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**ORDINANCE NO. 830**

AN ORDINANCE OF THE CITY OF CARNATION, WASHINGTON, AMENDING VARIOUS ELEMENTS OF THE CITY'S CODIFIED UTILITY REGULATIONS, INCLUDING CHAPTER 13.01 CMC GENERAL PROVISIONS; CHAPTER 13.15 CMC WATER SYSTEM—SERVICE REGULATIONS; CHAPTER 13.20 CMC WATER SYSTEM—SYSTEM REGULATIONS; CHAPTER 13.45 CMC SEWER SYSTEM—CONNECTION REQUIRED; CHAPTER 13.55 CMC SEWER SYSTEM—SEWER USE REGULATIONS; TITLE 13 CMC, DIVISION IV RATES AND CHARGES FOR UTILITY SERVICE; CHAPTER 13.82 RATES AND CHARGES—INSTALLATION AND CONNECTION FEES; CHAPTER 13.86 CMC RATES AND CHARGES—SEWER RATES AND CHARGES; CHAPTER 13.88 CMC RATES AND CHARGES—WATER RATES AND CHARGES; CHAPTER 13.90 CMC RATES AND CHARGES—BILLING PROCEDURES; REPEALING CHAPTER 13.84 CMC RATES AND CHARGES—FEES FOR CONNECTION TO WATER MAINS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

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WHEREAS, the City of Carnation has established a combined water-sewer utility and has codified regulations governing the same at Title 13 CMC; and

WHEREAS, the City Council desires to update and amend various provisions of Title 13 CMC to facilitate and streamline the operation of the City's utility; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF CARNATION, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Amendment of CMC 13.01.060. Section 13.01.060 of the Carnation Municipal Code is hereby amended by the addition of the following definitions for the terms

“premises, institutional”, “premises nonresidential”, and “premises, residential”, to provide in their respective entirety as follows:

**13.01.060 Definitions.**

....

“Premises, institutional” means any property or building, including any assemblage of adjacent buildings or properties organized under common ownership and/or control of a public or private institution, including but not limited to a school, church, governmental agency, non-profit social service provider, etc.

“Premises, nonresidential” means any property or building used for nonresidential purposes, , including any assemblage of adjacent buildings or properties organized under common ownership and/or control, including but not limited to office parks, shopping centers, industrial parks, horticultural facilities, etc., but excluding institutional premises as defined under this section Nonresidential structures that are attached by a common wall but under different ownership and/or on separate tax parcels shall each be deemed separate nonresidential premises for the purposes of this Title. A nonresidential use located in the same structure or on the same property as a residential premise shall be considered a separate premises, except in the case of home occupations.

“Premises, residential” means any property or building used for residential purposes, including any assemblage of adjacent residences or detached residences on one property and under one ownership and/or control, including but not limited to single family residences, detached and/or attached accessory dwelling units, duplexes, apartment buildings, condominiums, etc. Residential dwelling units that are attached by a common wall and/or under different ownership and/or located on separate tax parcels shall each be deemed separate residential premises for the purposes of this Title.

....

Section 2. Amendment of Chapter 13.15 CMC. Chapter 13.15 of the Carnation Municipal Code is hereby amended by the addition of a new Section 13.15.070 to provide in its entirety as follows:

**13.15.070 Water service connections.**

A. All service connections shall be metered.

B. Each served premises must have a separate connection to a water main. Provided, the city manager may approve exceptions to this requirement where a customer demonstrates to the city manager's satisfaction that compliance would be rendered impossible or impracticable as a result of unavoidable physical or topographical constraints. The city manager's decision to grant any such exception shall be at his/her sole discretion.

1. Accessory dwelling units (ADUs), either attached or detached, and the primary residence shall be considered a single residential premises for the purposes of this Title and may share one connection to the water main.

2. Where a detached accessory dwelling unit shares a water connection with the primary residence, a city-approved backflow device located at the meter shall be installed at the customer's sole expense.

3. Detached residential accessory dwelling units may install a separate water connection.

C. Existing service connections that are non-compliant with the provisions of this Title shall be brought into full compliance whenever the served premises undergoes a change of use or where the served building is improved to an extent exceeding 50% of the building valuation. Conformance with the requirements of this Title shall be a condition of Certificate of Occupancy.

Section 3. Amendment of CMC 13.20.020. Section 13.20.020 of the Carnation

Municipal Code is hereby amended to provide in its entirety as follows:

**13.20.020 Tampering prohibited.**

It is unlawful to use or tamper with any city-owned valve, curb stop or other device or apparatus for the purpose of turning water on or off. Without prejudice to any other remedy or penalty, the cost of repairing any damage to any public property caused by such usage or tampering shall be imposed upon the person

responsible therefor.

Section 4. Amendment of Chapter 13.45 CMC. Chapter 13.45 of the Carnation Municipal Code is hereby amended by the addition of a new Section 13.45.030 to provide in its entirety as follows:

**13.45.030 Sewer service connections.**

A. Each served premises must have a separate connection to a sewer main. Provided, the city manager may approve exceptions to this requirement where a customer demonstrates to the city manager's satisfaction that compliance would be rendered impossible or impracticable as a result of unavoidable physical or topographical constraints. The city manager's decision to grant any such exception shall be at his/her sole discretion.

B. Accessory dwelling units shall be considered one premises along with the primary residence for purposes of this Title. An accessory dwelling unit may share a side sewer connection to the sewer main consistent with the city's standards for side sewers. Detached residential accessory dwelling units may install a separate sewer connection consistent with the city's standards for side sewers.

Section 5. Amendment of CMC 13.55.030. The section heading of Section 13.55.030 of the Carnation Municipal Code is hereby amended to provide in its entirety as follows:

**13.55.030 Installation of grease, oil and sand interceptors on existing premises.**

Section 6. Amendment of Title 13 CMC, Division IV. The division heading of the Carnation Municipal Code Title 13, Division IV is hereby amended to provide in its entirety as follows:

**Division IV.**

## **Rates and Charges for Water and Sewer Service**

Section 7. Amendment of Chapter 13.82 CMC. Chapter 13.82 of the Carnation Municipal Code is hereby amended to provide in its entirety as contained in Exhibit A, attached hereto and incorporated herein by this reference as if set forth in full.

Section 8. Repealer. Chapter 13.84 of Carnation Municipal Code is hereby repealed in its entirety.

Section 9. Repealer. Section 13.86.050 of Carnation Municipal Code is hereby repealed in its entirety.

Section 10. Amendment of CMC 13.88.030. Section 13.88.030 of the Carnation Municipal Code is hereby amended to provide in its entirety as follows:

### **13.88.030 Water rates and charges by classification.**

A. No Free Service. The city will not furnish any service of the system to any customer whatsoever free of charge. All rates and charges will be set forth by city council resolution.

B. Other.

1. Swimming pools shall be charged at the same as single-family residential.

2. Contract rates will be approved on a case-by-case basis with city council approval.

3. Where two or more premises are served on a temporary basis through a single meter, each shall be considered a separate premises for billing purposes.

4. The use of water for construction purposes shall be allowed, where available, to construct or reconstruct any building or structure or settle trenches or fills. Before commencing such usage, application therefore shall be made to the department and a fee shall be paid. The rate shall be the same as commercial and industrial.

5. All other nonstandard water usage, including any usage from fire hydrants, shall be billed the monthly cost of service charge for a three-fourths meter and the commercial and industrial rate. The customer shall request any such usage on an application form established by the city.

Section 11. Amendment of CMC 13.90.010. Subsection 13.90.010(B) of the Carnation Municipal Code is hereby amended to provide in its entirety as follows:

**13.90.010 Due date for all service charges.**

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B. All charges remaining unpaid after the last day of the month in which the billing was rendered shall be deemed delinquent and shall accrue penalties at the rate of one percent per month or the maximum lawful rate, whichever is the lesser, of the unpaid account until paid in full. An alleged failure to receive mail shall not be a valid excuse for failure to pay rates when due. Changes in ownership of property and change in mailing addresses must be filed in writing with the city.

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Section 12. Severability. If any section, sentence, clause or phrase of this ordinance 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 ordinance.

Section 13. Effective Date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

APPROVED by the Carnation City Council this 7th day of May, 2013.

  
MAYOR, JIM BERGER

ATTEST/AUTHENTICATED:

  
\_\_\_\_\_  
CITY CLERK, MARY MADOLE

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY   
\_\_\_\_\_  
J. ZACHARY LELL

FILED WITH THE CITY CLERK: ..... 05/02/2013  
PASSED BY THE CITY COUNCIL: ..... 05/07/2013  
PUBLISHED: ..... 05/15/2013  
EFFECTIVE DATE: ..... 05/20/2013  
ORDINANCE NO. .... 830

## Exhibit A

### Chapter 13.82

#### RATES AND CHARGES--INSTALLATION AND CONNECTION FEES

##### Sections:

- 13.82.010 Installation and connection fees.
- 13.82.020 Sewer general facility charges.
- 13.82.030 Water general facility charges.
- 13.82.040 Collection of fees.
- 13.82.050 Future installations.
- 13.82.060 Special improvements.

##### **13.82.010 Installation and connection fees.**

A. From and after the effective date of the ordinance codified in this chapter, it is unlawful to connect to the water system or sewer system without first:

1. Obtaining a connection permit; and
2. Remitting to the city all applicable fees and charges required under this chapter and/or set forth by resolution.

B. Water. Service charges for connecting to the water system shall be set forth by city council resolution.

C. Sewer. Service charges for connecting to the sewer system shall be set forth by city council resolution.

##### **13.82.020 Sewer general facility charges.**

A. From and after the effective date of the ordinance codified in this chapter, there shall be collected from each person, firm or corporation connecting to the sewer system for each premises located within the city a general facility charge as set forth by city council resolution, which shall be in addition to and supplemental to any other connection charges established in this chapter.

B. The decision of the public works director regarding anticipated sewer usage may be appealed to the hearing examiner upon written notice filed with the city clerk within twenty-one days of the public works director's decision.

C. Latecomer Applicability. Owners of property connecting laterally to developer established sewer trunk lines shall comply with applicable provisions of state law and the city's latecomer policy, which shall be promulgated administratively by the public works director. A latecomer fee shall be established by city council resolution.

### **13.82.030 Water general facility charges.**

A. From and after the effective date of the ordinance codified in this chapter there shall be a general facilities charge (GFC) as set forth by city council resolution collected from each person, firm or corporation connecting to the water system for premises located within the city or within the service area, which shall be in addition to and supplemental to any other connection charges established in this Title.

B. Owners of property connecting laterally to a developer established water main shall comply with applicable provisions of state law and the city's latecomer policy, which shall be promulgated administratively by the public works director. A latecomer fee shall be established by city council resolution.

C. General facilities charges for extensions of city water service outside city limits and outside the city's urban growth area for use for regionally significant residential units, commercial or industrial uses shall be established by the city council at the time of application for service.

### **13.82.040 Collection of fees.**

The connection charges established in this chapter shall be collected at the time the request for connection is made or at the time the building permit is issued.

### **13.82.050. Future installations.**

The applicable charge for connection to city funded mains shall be based upon the actual cost of the construction of the main serving the applicant's property, plus ten percent as overhead for city administration.

### **13.82.060 Special improvements.**

Should a water customer of the city require special improvements, such as a larger main, the assessment based upon the increased size shall be levied pursuant to this section.