

# BINGEN MUNICIPAL CODE

## Article III. Water and Sewer Service

### Chapter 13.40

#### WATER-SEWER RULES AND REGULATIONS

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##### **13.40.010 Established.**

The following rules and regulations are the effective rules and regulations of the municipal water-sewer department of the city. No officer, employee or agent of the water-sewer department has any authority to waive, alter or amend in any respect the provisions of these rules and regulations. Changes, amendments or additions may be made at any time by action of the city

council. The city council shall have authority to decide any question which may arise and which is not fully settled by any of the provisions of this chapter and its decision in such cases shall be final. (Ord. 397 §B(1), 1989).

### **13.40.020 Definitions.**

For the purpose of construing this chapter, the following definitions are made a part thereof:

- A. “Agent” means any person empowered in writing to act on behalf of the legal owner in matters concerning water or sewer service.
- B. “Building permit” means those permits issued pursuant to Title 15 of this code, authorizing the customer or his agent to perform work upon his premises.
- C. “Combined sewer” means those sewers which are designed to carry both waste matter permitted by this title to enter the system and surface drainage water.
- D. “Consumer” means the users of water/sewer service. Any business, whether a corporation, partnership or sole proprietor, constitutes a “consumer” for purposes of this chapter.
- E. “Customer” means the legal owner of property or premises served by the city’s water/sewer utility.
- F. “Customer line” means the pipe, valves and fittings leading from the water meter into the premises served.
- G. “Department” means the water/sewer division of the department of public works of the city, and the City of Bingen, acting by and through its water/sewer utility, its authorized agents and employees.
- H. “Legal owner” means the owner of record, as shown by the records of Klickitat County. (See also subsection E, “customer”.)
- I. “Monthly base charge” means the minimum charge for water/sewer service as established by this chapter or as hereafter amended.
- J. “Person” means any individual, firm, company, partnership, association, society, corporation or group.
- K. “Premises” means a continuous tract of land, building or groups of adjacent buildings under a single ownership or control with respect to water or sewer service and responsibility for payment therefore. Subdivisions of such use or responsibility shall constitute a division into separate premises as defined here.

- L. “Public sewer” means a sewer constructed for conveyance of liquid wastes and which is located in a public right-of-way, street, alley, or easement and is controlled by the city or other public authority, the public sewer does not include sewer laterals serving individual buildings, properties or premises.
- M. “Sanitary sewer” means those sewers used to collect and transport only domestic, commercial and industrial waterborne wastes permitted to be discharged thereto by this title
- N. “Service line” means the pipe, fittings, and water meter connecting the main to the customer’s meter.
- O. “Sewer lateral” means the pipe and fittings necessary for connecting the customer’s building sewer to the public sewer main.
- P. “Sewer system” means the system of conduits, pipes, pumps, treatment facilities and structures used for the purpose of conveying from their source, treating in any manner, and conveying to final points of disposal all wastes of any nature permitted by this title.
- Q. “Storm sewer” means those sewers used to collect and transport storm water runoff, surface drainage, or other water which may be permitted under this title.
- R. “Street use permit” means any permit required by any public agency authorizing the customer or his agent to perform work within public rights-of-way. For the purpose of this title, the term “street use permit” includes, but is not limited to, street-cutting permit, sidewalk permit, driveway permit, curb permit, and utility permit.
- S. “Utility” means the water/sewer utility.
- T. “Water main” means the pipe laid in a public right-of-way, street, alley, or easement owned by the city, and used or intended for the distribution of water to customers through service lines, and may also be referred to as “main”.
- U. “Water meter” means any device used for the measurement of water delivered to an individual location, customer or user.
- V. “Water system” means the system of conduits, pumps, treatment facilities, and structures used for the purpose or production and conveying potable water from the source, treating in any manner, and conveying to users in the city and adjacent areas. (Ord. 397 §B(2), 1989.)

**13.40.030 Charges-Water meter and service line installation.**

- A. If any street or alley is to be improved, the service lines to all adjacent tracts, lots or parcels of lands, either vacant or occupied, shall be installed prior to such improvement at the property owner's expense.
- B. The charges for water meter and service line installation shall be adopted by resolution of the city council, and may be changed by subsequent resolutions adopted after public hearing. Those charges in effect at the time of the effective date of the ordinance codified in this chapter are adopted by resolution. (Ord. 397 §B(3) 1989.)

**13.40.040 Service lines-Ownership.**

The department shall install, own and maintain all water service lines from the main to and including the meter. Water service lines from the main to and including the meter box may be installed by the customer's contractor, subject to payment of fees, inspection and approval by the city. Customer lines from the meter to the building or premises shall be installed, owned and maintained by the customer. Insofar as is possible, customer lines leading to such service lines shall be installed so that they will not be under any concrete walk or driveway or other obstruction. (Ord. 397 §B(4)(a), 1989).

**13.40.050 Service lines-Individual service required.**

Each service line or sewer lateral shall be connected to only one house or building and for only one consumer in so far as practicable; provided, that the owner of a multifamily building may at his option supply such building from a single connection, in which case the billing provisions of Section 13.04.240 and 13.04.250 shall apply. (Ord. 397 §B(4)(b), 1989).

**13.40.060 Service lines-Installation on private property.**

Service lines and meters shall not be installed on private property except where the city finds that service can be afforded in no other practical way, in which case an easement granted to the city shall be secured from the legal owner. (Ord. 397 §B(4)(c), 1989).

**13.40.070 Service lines-Charge for installation of larger line or relocation.**

Whenever a customer desires to have a service line changed to a larger size, he shall pay the service charge applicable for installation of such larger size line and meter. Whenever a customer desires to have an existing service line relocated without a change in size of service, he shall pay the cost of all labor and material necessary to relocate the service. In either case, the work shall be done by the department at the customer's expense. In all cases, the customer shall pay the costs thereof in advance. (Ord. 397 §B(4)(d), 1989).

**13.40.080 Service lines-Transferring customer line.**

Whenever a service line is re-laid or changed in position for any reason by the department, the customer shall immediately upon notice and at his own expense transfer the customer line to the newly laid or newly positioned service line. (Ord. 397 §B(4)(e), 1989).

**13.40.090 Service lines and sewer laterals-Owner responsibility.**

- A. The customer to be served by the department's mains shall install and maintain, at his own expense, all water pipe, fixtures and plumbing on his premises and shall maintain his customer line to the meter.
- B. The customer shall be responsible for installation and maintenance of the sewer lateral from the premises to the public sewer and shall bear the expenses thereof.
- C. The customer or authorized agent shall be responsible for obtaining all building and street use permits required for work performed either on the premises or within public rights-of-way. (Ord. 397 §B(4)(f), 1989).

**13.40.100 Service lines and sewer laterals-Installation by licensed contractor.**

All installations performed within public rights-of-way shall be performed by a licensed contractor acting as the owner's agent. The contractor shall be responsible for obtaining all necessary permits for work within the right-of-way. (Ord. 397 §B(4)(g), 1989).

**13.40.110 Non-liability for leakage or stoppage.**

Under no condition shall the department be held responsible or liable for any partial or complete stopping of flow, any leakage, or damage to any customer's pipeline, fixtures, sewer lateral, plumbing, premises or contents therein, served by the water/sewer utility. (Ord. 397 §B(4)(h), 1989).

**13.40.120 Approval of lines.**

Approval of all new, re-laid or relocated customer lines must be secured from the department before water will be turned into the service. (Ord. 397 §B(4)(i), 1989).

**13.40.130 Existing service out of use.**

When any existing service line of two inches or less has been out of use for three years or more, the same shall be considered out of service and shall not be used again for water service purposes; unless the department determines that the existing service line is acceptable. (Ord. 397 §B(4)(j), 1989).

**13.40.140 Unauthorized use of water.**

- A. If any person makes or lays or installs any pipe or pipes or connections thereto or makes or breaks any connection to any meter or seal or reseals any meter with the purpose of intent of obtaining water without paying the just charges for the same, the department shall, upon becoming aware of the fact, shut off and stop the entire supply to the premises affected without prejudice to its right to collect any and all charges due for water legally or illegally or properly or improperly theretofore obtained or delivered. If the improper connection is on public property, the department will make the necessary changes, removals, or repairs, but if on private property, the owner shall do the work directed immediately upon demand.
- B. The customer having had such unauthorized supply shall pay on an estimated basis for the water used for the period during which such unauthorized service may have been obtained. The customer shall also pay all costs for labor and material used in removing the unlawful connections wherever found and in restoring the service line and meter to perfect conditions, and all this work must be done and the cost therefore must be paid before service may be restored. (Ord. 397 §B(5), 1989).

**13.40.150 Sharing or selling water to another.**

No person shall sell or permit any person or persons to carry water from or to connect to any water pipe or hose heading from the customer's piping, whether on the same premises or adjoining property. Where this has been done the customer shall discontinue the practice on demand and pay for all charges and use as estimated by the department. (Ord. 397 §B(6), 1989).

**13.40.160 Trespassing.**

Any person or persons found trespassing upon the watershed, polluting the water, damaging or attempting to sabotage or destroy any reservoir, tank, pump, pump house, pipeline, treatment plant, or any other property of the department shall be guilty of a violation of this chapter. (Ord. 397 §B(7)(a), 1989).

**13.40.170 Cross-connections.**

The purpose of this section is to protect the water system of the City of Bingen from contamination or pollution due to any existing or potential cross-connections as defined in WAC 246-290-010, or as hereinafter amended.

**A. Definitions.**

Except where specifically designated herein, all words used in this section shall carry their customary meanings. Words used in the present tense include the future and plural words include the singular. The word "shall" is always mandatory, and the word "may" denotes a use of discretion in making a decision. Any definition not found in this section will take its meaning, in the following order of preference in the event of differences,

from the WAC (chapter 246-290 WAC), or as amended, or in the most recent edition of the Manual of Cross connection Control Published by the Foundation for Cross Connection Control and Hydraulic Research, University of South California.

1. “Air gap” means a physical separation between the free-flowing end of a potable water supply pipeline and the overflow rim of an open or non-pressure-receiving vessel. To be an “approved air gap,” the separation must be a least twice the diameter of the inlet piping (supply pipe) measured vertically, and never be less than one inch.
2. “Approved backflow prevention assembly” or “backflow assembly” or “assembly” means an assembly to counteract backpressures or prevent back-siphonage. This assembly must appear on the list of approved assemblies issued by the Washington State Department of Health. The assembly must be purchased and installed as a complete unit including two shut-off valves and test cocks.
3. “Auxiliary supply” means any water source or system other than the City of Bingen’s water.
4. “Backflow” means the flow of water or other liquids, gases or solids from any source back into the distribution system; the flow of water in the opposite direction of its intended flow.
5. “Backflow assembly tester” means a person holding a valid BAT certificate issued in accordance with WAC 246-290-490 and chapters 18.27, 18.106 and 70.119 RCW and approved by the City of Bingen to test backflow prevention assemblies.
6. “Backpressure” shall mean backflow due to water pressure on the downstream side of the meter which exceeds the operating pressure of the public potable water supply.
7. “Back-siphonage” shall mean backflow due to a negative or reduced pressure within the public potable water supply.
8. “Building inspector” shall mean the building official for the City of Bingen.
9. “City” shall mean the City of Bingen.
10. “Closed system” means any water system or portion of a water system in which water is closed to atmosphere.
11. “Connection” means any physical connection to the city water system by any water service of any private water system or pipeline extension.

12. “Contamination” means the entry into or presence in a public water supply system of any substance which may be harmful to health and/or quality of the water.
13. “Council” means the city council of the City of Bingen, Washington.
14. “Cross-connection” means any physical arrangement where a public water system is connected, directly or indirectly (actual or potential), with any other not potable water system or auxiliary system, wells, sewer, drain conduit, swimming pool, storage reservoir, plumbing fixture, swamp coolers, or any other device which contains, or may contain, contaminated or polluted water, sewage, used water, or other liquid of unknown or unsafe quality which may be capable of imparting contamination or pollution to the public water system as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices, or other temporary or permanent devices through which, or because of which, backflow may occur are considered to be cross-connections.
15. “Cross-connection specialist” or “CCS” shall mean a person holding a valid CCS certificate issued in accordance with the Washington Administrative Code who is employed by the city or under contract with the city.
16. “Degree or hazard” means the low or high hazard classification that shall be attached to all actual or potential cross-connections, by federal, state or local regulation or the CCS.
17. “Department” means the department of public works of the city.
18. “Distribution system” means all piping components of the city’s system that serve to convey water from transmission mains linked to source, storage and treatment facilities to the consumer, excluding individual services.
19. “DOH” means Washington State Department of Health.
20. “Double check valve backflow prevention assembly” or “double check assembly” or “double check” or “DCVA” or “DC” means an assembly which consists of two independently operating check valves which are spring-loaded or weighted. The assembly comes complete with shut-off valves which are spring-loaded or weighted. The assembly comes complete with a shut-off valve on each side of the checks, as well as test cocks.
21. “Double check detector assembly” or “DCDA” means an assembly which consists of two independently operating check valves which are spring-loaded or weighted. The assembly comes complete with a shut-off valve on each side of the checks, as well as test cocks to test the checks for tightness. It shall also be provided with a factory bypass arrangement with a meter and a minimum of an approved double check assembly.

22. “Health hazard” means an actual or potential threat of contamination of a physical, toxic or biological nature that would be a danger to health, as determined by the CCS.
23. “In-premises protection” means a method of protecting the health of consumers served by the customer’s plumbing system (i.e., located within the property lines of the customer’s premises) by the installation of an approved air gap, backflow prevention assembly or device at the point of hazard.
24. “Inspector,” “surveyor” or “specialist” shall mean a person holding a valid CCS certificate issued in accordance with the Washington Administrative Code, who is employed by the City or under contract with the City to perform inspecting, surveying or other cross- connection related services as directed by the City.
25. “Local administrative authority” means the local official, board, department or agency authorized to administer and enforce the provisions of the Uniform Plumbing Code and all other plumbing codes recognized by the state of Washington.
26. “Low hazard” means the classification assigned to an actual or potential cross connection that could allow a substance that may be objectionable, but not hazardous to one’s health, to backflow into the potable water supply.
27. “Mobile unit” shall mean units connecting to the water system through a hydrant, hose bib, or other appurtenance of a permanent nature that is part of the city water system or a permanent water service to a premises. Examples can include but are not limited to the following: water trucks, pesticide applicator vehicles, chemical mixing units or tanks, waste or septage hauler trucks or units, sewer cleaning equipment, carpet or steam cleaning, rock quarry or asphalt /concrete batch plants, or any other mobile equipment or vessel. Uses that are excluded from this definition are recreational vehicles at assigned sites or parked in accordance with other city ordinances pertaining to recreational vehicles, and homeowner devices that are used by the property owner in accordance with other provisions of this section, or other city of Bingen ordinances pertaining to provision of water services to premises.
28. “Person” means a natural person (individual), corporation, company, association, partnership, firm, limited liability company, joint venture company or association, and other such entity.
29. “Plumbing hazard” means an internal or plumbing-type cross-connection in a consumer’s potable water system that may be either a pollution or a contamination hazard. This includes, but is not limited to, cross-connections to toilets, sinks, lavatories, wash trays, domestic washing machines and lawn sprinkling systems. Cross-connections can be located in all types of structures including but not

limited to homes, manufactured homes, apartment houses, hotels and commercial or industrial establishments.

30. “Pollution hazard” means an actual or potential threat to the physical properties of the water system or the potability of the public or the consumer's potable water system but which would not constitute a health or system hazard, as defined. The maximum degree of intensity of pollution to which the potable water system could be degraded under this definition would cause a nuisance or be aesthetically objectionable or could cause minor damage to the system or its appurtenances.
31. “Potable water supply” means any system of water supply intended or used for human consumption or other domestic use and meets all requirements established by the Safe Drinking Water Act and the DOH regulations.
32. “Premises” means any piece of property to which water is provided including, but not limited to, all improvements, mobile structures and structures located on it.
33. “Premises isolation” means a method of protecting a public water system by installation of an approved air gap or approved backflow prevention assembly at the point of service (end of City’s service pipe) to separate the customer's plumbing system from the City’s distribution system.
34. “Reclaimed water” means effluent derived in any part from sewage from a wastewater treatment system that has been adequately and reliably treated, so that as a result of that treatment it is suitable for beneficial use or a controlled use that would not otherwise occur, and it is no longer considered wastewater.
35. “Reduced pressure detector assembly” or “RPDA” shall mean an approved assembly consisting of two approved reduced pressure backflow assemblies, set in parallel, equipped with a meter on the bypass line to detect small amounts of water leakage or use.
36. “Reduced pressure principle backflow prevention assembly” or “reduced pressure principle assembly” or “RP assembly” shall mean an assembly containing two independently acting approved check valves together with a hydraulically operated, mechanically independent pressure differential relief valve located between the check valves. The assembly shall include properly located test cocks and tightly closing shut-off valves at each end of the assembly.
37. “SOP” means the most recent edition of the city of Bingen's standard operating procedure manual as applicable.
38. “Superintendent” means the superintendent of the public works department of the city.

39. “Thermal expansion” means the pressure created by the expansion of heated water.
40. “Unapproved auxiliary water supply” means a water supply (other than the City’s water supply) on or available to the consumer's premises that is either not approved for human consumption by the health agency having jurisdiction or is not otherwise acceptable to the City.
41. “Used water” means any water supplied by the city to a customer's property after it has passed through the service connection and is no longer under the control of the city.
42. “WAC” means the most recent edition of the Washington Administrative Code.

**B. Cross-Connections Regulated.**

1. No cross-connections shall be created, installed, used or maintained within the territory served by the city, except in accordance with this section.
2. The CCS for the city shall carry out or cause surveys to be carried out to determine if any actual or potential cross-connections exist. If found necessary, an assembly commensurate with the degree of hazard will be required to be installed at the service connection.
3. The owner, occupant or person in control of the property is responsible for all cross-connection control within the premises.
4. The owner, occupant or person in control of the property shall abide by other city regulations as contained in Section 13.04.050.

**D. Application and Responsibilities.**

This section applies throughout the city and to every premises and property served by the city water system. It applies to any premises, public or private, regardless of date of connection to the city water. Every owner, occupant and/or person in control of any concerned premises is responsible for compliance with the terms and provisions contained herein.

**E. Backflow Prevention Assembly Requirements.**

A CCS shall determine the type of backflow assembly to be installed within the area served by the city. All assemblies shall be installed at the service connection unless it is determined by the CCS to install the assembly at an alternate location. The cross-connection shall be eliminated or an assembly shall be required to be installed in each of the following circumstances, but the CCS is in no way limited to the following circumstances:

1. The nature and extent of any activity on the premises, or the materials used in connection with any activity on the premises, or materials stored on the premises, could contaminate or pollute the potable water supply.
2. Premises having any one or more cross-connections or potential cross-connections as that term is defined in this section and the Washington Administrative Code and all applicable plumbing codes.
3. When a cross-connection survey report form is required by the city to be filled out and the city has not received it.
4. Internal cross-connections are present that are not correctable.
5. Intricate plumbing arrangements exist or plumbing subject to frequent changes is present that make it impractical to ascertain whether or not cross-connections exist.
6. There is a repeated history of cross-connections being established or re-established.
7. There is unduly restricted entry so that inspections for cross-connections cannot be made with sufficient frequency to assure that cross-connections do not exist.
8. Materials, chemicals or any substance or apparatus is being used that if backflow occurred contamination would result.
9. Installation of an approved backflow prevention assembly is deemed to be necessary in the judgment of the CCS to accomplish the purpose of these regulations.
10. Any premises having an auxiliary water supply, which is not in compliance with WAC 248-54-30, or as amended, and is not acceptable to the city.
11. In the event an in-premises assembly has not been tested or repaired as required by WAC 246-290-490, or as amended, and this section.
12. If it is determined that additions or rearrangements have been made to the plumbing system without obtaining proper permits as required by the city code enforcement division.
13. All high health hazard premises, which are defined in Table 9 of WAC 246-290-490, or as amended, are required to have premises isolation by installing a reduced pressure principle assembly in accordance with this section.

14. When a garden hose attachment is connected to the premises' plumbing, including but not limited to fertilizer applicators, pesticide applicators and radiator flush kits.
15. Where reclaimed or reused water systems are installed.
16. Premises on which any substance is handled under pressure so as to permit entry into the public water system.

**F. Irrigation Systems.**

All irrigation systems shall be protected in accordance with the Uniform Plumbing Code. In the event any system is equipped with an injector system, or has submerged heads, a reduced pressure principle assembly will be required.

**G. Fire Systems.**

An approved double check detector backflow prevention assembly shall be the minimum protection on all new fire sprinkler systems using piping material that is not approved for potable water use, and/or that does not provide for periodic flow-through. A reduced pressure principle detector backflow prevention assembly must be installed, if any solution other than the potable water can be introduced into the sprinkler system. Retrofitting on fire sprinkler systems will be required in each of the following circumstances:

1. Where improper maintenance has occurred;
2. On all high hazard systems;
3. Wherever a CCS deems necessary; and
4. Wherever required by the WAC.

**H. Temporary Meters and Hydrant Valves.**

Backflow protection will be required on temporary meters and all hydrant valves. The type of assembly will be commensurate with the degree of hazard and will be determined on a case-by-case basis by the city's CCS.

**I. Mobile Units.**

Any mobile unit or apparatus as defined in subsection A of this section which uses the city's water from any premises or piping within the distribution system shall first obtain a water use permit from the city. The mobile unit will be inspected to assure appropriate backflow protection is installed in accordance with the city's most recent edition of the SOP manual.

**J. Right-of-Way Encroachment.**

1. No person shall install or maintain a backflow prevention assembly upon or within any city right-of-way except as provided in this section.
2. A backflow prevention assembly required by the city may be installed upon or within any city right-of-way only if the owner proves to the city that there is no other feasible location for installing the assembly, and installing it in the right-of-way will not interfere with traffic or utilities. The city retains the right to approve the location, height, depth, enclosure, and other requisites of the assembly prior to its installation.
3. All permits required by the city code to perform work in the right-of-way shall be obtained.
4. A property owner shall, at the request of the city and at the owner's expense, relocate a backflow prevention assembly which encroaches upon any city right-of-way, when such relocation is necessary for street or utility construction or repairs for purposes of public safety.

**K. Plumbing Code.**

As a condition of water service, customers shall install, maintain, and operate their piping and plumbing systems in accordance with all Washington State Plumbing Codes.

**L. Access to Premises.**

Authorized employees of the city, with proper identification, shall have access during the hours of 8:00 a.m. to 5:00 p.m. to all parts of commercial, industrial and residential premises and within the buildings to which water is supplied. If access to the premises or to the interior of a structure during these hours is denied, a reduced pressure principle assembly shall be required to be installed at the service connection to that premises.

**M. Testing and Repairs.**

Backflow prevention assemblies shall be tested and repaired in accordance with the requirements set out in the WAC, this section and the city's Cross-Connection Control Program.

**N. Responsibilities of Backflow Prevention Assembly Testers.**

All backflow assembly testers operating within the city shall be certified in accordance with all applicable regulations and shall comply with all stipulations in this section and the most recent edition of the city's applicable SOP manual.

**O. Maintenance of Assemblies.**

Backflow prevention assemblies shall be maintained in accordance with the requirements set out in the WAC, or as amended, and the city's Cross-Connection Control Program.

**P. Installation Requirements and Specifications.**

Backflow prevention assemblies shall be installed in accordance with the requirements set out in the WAC and the city's Cross-Connection Control Program.

In the event the CCS allows premises isolation assembly to be installed at an alternate location, there shall be no connections between the meter and the premises isolation assembly.

**Q. Thermal Expansion.**

If a closed system has been created by the installation of a backflow prevention assembly, it is the responsibility of the property owner to eliminate the possibility of thermal expansion.

**R. Pressure Loss.**

Any reduction in water pressure caused by the installation of a backflow assembly is not the responsibility of the city. The city will give reasonable assistance to the owner regarding information on adequate sizing of assemblies and proper plumbing practices to provide for required pressure and flows for fire protection.

**S. Parallel Installation.**

Premises where non-interruption of water supply is critical shall have two assemblies of the same type installed in parallel. They shall be sized in such a manner that either assembly will provide the minimum water requirements while the two together will provide the maximum water requirements.

**T. New Construction.**

1. On all new nonresidential construction, an approved backflow assembly shall be installed at the service connection. The type of the assembly will be commensurate with the degree of hazard as determined by a CCS.
2. When a building is constructed on commercial premises, and the end use of the building is not determined or could change, a reduced pressure principle backflow prevention assembly shall be installed at the service connection to provide protection of the public water supply in the event of the most hazardous use of the building.

**U. Residential Service Connections.**

Any residential property, which has been determined to have an actual or potential cross-connection and/or has violated any applicable plumbing code or this section in any way, shall be required to install an approved backflow prevention assembly in accordance with this section.

**V. Rental Properties.**

The property owner is responsible for the installation, testing and repair, and effective operation of all backflow assemblies or devices on their property. When the tenants change, or if the plumbing is altered in any way, it is the responsibility of the owner to notify the city.

**W. Retrofitting.**

Retrofitting shall be required on all service connections where an actual or potential cross-connection exists, and wherever else the city deems retrofitting necessary.

**X. Costs of Compliance.**

All costs associated with the purchase, installation, inspections, testing, replacement, maintenance, parts, and repairs of the backflow assembly are the financial responsibility of the property owner. All cost associated with any disconnect fees associated with the enforcement of this document are the sole responsibility of the property owner.

**Y. Recovery of Costs and Damages.**

Any owner, water customer, or any person violating any of the provisions of this section and who causes damage to or impairs the city's water system, including, but not limited to, allowing contamination, pollution, any other solution or used water to enter the city's water system, shall be liable to the city for any expense, loss and damage caused by such violation. The city shall collect from the violator for the cost incurred by the city for any cleaning, purifying, repair or replacement work or any other expenses, loss or damage caused by the violation. Refusal to pay the assessed costs, expenses and damages shall constitute a violation of this section and shall result in the termination of service. Such termination shall not limit the City's ability to pursue any other remedies in equity or at law.

**Z. Emergency Suspension of Service.**

The CCS or its designee may, without prior notice, suspend water service to any premises when such suspension, in the discretion of the CCS or its designee is necessary to stop the imminent threat of any actual or potential cross-connection as defined in this section and the city's Cross-Connection Control Program.

**AA. Nonemergency Suspension of Service.**

The director or their designee may suspend, with twenty-four hours' notice, the water supply to any premises where the CCS believes the conditions of this section or the city's Cross-Connection Control Program have been violated.

**BB. Penalties.**

Any person, property owner, firm, corporation or business entity violating (1) this section, or (2) any regulation, rule or permit of the city issued pursuant to this section shall be liable to the city for civil penalty. The amount of such civil penalty shall be two thousand dollars per violation. Each continuing day's violation under this section shall constitute a separate offense. The penal provisions imposed under this section shall not preclude the city from filing suit to enjoin the violation. The city of Bingen retains all legal rights and remedies available to it pursuant to local, state and federal law.

**CC. Falsifying Information.**

Any person who knowingly makes any false statement, representation, record, report or other document filed or required to be maintained pursuant to this section, or who falsifies, tampers with, or knowingly renders ineffective any backflow assembly, device or method required under this section shall (in addition to civil and/or criminal penalties provided by state law) be guilty of a misdemeanor subject to the general penalty clause of the Bingen Municipal Code.

**DD. Constitutionality and Saving Clause.**

If any provision, section, sentence, clause or phrase of this section, or the application of same to any person or set of circumstances, are for any reason held to be unconstitutional, void, invalid, or for any reason unenforceable, the validity of the remaining portions of this section or its application to other persons or circumstances shall not be affected thereby, it being the intent of the city council of the city of Bingen in adopting, and the mayor in approving, this section that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion, provision, or regulation. (Ord. 397 §B(7)(b), 1989; Ord. 545 §2, 2008).

**13.40.180 Tampering with equipment.**

The department shall, under all circumstances and conditions, exercise through its authorized employees, full authority and complete jurisdiction over the entire water system. No one other than an authorized employee of the department of public works shall remove, relocate, turn off, turn on, test, regulate, repair, damage or otherwise molest or tamper with any meter, curb cock, valve or other property of the department. Any person so doing shall be guilty of a violation of this chapter. (Ord. 397 §B(7)(g), 1989).

**13.40.190 Authority to disconnect.**

- A. The department shall have the right to shut off the supply of water whenever it is necessary to make repairs, improvements, enforce rules or for any operating reason.
- B. In all such cases, reasonable previous notice will be given to consumers, except in emergencies shutoff may be affected without notice.
- C. All hot water faucets should be left open during any shutoff to prevent damage to plumbing.
- D. The department shall be responsible for closing at the meter all service lines which are affected by a shutdown to preclude drainage of water from tanks. The necessary work will be done as rapidly as practicable and whenever feasible, at times which will cause the least inconvenience.
- E. The department shall not be held responsible or liable for any direct or resultant damage to any person, company or consumer or to any pipe, fixture or plumbing caused by cessation of supply or reduced or insufficient pressure. (Ord. 397 §B(7)(c), 1989).

**13.40.200 Dangerous industrial uses.**

Water for steam boilers, gas engines, ice plants or other industrial use involving possible danger will not be furnished by direct pressure from the mains. (Ord. 397 §B(7)(d), 1989).

**13.40.210 Defective customer equipment-Refusal of water services.**

The department shall have the right to refuse water service or to discontinue water service without notice at any time to any customer upon finding any apparatus or appliances, the operation of which will be detrimental to the water system or any annoyance to any of all of its customers. Standpipes, hydrants, gate valves or any other apparatus or equipment that causes water-hammer or any danger to the water system or other customer's plumbing shall be immediately repaired or removed upon notice from the department. (Ord. 397 §B(7)(e), 1989).

**13.40.220 Liability for damage.**

The customer shall be responsible for and pay for any damage to meter, meter boxes, seals, service cocks, pipe and other appliances belonging to the department caused by any unauthorized use, carelessness or neglect by the customer. (Ord. 397 §B(7)(f), 1989).

**13.40.230 Access.**

The department shall have access to all portions of the premises of the consumer at any reasonable time for inspection of the use of water and the customer's pipe, fixtures, plumbing and any other apparatus, in any manner connected with the city water system. The department shall have the right and option to demand termination of use or to require any repair, change,

removal or improvement of any pipe, fixture, plumbing or other apparatus that will in the opinion of its engineer in any manner affect the water supply or water system or the supply or fixtures of other consumers. (Ord. 397 §B(7)(h), 1989).

**13.40.240 Joint use.**

- A. Responsibility for Joint Use. When more than one family, business or other consumer receives water through one meter on a single service line, in one building, and it is found impracticable to separate the water piping or each consumer, the owner or owners shall be solely responsible and shall pay the total bill for water service.
- B. Shutoff of Entire Supply. All service to joint consumers shall be on the basis that if it becomes necessary to enforce these rules and regulations against any or all joint consumers, the department shall have the right to shut off the entire supply to all consumers. Separate meters shall be installed and separate bills rendered to each consumer if the owner separates the piping and installs individual supply pipes from the property line. (Ord. 397 §B(8)(a,b), 1989).

**13.40.250 Separate services required-Billing.**

- A. When two or more houses, buildings, or other premises occupied by separate consumers are supplied from a single service connection, the owner or owners shall immediately, upon notice from the department, separate each customer's lines and connect up individually to meters at the property line, and if separate services are not established within a reasonable time thereafter, the department may shut off the water and refuse further service to all such consumers.
- B. Until customer lines are separated, computation of the total bill shall be made by multiplying the quantity in each bracket of the rate schedule by the number of consumers on one meter. The minimum charge shall be the regular minimum charge multiplied by the number of consumers served. (Ord. 397 §B(8)(c,d), 1989).

**13.40.260 Noncompliance.**

If any customer fails to comply with any of the rules and regulations in force the department shall give notice of such failure. If the customer does not comply as the rules provide and within reasonable time, the department shall have the right to shut off the water and collect the scheduled charge for restoration of service or to remove the meter and make the same charge for resetting as if the meter were removed at the customer's request. (Ord. 397 §B(7)(i), 1989).

**13.40.270 Termination of services-Charges.**

When a customer/consumer elects to terminate water/sewer services, the customer/consumer shall notify the city of that person's decision. The customer/consumer shall pay a fee of forty-five dollars which shall be called the "shutoff charge" and the balance of any remaining charges due and owing. In the even the fee is not paid, services to the premises may not be reinstated

without payment of both the unpaid shutoff charge and any fee for reinstatement of water/sewer service required by this title. (Ord. 397 §B(9), 1989).

**13.40.280 Reinstatement of service-Charges.**

- A. When a customer/consumer elects to reinstate water/sewer services terminated voluntarily by the customer/consumer, the customer/consumer shall notify the city of that person’s decision. The customer/consumer shall pay a fee of twenty-five dollars which shall be called the “reinstatement charge”. No reinstatement charge shall be assessed when a customer/consumer reinstates service less than ninety days after voluntary termination of service.
- B. When a customer/consumer seeks to reinstate water/sewer services terminated involuntarily due to nonpayment of sewer/water charges or due to noncompliance with this title, the customer/consumer shall pay a fee of fifty dollars before service is reinstated. (Ord. 397 §B(10), 1989).

**13.40.290 Penalties for violations.**

Violations of any provision or subsection of Sections 13.40.010 through 13.40.280 shall be punishable as follows:

- A. Immediate termination of water/sewer services;
- B. If the customer/consumer is a business, revocation of business license;
- C. By fine and/or imprisonment not greater than the maximum penalty set forth in Sections 1.16.010 and 1.16.020 of this code;
- D. Each day’s violation of this chapter shall constitute a separate offense;
- E. The city’s election of one of the above remedies shall not preclude the imposition of other remedy or penalty. (Ord. 397 §B(11), 1989).

**13.40.300 Leak adjustment policy.**

- A. The property owner, or their agent, may request an adjustment to a utility billing in writing by completing a request form obtained from City Hall. The request must be made within ten (10) business days of the leak’s discovery by the owner, or the tenant or resident, depending on who first discovers the leak, or within ten (10) business days of the city notifying the owner, or the tenant or resident if the building is occupied by one other than the owner, of a probable leak, whichever occurs sooner. Required information shall include:
  - 1. Name, service address where leak occurred and account number

2. Description of leak and date repaired
  3. Copy of repair bill or materials receipts
  4. Signature of customer
- B. Upon receipt of the completed request form, a representative of the City Public Works department will confirm, through visual inspection, that the leak has been repaired.
- C. Following confirmation of the repair, the Mayor or the Mayor's designee will authorize an adjustment for one billing cycle (1 month). Residential accounts will have water usage costs only adjusted. Non-residential accounts, where the customer's sewer bill is based on water consumption, will be allowed an adjustment to water usage and sewer overage costs provided it can be confirmed to the satisfaction of the Mayor or the Mayor's designee that the additional water volume was due to a leak and did not enter the wastewater system.
- D. The consumption used to determine the leak adjustment amount will be the actual consumption from the same bill cycle of the previous year if the current resident/tenants also occupied the space during the same period in the prior year.
- E. For property owners who have been owners for less than one year, or in situations where the current tenant did not occupy the same space in the previous year, the consumption used to determine the leak adjustment shall be one of the following:
1. An average of the water consumption in the three-complete billing cycles immediately proceeding the bill cycle in which the leak began.
  2. In the absence of three complete prior billing cycles, water consumption for three complete billing cycles after the leak repair is completed can be used to estimate consumption during the leak period.
- F. Only one (1) leak adjustment per 12-month period per account will be authorized.
- G. Residential property owners will be eligible for a leak adjustment only if the total dollar amount of the adjustment is greater than \$25.00. Non-residential property owners with both water and sewer will be eligible for a leak adjustment only if the total dollar amount of the adjustment is greater than \$50.00. Adjustments for water only are limited to no more than \$500.00. Adjustments for non-residential accounts with a combination of water and sewer charges are limited to no more than \$5,000.00.
- H. If the property owner disputes the adjustment decision by the Mayor or the Mayor's designee, the property owner may submit a written request to the City of Bingen for a review of the adjustment by the City Council. The written request for review must be received within 15 days from the date the City posted the adjustment to the account. Pending the decision on review, the customer must continue to pay the disputed charge as

billed until a written decision of the City Council is provided. A decision of the review shall be provided within 30 days of receipt of the written request for review. Upon the written decision of the City Council, if an account has been incorrectly charged, the account will be adjusted accordingly.

- I. Water and sewer charges will not be adjusted for:
  - 1. Fixtures, faucets and hose bibs left running;
  - 2. Toilets left running;
  - 3. Leaks not repaired within seven (7) calendar days of notification by the City or discovery by resident, tenant or owner as case may be;
  - 4. Pipes which are in poor condition evidenced by persistent breaks and leaks.
  
- J. The public works department is authorized to shut off a customer's water when the property owner or tenant cannot be notified of a large leak which could damage the property or the City of Bingen's property or jeopardize water service to other customers. No charge will be made for this unrequested service. (Ord. 603 §1, 2012).