

**Title 13**

**PUBLIC SERVICES**

**Chapters:**

- 13.02 Utilities "Lifeline" Rates Program**
- 13.04 Water System Regulations**
- 13.08 Comprehensive Water System Plan  
Adopted**
- 13.12 Water System Capital Improvements**
- 13.16 Comprehensive Sewer Plan Adopted**
- 13.20 Sewer Use Regulations**
- 13.24 Sewer Service Charges**
- 13.26 Pretreatment and Discharge of Grease  
and Oil into Sewer System**



## Chapter 13.02

### UTILITIES "LIFELINE" RATES PROGRAM

#### Sections:

#### 13.02.010 Purpose.

#### 13.02.020 Lifeline utility rates.

#### 13.02.030 Eligibility.

#### 13.02.040 Application and approval procedure.

#### 13.02.050 Appeals.

#### 13.02.060 Violation—Penalties.

#### 13.02.010 Purpose.

Pursuant to Article VIII, Section 7 of the Washington State Constitution and RCW 74.38.070, the City of Black Diamond wishes to provide necessary support for the poor and infirm who would otherwise be unable to afford the standard monthly service rates of the city's water, sewer, and storm water utilities. At the same time, the city recognizes that its ability to offer special rates is limited by the financial constraints of the city and the limited revenues available to fund special rates for low-income residents. Therefore, the city has been forced to limit availability of these special rates according to the criteria described in this chapter.

(Ord. No. 901, § 8(Exh. A), 4-23-2009)

#### 13.02.020 Lifeline utility rates.

A. The City of Black Diamond hereby authorizes a reduced monthly rate for residential low-income senior citizen and residential low-income disabled customers of the city's water, sewer, and storm water utilities. This reduced rate shall be known as the "lifeline" rate, and shall be a reduction of up to fifty percent of the city's share of the costs for services provided under the city's water, sewer, and storm water utilities. Fees or charges collected by the city on behalf of other utilities shall be unaffected.

B. The exact amount of the lifeline rate reduction shall be set annually by the city council and published on the city's official fee schedule.

(Ord. No. 901, § 8(Exh. A), 4-23-2009)

#### 13.02.030 Eligibility.

A. Lifeline utility rates shall be available to any household that meets the following criteria:

1. The residence or apartment seeking to receive the lifeline rates must be served by City of Black Diamond utilities.

2. The account must be in the name of a resident customer who is sixty-two years of age or older, or who can provide verification from an attending physician or other official document, such as a Supplemental Security Income (SSI) statement, of being permanently disabled; and

3. Total household disposable income from all sources (such as Social Security; Disability payments; Veteran's benefits; pensions; rents; annuities; IRA withdrawals; etc.) must not exceed the official guidelines set annually by the federal Department of Housing and Urban Development (HUD); and

4. The customer eligible for the lifeline rate must be living at the residence or apartment receiving the discount.

5. Households in which a person resides who is receiving kidney dialysis and where the household income does not exceed the HUD guidelines may receive a discount on water rates of fifty percent. The customer eligible for the lifeline rate must be living at the residence or apartment receiving the discount.

B. Lifeline utility rates shall be available for residential customers only; non-residential users shall be ineligible to receive lifeline rates.

(Ord. No. 901, § 8(Exh. A), 4-23-2009)

#### 13.02.040 Application and approval procedure.

##### A. *Application procedures.*

1. Persons wishing to apply for a lifeline rate shall file an application with the city clerk on a form approved by the city. This form shall include a statement in which the applicant attests under oath that the information provided by the applicant is true and correct to the best of applicant's knowledge.

2. The applicant shall provide a copy of applicant's most recent tax return, or other reliable official document, that verifies the applicant's income.

3. If the applicant is asserting a disability that renders them eligible for a lifeline utility rate, the applicant must provide verification of their condition from a licensed attending physician or through other official documents, such as a Supplemental Security Income (SSI) statement, that verifies that the applicant is permanently disabled.

4. The city may require any other information from the applicant reasonably necessary to determine the applicant's eligibility.

*B. Approval or denial of application.*

1. Applications for lifeline utility rates shall be reviewed by the city's finance director, or his or her designee, for completeness and eligibility. An incomplete application shall not be processed.

2. The finance director, or his or her designee, shall inform the applicant in writing whether the application has been approved or denied. If the application is denied, the applicant shall be informed in writing of the reason for the denial.

3. If denial is based on misrepresentation of information by the applicant, the applicant shall be ineligible to receive a lifeline rate for a period of five years.

*C. Annual application required.* Applicants for a lifeline utility rate shall be reviewed for approval based on their circumstances at the time of application, provided, persons may apply only once in any calendar year, and persons who have previously been denied based on intentional misrepresentation to the city shall be ineligible to receive lifeline rates for a period of five years. Persons who have previously been approved for a lifeline utility rate must reapply each year and demonstrate their continued eligibility. No lifeline rate shall be renewed without an application and approval as provided in this section.

*D. Revocation of lifeline rate.* The city shall have the right to immediately revoke any lifeline

utility rate reduction upon probable cause to believe the applicant and/or recipient of the rate is ineligible to receive it.

(Ord. No. 901, § 8(Exh. A), 4-23-2009)

**13.02.050 Appeals.**

A person who has properly applied for and been denied a lifeline utility rate may appeal this denial by filing a request in writing within ten days of the denial to the city administrator. The appellant may provide additional information to support the appeal, if desired. A decision on the appeal shall be issued within thirty days of receipt. If the position of city administrator is vacant at the time the appeal is filed, the mayor shall consider the appeal. The decision of the city administrator or the mayor shall be final. Requests received by telephone, facsimile, or email shall not satisfy the requirements of this section.

(Ord. No. 901, § 8(Exh. A), 4-23-2009)

**13.02.060 Violation—Penalties.**

The city shall have authority to take all measures, criminal and civil, allowed by law to seek reimbursement for any reduction in utility rates achieved based on intentional misrepresentation, fraud, or deceit, and to seek any other penalties available under the law.

(Ord. No. 901, § 8(Exh. A), 4-23-2009)

## Chapter 13.04

## WATER SYSTEM REGULATIONS

## Sections:

- 13.04.010 Title.
- 13.04.020 Definitions.
- 13.04.030 Application for use of water—  
Certificates required—Fee.
- 13.04.035 Certificates of water availability.
- 13.04.040 Main extension required.
- 13.04.045 Exceptions—Single-family  
residential property.
- 13.04.050 Installation of service between  
main and setter—Cost.
- 13.04.055 Connection—Structure to water  
meter setter.
- 13.04.060 Stop and curb cocks required.
- 13.04.070 Check valves.
- 13.04.080 Responsibility of owners.
- 13.04.090 Connection with other water  
supply.
- 13.04.100 Alteration of service connection.
- 13.04.110 Condemned buildings.
- 13.04.120 Installation of service—Cost.
- 13.04.125 Occupancy.
- 13.04.130 Stop and waster cocks required.
- 13.04.135 Joint service.
- 13.04.140 Maintenance of water system.
- 13.04.150 Responsibility of owners.
- 13.04.155 Persons barred from doing  
plumbing work.
- 13.04.160 Unlawful to waste water—  
Penalties.
- 13.04.170 Turning water on and off.
- 13.04.180 Shutting off water—Right of  
entry.
- 13.04.190 Shutting off water—Notice to  
customers.
- 13.04.200 Metering.
- 13.04.210 Meters—Charge for testing.
- 13.04.220 Ownership of meters.
- 13.04.230 Temporary discontinuance of  
service.
- 13.04.240 Charges when meter out of order.
- 13.04.250 Removal and reinstallation of  
meters.
- 13.04.255 Utility accounts.
- 13.04.260 Separate meters required—  
Exceptions.
- 13.04.265 Receipts.
- 13.04.270 Payment of monthly water bill—  
Delinquent charges—Water  
shutoff and lien authorized.
- 13.04.280 Monthly water rates.
- 13.04.285 Meter installation fees—  
Approval required for larger  
meter.
- 13.04.290 Water line break—Adjustment in  
bill.
- 13.04.295 Capital facilities charge.
- 13.04.300 Prohibited uses.
- 13.04.310 Interest added to past due  
accounts—Use of collections  
authorized.
- 13.04.315 Twenty-four hour notice—Fee.
- 13.04.320 Violation—Penalty.
- 13.04.010 Title.
- The ordinance codified in this chapter shall be known and deemed as the water ordinance of the city. (Ord. 691 § 1, 2000; Ord. 156 § 35, 1973)
- 13.04.020 Definitions.
- [The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]
- "Capital facilities charge" shall mean the fee to be paid by any new customer for the privilege of connecting to the City of Black Diamond Water System. Proceeds from this fee shall be used to

offset the costs of future improvements to the water system made necessary by the impact of increased demand on the system and to recognize the value of the monetary investment in the system made by its current users.

"Equivalent residential unit" or "ERU" shall mean the amount of water typically used by a Black Diamond residence as set forth in the city's most recently adopted water comprehensive plan.

"Person" shall mean and include natural persons of either sex, associations, partnerships and corporations, whether acting by themselves or by a servant, agent or employee. The singular number shall include the plural and both the masculine and feminine pronoun.

"Director" shall mean the city's director of public works, and any act in this chapter required to be done by the director may be done on behalf of the director by any authorized officer or employee of the city. (Ord. 691 § 2, 2000; Ord. 156 § 1, 1973)  
(Ord. No. 890, § 1, 12-23-2008)

**13.04.030 Application for use of water—  
Certificates required—Fee.**

All applications for the use of water shall be made at the office of the water department by the landowner along with the required application fee, on printed forms furnished by the city for that purpose, and shall contain the name, property legal description, King County property tax identification number, name of the street upon which the property fronts, also the corresponding official or approximate house number that may be assigned to the premises now or subsequently as shown by the records of the city, the number of units and/or type of use for which water is being requested, and such other information as may be required by the city in determining the availability of water. Each applicant shall also agree to conform to the rules and regulations which the city may establish from time to time as a condition for the use of water, which agreement shall be contained in the application. (Ord. 691 § 3, 2000; Ord. 156 § 2, 1973)  
(Ord. No. 890, § 2, 12-23-2008)

**13.04.035 Certificates of water availability.**

A. The city shall not issue certificates of water availability until a complete building permit application has been received and any water system capital facilities charge and water meter installation fees have been paid.

B. No water availability certificates shall be issued unless the city's water system can provide the required amount of water and fire flow to the property for which the building permit is requested.

C. Any certificate of water availability shall expire upon the expiration of the building permit and is not transferable. If the permit expires the water system capital facilities charge and water meter installation fee will be refunded.

D. The city administrator is authorized to enact such administrative policies as are necessary to effectuate the intent of this section. (Ord. 657 §§ 1—4, 1999)  
(Ord. No. 890, § 3, 12-23-2008)

**13.04.040 Main extension required.**

A. Where property is located within the city's water service area and within the city limits, and where there is no existing water main laid, or where the capacity of existing water mains is not sufficient to meet the demands of new construction, the installation and cost of a water main extension to service such property previously unserved shall be the responsibility of the applicant. The applicant shall enter into a developers' extension agreement with the city prior to water system plan extension approval. Extensions shall be made to, and past, at least one full side of the property; through all internal streets; loop to all adjacent mains which will, in the water superintendent's opinion, extend past or through the property in the future; and stub to the property line where it is likely that they will be needed to connect to future mains. In addition, the city may require mains to be constructed on more than one, and up to all, full side(s) of the property depending upon property size, shape and the water comprehensive plan. Installation of the main and all

other required improvements shall be in accordance with city design and construction standards, and in the locations determined by the superintendent.

B. All water services and meter setters shall, if possible, be installed at a location in front of the property within the public right-of-way, and in accordance with city design and construction standards. No water service connection shall be authorized until the water system extension has been approved and accepted by the city in accordance with the executed developer extension agreement, and all water system general facilities charges have been paid. (Ord. 691 § 4, 2000; Ord. 156 § 3, 1973) (Ord. No. 890, § 4, 12-23-2008)

**13.04.045 Exceptions—Single-family residential property.**

A. The city administrator may waive the requirements of Section 13.04.040 for the extension of water service for one-single family residence if, and only if, all of the conditions set forth in this section are met.

B. No exception from the requirements of Section 13.04.040 shall be considered unless the city administrator, upon recommendation from the public works director, makes written findings that: (1) the extension of water service to the single-family residence would require significant capital improvements to the city water system in addition to the water main extension; (2) that the cost of the significant system improvements would bear no rational relationship to the increase in value of the property to be served that results from the availability of public water service; and (3) the single-family residence is to be located upon a lot in existence at the time of the adoption of the ordinance codified in this chapter.

C. The water meter shall be installed at the city's nearest standard main, and the property owner shall construct and maintain, at his/her own expense, a service line from the meter to the point of use. The property owner shall pay the city's applicable water system capital facilities charge prior to making connection to the city's water system.

D. The property owner shall sign and record against the property an agreement approved by the city attorney to waive any and all rights granted by statute or otherwise, to object or to protest against formation by the city of a local improvement district or utility local improvement district for the purpose of constructing the system improvements that would have been constructed but for the exemption granted by this section, and acknowledges that if the subject property is subdivided the system improvements for which an exemption was obtained must be constructed as a condition of subdivision approval.

E. The city's granting of an exception pursuant to this section does not guarantee that water can be provided to a piece of property without a main extension or other improvements to the city's water system. The property owner shall be responsible for all design and construction necessary to provide water from the meter to the site. The property owner will be responsible for all city costs associated with the review of the proposed design, in addition to all other city charges.

F. Approval procedure.

1. An application for an exception submitted by a landowner pursuant to this section shall be presented to the city's director of public works, who shall review the request and provide a recommendation to the city administrator. The city administrator may refer the request to the city's hearing examiner for consideration or take action to approve or deny the application based on the recommendation of the public works director.

2. If the city administrator or the hearing examiner approve the request, the property owner shall execute the required agreements and waivers set forth in this section, in addition to the requirements of Section 13.04.030, prior to receiving a water availability certificate. Any exception granted pursuant to this section shall expire at the same time as the water availability certificate. (Ord. 691 § 5, 2000) (Ord. No. 890, § 5, 12-23-2008)

**13.04.050 Installation of service between main and setter—Cost.**

The installation of water service lines and appurtenances extending from an existing main to the meter setter or meter, together with the necessary labor and materials for such connection including any roadway restoration, shall be made by the water department and charged to the applicant. This installation cost shall be in addition to any other required water system capital facilities charges and meter installation fees adopted by the city. When a new main is installed, the developer shall be responsible for establishing or re-establishing the service lines and appurtenances between the water main and the meter setter. (Ord. 691 § 6, 2000; Ord. 156 § 19, 1973) (Ord. No. 890, § 6, 12-23-2008)

**13.04.055 Connection—Structure to water meter setter.**

A. All persons installing any fixtures by means of which water may be drawn from the city mains, shall use pipe as required by city. Any person installing any such fixture shall, obtain inspection and approval of such installation, and provide a true and accurate as-built drawing of all work done prior to the installation of the water meter. The report shall include the location of all stop cocks or valves, and all other fixtures and shall disclose whether the water has been left off or on at the premises.

B. All pipes and connections from the city's meter setter or meter shall be installed at the expense of the owner who will be responsible for all damages resulting from leaks and breaks resulting from such installation.

C. All pipes from the city's meter setter or meter shall be installed in accordance with city design and construction standards. No work shall be covered until it has been inspected and accepted by the city water superintendent. (Ord. 691 § 7, 2000)

**13.04.060 Stop and curb cocks required.**

Before water will be turned on to any premises connected with the city's mains, the service pipes upon such premises must be made to conform to the following regulations:

A. The service pipes must be so located that the supply for each separate house or premises shall be controlled by separate stop cock or valve of the best standard make, approved by the superintendent, with the extension handle properly protected from frost, and so placed within the premises that all service pipes may be thoroughly drained during the freezing weather.

B. The connection between the city's pipes at the property line and the service pipe on the premises must be made with a union.

C. Every existing service or branch service not already equipped as required in this section must be so equipped within ninety days from passage date of the ordinance codified in this chapter, and if not so done, the same may, at the city utility superintendent's discretion, be installed by the water department which will charge the cost of the same against the property, and will collect the same as water rates are collected. (Ord. 691 § 8, 2000)

**13.04.070 Check valves.**

The water department shall have the right to order the installation of check valves on services where this is found necessary to protect the city's meter from hot water or in cases where contaminated or stagnant water may back into the city's mains. The number, location and type of check valves to be used shall be fixed and approved respectively by the water department. The water department shall discontinue water service if the installation of a check valve has not been made within ten days after written notice has been served. (Ord. 691 § 9, 2000; Ord. 156 § 15, 1973)

**13.04.080 Responsibility of owners.**

Owners are responsible for the repairs and cost of all leaks, breaks or damages which arise from, or exist due to leaks from or breaks in the

service pipes which lead from the city's meter setter to the premises served. (Ord. 691 § 10, 2000)

**13.04.090 Connection with other water supply.**

A. No service connection shall be allowed from the city mains to any premises supplied by water from any other source, unless special permission is given by the water superintendent, which special permission may be terminated at any time if in the judgment of the water superintendent the public interest so requires.

B. No cross-connection shall be made or maintained between any city service connection and pipe supplying water from any other source unless the water supplied from the other source, by tests of the State Board of Health, is shown to conform to the United States Bacteriological Standard for drinking water. The tests must be made by a professional tester and submitted to the city at least once a month. (Ord. 691 § 11, 2000; Ord. 156 § 28, 1973)

**13.04.100 Alteration of service connection.**

Prior to relocation of an existing water meter service connection due to the landowner's request, and subject to approval of the relocation by the city's utility superintendent, the landowner shall make a deposit in an amount equal to the estimated cost to the city of the requested relocation. Any costs incurred in excess of the amount deposited shall be charged to the owner or his agent. (Ord. 691 § 12, 2000; Ord. 156 § 18, 1973)

**13.04.110 Condemned buildings.**

Whenever the building inspector of the city reports in writing to the water department that any building has been condemned by him as a structure not habitable and dangerous to human life, or as not complying with any ordinance of the city relating to the construction, removal, alteration, repair, maintenance or use of buildings within the city, and whenever the health officer of the county reports in like manner to the water department that any building has been condemned by him as unsanitary or otherwise dangerous to the

public health, the water shall forthwith be shut off from the building and not be permitted to be turned on again until the building has been made safe or sanitary and made to comply with all such ordinances of the city relating to the construction and maintenance and use of buildings, which condition must be reported to the water department by the health officer or building inspector, respectively, as soon as it exists. (Ord. 691 § 13, 2000; Ord. 156 § 4, 1973)

**13.04.120 Installation of service—Cost.**

A. The installation of service pipes and appurtenances extending from the main to the meter setter or meter, together with the necessary labor and materials for such construction and roadway restoration if applicable, shall be made by the water department and charged to the applicant. This installation cost shall be in addition to any required water system capital facilities charge and water meter installation fees adopted by the city.

B. All pipes and connections from the city's stop cock located in or over the sidewalk shall be put in at the expense of the owner who will be responsible for all damages resulting from leaks and breaks.

C. All pipes from the city's stop cock shall be laid not less than eighteen inches below the surface of the ground and no work shall be covered until it has been inspected and accepted by the water superintendent. (Ord. 682 § 1, 1999; Ord. 156 § 13, 1973)

(Ord. No. 890, § 7, 12-23-2008)

**13.04.125 Occupancy.**

No building, house or other structure shall hereinafter be occupied, or resided in, nor shall any business be operated therefrom, unless and until the building, house or structure has connected to the city water supply and its owner or occupier has paid all charges to the city which are authorized or required hereunder and has otherwise complied with all requirements of this chapter, as now written, or hereafter amended. New private wells or community water systems shall

not be permitted within the city. (Ord. 691 § 14, 2000: Ord. 263 § 1, 1982: Ord. 156 § 37, 1973)

**13.04.130 Stop and waster cocks required.**

Before water will be turned on to any premises connected with the city's mains, the service pipes upon such premises must be made to conform to the following regulations:

A. The service pipes must be so located that the supply for each separate house or premises shall be controlled by separate stop and waster cocks of the best standard make, approved by the superintendent, with the extension handle properly protected from frost, and so placed within the premises that all service pipes may be thoroughly drained during the freezing weather.

B. In cases where no fixtures are placed between the property line and the basement, the stop and waster cock may be placed in the basement, provided the basement is not less than six feet in height and is provided with stairways or other means of access thereto.

C. The connection between the city's pipes at the property line and the service pipes on the premises must be made with a union.

D. Every existing service or branch service not already equipped as required in this section must be so equipped within ninety days from the passage date of the ordinance codified in this chapter, and if not so done the same will be put in by the water department, which will charge the cost of the same against the property, and will collect the same as water rates are collected. (Ord. 156 § 14, 1973)

**13.04.135 Joint service.**

No new joint service shall be permitted without the approval of the city utility superintendent. When several houses, buildings or premises are supplied with water through one service connection with the main, the superintendent may, in his discretion, decline to furnish water until separate services are provided, or in case any one of the owners or occupants becomes delinquent or violates any of the provisions of this chapter, the

superintendent shall shut off the original or main service until all delinquent and unpaid charges and other charges are paid, and the premises supplied by the main service shall be held responsible for all delinquent and unpaid charges against any one or all of the separate owners or users. No change of ownership or occupation shall affect the application of this section. The city may, at its option, require the placing of a separate service for each house, property, business or department served. When two or more persons are engaged in two or more separate and distinct businesses, trades or professions on the same premises, and if service is through a meter, not less than the minimum monthly service charge for the size of meter in use shall be collected from each separate and distinct business, trade or profession served through the meter. Where two or more dwelling units or apartments are serviced through a joint meter, each dwelling or apartment shall be separately charged a service charge which shall be not less than the minimum monthly service charge for that individual dwelling unit. (Ord. 691 § 15, 2000: Ord. 156 § 11, 1973)

**13.04.140 Maintenance of water system.**

All tanks, reservoirs, water meters, water mains, pipe, couplings, shut-off valves, stop cocks and every other kind of equipment or material in use or in place as a part of the water system of the city and which are located in any street, alley, city park, city property, or in any easement or franchise belonging to the city, or located upon private property from a water main of the water system to and including the water meter, are the property of the city and are subject to the exclusive control and regulations of the city. All pipe and connection from the water meter to the premises and/or building served by city water are the property and sole responsibility of the owner or lessee of the premises or building. (Ord. 691 § 16, 2000: Ord. 156 § 25, 1973)

**13.04.150 Responsibility of owners.**

Owners are responsible for all leaks or damages on account of leaks from the service pipes

leading from the city's stop and waster cock or meter to the premises served. (Ord. 156 § 16, 1973)

**13.04.155 Persons barred from doing plumbing work.**

Plumbers or other persons failing to perform their work according to established rules and regulations or executing it unskillfully or to the damage of the water department or city, may be barred temporarily or permanently from making connections or doing any work on fixtures or pipes or other like work in the city. (Ord. 691 § 17, 2000: Ord. 156 § 20, 1973)

**13.04.160 Unlawful to waste water—Penalties.**

It is unlawful for any person whether on a flat rate or meter to waste water or allow it to be wasted by imperfect or leaking stops, valves, pipes, closets, faucets or other fixtures, to use water closets without self-closing valves, or to allow any fixture to run open to prevent freezing, or for any other reason to use the water for purposes, or to use it in violation of the city's ordinances regulating such use of water. The wilful waste of water shall be a misdemeanor. The city further reserves the right to limit the use of water during emergencies as established by the water superintendent or mayor, and sprinkling or otherwise wasting water against such notice to users shall subject the individuals to a penalty for a misdemeanor. (Ord. 691 § 18, 2000: Ord. 156 § 21, 1973)

**13.04.170 Turning water on and off.**

A. Should it be desired to have the water service turned on or off at an existing city meter during normal weekday working hours, a written order or telephone request by the owner or his authorized agent must be given to the water department after which the water will be turned on or off by the water department at no charge. If an emergency request to turn on or off a water service is made on a weekend, holiday or after normal working hours, a fee shall be collected at the time of request in an amount as set forth in the city's adopted fee schedule.

B. Should the water be turned on or off by anyone excepting the proper officer or employee of the city, or those acting with the permission of the city, after it has been turned off at the city's curb cock, or other designated location, the service will be discontinued and shall not be turned on again except upon payment of the fee set forth in the city's adopted fee schedule. (Ord. 691 § 19, 2000: Ord. 156 § 22, 1973)

**13.04.180 Shutting off water—Right of entry.**

Employees of the water department of the city when in the course of their employment shall have the right to go upon private property to read, inspect, repair, install, or remove a water meter, or to inspect, repair or remove any connection between the water main to and including the water meter, or to shut off water service; and, a water meter may be removed from the premises for purpose of inspection or repair, or when water service has been abandoned or not paid for, or when a bill for consumed water or sewer service is not paid. (Ord. 691 § 20, 2000: Ord. 156 § 26, 1973)

**13.04.190 Shutting off water—Notice to customers.**

The water may be shut off from the city's mains after all affected water customers have been notified, unless an emergency exists, for the purpose of making repairs, extensions or any other necessary work, and persons having boilers supplied by direct pressure from the mains are cautioned against danger of explosion or collapse. The city shall not be responsible for the safety of the boilers on the premises of any water consumer, nor will the city be responsible on account of the interruption of operating any hydraulically operated appliances or cooling devices. (Ord. 691 § 21, 2000: Ord. 156 § 24, 1973)

**13.04.200 Metering.**

All water of the water department of the city shall be sold by use of a water meter that measures the amount of water used by the consumer. (Ord. 691 § 22, 2000: Ord. 156 § 12, 1973)

**13.04.210 Meters—Charge for testing.**

Where the accuracy of the record of a water meter is questioned, upon request by the customer, it shall be removed, tested, and a report thereon be provided to the city and the customer. If the test discloses an error against the customer of more than three percent in the tester's registry, the excess of the consumption on the three previous readings shall be credited to the customer's meter account and the city shall bear the expenses of the test, and the deposit required as provided in this section shall be returned. In the event that either no error or an error of three percent or less of the industry standard range of accuracy for that size and type of meter is detected, the person who requested the test shall pay the charge for the test set forth in the city's adopted fee schedule. Prior to any test being conducted, the amount charged for such test, along with the request therefore must be deposited with the water department. (Ord. 691 § 23, 2000: Ord. 586 § 1, 1995: Ord. 156 § 29, 1973)

**13.04.220 Ownership of meters.**

All water meters inside the city limits shall be supplied by the city at the expense of the consumer and shall remain the property of the city. (Ord. 691 § 24, 2000: Ord. 156 § 17, 1973)

**13.04.230 Temporary discontinuance of service.**

In case the user of water on a metered service desires the temporary discontinuance of water service, he shall file a turn-off order with the water department and request the continuance of water service, which shall be done without charge. (Ord. 691 § 25, 2000)

**13.04.240 Charges when meter out of order.**

In the event a meter fails to register the amount of water used, the customer will be charged at the average rate of monthly consumption for the previous twelve months as shown by the meter when in order. (Ord. 691 § 26, 2000: Ord. 156 § 32, 1973)

**13.04.250 Removal and reinstallation of meters.**

In case the user of water on a metered service desires the temporary discontinuance of water service, he shall file a turn-off order with the water department and request the continuance of water service, which shall be done without charge. The request for reinstating water service shall be accompanied by a fee in the amount set forth in the city's consolidated list of fees, as authorized in Section 2.62.010. (Ord. 586 § 2, 1995: Ord. 156 § 23, 1973)

**13.04.255 Utility accounts.**

All accounts for water, sewer and storm drainage shall be kept in the name of the owner; provided, however, that whenever the owner by written stipulation directs that the account be billed to a renter, tenant or lessee, and within such stipulation acknowledges his legal liability for the payment of the account, the account may be billed to the renter, tenant or lessee. No change of ownership or occupancy shall affect the application of this section. (Ord. 691 § 27, 2000: Ord. 156 § 6, 1973)

**13.04.260 Separate meters required—Exceptions.**

Except as hereafter provided, each separate building occupied as a dwelling or as a place of business must have a separate water service and water meter, and where the applicant desires to have two or more service pipes on the same premises he shall so state in his application for a water connection, and separate service pipes shall be run with individual stop cocks to each water meter; provided, that each mobile home park and each condominium may be served by one water meter; and provided further, that the city council may enter into agreements with commercial and industrial users to allow more than one building to be served by a single meter. (Ord. 156 § 27, 1973)

**13.04.265 Receipts.**

All moneys received for the payment of utility bills shall be by the city clerk-treasurer or his or

her authorized agent. (Ord. 691 § 28, 2000; Ord. 156 § 7, 1973)

**13.04.270 Payment of monthly water bill—  
Delinquent charges—Water shutoff  
and lien authorized.**

A. The monthly water rates established in Section 13.04.280 are due and payable in full at city hall and, if not paid within thirty days of the billing date identified on the billing notice, shall be delinquent.

B. The city shall notify the customer in writing that their account is delinquent. If the account continues to remain delinquent for thirty days or more, the city shall notify the customer in writing that their water service is scheduled to be terminated on or after a specified date. Such date shall be at least ten days after the written notice is served. Customers shall be responsible for payment of any applicable fees related to notice and shutoff of water service.

C. The water may be cut off on the date stated pursuant to subsection (B) unless all delinquent water charges and associated fees are paid in full to the city or payment arrangements have been approved by the city's finance director, provided, if the customer defaults on the agreed payment plan, the city may terminate water service after posting notice on the premises, via door hanger or otherwise, or serving notice in person to the customer or to a person of suitable age and discretion residing at the premises, that service shall be terminated unless payment of all outstanding amounts owed and any costs is made in full to the city within two business days.

D. Once water service is properly terminated, it shall not be restored to the premises until all delinquent water rates and fees and a turn-on charge in the amount set forth in the city's consolidated list of fees, as authorized in Section 2.62.010, are paid in full at city hall.

E. All delinquent water charges shall be a lien against the property to which the water service has been furnished. The lien of a water charge delinquent for thirty days or more past the billing date

may be enforced by cutting off the water service to the premises. Said lien may also be enforced according to the procedures established in RCW 35.67.210 through 35.67.280, as currently enacted or hereafter amended. (Ord. 691 § 29, 2000; Ord. 586 § 3, 1995; Ord. 368 § 1, 1987; Ord. 173 § 3, 1975; Ord. 156 § 8, 1973)  
(Ord. No. 901, § 1, 4-23-2009)

**13.04.280 Monthly water rates.**

A. 1. The water service rates for customers of the city's water utility shall be as set forth in section (2) through (8) below, plus one dollar and eighty-two cents per one hundred cubic feet of water used, for water consumption ranging between zero to six hundred cubic feet of water, per month, plus two dollars and nine cents per one hundred cubic feet of water used, for water consumption ranging between six hundred one to one thousand two hundred cubic feet of water per month, plus two dollars and forty cents per one hundred cubic feet of water used, for consumption greater than one thousand two hundred cubic feet of water per month.

2. All five-eighths-inch and three-fourths-inch meters shall be charged a minimum fee of seventeen dollars and eighty-eight cents per month. Each additional dwelling/business served from the above described meter shall be charged fourteen dollars and ninety-five cents for each additional unit for each month inside the city limits and twenty-nine dollars and ninety cents for each additional unit for each month outside the city limits.

3. All one-inch meters shall be charged twenty-two dollars and sixty cents per month plus the additional amount per unit served by such meter as established in subsection (A)(2) above.

4. All one-and-one-half-inch meters shall be charged twenty-four dollars and thirty-eight cents per month plus the additional amount per unit served as established in subsection (A)(2) above.

5. All two-inch meters shall be charged forty-two dollars and fifty-five cents per month plus the additional amount per unit served as established in subsection (A)(2) above.

6. All three-inch meters shall be charged a minimum of fifty-one dollars and sixty-one cents per month plus the additional amount per unit served as established in subsection (A)(2) above.

7. All four-inch meters shall be charged a minimum of ninety-six dollars and ninety-five cents per month. For additional dwellings, apartments, or units, there shall be a minimum charge of fourteen dollars and ninety-five cents per month for each additional dwelling, apartment or unit, and fourteen dollars and ninety-five cents for each additional commercial use.

8. All six-inch meters shall be charged a minimum of two hundred fifty dollars and seventy cents per month. For additional dwellings, apartments, or units, there shall be a minimum charge of fourteen dollars and ninety-five cents per month for each additional commercial use.

B. *Customers outside city limits.* The minimum monthly water rates for all users outside the city limits shall be twice the monthly rate charged to in-city users pursuant to subsection (A). In addition, in the event of a shortage of water, all water users within the city limits shall have a first priority over users outside the city limits.

C. *Change of owner or renter.* An additional service charge as set forth in the most recently-adopted city fee schedule shall be assessed each time the water billing records are required to be amended as a result of change from owner to renter, or from seller to new owner, or as a result of any other change due to the actions of the owner or user of water. (Ord. 836 § 1, 2007; Ord. 691 § 30, 2000; Ord. 656 § 1, 1998; Ord. 651 § 1, 1998; Ord. 639 § 1, 1998; Ord. 629 § 1, 1998; Ord. 586 § 7, 1995; Ord. 487 § 2, 1993; Ord. 465 §§ 1, 2, 1992; Ord. 449 § 1, 1992; Ord. 441 §§ 1, 2, 1991; Ord. 426 § 1, 1990; Ord. 320 § 1, 1986; Ord. 241 §§ 1, 2, 1981; Ord. 209, 1978; Ord. 196 § 1, 1977; Ord. 173 §§ 1, 2, 1975; Ord. 163 §§ 1, 2, 1974; Ord. 156 § 30, 1973) (Ord. No. 879, § 1, 12-4-2008; Ord. No. 890, § 8, 12-23-2008)

**13.04.285 Meter installation fees—Approval required for larger meter.**

A. *Meter installation fees.* The monthly service rates in Section 13.04.280 do not include meter

installation fees. The cost of meter installation shall be as established on the city's current official fee schedule.

B. *Approval required for larger meter.* No connections requiring meters larger than five-eighths-inch shall be approved until a water needs report is submitted for city review and approval. This report shall include information detailing anticipated water needs and justification for requested meter size.

(Ord. No. 890, § 9, 12-23-2008)

**13.04.290 Water line break—Adjustment in bill.**

A. In the event a leak or failure of a private water system or private service between the meter and the structure located on private property results in excess consumption, the city may, through a determination of the city administrator, provide for a rate adjustment up to fifty percent of the volume consumed in any one-month period in excess of the monthly average of water consumed over the previous twelve months at that service address.

B. Application for the credit must be made on a form approved by the city and directed to the city administrator.

C. No more than one application for credit may be considered by the city administrator per service address in any twelve-month period. (Ord. 691 § 31, 2000; Ord. 156 § 2, 1973)

**13.04.295 Capital facilities charge.**

Prior to being allowed to physically connect a property or properties to the city's water system for the first time, a customer shall be assessed a water system capital facilities charge. The amount of this charge shall be as follows:

1. *Single family.* For water system connections serving a single family residential home, the charge shall be five thousand nine hundred seventy-six dollars and thirty-nine cents.

2. *Duplex.* For water connections serving a duplex, the charge shall be eleven thousand nine hundred fifty two dollars and seventy eight cents.

3. *Multi-family.* For water system connections serving a multi-family complex, the charge shall be five thousand nine hundred seventy-six dollars and thirty-nine cents per equivalent residential unit.

4. *Trailer park.* For water system connections serving a trailer park, the charge shall be five thousand nine hundred seventy-six dollars and thirty-nine cents per equivalent residential unit.

5. *Other.* For water system connections serving other uses the charge shall be five thousand nine hundred seventy-six dollars and thirty-nine cents per equivalent residential unit, based on the projected average annual water consumption needed to serve the connecting facility, provided, if at the end of each year of usage the city determines that actual usage exceeds projected usage by greater than ten percent, the customer shall be billed the capital facility charge for the amount of usage exceeding the equivalent residential units purchased at time of connection to the city water system. If the customer does not pay the outstanding capital facility charge within six months or has not entered into an installment plan with the city for payment, the water connection will be shut off after notice according to Section 13.04.190. (Ord. No. 890, § 10, 12-23-2008)

### **13.04.300 Prohibited uses.**

No person, firm or corporation shall:

A. Use water from the city water system for sprinkling or irrigating when requested by a police officer or fireman of the city to cease such use during a fire which the department is seeking to control; or when use of water for sprinkling or irrigation is forbidden by the city council; or

B. Bathe in, or throw any substance into any reservoir or water tank or standpipe into any pipe or connection in the city water system, or upon the premises where any reservoir, water tank or standpipe is located; or

C. Obstruct the access to any fire hydrant, or place lumber, dirt, rubbish or other materials upon the public right-of-way or city-owned property within twenty feet of a fire hydrant; or to open or

operate a fire hydrant except by a member of the fire department or employee of the city in pursuance of his employment or duty; or

D. Break or deface the seal of a water meter, or tamper with, damage, obstruct or alter a water meter in service; or

E. Make any connection by means of a pipe or otherwise, with a water main or water pipe for delivery of water from the city water system to a consumer in such a manner; or

F. Turn on or off a water service at the water box at any place between the water meter and the water main of the city system (only an employee of the water department is authorized to either turn on or turn off a water service); or

G. Interfere with, obstruct or prevent free or safe access to any water meter or water service for the purpose of reading, inspection, repair, removal or installation, by any employee of the water department in pursuit of his employment; or

H. Tamper with, destroy, break or interfere with any part of the water system; or

I. Make, construct, buy, sell or in any way dispose of to any person any curb cock key or hydrant wrench that fits or may be used on any part of the city water system without permission of the water superintendent of the city; or

J. Disturb, interfere with, damage or, if applicable, trespass upon, any water main, spring, water pipe, turbine pump, electric pump, pump house, machinery, suspension bridge, tool, meter or any other appliance, building, or improvement belonging to, connected with, or under the control of the municipal water supply system of the city; or

K. Remove water from any city water main, hydrant, setter, etc., without prior written approval of the city water superintendent. (Ord. 691 § 32, 2000; Ord. 586 § 8, 1995; Ord. 156 § 31, 1973)

### **13.04.310 Interest added to past due accounts—Use of collections authorized.**

A. In addition to any other fees or charges authorized by law, the city is authorized to add

interest to the amount of any delinquent water bill and associated fees at the rate of six percent per annum, as computed on a monthly basis.

B. Pursuant to Chapter 19.16 RCW, as currently enacted or hereafter amended, the city may assign any delinquent water charges and associated fees to a collections agency; the collections agency may add fees or charges to the original amount assigned to collections as allowed by law. No debt may be assigned to collections until at least thirty calendar days have elapsed from the time that the city attempts to notify the person responsible for the debt of the existence of the debt and that the debt may be assigned to collections if the debt is not paid. Notice of potential assignment to collections shall be made by personal service or regular first class mail to the last known address of the person responsible for the debt, provided, inability to ascertain a current mailing address shall not prohibit the debt from being assigned to collections. (Ord. 586 § 4, 1995; Ord. 311 § 1, 1985)  
(Ord. No. 901, § 2, 4-23-2009)

**13.04.315 Twenty-four hour notice—Fee.**

A. The city may, at its option, provide a notice to a utility customer of near term turn-off of the utility for failure to pay and may charge a fee for such service, and such fee to be placed on the utility bill and to be paid before the service is returned.

B. The fee ordinance shall be modified to provide a ten dollar charge to be added to the utility bill and paid prior to turn on, in addition to other fees, and such ten dollar fee may from time to time be amended to reflect future costs. (Ord. 483 §§ 1, 2, 1993)

**13.04.320 Violation—Penalty.**

Any person found guilty of violating this chapter or any part thereof shall be guilty of a misdemeanor as set forth in Chapter 1.12 of the Black Diamond Municipal Code. (Ord. 691 § 33, 2000; Ord. 156 § 33, 1973)

**Chapter 13.08**

**COMPREHENSIVE WATER SYSTEM PLAN  
ADOPTED**

**Sections:**

**13.08.010 Adopted.**

**13.08.020 Copy on file.**

**13.08.010 Adopted.**

The City of Black Diamond Water System Comprehensive Plan prepared by PacWest Engineering, LLC dated May 2009 is adopted and incorporated by reference. (Ord. 716 § 1, 2001; Ord. 312 § 1, 1985)  
(Ord. No. 929, § 1, 12-17-2009)

**13.08.020 Copy on file.**

A copy of the city comprehensive water system plan shall be in the possession of the city clerk and shall be made available to the public for inspection during regular office hours. (Ord. 716 § 2, 2001; Ord. 312 § 2, 1985)

**Chapter 13.12****WATER SYSTEM CAPITAL  
IMPROVEMENTS****Sections:****13.12.010 Reserved.****13.12.020 Time for payment—Shutoff.****13.12.030 Reserved.****13.12.010 Reserved.**

*Editor's note*—Ord. No. 889, § 1, adopted Dec. 23, 2008, repealed § 13.12.010, which pertained to surcharge imposed and derived from Ord. 286, § 1, adopted 1983; Ord. 402, § 1, adopted 1989.

**13.12.020 Time for payment—Shutoff.**

The monthly surcharge provided for in Section 13.12.010 shall be added to and appear on the monthly water billing sent to each user of city water and shall be due and payable at the same time and in the same manner as is provided for payment of the monthly bill in Chapter 13.04 of this code. In the event of a failure by a user to pay the surcharge within the time provided by ordinances of the city, water service to the user shall be subject to shutoff as provided in Chapter 13.04. (Ord. 286 § 2, 1983)

**13.12.030 Reserved.**

*Editor's note*—Ord. No. 889, § 2, adopted Dec. 23, 2008, repealed § 13.12.030, which pertained to disposition of revenue—Water system capital improvements account created and derived from Ord. 286, § 3, adopted 1983; Ord. 814, § 2, adopted 2006.



to be checked for compliance. DOE letter or stamp signifying the sewer extension plans comply with the DOE criteria must be submitted to the city prior to approval of the sewer extension.

B. The owner's engineer shall inspect and certify to the city clerk-treasurer that the work has been done and completed per drawings and specifications.

C. City personnel shall be present during testing of sanitary sewers. (Ord. 533 § 1 (part), 1995; Ord. 250 § 15, 1981)

#### **13.20.160 Sewer extension permit.**

This section pertains to extension of the sewer line other than side sewers. The owner must make application for a permit to extend city sewer facilities. A permit shall be issued upon approval of sewer extension plans and specifications by the utility superintendent subsequent to DOE approval, as provided for in Section 13.20.150. All side sewer connections to the sewer extension shall be handled according to the various applicable sections of this chapter. (Ord. 533 § 2, 1995; Ord. 250 § 16, 1981)

#### **13.20.170 Charges—Liens.**

All charges levied by and specified within this chapter, including but not limited to, the base connection charge and the side sewer and reserve capacity capital charges, shall be paid promptly. Charges which are delinquent for a period of time to be specified by the city council shall, together any penalties added thereto and interest thereon at the rate of ten percent per year, be a lien against the property upon which the service was received, subject only to the lien for general taxes. (Ord. 250 § 17, 1981)

#### **13.20.180 Violation—Penalty.**

Any person who violates or fails to comply with any provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of three hundred dollars initially and increasing by ten percent daily thereafter up to a maximum allowed by law

or until compliance with this chapter is achieved, or by imprisonment for a term up to thirty days, or by both fine and imprisonment. Court costs will also be assessed to any person convicted of violating this chapter. (Ord. 250 § 18, 1981)

## Chapter 13.24

### SEWER SERVICE CHARGES

#### Sections:

**13.24.010 Monthly rates designated.**

**13.24.020 Failure to pay—Delinquent bills—Liens—Water shutoff authorized.**

**13.24.025 Interest added to past due accounts—Use of collections authorized.**

**13.24.030 Periodic review.**

#### **13.24.010 Monthly rates designated.**

Effective January 1, 2010, sewer service charges shall be as follows:

1. For residential customers served by a single meter to the residence, fifty-one dollars and six cents;

2. For residential customers served by a single meter who have been approved under the Lifeline Utility Program, will receive a discount on the city share of the sewer rate as shown in the city fee schedule.

3. For all other users, including but not limited to commercial users, multi-family residences and mobile home parks, served by a single water meter, fifty-one dollars and six cents per month for the first unit, plus ten dollars for each additional unit served by that water meter, plus four dollars and twenty-seven cents for each one hundred cubic feet of water consumed per month in excess of seven hundred and fifty cubic feet. For purposes of this section, the word "unit" shall be defined as any dwelling unit, home, condominium, mobile home, manufactured home or location at which business is conducted.

4. Any user subject to an overage charge may apply to the city for installation of a separate meter to monitor water usage solely for irrigation and landscaping purposes. The individual or entity requesting such a meter shall pay the city for

the cost of the meter and cost of installation. Water consumed for these purposes shall not be subject to the overage charge.

5. For purposes of this chapter, home occupations shall not be considered a second use.

6. Federal, state and local taxes, where applicable, shall be added to the sums as set forth above. (Ord. 842 § 1, 2007; Ord. 823 § 1, 2007; Ord. 807 § 1, 2005; Ord. 772 § 1, 2004; Ord. 751 § 1, 2003; Ord. 736 § 1, 2002; Ord. 722 § 1, 2002; Ord. 709 § 1, 2000; Ord. 686 § 1, 1999; Ord. 652 § 1, 1998; Ord. 630 § 1, 1998; Ord. 588 § 2 (part), 1996) (Ord. No. 877, § 1, 11-20-2008; Ord. No. 926, § 1, 12-17-2009)

#### **13.24.020 Failure to pay—Delinquent bills—Liens—Water shutoff authorized.**

A. The sewer rates established in Section 13.24.010 are due and payable in full at city hall and, if not paid within thirty days of the billing date identified on the billing notice, shall be delinquent.

B. All delinquent sewer charges shall be a lien against the property to which such service has been furnished or is available, which lien shall be superior to all other liens and encumbrances except general taxes and local and special assessments. Said lien may be enforced according to the procedure established in RCW 35.67.210 through 35.67.280, as currently enacted or hereafter amended.

C. As an additional and concurrent method of enforcing the lien authorized in this section, the city may cut off water service to the premises to which the sewer service was furnished, in accordance with the procedure established in Section 13.04.270. Once water service is properly terminated, it shall not be restored to the premises until all delinquent sewer rates and fees and a turn-on charge in the amount set forth in the city's official fee schedule, as authorized in Section 2.62.010, are paid in full at city hall. (Ord. 588 § 2 (part), 1996) (Ord. No. 901, § 3, 4-23-2009)

**13.24.025 Interest added to past due accounts—Use of collections authorized.**

Interest may be added to delinquent accounts and unpaid charges and costs sent to a collections agency according to the procedures established in Section 13.04.310.

(Ord. No. 901, § 6, 4-23-2009)

**13.24.030 Periodic review.**

The charges and fees established by this chapter shall be reviewed periodically by the city council. As part of such review, the city's finance department shall present to the city council proposed amendments to any rates and charges necessary to enable the city to pay all costs to be incurred by the city's sewer system. (Ord. 588 § 2 (part), 1996)

(Ord. No. 901, § 7, 4-23-2009)

**Chapter 13.26**

**PRETREATMENT AND DISCHARGE OF GREASE AND OIL INTO SEWER SYSTEM**

**Sections:**

**13.26.010 Standard of discharge.**

**13.26.020 Pretreatment facilities.**

**13.26.030 Measurements, tests and analysis—Standards.**

**13.26.040 Right of entry for inspection.**

**13.26.050 Authority to post notices.**

**13.26.060 Violation of chapter.**

**13.26.070 Liability for injury or damage.**

**13.26.010 Standard of discharge.**

Unless approved by the city engineer, it is unlawful to directly or indirectly discharge or cause to be discharged into the public sewer system or any drain, ditch or natural outlet, wastewater which contains more than one hundred parts per million by weight of fat, oil or grease of animal, vegetable or mineral petroleum origin. (Ord. 535 § 1 (part), 1995)

**13.26.020 Pretreatment facilities.**

A. The city engineer may require the installation of a grease or oil interceptor or trap, or any combination of these, on any public or private sewer line when, in the opinion of the city engineer, such pretreatment facility is necessary for the proper handling of liquid waste containing grease or oil in amounts exceeding the level established in Section 13.26.010.

B. All pretreatment facilities shall be of a type and capacity approved by the city engineer and shall be located so as to be readily and easily accessible for maintenance and inspection at the sole expense of the user or applicant.

C. Pretreatment facilities shall be constructed of impervious material capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, water-tight and equipped with easily removable covers which

when bolted in place shall be gas-tight and water-tight. Where installed, all grease and oil interceptors and traps shall be maintained by the owner or occupant at his or her expense, in continuously efficient operation at all times.

D. Plans, specifications and any other pertinent information relating to proposed pretreatment facilities shall be submitted for approval to the city engineer. Construction of such facility shall not begin until the city engineer's approval is noted on the plan. (Ord. 535 § 1 (part), 1995)

**13.26.030 Measurements, tests and analysis—Standards.**

All measurements, tests and analysis of the characteristics of waters and waste to which reference is made in this chapter shall be determined in accordance with the latest addition of "Standard Methods for the Examination of Water and Wastewater" published by the American Public Health Association. Sampling methods, location, times, durations and frequencies are to be determined on an individual basis subject to approval by the city engineer. (Ord. 535 § 1 (part), 1995)

**13.26.040 Right of entry for inspection.**

The city engineer or his duly authorized designee, bearing proper identification and credentials, may with the consent of the occupant or with the consent of owner of unoccupied premises or pursuant to a lawfully issued warrant enter upon any and all premises at all reasonable times, or during an emergency, at any time, for the purpose of inspection, observation, measurement, sampling and testing of sewer and sewage waste in accordance with the provisions of this chapter. (Ord. 535 § 1 (part), 1995)

**13.26.050 Authority to post notices.**

The city engineer is authorized to post notice on private property at or abutting the scene of any violation of this chapter, calling for the terms of this chapter to be complied with. A notice may require work to cease if necessary. (Ord. 535 § 1 (part), 1995)

**13.26.060 Violation of chapter.**

Violation of or failure to comply with the provisions of this chapter, shall subject the offender to a fine of one thousand dollars or imprisonment for no more than ninety days, or both; each day that any violation or failure to comply exists shall constitute a separate offense. (Ord. 535 § 1 (part), 1995)

**13.26.070 Liability for injury or damage.**

Nothing contained in this chapter is intended to be nor shall be construed to create or form the basis for any liability on the part of the city, or its officers, employees or agents, for any injury or damage resulting from the failure of a sewer to conform to the provisions of this chapter or by reason or in consequence of any inspection, notice, order, certificate, permission or approval authorized, issued or done or failure to act in connection with the implementation or enforcement of this chapter, or by reason of any action or inaction on the part of the city related in any manner to the enforcement of this chapter by its officers, employees or agents. (Ord. 535 § 1 (part), 1995)