

First Reading: April 16, 2019

Second Reading: May 7, 2019

CORRECTED COPY

ORDINANCE NO. 1000

AN ORDINANCE OF THE CITY OF BENTON CITY, WASHINGTON, AMENDING SECTIONS 13A.24.080 "CONNECTION PERMIT – APPROVAL - APPEAL"; 13A.24.120 "INSTALLATION STANDARDS"; 13A.24.130 "METERS - CITY PROPERTY"; SECTION 13A.24.170 "MAINTENANCE OF BUILDING WATERLINE AND METER BOXES"; AND 9.48.050 "SPECIFIC ACTS DECLARED NUISANCES"

WHEREAS, the City of Benton City maintains a municipal water utility, as authorized by RCW 35A.80.010 and RCW 35.92.010; and

WHEREAS, the City of Benton City employs water meters located inside meter boxes to determine consumption charges for water utility customers, pursuant to Chapter 13A.28 BCMC; and

WHEREAS, the ability to access or read water meters is a significant component of the operation of the City's municipal water utility; and

WHEREAS, the City Council of the City of Benton City finds that numerous water meter boxes within the City have failed or are failing, allow foreign materials to enter the meter box and making it difficult or impossible for City staff to enter the meter box or read the water meter therein; and

WHEREAS, the City Council of the City of Benton City finds that the inability to access or read water meters presents a significant annoyance to the comfort of City employees and threatens the ability of City employees to perform their duties. NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF BENTON CITY, WASHINGTON, DO HEREBY ORDAIN AS FOLLOWS:

Section 1. That Section 13A.24.080 of the Benton City Municipal Code entitled "Connection permit—Approval—Appeal" is hereby and shall be amended and shall read as follows:

13A.24.080 Connection permit—Approval—Appeal. The Superintendent is not required to approve or install a public waterline in areas not served by the existing public water system or where the public water system is

inadequate to accommodate the increased demand that would result from the applicant's proposed use. Building water connections are subject to the approval of the Superintendent, in accordance with this chapter; provided, however, that the decision of the Superintendent may be appealed to the City Council within thirty (30) days of decision by giving written notice to the Council of the appeal. Upon receiving notice of appeal, a hearing date shall be set by the Council, which date shall be within thirty (30) days of receipt of the notice by the Council. After approval in writing of an application for a building water connection by the Superintendent, a water connection permit shall be issued to the property owner by the City Clerk upon receipt of payment of an additional permit and assessment fee as provided in this chapter. Usage shall not be allowed until after the Superintendent has inspected and approved the construction and/or installation as completed, which inspection shall be before any part of the underground portions of the building waterline, which has not been inspected, is covered. The Superintendent's inspection may include, but shall not be limited to, the meter setter, water meter, meter box, and meter box lid to ensure that the foregoing comply with the meter box standards established by the Superintendent. Inspection shall be made by the Superintendent within three working days after his receipt of written request to so inspect. The Superintendent shall effect the connection of the building waterline to the public water system within twenty (20) working days after his inspection, provided that all other ordinances of the City are complied with. (Ord. 667, 1998; Ord. 405 S1 (part), 1981.)

Section 2. That Section 13A.24.120 of the Benton City Municipal Code entitled "Installation standards" is hereby and shall be amended and shall read as follows:

13A.24.120 **Installation standards.** All building waterlines and connections with the public water system shall be constructed, installed, and connected in such a manner as to insure a permanent and leak-free system and must comply with the Uniform Plumbing Code. The pipe of the building waterline shall be laid at a depth of not less than thirty (30) inches from the surface of the ground at any place. All meter boxes and meter box lids installed by either the City or the property owner must comply with the meter box standards established by the Superintendent. (Ord. 667, 1998; Ord. 405 S1 (part), 1981.)

Section 3. That Section 13A.24.130 of the Benton City Municipal Code entitled "Meters—City property" is hereby and shall be amended and shall read as follows:

13A.24.130 **Meters—City property.** All water meters shall be and shall remain the property of the City. All meter boxes and meter box lids constructed or installed on or after May 1, 2019 shall be and remain the property of the

City. Any meter may be removed, replaced, or changed as to size and/or type by the Superintendent whenever deemed necessary. (Ord. 667, 1998; Ord. 405 S1 (part), 1981.)

Section 4. That Section 13A.24.170 of the Benton City Municipal Code entitled "Maintenance of building waterline and meter boxes" is hereby and shall be amended and shall read as follows:

13A.24.170 Maintenance of building waterline and meter boxes.

- A. The service connection and its fixtures from the water main to and including the water meter shall be maintained in good repair at the expense of the City, including replacement of necessary parts because of corrosion, tuberculation, or other deterioration.
- B. The service and its fixtures from the water meter into the property served shall be maintained at the expense of the customer or owner of the property, and any leaks or other defects in the same shall be promptly repaired by the customer or owner of the property.
- C. All meter boxes (including pits and vaults) constructed or installed by the owner, regardless of the location, and any such boxes if constructed or installed by the City before May 1, 2019 shall be maintained in good repair by the owner, at their expense. All meter boxes (including pits and vaults) constructed or installed on or after May 1, 2019, regardless of the location, shall be maintained by the City at its expense. The Superintendent shall have the authority to determine if any defects exist and if repair is needed to the meter box to protect both the building line and the public water system. Failure to maintain the a privately-owned meter box and lid in good repair that leads to damage of the public water system will constitute a violation of Section 13A.08.010. Nothing in this Section shall be interpreted so as to prevent the City from declaring as a nuisance or abating any condition that prevents or endangers access to a meter box. (Ord. 930, 2014.)
- D. Upon the Superintendent's determination that a meter box is defective and repair is needed, the City may seek the property owner's permission to allow the City to replace the meter box at the City's expense. Permission from the property owner shall be secured by the City in writing on a form provided by the City, in which the property owner acknowledges that the City's replacement of the meter box shall be at the City's expense and shall render the meter box as the property of the City.

Section 5. That Section 9.48.050 of the Benton City Municipal Code entitled "Specific acts declared nuisances" is hereby and shall be amended and shall read as follows:

9.48.050 **Specific acts declared nuisances.** In addition to the general definition provided in Section 9.48.010, the following things, places and acts are declared to be public nuisances. It is unlawful for any person to create, permit or allow such nuisance or to willfully omit or refuse to perform any legal duty relating to the removal of such nuisance. Every person convicted of a violation of the provisions of this section shall likewise be guilty of maintaining or permitting a public nuisance, a misdemeanor:

- A. Throwing, depositing, disposing or causing to be disposed of in any street or other public place within the city any garbage, waste, refuse, litter, debris or other offensive material, unless the disposal of such items in such place is specifically authorized by law.
- B. Causing or allowing garbage, waste, refuse, litter, debris or other offensive material to collect, be deposited or to remain in any place in the city to the annoyance of any person, unless otherwise permitted by law.
- C. Erecting, continuing or using any building, room, or other place in the city for the exercise of any trade, employment or manufacture which, by occasioning noxious exhalations, offensive odors or other annoyances, annoys, injures or is offensive or detrimental to the health of individuals or of the public.
- D. Making or causing to be made by means of any mechanical device, or otherwise, any unnecessary noise of any kind which causes annoyance to other people.
- E. Burning of refuse or other material in such a manner as to cause or permit the smoke, ashes, soot, or gases arising from such burning to become discomforting or annoying to other people or to injure or endanger property, or to injure or endanger the health of any person.
- F. Any building, house, room or other structure kept, maintained or used for the purpose of prostitution.
- G. Any pit, basin, hole or other excavation which is unguarded and dangerous to life, or has been abandoned, or is no longer used for the purpose which it was constructed, or is maintained contrary to law.
- H. Any obstruction to a street or other public way which is done or made without lawful permission, or which, having been done or made by lawful

permission, is kept and maintained after the purpose thereof has been accomplished, and for an unreasonable length of time, or permitting any tree, bush, vine or other vegetation to extend into the public right-of-way, pathway, sidewalk, alleys or other access to or at any height of less than fourteen (14) feet from grade level and less than five (5) feet behind the curb and gutter.

- I. The keeping and harboring of any animal which, by frequent or habitual odor or noise making annoys or disturbs other people.
- J. Erecting, maintaining, using, placing, depositing, leaving or permitting to be or remain in or upon any private lot, building, structure or premises, or in or upon any street, alley, sidewalk, park, parkway or other public or private place in the city, any one or more of the following conditions or things:
 - 1. Filthy, littered or trash covered dwellings, yards, vacant lots or other premises.
 - 2. Bottles, cans, glass, ashes, pieces of scrap iron, wire, metal articles, broken stone or cement, and all trash, or abandoned material, unless they are kept in covered bins or receptacles.
 - 3. Trash, litter, rags, accumulations of empty barrels, boxes, crates, packing cases or other pack-material, lumber which is not neatly piled, scrap iron or other metal which is not neatly piled, or anything whatsoever in which rodents or insects may breed or multiply, or which may be a fire hazard.
- K. Erecting, maintaining, using, placing, or permitting to be used any electric fence within the city limits except within agriculturally zoned areas.
- L. The pollution of any public well or cistern, stream, lake, canal or body of water, by untreated sewage, creamery or industrial wastes or other substances.
- M. All use or display of fireworks, except in accordance with the provisions of the Uniform Fire Code as adopted by the city.
- N. Erecting, maintaining, using, placing, leaving, or permitting to be used or remain in place within three feet of any public sidewalk, barbed wire fence.
- O. Causing or allowing dirt, sand, gravel, oil, grease, ice, snow, plants, or other foreign matter to accumulate inside of or around any meter box that

houses a water utility meter so that it becomes difficult or impossible for City staff to enter the meter box or read the water meter therein.

ØP. Any other item or thing, of any nature, falling within the definition of the term "public nuisance" as that term is defined in Section 9.48.010. (Ord. 915, Dec. 2012; Ord. 726, April, 2001; Ord. 325, 1978.)

PASSED by the City Council of the City of Benton City, Washington, and approved as provided by law this 7th day of May, 2019.



Linda Lehman, Mayor

Attest:



Stephanie Haug, MMC
City Clerk-Treasurer

Approved as to Form:



Kerr Ferguson Law, PLLC
City Attorney