Contractors, land developers and similar users shall be charged for water use at commercial rates as provided in BLMC [13.04.100](#).

B. Users desiring to install additional fire protection systems, auxiliary hydrants, etc., within their property will be subject to such additional expense as may be required by the city in the case of such installations. The cost of these installations, including a detector-check meter will be borne by the user desiring this type of protection. (Ord. 588 § 12, 1987).

**13.04.150 Water system extension.**

A. If a developer or other person desires to extend the water system he may do so under contract with the city and at his own expense; provided, he can comply with all the standards and conditions

and other requirements of the city.

B. All developers shall furnish the city complete plans, cost estimates and specifications for the proposed extension of water service. Inspection of the construction will be by the city public works director or his designee, the cost of which shall be paid by the developer. The developer may consult the city public works director, prior to designing a water system in order to expedite such design. The public works director may determine that the city will contract directly with a consultant for a review of the developer's extension or installation plans and may bill the cost of such consultant to the developer. The public works director shall advise the applicant of the estimated costs of the inspection and review prior to the incurring of those costs; the applicant shall post bond, or otherwise ensure payment of such costs.

C. The city reserves the right to approve or reject any developer's extension or installation. All materials shall be new and bills of materials and evidence of payment of all bills and other necessary data will be required prior to the acceptance of the new water system extensions. Prior to acceptance by the city the developer must convey the extension to the city together with all necessary easements before actual connection.

D. All persons or local improvement districts desiring to extend water mains in the water service area must do so under the supervision of, and as directed by the public works director. All such extensions must be carried across the full width of the property being served except in those cases, where, in the opinion of the public works director, the utility involved can never, under any circumstances, be extended beyond the property being served.

E. Where a water main is extended along a street at the expense of the property owner or owners on the portion of the street only, or where such a line is extended through property not to be currently served and not contributing to the cost of the line, the person or persons paying said costs may be reimbursed by the noncontributing property owners at the time these owners connect to the water main, as per the provisions of RCW 35.91.020.

F. Service to properties that are not on a water main and can only be serviced by a long extended service line is not allowed. (Ord. 588A § 1, 1994; Ord. 588 § 13, 1987).

#### **13.04.160 Use of hydrants.**

A. It is unlawful for any person other than properly authorized employees of the city or Pierce County Fire Protection District No. 22 to operate fire hydrants and hose outlets unless arrangements have been made with the city for payment for such water and written permission has been granted by the fire chief of Pierce County Fire Protection District No. 22.

B. When it is deemed necessary, the city will furnish an inspector to operate a fire hydrant or hose connection to avoid damage and to obtain the necessary information for computing the volume of water consumed. Water supplied, together with the expense for the services of the inspector and

equipment furnished, will be charged at the city's cost. (Ord. 851 § 12, 2000; Ord. 588 § 14, 1987).

#### **Article IV. Water Service Cross-Connections**

##### **13.04.170 Inspection and right of access.**

Authorized employees of the city water system with proper identification shall have free access at reasonable hours of the day, to all parts of a premises or within buildings to which water is supplied. Water service may be refused or terminated to any premises for failure to allow necessary inspections. (Ord. 577 § 5, 1986).

##### **13.04.180 Responsibility of customer.**

Water service to any premises shall be contingent upon the customer providing cross-connection control in a manner approved by the city water system. (Ord. 577 § 3, 1986).

##### **13.04.190 Prohibited.**

The installation or maintenance of any cross-connection which would endanger the water supply of the city water system is prohibited. Any such cross-connection now existing or hereafter installed is declared unlawful and shall be adapted immediately. (Ord. 577 § 1, 1986).

##### **13.04.200 Citation of specific standards.**

The control or elimination of cross-connections shall be in accordance with WAC 248-54-275. The policies, procedures and criteria for determining appropriate levels of protection shall be in accordance with the Accepted Procedures and Practice in Cross Connection Control Manual-Pacific Northwest Section-American Waterworks Association, Third Edition, or any superseding edition. (Ord. 577 § 2, 1986).

##### **13.04.210 Backflow devices.**

Backflow devices required to be installed shall be a model approved by the State Department of Social and Health Services. (Ord. 577 § 4, 1986).

#### **Article V. Enforcement**

##### **13.04.220 Violation – Penalty.**

Any person, firm or corporation willfully violating any of the provisions of Articles I, II and III of this chapter is guilty of a misdemeanor. Said person, firm or corporation shall also be subject to the provisions of RCW 80.28.240 providing for civil damages. (Ord. 588 § 16, 1987).

**Chapter 13.06  
WATER SUPPLY REGULATIONS**

Sections:

**[13.06.010 Fluoridation prohibited.](#)**

**13.06.010 Fluoridation prohibited.**

The city shall not fluoridate any water originating from a city-owned water source, nor shall the city cause or allow the fluoridation of any water supply utilized by the city's water service; provided, that this chapter shall not prohibit the use of fluoridated water when such fluoridated water is supplied to the city by another water purveyor to meet water service needs within the city's water service area. (Ord. 1064 § 1, 2004).

**Chapter 13.08  
SEWAGE DISPOSAL**

Sections:

[13.08.010 Approved sewage disposal systems.](#)

[13.08.020 Temporary use of chemical toilets.](#)

**13.08.010 Approved sewage disposal systems.**

Except as otherwise provided in this chapter, all sanitary sewage disposal shall be accomplished by installation of the septic-tank type, and no privies, outhouses or other type of sewage disposal shall be permitted. (Ord. 249 § 1, 1967).

**13.08.020 Temporary use of chemical toilets.**

The mayor shall permit the use of chemical toilets for a period of 90 days during construction of permanent structures. Application for such temporary use shall be on such forms as the mayor may direct, and shall be accompanied by an application fee of \$1.00. Temporary use permits may be renewed for an additional period of 30 days in the discretion of the mayor. All structures erected in connection with such temporary sanitary sewage facilities shall conform to such construction and sanitary regulations as the mayor may prescribe. (Ord. 249 § 2, 1967).

**Chapter 13.12  
SEWERAGE SYSTEM REGULATIONS**

Sections:

Article I. General Provisions

[13.12.010 Definitions.](#)

[13.12.020 Inspectors – Powers and authority.](#)

[13.12.030 Safety rules and liability.](#)

[13.12.040 Easement conditions.](#)

[13.12.050 County health officer requirements.](#)

[13.12.060 Use of public sewers required.](#)

[13.12.070 Repealed.](#)

Article II. Service and Connection Charges

[13.12.080 Schedule establishment.](#)

[13.12.082 Sewer charges.](#)

[13.12.085 Annual rate adjustment.](#)

[13.12.090 Grinder pump service charges.](#)

[13.12.100 Sewer service applications and connection charges.](#)

[13.12.105 Repealed.](#)

[13.12.108 Changed conditions – Increased wastewater flows, BOD or S.S.](#)

[13.12.110 Charges become lien on property – Enforcement.](#)

[13.12.120 Repealed.](#)

[13.12.125 Repealed.](#)

Article III. Sewer Connections Mandatory

[13.12.130 Sewer connections mandatory.](#)

[13.12.140 Repealed.](#)

[13.12.150 Repealed.](#)

[13.12.160 Sanitary operation.](#)

Article IV. Building Sewers and Connections

[13.12.170 Permit – Required.](#)

[13.12.180 Permit – Classes.](#)

[13.12.190 Owner to bear costs of construction.](#)

[13.12.200 Use of old building sewers.](#)

[13.12.210 Construction to comply with standard specifications.](#)

[13.12.220 Construction to be below basement floor.](#)

[13.12.230 Surface runoff or groundwater connections prohibited.](#)

[13.12.240 Connection to comply with standard specifications.](#)

[13.12.250 Inspection prior to connection.](#)

[13.12.260 Barricades and lighting of excavations.](#)

Article V. Improper Use of Public Sewers

[13.12.270 Discharge of surface runoff and stormwaters.](#)

[13.12.280 Stormwater to be discharged into storm sewers.](#)

[13.12.290 Prohibited wastewater discharges.](#)

[13.12.300 Limitations and restrictions on discharges.](#)

[13.12.310 Public works director – Authority to limit or prohibit discharges.](#)

[13.12.320 FOG prevention requirements.](#)

[13.12.330 Owner to perform facilities maintenance.](#)

[13.12.340 Installation of observation facilities.](#)

[13.12.350 Determination of sampling and testing methods.](#)

[13.12.360 Article provisions not to limit special agreements.](#)

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Article VI. Enforcement

[13.12.370 Protection from damage.](#)

[13.12.380 Violation – Penalty.](#)

[13.12.390 Extensions of sewer system – Design review – Expense.](#)

**Article I. General Provisions**

**13.12.010 Definitions.**

Unless the context specifically indicates otherwise, the meaning of terms and words used in this code shall be as follows:

0. “Bed/bonus room” means any bedroom or other room such as a bonus room, den, or office in a multifamily dwelling that, in the opinion of the building official, could reasonably be converted to a bedroom.
1. “BOD” (biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure as described in the most current edition of Standard Methods for the Examination of Water and Waste Water in five days at 20 degrees Celsius expressed in milligrams per liter.
2. “Building drain” means that part of the lowest horizontal piping of a drainage system which receives the discharge from sanitary waste floor drains and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.
3. “Building sewer, connecting sewer or house lateral” means the private extension from the building drain to the public sewer or other place of disposal.
4. “City” means the city of Bonney Lake, Washington.
5. “Collection system” means the system of public sewers to be operated by the city designed for the collection of sanitary sewerage.
6. “Commercial user” means any premises used for commercial or business purposes which is not a residential user and not an industry as defined in this chapter. A commercial user is one who introduces primarily domestic wastes and wastes from sanitary conveniences into the sewer system.
7. “Council” means the council of the city of Bonney Lake, Washington.
8. “County” means Pierce County, Washington.

9. "Domestic waste" means any wastewater (sewage) emanating from a residence or from domestic activities performed outside the place of residence (in lieu of a home activity) by or for private citizens. The wastewater concentrations shall not exceed 250 mg/l BOD<sub>5</sub> and 250 mg/l SS.
10. "Duplex" means one structure containing two dwelling units.
11. "Dwelling unit" means a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
12. "Finance director" means the finance director of the city of Bonney Lake or his agent.
13. "Garbage" means solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.
14. "Industrial user" means a nongovernmental user of the public treatment works identified in the Standards Industrial Classification Manual, 1972, Office of Management and Budget, as amended or supplemented.
15. "Industrial waste" means that portion of wastewater emanating from an industrial user which is not domestic waste or waste from sanitary conveniences.
16. "Inspector" means the person assigned by the city to inspect building sewer installation between the building and the public sanitary sewer line within the street.
17. "Lateral" means a public sewer which receives flow from one or more side sewers and discharges into a trunk or interceptor.
18. "Mayor" means the mayor of the city of Bonney Lake.
19. "Multifamily" means a single structure containing three or more dwelling units.
20. "New development" means the construction of a nonresidential project which requires permits from the city, duplex, multifamily building, single-family residence, short subdivision, or subdivision.
21. "Natural outlet" means any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.
22. "Occupant" means any person or owner in physical possession of a structure to which sewer service is available.
23. "Operation and maintenance" means all activities, goods and services which are necessary to maintain the proper capacity and performance of the sewage works for which such works were designed and constructed. The term "operation and maintenance" includes replacement as defined in this chapter.

24. "Permit" means an application for a printed and serially numbered form issued in quadruplicate by the city prior to construction of any side sewer.
25. "Person" means any individual, firm, company, association, society, corporation or group.
26. "pH" means the logarithm of the reciprocal of the weight of hydrogen ions.
27. "Private wastewater disposal system/facility" means an individual sewer line and disposal system, or a community drainfield system, that is privately owned and not connected to the city of Bonney Lake sewerage system. A private sewer wastewater disposal system shall be allowed only when connection to the city of Bonney Lake sewer is not required by this chapter.
28. "Properly shredded garbage" means the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half centimeter in any dimension.
29. "Public sewer" means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
30. "Public works director" means the public works director of the city of Bonney Lake or his authorized agent.
31. "Residential equivalent (RE)" means a system specific unit of measure used to express the amount of water and sewer consumed by a typical full-time single-family residence and is equivalent to one residential dwelling unit for purposes of computing connection charges and service rates. For the purposes of sewer usage, one RE shall be defined as a flow of 275 gallons per day with an average biological oxygen demand (BOD) of 246 mg/l and an average total suspended solids (TSS) of 269 mg/l.
32. "Residential user" means a single-family or multifamily structure.
33. "Residential wastewater pump" means a combination centrifugal pump and grinder unit for raw sewage service complete with piping, valves, controls starter, basis and all accessories required for a complete installation. Each pump station shall conform with the standards and specifications of the city of Bonney Lake.
34. "Sanitary sewer" means a sewer which carries sewage and to which stormwaters, surface waters, ground waters and other unpolluted waters are not intentionally admitted.
35. "Service connection" refers to the "side sewer" or pipeline with its appurtenances that branches off or connects the public lateral or trunk sewer in the right-of-way extending to the property line.
36. "Sewage" means a combination of the water-carried wastes from residences, business

buildings, institutions and industrial establishments.

37. "Sewage treatment plant" means any arrangement of devices and structures used for treating sewage.

38. "Sewage works" means a pipe or conduit for carrying sewage.

39. "Sewer" means a pipe or conduit for carrying sewage.

40. "Shall" is mandatory. "May" is permissive.

41. "Side sewer" means the service connection.

42. "Slug" means any discharge of water, sewage or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration of flows during normal operation.

43. "Storm drain" (sometimes termed "storm sewer") means a sewer which carries stormwaters and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

44. "Suspended solids" means solids that either float on the surface of or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering.

45. "Single-family residence," for the purposes of water and sewer utilities, means a structure maintained and used as a single dwelling unit. Notwithstanding that a dwelling unit shares one or more walls with another dwelling unit, it shall be deemed a single-family residence if it has direct access to a street and shares neither heating facilities nor hot water equipment, nor any other essential facility or service, with any other dwelling unit.

46. "User" means every person using any part of the public sewage works of the city of Bonney Lake.

47. "User charge" means the periodic charges levied on all users of the public sewage works and shall, at a minimum, cover each user's proportionate share of the cost of operation and maintenance to include replacement.

48. "Best management practices (BMP)" means a technique or methodology that, through experience and research, has proven to reliably lead to a desired result.

49. "Facility" means any food processing establishment, food sales establishment, or food service establishment.

50. "Fats, oils and greases (FOG)" are organic compounds derived from animal and/or plant sources that contain multiple carbon triglyceride molecules. These substances are detectable and

measurable using analytical procedures established in Title 40 of the Code of Federal Regulations Part 136 (40 CFR 136). Commonly referred to as polar.

51. "Food" is any raw, cooked, or processed edible substance, ice, or ingredient used or intended for use or sale in whole or in part for consumption.

52. "Food processing establishment (FPE)" is a commercial establishment in which food is manufactured or packaged for consumption.

53. "Food sales establishment" means any retail and wholesale grocery stores, retail seafood stores, food processing plants, bakeries, confectioneries, fruit, nut and vegetable stores and places of business and similar establishments, mobile or permanent, engaged in the sale of food primarily for consumption off premises.

54. "Food service establishments (FSE)" means any establishment for the preparation and serving of meals, lunches, short orders, sandwiches, frozen desserts, or other edible products and/or are required to have a food business permit issued by Tacoma-Pierce County health department. The term includes: restaurants, coffee shops, cafeterias, short order cafes, luncheonettes, taverns, lunchrooms, places which manufacture retail sandwiches, soda fountains, institutional cafeterias, catering establishments, food vending vehicles, and operations connected therewith; and similar facilities by whatever name called.

55. "Grease" is rendered animal fat, vegetable shortening, and other such oily matter used for the purposes of and resulting from preparing and/or cooking food.

56. "Grease removal unit" means a device designed to separate fats, oils, and grease from liquid waste prior to the wastewater entering the sanitary sewer system.

57. "Grease interceptor" means a plumbing appurtenance or appliance that is installed in a sanitary drainage system to capture FOG from a wastewater discharge, including gravity grease interceptors (GGIs) and hydromechanical grease interceptors (HGIs).

58. "Minimum design capability" means the design features of a grease interceptor and its ability to or the volume required to effectively intercept and retain greases from grease-laden wastewaters discharged to the sanitary sewer system.

59. "Polar (animal and vegetable origin)" means any water or waste which has visible fats, oils or grease floating on the surface or adhering to the sides of the sample containers.

60. "Rendering/disposal company" is a business that possesses a Pierce County pumper certification.

61. "Uniform Plumbing Code (UPC)" is what governs the requirements for the installation, alteration, removal, replacement, repair or construction of all plumbing.

62. "System development charge" or "SDC" means a fee charged to connect to the public sewer system, which represents the user's equitable share of the cost of the system, pursuant to RCW 35.92.025.

63. "Gravity grease interceptor (GGI)" means an interceptor whose rated flow exceeds 50 gallons per minutes (gpm), has a minimum storage capacity of 500 gallons, and serves one or more fixtures, which is remotely located underground and outside of a food service facility. It is designed to collect, contain or remove food waste and grease from the sewer waste stream while allowing the balance of the liquid waste (gray water) to discharge to the wastewater collections system by gravity.

64. "Hydromechanical grease interceptor (HGI)" means an interceptor whose rated flow is less than 50 gallons per minute (gpm), which uses a combination of gravitational, fluid motion, and other materials-separation techniques, air entrainment, interior baffling, and other barriers to collect, contain, or store FOG. These interceptors are usually located inside the facility.

65. "Oil/water separator" means a large capacity underground vault installed between a drain and the connecting sewer pipe. These vaults are designed with baffles or coalescing plates to trap sediments and retain floating oils. (Ord. 1581 § 2, 2017; Ord. 1580 § 10, 2017; Ord. 1510 § 1, 2015; Ord. 1333 § 1, 2009; Ord. 1266 § 1, 2007; Ord. 1221 § 3, 2007; Ord. 892 § 2, 2001; Ord. 692 § 5, 1994; Ord. 571C § 3, 1992; Ord. 561 Art. I § 1, 1985).

#### **13.12.020 Inspectors – Powers and authority.**

The director of public works and other duly authorized employees of the city, having proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this chapter. The director of public works or his representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment. (Ord. 561 Art. VII § 1, 1985).

#### **13.12.030 Safety rules and liability.**

While performing the necessary work on private properties referred to in BLMC [13.12.020](#), the director of public works or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the city employees, and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions, as required in BLMC [13.12.340](#). (Ord. 561 Art. VII § 2, 1985).

**13.12.040 Easement conditions.**

The director of public works, or his duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within the easement. All entry and subsequent work, if any, on the easement shall be done in full accordance with the terms, if any, of the duly negotiated easement, pertaining to the private property involved. (Ord. 561 Art. VII § 3, 1985).

**13.12.050 County health officer requirements.**

No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by the county health officer. (Ord. 561 Art. III § 5, 1985).

**13.12.060 Use of public sewers required.**

A. It is unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the city, or in any area under the jurisdiction of the city, any human or animal excrement, garbage or other objectionable waste.

B. It is unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of the city, any sewage or other polluted waters, except where said discharge is approved by state and/or federal regulatory agencies having jurisdiction and the city of Bonney Lake.

C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage. (Ord. 561 Art. II §§ 1, 2, 3, 1985).

**13.12.070 Toilet facilities required.**

*Repealed by Ord. 1151.* (Ord. 892 § 3, 2001; Ord. 578 § 1, 1986; Ord. 561 Art. II § 4, 1985).

**Article II. Service and Connection Charges****13.12.080 Schedule establishment.**

The city council, by ordinance, shall establish the conditions requiring connection to the public sewer system, the connection and system development charges, and the monthly sewer service rates to be charged to customers of the public sewer system. (Ord. 1382 § 1, 2011; Ord. 561 Art. VIII § 1, 1985).

**13.12.082 Sewer charges.**

A. Each single-family resident not requiring or using a city-owned grinder pump shall pay the following monthly fees for sewer services, effective on January 1, 2019, as follows:

|  |                   |
|--|-------------------|
|  | <b>January 1,</b> |
|--|-------------------|

| <b>Charge</b>   | <b>2019</b> |
|---|-------------|
| Sewer availability charge   | \$72.32     |
| Volumetric charge per 100 cubic feet (CCF) of monthly water consumption | \$4.50      |

The volumetric charge shall be capped at 10 CCF per month. Sewer availability charges shall be billed monthly. Volumetric charges for single-family residences shall be billed bimonthly.

B. Each single-family resident using a city-owned grinder pump shall pay the following monthly fees for sewer services:

| <b>Charge</b>   | <b>January 1, 2019</b> |
|---|------------------------|
| Sewer availability charge   | \$86.78                |
| Volumetric charge per 100 cubic feet (CCF) of monthly water consumption | \$4.50                 |

The volumetric charge shall be capped at 10 CCF per month. Sewer availability charges shall be billed monthly. Volumetric charges for single-family residences shall be billed bimonthly.

C. Discount for Senior Citizens and Disabled Persons. Owners of single-family residences who have qualified for real estate property tax exemption through the Pierce County assessor-treasurer’s office on the basis of age and/or disability, and who present proof thereof to the appropriate authority of the city, shall qualify and be entitled to a reduced sewer rate as may from time to time be set by the city council and as established as a 20 percent reduction from the sewer availability charge.

D. Sewer Service Charges for Customers Other than Single-Family Residential.

1. Multifamily and duplex customers on a single water meter shall pay the single-family sewer availability charge (no grinder pump) for each unit. The volumetric charge shall be capped at eight CCF per unit per month for multifamily customers.

2. Mobile home park customers shall be charged at the single-family rate. Where multiple mobile home units use one water meter, each unit shall pay the single-family sewer availability

charge (no grinder pump). The volumetric charge shall be capped at 10 CCF per unit per month.

3. Nonresidential customers, including commercial, retail, office, recreational vehicle parks, industrial, and churches, shall pay one single-family sewer availability charge (no grinder pump) per installed water meter. There shall be no volumetric cap for nonresidential customers.

4. Sewer charges for customers other than single-family residential shall be billed monthly.

E. In the event of a water leak, upon following procedures as set forth in BLMC [13.04.100\(G\)](#), the adjustment to the volumetric portion of the sewer charge shall be two-thirds of that portion of the customer's consumption bill. (Ord. 1577 § 1, 2017; Ord. 1565 § 1, 2016; Ord. 1465 § 7, 2013; Ord. 1430 § 1, 2012; Ord. 1405 § 1, 2011; Ord. 1278 § 1, 2008; Ord. 1129 § 3, 2005; Ord. 1098 § 1, 2005; Ord. 1082 § 1, 2004; Ord. 1047 § 1, 2004; Ord. 916 § 1, 2002; Ord. 909 § 1, 2002; Ord. 892 § 4, 2001; Ord. 828 § 4, 1999; Ord. 692A § 4, 1994; Ord. 571C § 2, 1992; Ord. 692 § 6, 1994).

Code reviser's note: Effective January 1, 2019, the rates in this section have been updated pursuant to BLMC [13.12.085](#), which permits this update without an adopting ordinance.

#### **13.12.085 Annual rate adjustment.**

Effective January 1, 2019, the sewer rates listed in BLMC [13.12.082](#) shall be adjusted upwards by 15 percent.

Effective January 1, 2020, the sewer rates listed in BLMC [13.12.082](#) shall be adjusted upwards by eight percent.

Effective January 1, 2021, the sewer rates listed in BLMC [13.12.082](#) shall be adjusted upwards by eight percent.

Effective January 1st of each year, beginning on January 1, 2022, the sanitary sewer rates listed in BLMC [13.12.082](#) shall be adjusted by the annual change in the most recent Seattle Area Consumer Price Index (Urban Consumers) published by the U.S. Department of Labor. (Ord. 1607 § 1, 2018; Ord. 1577 § 1, 2017; Ord. 1465 § 8, 2013).

#### **13.12.090 Grinder pump service charges.**

For every building using a domestic grinder lift pump utilizing electric power furnished by the city or maintained by the city, there shall be an additional monthly charge of \$20.00 to reimburse the city for the cost of the electric power and/or for maintenance or service on the pumps. (Ord. 1577 § 1, 2017; Ord. 1405 § 2, 2011; Ord. 1350 § 1, 2010; Ord. 561 Art. VIII § 2, 1985).

#### **13.12.100 Sewer service applications and connection charges.**

A. All applications for sewer service shall be made by the property owner or authorized agent. The

records of the Pierce County auditor shall be prima facie proof of property ownership. The applicant shall furnish the city such information as may be required on the city's application form. The applicant shall agree to conform to the rules and regulations for the operation of the city's sewer system as set forth in this chapter. Applications for sewer service shall expire in 180 days if no sewer permit has been issued. A 180-day extension may be granted for justifiable cause, including but not limited to extension of the related building permit application for 180 days.

B. No connection shall be made to the city's sewer system without a sewer permit having been issued. Sewer permits shall expire if no connection has been made within 180 days of issuance. A 180-day extension may be granted for justifiable cause, including but not limited to extension of the related building permit for 180 days.

C. Charges to connect to the city sewer system shall be due and payable upon issuance of a permit for connection to the city sewer system and shall be charged at the rate in effect at the time of application for sewer service pursuant to this chapter.

D. Residential System Development Charges (SDC).

1. The SDC for a single-family residence (new construction) shall be the charge applicable to one residential equivalent (RE), \$11,606 effective May 1, 2019.

2. The SDC for an existing single-family residence served by an on-site septic disposal system shall be the charge applicable to one residential equivalent (RE), \$11,606 effective May 1, 2019.

3. The SDC for each unit of a duplex shall be the charge applicable to one residential equivalent (RE) unit, \$11,606 effective May 1, 2019.

4. In addition to the SDC provided in this subsection, there shall be a surcharge of \$2,568 for each residential equivalent (RE) connection to the sewer system within the Fennel Creek sewer lift station service area, as shown on Exhibit "A" attached to the ordinance codified in this section and on file in the office of the city clerk.

5. The SDC for multifamily residential buildings with more than two units shall be as follows:

- a. Eighty percent of the SDC applicable to one residential equivalent (RE) per dwelling unit for three or more bed/bonus room units;
- b. Seventy percent of the SDC applicable to one residential equivalent (RE) per dwelling unit for two bed/bonus room units;
- c. Sixty percent of the SDC applicable to one residential equivalent (RE) per dwelling unit for one bed/bonus room unit;

d. Fifty percent of the SDC applicable to one residential equivalent (RE) per dwelling unit for studio/efficiency units.

E. Sewer SDCs shall not be applicable to an accessory dwelling unit (ADU) permitted pursuant to BLMC 18.22.090, so long as a second connection to the city's sewer system is not required by applicable codes or requested by the owner. If an ADU is platted, sold independently, or otherwise segregated from the property, and no SDC had been paid for the ADU, the owner of the ADU shall pay the SDC applicable at the time of sale or segregation. If a reduced SDC was paid for the ADU, the owner of the ADU shall pay the difference between that reduced SDC and the SDC applicable at the time of segregation.

F. Nonresidential SDCs.

1. SDCs shall be levied for each new sewer service connection to the city sewer system and for service upgrades generating additional flow or loading.

2. SDCs for existing nonresidential uses that convert from septic to sewer shall be based on the most recent 12 months of water use records. The following formula shall be used to determine the number of REs an existing building is equivalent to: (average daily water use plus 113 gallons per day) divided by 275 gallons per day.

3. Connection charges for new nonresidential construction shall be the calculated residential equivalents based on the residential equivalent value given in Schedule A, Nonresidential Sewer Equivalents, which is hereby incorporated by reference as now or hereafter amended.

4. Sewer connection charges for new tenant improvements shall be the calculated residential equivalents based on the residential equivalent value listed in Schedule A. If a former tenant or building owner paid a connection charge for the space a new tenant is occupying, the new tenant shall be charged only that portion of the connection charge which reflects the increased use over the previous tenant(s), based upon the business types of the new and previous tenant found in Schedule A; provided, however, that once a connection charge has been paid for the original connection and the first and second tenant improvements in the same space, there shall be no additional connection charges assessed thereafter for subsequent tenant improvements. Connection charges shall not be charged for tenant improvements which are accessory to the primary use of the structure, less than 2,000 square feet in size, and have an occupancy load of less than 50 occupants.

5. The calculation of residential equivalents given in Schedule A, Nonresidential Sewer Equivalents, and attached to the ordinance codified in this section, shall be updated annually as needed.

6. In addition to the connection fee for nonresidential uses provided in this subsection, there shall be a surcharge of \$2,568 for each residential equivalent (RE) connection to the sewer

system within the Fennel Creek sewer lift station service area, as shown on Exhibit "A" attached to the ordinance codified in this section and on file in the office of the city clerk.

7. Sewer SDC Exemptions for City Facilities.

- a. Existing City Facilities. New sewer connections installed by the city in existing city parks and other existing city facilities shall be exempt from paying SDCs.
- b. New or Expanded City Facilities. Facilities built to provide sewer system services shall be exempt from paying sewer SDCs.

G. Sewer Availability Certificate. The following fee schedule applies to complete sewer availability forms for submission to Pierce County or other entities or jurisdictions.

1. No modeling or analysis required: \$100.00.
2. Sewer flow modeling or analysis: \$700.00. (Ord. 1613 § 1, 2019; Ord. 1577 § 2, 2017; Ord. 1557 § 1, 2016; Ord. 1517 § 2, 2015; Ord. 1493 § 2, 2014; Ord. 1477 § 3, 2014; Ord. 1230 § 21, 2007; Ord. 1221 § 4, 2007; Ord. 1207 § 1, 2006; Ord. 1094 § 2, 2005; Ord. 1083 § 2, 2004; Ord. 968 § 2, 2002; Ord. 919 § 2, 2001; Ord. 787 §§ 1, 2, 1998; Ord. 571C § 1, 1992; Ord. 561 Art. VIII § 3, 1985).

**13.12.105 Calculation of nonresidential sewer connection charges.**

*Repealed by Ord. 1477.* (Ord. 1423 § 1, 2012; Ord. 1395 § 1, 2011; Ord. 571C § 4, 1992).

**13.12.108 Changed conditions – Increased wastewater flows, BOD or S.S.**

Except as provided under subsection C of this section, the city shall have the right to charge an owner of a parcel of property already connected to the city sewer system an additional connection charge and increase the monthly sewer service charge if:

- A. Wastewater flows disposed of into the city sewer system have increased above originally paid-for flows.
- B. BOD and/or S.S. are found to be greater than 250 mg/l and 250 mg/l, respectively.
- C. Once a connection charge has been paid for the original connection and the first tenant improvement, an additional connection charge may be required for the next tenant improvement to the same space if wastewater flows are projected to increase above the previously paid-for flows. Thereafter, there shall be no additional connection charges. (Ord. 1423 § 2, 2012; Ord. 571C § 5, 1992).

**13.12.110 Charges become lien on property – Enforcement.**

All charges for sanitary sewage disposal service and for connections with the sewerage system, together with the penalties and interest thereon as provided in this article, shall be a lien upon the

property upon which such connection is made or sewage disposal service is furnished, superior to all other liens or encumbrances except those for general taxes and special assessments. Enforcement of such lien or liens shall be in the manner provided by law for the enforcement of the same and for delinquent sewage disposal service charges. (Ord. 561 Art. VIII § 4, 1985).

**13.12.120 Late payment – Penalty and discontinuance of service.**

*Repealed by Ord. 1151. (Ord. 768 § 3, 1998; Ord. 561 Art. VIII § 5, 1985).*

**13.12.125 Sewer bills – Payment and collection.**

*Repealed by Ord. 1151. (Ord. 768 § 6, 1998).*

**Article III. Sewer Connections Mandatory**

**13.12.130 Sewer connections mandatory.**

A. Sewer Connections Mandatory. All new development must connect to the public sewer system unless an exception or special provision in this section has been met.

B. Exception for Single-Family Residential and Duplex. Where a public sanitary sewer is over 200 feet from a lot of record (as measured along centerline of right-of-way or easement from end of sewer main to intersection of right-of-way centerline and extension of the nearest property line), a private wastewater disposal system may be installed in conjunction with the construction of an individual single-family home or duplex if the Tacoma-Pierce County health department has issued a permit for the private wastewater disposal system.

C. Limits on Use of Private Wastewater Disposal Systems. Where a private wastewater disposal system predates the enactment of this section or has been permitted pursuant to subsection B of this section, the private wastewater disposal system may be used so long as it is functioning properly; provided, that:

1. When a gravity public sewer main with a side sewer connection has been installed in any street, alley, or right-of-way abutting the property line, the property must connect to the public sewer at the time of sale or substantial improvement as defined in BLMC 16.20.030; and
2. When a public sewer main has been installed to or across the property line, the property must connect to the public sewer if the private wastewater disposal system fails or requires replacement;
3. If a property is not connected to the public sewer at the time a connection is required under this section, the city shall levy penalties in an amount equivalent to such charges that would be levied if said property were connected, pursuant to RCW 35.67.190.

D. Special Conditions for Easttown Zoning District. Properties within the Easttown zoning district may continue to use existing private wastewater disposal systems for existing or changed uses and

may install new private wastewater disposal systems in conjunction with changes of use or new construction. The Tacoma-Pierce County health department must issue a permit for all private wastewater disposal systems. Applicants for development approvals or permits, including but not limited to site plan approvals, building permits, tenant improvements, and certificates of occupancy, shall, at the time of permitting, execute an agreement with the city containing the following provisions:

1. A covenant, which shall run with the land and bind future owners of the property, to connect to public sewer service within one year of when sewer service becomes available. For purposes of this section, sewer service is available when an active public sewer main reaches the property line or is within 250 feet of the property line;
2. An agreement that system development charges and related charges, latecomer fees, and monthly sewer fees shall be due at the time public sewer service becomes available, and that unpaid charges will become a lien on the property;
3. An agreement to install public sewer infrastructure required by then current Bonney Lake Municipal Code, including dry lines located in a public sewer easement, at the time of temporary septic system construction;
4. An agreement that if future construction increases the sewer capacity required by the property, additional system development charges shall be paid;
5. A requirement to decommission the private wastewater disposal system at the time of sewer connection.

E. Financial Hardship. When connection to the sewer system becomes mandatory, an applicant may apply to the city to pay the sewer SDC on an installment payment plan. The application shall state that paying the SDC poses a financial hardship. The city may permit the applicant to pay the charge in monthly or annual installments (not both) for a period of not more than five years. An interest rate, as determined by the city's chief financial officer based on the current rate of return the city would receive otherwise, will be charged on the balance owing to the city. If the property is sold prior to full payment of the entire obligation, the entire remaining balance of the sewer SDC plus interest shall be due and payable at the time of sale. Any past-due installments and any remaining balance that are not paid at the sale will become a lien on the property. Payment plans shall not be allowed if payment of the sewer SDC becomes mandatory in accordance with subsection (C)(1) of this section. (Ord. 1599 § 1, 2018; Ord. 1590 § 1, 2018; Ord. 1560 § 1, 2016; Ord. 1477 § 5, 2014; Ord. 1453 § 3, 2013).

**13.12.140 Permit – Required.**

*Repealed by Ord. 1453. (Ord. 561 Art. III § 2, 1985).*

**13.12.150 Connection to public system required – When.**

*Repealed by Ord. 1453.* (Ord. 1446 § 2, 2012; Ord. 1288 § 1, 2008; Ord. 892 § 6, 2001; Ord. 561A § 1, 1987; Ord. 561 Art. III § 3, 1985).

**13.12.160 Sanitary operation.**

The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the city, in compliance with Pierce County health department regulations. (Ord. 561 Art. III § 4, 1985).

**Article IV. Building Sewers and Connections**

**13.12.170 Permit – Required.**

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the city. (Ord. 561 Art. IV § 1, 1985).

**13.12.180 Permit – Classes.**

There are two classes of building sewer permits; one for residential and commercial service; and the other, for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications or other information deemed pertinent in the judgment of the public works director. A permit and inspection fee for a residential or commercial building sewer permit, or an industrial building sewer permit shall be paid to the city at the time the application is filed. The amount of the fee shall be set by council resolution. (Ord. 561 Art. IV § 2, 1985).

**13.12.190 Owner to bear costs of construction.**

All costs and expense incident to the installation and connection of a building sewer and service connection shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer and service connection. (Ord. 561 Art. IV § 3, 1985).

**13.12.200 Use of old building sewers.**

Old building sewers may be used in connection with new buildings only when they are found on examination and test by the public works department to meet all requirements of this chapter. (Ord. 561 Art. IV § 4, 1985).

**13.12.210 Construction to comply with standard specifications.**

The size, slope, alignment, materials of construction of a building sewer and service connection and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of ASTM and WSDOT/APWA Standard Specifications, current edition, shall apply. (Ord. 561 Art. IV § 5, 1985).

**13.12.220 Construction to be below basement floor.**

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be pumped by an approved means and discharged to the building sewer. (Ord. 561 Art. IV § 6, 1985).

**13.12.230 Surface runoff or groundwater connections prohibited.**

No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which, in turn, is connected directly or indirectly to a public sanitary sewer. (Ord. 561 Art. IV § 7, 1985).

**13.12.240 Connection to comply with standard specifications.**

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the ASTM and the WSDOT/APWA Standard Specifications, current edition. All such connections shall be made gastight and watertight and a minimum of six inches in diameter. Any deviation from the prescribed procedures and materials must be approved by the director of public works before installation. (Ord. 561 Art. IV § 8, 1985).

**13.12.250 Inspection prior to connection.**

The applicant for the building sewer permit shall notify the public works department when the building sewer is ready for inspection and connection to the public sewer. The connection to the public sanitary sewer shall be made under the supervision of the public works director or his designee. (Ord. 561 Art. IV § 9, 1985).

**13.12.260 Barricades and lighting of excavations.**

All excavations for building sewer and service connection installation shall be adequately guarded with barricades and lights so as to protect the public from hazard, in accordance with the Manual of Uniform Traffic Control Devices. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city. (Ord. 561 Art. IV § 10, 1985).

**Article V. Improper Use of Public Sewers****13.12.270 Discharge of surface runoff and stormwaters.**

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer. (Ord. 561 Art. V § 1, 1985).

**13.12.280 Stormwater to be discharged into storm sewers.**

Stormwater and all other surface and groundwater drainage shall be discharged to such sewers specifically designated as storm sewers, or to a natural outlet approved by the public works

director. Industrial cooling water or unpolluted process waters may be discharged on approval of the director of public works and the State of Washington Department of Ecology to a storm sewer or a natural outlet. (Ord. 561 Art. V § 2, 1985).

**13.12.290 Prohibited wastewater discharges.**

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- A. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid, gas or petroleum products;
- B. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two mg/l as CN in the wastes as discharged to the public sewer;
- C. Any waters or wastes having a pH lower than 6.0, or having any other corrosive property capable of causing damage or hazard to pipe, structures, equipment and personnel of the sewage works;
- D. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works, such as, but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders;
- E. Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius);
- F. Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/l, or containing substances which may solidify or become viscous at temperatures between 32 and 150 degrees Fahrenheit (zero degrees and 65 degrees Celsius);
- G. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (9.76 hp metric) or greater shall be subject to the review and approval of the public works department;
- H. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions, whether neutralized or not;
- I. Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances, or wastes exerting an excessive chlorine requirement to such degree that any such

material received in the composite sewage at the sewage treatment works, exceed the limits established by the director of public works or Department of Ecology, for such materials;

J. Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the engineer, as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters;

K. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the engineer, in compliance with applicable state or federal regulations;

L. Any waters or wastes having a pH in excess of 9.0;

M. Materials which exert or cause:

1. Unusual concentrations of inert suspended solids, such as, but not limited to Fullers earth, lime slurries and lime residues, or of dissolved solids, such as, but not limited to sodium chloride and sodium sulfate,
2. Excessive discoloration, such as, but not limited to dye wastes and vegetable tanning solutions,
3. Unusual BOD, chemical oxygen demand, in excess of 250 mg/l, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works,
4. Unusual suspended solids in excess of 250 mg/l,
5. Unusual volume of flow or concentration of wastes constituting "slugs," as defined in this chapter;

N. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters. (Ord. 561 Art. V § 3, 1985).

### **13.12.300 Limitations and restrictions on discharges.**

No person shall discharge or cause to be discharged the substances, materials, waters, or wastes set out in BLMC [13.12.300](#) if it appears likely, in the opinion of the director of public works, that such wastes can harm either the sewers, sewage lift stations, sewage treatment process or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming his opinion as the acceptability of these wastes, the director of public works will give consideration to such factors as to the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, solid sizes and flow as it affects lift stations, nature of the sewage treatment process, capacity of

the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. (Ord. 561 Art. V § 4, 1985).

**13.12.310 Public works director – Authority to limit or prohibit discharges.**

A. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in BLMC [13.12.290](#), and which, in the judgment of the director of public works, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the director may:

1. Reject the wastes;
2. Require pretreatment to an acceptable condition for discharge to the public sewers;
3. Require control over the quantities and rates of discharge; and/or
4. Require payment to cover the added cost of handling and treating the wastes not covered by the existing taxes or sewer charges under the provisions of BLMC [13.12.350](#).

B. If the director of public works permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the director of public works and the State of Washington Department of Ecology, and subject to the requirements of applicable codes, ordinances and laws. (Ord. 561 Art. V § 5, 1985).

**13.12.320 FOG prevention requirements.**

A. Grease Interceptors Required. All commercial establishments discharging liquid waste containing grease in excessive amounts, or any flammable wastes, sand, or other ingredients that, in the opinion of the mayor or mayor's designee as set forth in BLMC [13.12.290](#) and [13.12.300](#), are harmful, shall be required to install, operate and maintain an approved type and adequately sized grease interceptor necessary to maintain compliance with the requirements of this section. The mayor or mayor's designee, in coordination with the public works and community development departments, shall set the parameters to determine the type of grease interceptor required for each commercial establishment. Such parameters shall be designed to ensure that commercial establishments use grease interceptors that meet the city's grease control requirements as described in BLMC [13.12.290](#) and [13.12.300](#). The parameters shall also ensure the minimization of polar and non-polar fats, oils and greases in amounts that cause a visible sheen on the discharge or in the public sewer system; the build-up of grease in any public sewer facility; accumulations either alone or in combination with other discharges that cause obstruction of the public sewer system; and any water or waste which contains more than 100 parts per million by weight of fats, oils and grease as measured using analytical procedures established in 40 CFR Part 136.

B. Best Management Practices Required. All commercial establishments discharging FOG are required to implement best management practices (BMPs) to reduce the quantity of fats, oil and

grease discharged to the sanitary sewer collection system. The mayor or mayor's designee shall develop guidelines on best management practices, and shall make said guidelines available to regulated establishments.

C. FOG Control Program. All commercial establishments discharging FOG are required to submit and adhere to a FOG control program as part of the business license application process. The goal of the program is to implement reasonable and technically feasible controls of free-floating FOG. The basic components of the program shall include:

1. A written program articulating management and corporate support for the plan and a commitment to implement planned activities and achieve established goals through the implementation and enforcement of best management practices;
2. A description of the facility type and a summary of the products made and/or service provided;
3. Quantities of fats, oils and grease brought into the facility, amounts contained in the product, and quantities discharged to the sanitary sewer;
4. A description of current reduction, recycling, and treatment activities. This includes a description of the type and capacity of pretreatment equipment used to collect FOG prior to discharge into the city sewer system;
5. Schematics of the process areas illustrating drains, interceptors, and discharge points connected to the sanitary sewer;
6. Specific performance goals and implementation schedule; and
7. Initial training for new employees and refresher training every six months.

D. Enzymes, Bacteria and Other Agents. The direct addition into the building plumbing, grease trap or interceptor of enzymes, chemicals or other agents designed to emulsify the grease compounds is prohibited. Any attempt to modify the trap into a biological reactor by adding bacterial or microbial agents is also prohibited.

E. Grease Interceptor Standards.

1. Grease interceptors are limited to one of two types:
  - a. Hydromechanical grease interceptors (HGI); or
  - b. Gravity grease interceptors (GGI);
2. Each facility is solely responsible for the cost, installation, cleaning and maintenance of the grease interceptor;

3. Grease interceptor sizing and installation shall conform to the requirements contained in the current edition of the Uniform Plumbing Code (UPC) or other criteria as determined by the mayor or mayor's designee on a case by case basis based on review of relevant information, including but not limited to grease interceptor performance, waste stream characteristics, facility location, maintenance needs, and/or inspection needs;
4. The minimum storage capacity of any gravity grease interceptor is 500 gallons. Supporting sizing calculations shall be submitted to the city for approval;
5. Grease interceptors shall be installed in accordance with city standard details;
6. Grease interceptors shall be installed at a location where they are easily accessible for sample collection, inspection, and cleaning and removal of retained grease;
7. Grease interceptors shall be located in the lateral line between all fixtures which may introduce grease into the sanitary sewer and the connection to the sanitary sewer collection system. Such fixtures shall include but are not limited to sinks, dishwashers, floor drains for food preparation and storage areas, mop sinks, and any other fixture which is determined to be a potential source of grease;
8. Under no condition is any commercial or noncommercial establishment or residential property allowed to discharge liquid waste containing grease, or any flammable wastes, or other harmful ingredients, in the opinion of the public works director as set forth in [BLMC 13.12.290](#) and [13.12.300](#), into a stormwater system;
9. Grease interceptors shall be equipped with a sampling port at the outlet of the interceptor. Inspection tees and manholes must enable the city to monitor and test the discharge for compliance with the city's codes and regulations;
10. Grease trap or interceptor design and sizing criteria are based on gravimetric separation for grease and solids removal.

F. Inspection. The city of Bonney Lake shall inspect grease interceptors and grease traps on both a scheduled basis and unscheduled, unannounced basis to determine whether the requirements set forth in this section are being met. Each establishment using a grease interceptor or grease trap shall allow city of Bonney Lake officials bearing proper credentials and identifications access at all reasonable times or during normal hours of operation for the purpose of inspection, observation, records examination, measurement, sampling and testing in accordance with the provisions of this section. Refusal to allow entry on site, threatening behavior, and/or refusal to schedule an appointment for entry shall constitute a violation of this section. The city shall have the right to set up on any user's property devices necessary for conducting wastewater sampling inspection, compliance monitoring and/or metering operations. All costs for laboratory collection and analysis

shall be the responsibility of the establishment. During inspection, at a minimum city officials shall consider the following:

1. Grease interceptors shall be considered out of compliance if the total volume of grease and solids displaces more than 10 percent of the effective volume of the final chamber of the interceptor. Grease interceptors must be serviced and emptied of accumulated waste content as needed in order to maintain a minimum design capability or effective volume, but not less than once every 90 calendar days;
2. Sanitary wastes shall not be introduced into the grease interceptor;
3. Any facility that has a grease interceptor shall utilize a licensed rendering/disposal company to clean the interceptor and dispose of the waste;
4. Wastes removed from a grease interceptor shall be disposed of at a facility permitted to receive such waste. Neither grease, solids nor liquids removed from grease interceptors shall be returned to any grease interceptor, private sanitary sewer line, any portion of the sanitary sewer collection system or any portion of the stormwater system;
5. All facilities shall maintain a written record of inspection and maintenance activities and the rendering/disposal company manifest for a minimum of three years. All such records shall be submitted to the city and made available for on-site inspection during all operating hours;
6. Flushing the grease interceptor with large quantities of water in an effort to cause accumulated grease to pass through is prohibited; and
7. No debris or storage units shall be stacked or placed within a three-foot radius of the grease interceptor's access lids or sampling ports.

G. Monitoring and Reporting. Each establishment with a grease interceptor or grease trap shall retain maintenance records showing at a minimum the date of service, volume pumped, name of waste hauler, and waste disposal location for each grease removal device located on the premises. The records shall be kept a minimum of three years and provided to the city upon request.

H. Notice of Noncompliance, Compliance, and Violation. In the event that a grease interceptor or other grease removal device fails a visual or effluent sample analysis inspection, or any other condition exists that does not comply with this chapter, the user shall be given a written notice of noncompliance (NONC) and must take immediate steps to bring the grease interceptor or other grease removal device into compliance. The city-issued NONC shall set a time limit for compliance of 21 calendar days after the NONC is issued; however, the NONC time limit may be adjusted in a way that is appropriate to the nature and degree of noncompliance, the nature of the needed repairs, and whether the noncompliance creates the need for emergency repairs. The user is responsible for all associated costs to bring their grease interceptor into compliance. The city will

re-inspect the grease interceptor at the conclusion of the time limit for compliance. Should the user rectify the noncompliant condition and pass their re-inspection, the user shall be issued a notice of compliance (NOC) and no further action will be necessary.

Should the user not rectify the noncompliant condition, the user shall receive a notice of violation (NOV) and fines will be assessed in the following manner:

1. First violation: \$500.00 fine.
2. Second violation within 12 months of receiving the first NONC: \$1,000 fine.
3. Third violation within 12 months of receiving the first NONC: \$2,000 fine.
4. To encourage regular maintenance and discourage repeat violations, the third issuance of a NONC for the same or similar noncompliant condition within 12 months of receiving the first NONC shall result in a fine of \$1,500, even if the violations have been corrected.
5. Fourth and subsequent violations within 12 months of receiving the first NONC: an additional fine of \$4,000.
6. Termination of Service. In addition to the foregoing penalties and not in any way a limitation thereof, chronic violators may be subject to termination of water service by the city if they incur six or more NOV's in a 12-month period.
7. If an obstruction of the sanitary sewer collection system occurs that causes a sanitary sewer backup and/or overflow and such overflow is attributed in part or in whole to an accumulation of grease in the sanitary sewer main line, the city of Bonney Lake will take appropriate enforcement actions against the generator or contributor of such grease. These actions may include a civil action for recovery of all costs associated with clean-up activities and repair of any damaged facilities.
8. Any person who knowingly makes any false statements, representation, record, report, or other document filed with the city or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this document is subject to administrative fines or facility closure as outlined in BLMC 1.16.010 and 1.16.020.
9. Appeals. Issuance of an NOV and penalties shall be subject to appeal. An appeal may not be filed simply because the violator does not want to pay a penalty. In order for an appeal to be filed and considered, the appellant must have a basis for appeal and be able to document that city inspectors erred in finding the establishment to be out of compliance with the standards and practices outlined in this chapter. Requests for appeal shall be in writing, addressed to the mayor or designee, submitted within 15 calendar days of the NOV or penalty, and accompanied by an appeal fee of \$50.00. The request for appeal shall set forth the basis

of the dispute and the facts supporting the appeal. The appeal shall be heard by the mayor or designee within 60 calendar days. After the hearing, the mayor or designee shall uphold, modify, or reverse the decision. The written decision shall be sent by certified mail to the appellant. The decision on appeal shall be final.

I. Exemptions. The mayor or mayor's designee may approve exemptions to the procedures set forth in this section upon request by a business and upon confirmation by the director, in his sole discretion, that such exemption is warranted. Criteria for approval of such an exemption may include businesses that do not cook food on site and as a result do not generate more grease than a single-family residence does. The mayor or mayor's designee may condition approval of an exemption upon terms that he deems appropriate under the circumstances. Any business seeking such an exemption shall submit a written request and justification to the mayor or mayor's designee. (Ord. 1579 § 1, 2017; Ord. 1510 § 2, 2015; Ord. 1266 § 2, 2007; Ord. 561 Art. V § 6, 1985).

**13.12.330 Owner to perform facilities maintenance.**

Where preliminary treatment or flow equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner, at his expense. The owners of pretreatment facilities will be required to obtain a discharge permit from the State of Washington Department of Ecology for discharge to the city's sanitary sewer system. (Ord. 561 Art. V § 7, 1985).

**13.12.340 Installation of observation facilities.**

When required by the director of public works, the owner of any property serviced by a building sewer shall install a suitable control manhole, together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the flow rates and waste concentration. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the director of public works. The manhole shall be installed by the owner, at his expense, and shall be maintained by him, so as to be safe and accessible at all times. (Ord. 561 Art. V § 8, 1985).

**13.12.350 Determination of sampling and testing methods.**

A. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be in the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property.

B. The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD<sub>5</sub> and suspended solids analyses are obtained from 24-hour composites of all outfalls, whereas pH is determined from periodic grab samples. The individual dischargers shall be responsible for the cost of testing, either periodically and/or as requested by the city. (Ord. 561 Art. V § 9, 1985).

**13.12.360 Article provisions not to limit special agreements.**

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the city and any industrial concern, whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor, by the industrial concern. (Ord. 561 Art. V § 10, 1985).

**Article VI. Enforcement**

**13.12.370 Protection from damage.**

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works. Any person violating this provision shall be guilty of a misdemeanor and in addition may be liable for damages or subject to abatement proceedings in a civil action in which the city may, in addition to its other remedies, recover a reasonable cost and attorney's fee for bringing the action. (Ord. 561 Art. VI, 1985).

**13.12.380 Violation – Penalty.**

A. Unless otherwise specified any person found to be violating any provision of this chapter shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

B. Any person who shall continue any violation beyond the time limit provided for in the notice of violation shall be guilty of a misdemeanor. Each day in which any violations continue shall be deemed a separate offense.

C. Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss or damage occasioned by the city by reason of such violation and a reasonable attorney's fee plus costs if legal action is necessary to enforce the city's rights herein. (Ord. 1579 § 2, 2017; Ord. 561 Art. IX, 1985).

**13.12.390 Extensions of sewer system – Design review – Expense.**

A. If a developer or other person desires to extend the public sewer system, the developer may do so under contract with the city and at the developer's own expense; provided, the developer can comply with all the standards and conditions and other requirements of the city.

B. All developers shall furnish the city complete plans, cost estimates and specifications for the proposed extension of sewer service. The developer may consult the city's public works director, prior to designing a sewer system in order to expedite such design. Inspection of the construction will be by the city public works director or his designee, the cost of which shall be paid by the developer. The public works director may determine that the city will contract directly with a consultant for a review of the developer's extension or installation plans and may bill the cost of such consultant to the developer. The public works director shall advise the applicant of the estimated costs of the inspection and review prior to the incurring of those costs; the applicant shall post bond, or otherwise ensure payment of such costs.

C. The city reserves the right to approve or reject any developer's extension or installation. All materials shall be new and bills of materials and evidence of payment of all bills and other necessary data will be required prior to acceptance of the new sewer system extensions. Prior to acceptance by the city the developer must convey the extension to the city together with all necessary easements before actual connection. (Ord. 561B § 1, 1994).

## Chapter 13.16 DEVELOPER EXTENSIONS<sup>1</sup>

Sections:

**13.16.010 Purpose.**

**13.16.020 Definitions.**

**13.16.030 Developer extensions – Latecomer agreements.**

**13.16.040 Administrative fee.**

**13.16.050 Allowable costs.**

**13.16.060 Process for latecomer agreements and assessment reimbursement areas.**

**13.16.070 Severability.**

### **13.16.010 Purpose.**

The purpose of this chapter is to establish regulations, as authorized by RCW 35.91.020, regarding the execution and administration of agreements for reimbursement, or “latecomer agreements,” under Chapter 35.91 RCW. (Ord. 1553 § 1, 2016; Ord. 1528 § 1, 2015; Ord. 1386 § 1, 2011; Ord. 1327 § 1, 2009; Ord. 898 § 1, 2001).

### **13.16.020 Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

- A. “Benefitting party” means any parcel that can utilize a utility extension consistent with the Growth Management Act and the city’s public works standards.
- B. “City-initiated assessment reimbursement area” means an area of the city’s utility service area where city ordinances require water or sewer facilities to be improved or constructed as a prerequisite to further property development or redevelopment, which would require construction or improvement of water or sewer facilities upon development or redevelopment, or would be allowed connection to or usage of constructed or improved water or sewer facilities, for which the city has financed all of the costs associated with the construction or improvement and becomes the sole beneficiary of reimbursements.
- C. “Construction costs” means the sum of all costs incurred to construct utility system improvements, including direct construction costs and preconstruction costs related to design and engineering. The cost of construction shall not include costs that will be reimbursed by other means, at the time of construction or development, such as credits or grants.
- D. “Developer extension” means an extension of existing city utility facilities to enable previously unserved properties to be served, which extension is undertaken and paid for by any person other

than the city.

E. “Developer extension agreement” means an agreement setting the terms, conditions and standards by which a person agrees to undertake a developer extension.

F. “Person” means any individual person or any public or private entity or organization other than the city.

G. “Utility” means water, stormwater or sanitary sewer service.

H. “Utility latecomer agreement (ULA)” means a contract authorized by RCW 35.91.020 between the city and a developer who constructs or participates in the construction of a developer extension, whereby the city agrees to transmit pro rata share payments, made by persons seeking to connect to the developer extension, to the developer. Pursuant to RCW 35.91.020, if the city contributes to the financing of water, sanitary sewer or stormwater facility projects, it has the same rights to collect reimbursements as do private owners of real estate that enter into latecomer agreements with the city under this chapter. (Ord. 1553 § 1, 2016; Ord. 1528 § 1, 2015; Ord. 1386 § 1, 2011; Ord. 1327 § 1, 2009; Ord. 898 § 2, 2001).

#### **13.16.030 Developer extensions – Latecomer agreements.**

A. No developer extension shall be undertaken without prior execution of a developer extension agreement. The mayor or designee may approve and enter into developer extension agreements on forms prepared by the city attorney. In any case where a latecomer agreement is contemplated in connection with a developer extension, the latecomer agreement shall be finalized, approved and executed prior to or simultaneous with the city’s acceptance of ownership of the developer extension.

B. No latecomer agreement may be approved in which the city funds more than 95 percent of the direct construction cost, as defined in BLMC [13.16.020\(C\)](#); provided, that this shall not preclude the city from establishing a city-initiated assessment reimbursement area. (Ord. 1574 § 1, 2017; Ord. 1553 § 1, 2016; Ord. 1528 § 1, 2015; Ord. 1425 § 1, 2012; Ord. 1386 § 1, 2011; Ord. 1327 § 1, 2009; Ord. 898 § 3, 2001).

#### **13.16.040 Administrative fee.**

The city’s administrative fee for a latecomer agreement shall be five percent of the direct construction cost and shall be charged to each latecomer; provided, that the city shall not include administrative costs in reimbursements obtained through a city-initiated assessment reimbursement area. Engineering, design, and construction management costs are not considered “administrative” and may be included in the assessment.

In addition to any fee provisions which may be included with any latecomer agreement executed pursuant to this chapter to recover the city’s administrative costs, there shall be charged to any person requesting a latecomer agreement pursuant to this chapter a fee of \$500.00 to cover the

cost of public notification, agreement review, development, and city council process time. No request for a latecomer agreement shall be processed unless such fee has been paid. No administrative fees shall be charged for city-initiated assessment reimbursement areas. (Ord. 1553 § 1, 2016; Ord. 1528 § 1, 2015; Ord. 1386 § 1, 2011; Ord. 1327 § 1, 2009; Ord. 898 § 4, 2001).

**13.16.050 Allowable costs.**

Recoverable costs may include all costs reasonably associated with the extension or improvement, including direct construction costs and preconstruction costs. The mayor or designee may develop policies for cost recovery methodology that accurately and fairly capture the reimbursable costs of improvements consistent with Chapter 35.91 RCW.

Initial latecomer fees established when all costs are finalized shall be updated annually at a rate adjusted in accordance with the Engineering News Record (ENR) Construction Cost Index (CCI) for the Seattle area, using a November through November annual measure to establish revised fee schedules effective January 1st of each year.

**Eastown Northern Sewer ULA (Res. 2265)**

|                        |          |
|------------------------|----------|
| Fee/acre               | \$17,087 |
| LLC reimbursement/acre | \$631.00 |

(Ord. 1553 § 1, 2016; Ord. 1528 § 1, 2015; Ord. 1425 § 2, 2012; Ord. 1386 § 1, 2011; Ord. 1327 § 1, 2009; Ord. 898 § 5, 2001).

Code reviser’s note: Effective January 1, 2019, the rates in this section have been updated pursuant to this section, which permits this update without an adopting ordinance.

**13.16.060 Process for latecomer agreements and assessment reimbursement areas.**

A. For city-initiated assessment-reimbursement areas, a preliminary determination of benefitting area boundaries and assessments, along with a description of the property owners’ rights and options, shall be forwarded by certified mail to the property owners of record within the proposed assessment area. If any property owner requests a hearing in writing within 20 days of the mailing of the preliminary determination, a hearing shall be held before the city council, notice of which shall be given to all affected property owners. Subsequent to all requested hearings and execution of the latecomer agreement, the city council’s ruling is determinative and final.

B. The mayor or designee shall review and approve latecomer agreements to which the city is not a party. The city council shall review and approve city-initiated assessment reimbursement areas and latecomer agreements to which the city is a party.

C. The utility latecomer agreement, or in the case of a city-initiated assessment reimbursement

area the final determination of the assessment reimbursement area boundaries and assessments, must be recorded in the Pierce County auditor's office. If the utility latecomer agreement or final determination is so filed, it shall be binding on owners of record within the assessment area.

D. The city shall record in the office of the Pierce County auditor, against every property in the reimbursement area, a notice of additional water, sanitary sewer, or stormwater connection charges pursuant to RCW 65.08.170.

E. Any developments or short plats that are connecting to a utility where a latecomer agreement applies shall pay the latecomer fees at final plat. Latecomer fees paid at final plat will be exempt from administration fees. All lots of record identified in the latecomer agreement will pay the applicable latecomer fee when their building permit is issued or, for existing buildings, when the utility connection is made. (Ord. 1553 § 1, 2016; Ord. 1528 § 1, 2015; Ord. 1386 § 1, 2011; Ord. 1327 § 2, 2009).

#### **13.16.070 Severability.**

If any section, sentence, clause or phrase of this chapter should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this chapter. (Ord. 1553 § 1, 2016; Ord. 1386 § 2, 2011; Ord. 898 § 6, 2001. Formerly 13.16.900).

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<sup>1</sup> Code reviser's note: Section 7 of Ord. 898 provides:

Section 7. The provisions of this Ordinance shall apply to any developer extension for which an executed developer extension agreement existed as of the effective date of this Ordinance where such developer extension has not yet been transferred to and accepted by the City; provided, that the provisions of Section 3 subsection (B) of this Ordinance shall not apply to any such developer extension.

**Chapter 13.20**  
**UTILITY COLLECTIONS**

Sections:

**13.20.010 Utility bills – Payment and collection.**

**13.20.020 Shut-off notice.**

**13.20.010 Utility bills – Payment and collection.**

A. Inasmuch as the city provides year-round facilities for supplying water and collecting wastewater and stormwater, all users will be billed on a continuing basis for the water and sewer availability. Billings shall continue during periods of non-use, including periods when the water has been disconnected due to delinquency or when a structure is unoccupied. Pursuant to the enabling authority contained in Chapter 35.92 RCW, property owners shall be responsible for all utility charges.

B. The city shall mail all utility bills to the property owner. The property owner shall be responsible for payment of the utility bill in accordance with this chapter. The owner of the premises to which the utility service is attached shall be responsible for the payment of all penalties, connections, shut-offs, turn-on, service charges and liens. Utility billings for any property occupied by someone other than the owner shall be billed to the owner. Upon the written request of the owner, a copy of the bill may be sent to a tenant; provided, however, even upon such written request being made, the owner shall remain responsible for the payment of all charges under this chapter. Failure to receive mail will not be recognized as a valid excuse for failure to pay bills when due.

C. Changes in ownership of property and changes in mailing address must be filed with the finance department on forms provided by the city for that purpose.

D. Availability charges will be assessed on a monthly basis. Meters will be read at least bimonthly and water consumption billed thereafter. Charges for utility services shall be due and payable on the fifteenth of the month. A monthly penalty of two percent of the past due balance but not less than \$10.00 shall be charged to all delinquent accounts.

E. The city is authorized to discontinue the water service 30 days after the utility billing date if the bill is past due. The property owner will be notified by mail on the following statement regarding any past due amount. In order to have a discontinued service reinstated during the normal working hours of 8:00 a.m. to 4:00 p.m., Monday through Friday, all charges plus the turn-on fee of \$100.00 must be paid. Reinstatement outside the normal working hours 8:00 a.m. to 4:00 p.m., Monday through Friday, requires a payment of all charges plus a turn-on fee of \$150.00.

F. If a bill becomes past due, no officer, agent, or employee of the city may process any application for a permit or license from the city, when such application has been requested by the person in whose name an account stands past due or when the delinquent utility bill is against the property or

business to which the application for permit or license pertains. This requirement shall remain in effect until the past due account is paid in full.

G. The city is authorized to establish payment plans for past due utility customers meeting standard city guidelines for financial hardship. Such guidelines may be adopted and revised from time to time by the finance director. Payment plans are subject to a setup charge. Failure to abide by the terms of the payment plan arrangement shall be cause for shut-off and discontinuance of utility services until the total utility charges that are due are paid in full.

H. The finance director or designee is hereby authorized and directed to promulgate administrative policies and procedures for the implementation of this chapter. (Ord. 1465 § 9, 2013; Ord. 1151 § 8, 2005).

**13.20.020 Shut-off notice.**

The shut-off notices will state that if the consumer has questions or disputes concerning the amount of payment due, he or she may appeal to the finance director, or authorized designee, whose address and telephone number will be stated on the shut-off notice. (Ord. 1151 § 9, 2005).

**Chapter 13.24**  
**DIRECT BILLING FOR MASTER METERED OR UNMETERED UTILITIES**

Sections:

**13.24.010 Purpose.**

**13.24.020 Definitions.**

**13.24.030 Billing requirements.**

**13.24.050 Penalty.**

**13.24.060 Dispute resolution and remedies.**

**13.24.010 Purpose.**

A. The general purpose of this chapter is to prevent landlords, either themselves or through a third party billing agent, from billing tenants for master metered or unmetered utility services without proper notice and disclosure of billing practices to tenants, and to protect tenants from landlords marking up utility bills.

B. Nothing in this chapter shall be construed to prevent a landlord from including tenants' fair share of master metered or unmetered utility services within the rent set forth in a rental agreement, and the practice of including such cost within a tenant's rent shall not be considered a billing practice or methodology affected by the provisions of this chapter.

C. Nothing in this chapter shall be construed to affect the practices used by the city to bill and collect residential multi-unit building owners or landlords for master metered or unmetered utility service. (Ord. 1324 § 1, 2009).

**13.24.020 Definitions.**

As used in this chapter:

A. "Disclosure" means providing tenants with complete and accurate written information in a clear, concise, and understandable manner in all notices required under this chapter and on each bill presented from the billing entity to tenants.

B. "Landlord" means a "landlord" as defined in and within the scope of RCW 59.18.030 and 59.18.040 of the Residential Landlord Tenant Act of 1973 ("RLTA") in effect at the time the rental agreement is executed, and shall also mean the owner of a mobile home park or boat moorage.

C. "Master metered utility service" means a utility service supplied to more than one unit in a multi-unit building and measured through a single inclusive metering system, such as water service.

D. "Methodology" refers to any method, technique, or criterion used to apportion to tenants charges billed to the landlord by the utility for master metered utility service or unmetered utility service.

E. "Multi-unit building" refers to a residential building or group of buildings with three or more tenant units with a master metered utility service or unmetered utility service that is provided to the building or group of buildings as a whole.

F. "Rental agreement" means a "rental agreement" as defined in and within the scope of RCW 59.18.030 and 59.18.040 of the RLTA in effect at the time the rental agreement is executed, and is deemed to include any month-to-month tenancy arrangement, whether written or oral.

G. "Service charge" refers to any charge or fee imposed by the billing entity to cover the costs of providing or administering the billing practices, regardless of the label applied to such charge or fee.

H. "Submeter/submetering" refers to a submeter, a secondary meter to a master meter. Submetering is a system for selling utility service to tenants in multifamily residential buildings, in which the submeter is installed in each unit to measure individual tenants' utility consumption. Tenants are then separately billed by the landlord (or the landlord's designated submetering company) for their utility use.

I. "Tenant" means a "tenant" as defined in and within the scope of RCW 59.18.030 and 59.18.040 of the RLTA in effect at the time the rental agreement is executed, and shall also mean a tenant of a mobile home park or boat moorage.

J. "Billing practices" refers to the practices of a landlord or third party billing agent, as defined herein, that bills residential multi-unit building tenants for the purpose of apportioning master metered or unmetered utility services provided to the building(s) as a whole, either by directly submetering tenants' usage or by otherwise apportioning such utility services among tenants, and also refers to any practices related thereto.

K. "Third party billing agent" refers to any entity retained or authorized by a landlord to bill tenants for master metered or unmetered utility service on behalf of and as the agent of a landlord.

L. "Unmetered utilities" means utility services supplied to more than one unit in a multi-unit building which are not measured through a metering system, such as sewer and solid waste service. (Ord. 1324 § 1, 2009).

**13.24.030 Billing requirements.**

A. A landlord may, itself or through a third party billing agent, bill tenants for master metered or unmetered utility services; provided, that the following requirements are met:

1. Notice. Billing practices may be adopted only upon advance written notice to a tenant as part of a new or renewed rental agreement. Existing tenants must receive such written notice at least 90 days before expiration of their rental agreements, or, in the case of month-to-month

tenancies, at least 90 days before any such billing practices may become effective.

2. Methodology. The notice required under subsection (A)(1) of this section must include a copy of this chapter and a detailed written disclosure of the methodology used by the billing agent to allocate the charges to each tenant, including the methodology used to allocate utility services for common areas of the building, along with all other terms and conditions of the billing arrangement. If submetering is used, the notice required under subsection (A)(1) of this section shall also include descriptions of the location of the submeter and of the access requirements, if any, required by the landlord for access to tenant units for submeter installation, reading, repair, maintenance, or inspections, including removal of the submeter for testing, consistent with the provisions of RCW 59.18.150 of the RLTA. An additional written notice must also be given at least 30 days prior to the due date of the next rental payment in order to implement a change in billing agents, apportionment methodology, fees, or other terms and conditions of the billing arrangement.

3. Availability of Information. In addition to the written notification required by subsections (A)(1) and (A)(2) of this section, any landlord employing billing practices shall make available to any tenant who makes a request copies of the five most current utility bills for master metered or unmetered utility services. The landlord shall provide the requested bills within five business days of receiving a request.

4. Limitations on Charges. The total of all charges for any utility service included in the bills sent to all units cumulatively shall not exceed the amount of the bill sent by the utility itself for the building as a whole, less any late charges, interest or other penalties owed by the landlord, with the exception of the following, which may be included in each bill covering an independent unit within the multi-unit building:

- a. A service charge of no more than \$2.00 per utility per month, not to exceed a cumulative service charge of \$5.00 per month for all the utilities included in any bill.
- b. Late payment charges of no more than \$5.00 per month plus interest at a rate not to exceed one percent per month, which late payment charge shall not accrue until at least 30 days after the tenant receives the bill.
- c. Insufficient funds check charges for dishonored checks, not to exceed \$31.00 per dishonored check.

5. Licensing of Third Party Billing Agents. Any third party billing agent must be properly registered and licensed to do business in the state of Washington and city of Bonney Lake and must be in compliance with all applicable state and city laws and regulations, and all applicable state and city license identification numbers, if any, must be disclosed upon request.

6. Content of Bills. Each billing statement sent to a tenant by a landlord or third party billing agent must disclose all required information in a clear and conspicuous manner and at minimum must:

- a. Identify and show the basis for each separate charge, including service charges and late charges, if any, as a line item, and show the total amount of the bill;
- b. If the building units are submetered, include the current and previous meter readings, the current read date, and the amount consumed;
- c. Specify the due date, the date upon which the bill becomes overdue, the amount of any late charges or penalties that may apply, and the date upon which such late charges or penalties may be imposed;
- d. Identify any past due dollar amounts;
- e. Include a statement to the effect that "this bill is from [landlord name] and not from the City of Bonney Lake."

7. Submetering. Submetering is permitted as a way of allocating master metered utility services to tenants provided the following conditions are met:

- a. The submeters must be read prior to each billing.
- b. A landlord may not enter a unit without, and a tenant may not unreasonably withhold, consent to enter the unit in order to perform submeter installation, reading, repair, maintenance, and inspection, including removal of the submeter for testing; provided, however, that a landlord may enter a unit without a tenant's consent in the case of a submeter leak or emergency related to that unit's submeter.
- c. If a tenant contests the accuracy of the submeter, the tenant shall have the option of demanding an independent test of the meter through the public works department of the city. If the meter reads within a five percent range of accuracy, the tenant requesting the test shall pay the cost of the meter test. If the meter reads outside a five percent range of accuracy, the landlord shall pay for the cost of the meter test and within 30 days refund any overpayments for the past three months based on a recalculation of the past year's billings by correcting for the inaccuracy of the submeter. Submetering thereafter shall only be permitted with a repaired submeter.

B. Nothing in this section shall be construed to prevent a landlord from addressing billing of master metered or unmetered utility services in a written addendum to a lease. A lease addendum may be used to give the notice required under subsection (A)(1) of this section, so long as the lease addendum is provided to the tenant with the notice required under that subsection, and so long as

all other requirements of this chapter are satisfied. (Ord. 1324 § 1, 2009).

**13.24.050 Penalty.**

Violation of any provision of this chapter constitutes a class 1 civil infraction under Chapter 7.80 RCW. (Ord. 1324 § 1, 2009).

**13.24.060 Dispute resolution and remedies.**

A. If a tenant believes that it has been subject to billing practices that violate any provision set forth in this chapter, the tenant may, at its option, file a complaint against the landlord with the city.

1. The city administrator or designee is hereby vested with the authority to hear and resolve tenant complaints against landlords regarding billing practices. The filing fee for such a case shall be set at \$5.00. Upon the finding of a violation of this chapter, and refusal by the landlord to forgive any charge found by the city administrator or designee to be in violation of this chapter or to otherwise remedy any such violation, the city administrator or designee may, for each violation found, issue or cause to be issued a civil infraction notice to the landlord in accordance with BLMC [13.24.050](#) and Chapter 7.80 RCW.

2. No late fees or interest charges shall accrue on any disputed portions of a bill while the amount is being resolved by the city administrator or designee, and no collection activity or unlawful detainer action alleging default in the payment of rent related to the disputed portions of a bill may be instituted against a tenant that has filed a complaint with the city administrator or designee in accordance with this chapter while the amount is being resolved by the city administrator or designee. If the city administrator or designee finds that the landlord has not violated this chapter, the landlord shall not be prohibited by this chapter from pursuing late fees and/or interest charges.

3. A landlord shall not pass on, charge, or otherwise allocate to tenants, in any manner whatsoever, any damages, fine or penalty (including attorneys' fees) that the landlord is ordered to pay under this chapter or any other law.

B. The existence of an unresolved or pending billing dispute does not relieve a tenant of his or her obligation to pay in a timely fashion all undisputed charges, including those undisputed charges that accrue after the dispute resolution procedures of this chapter have been invoked. (Ord. 1324 § 1, 2009).