



**CITY OF STANWOOD  
COUNCIL AGENDA STAFF REPORT**

**ITEM NUMBER:** 8a  
**DATE:** November 21, 2016  
**SUBJECT:** Water Use Efficiency Program (WUEP) Implementing Code Amendments (SMC Title 12)  
**CONTACT PERSON:** Carly Ruacho, Senior Planner  
**ATTACHMENTS:** A – Ordinance 1435 (including proposed SMC 12.17 revisions)

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**ISSUE**

To consider revised SMC 12.17 language implementing the Water Use Efficiency Program (WUEP).

**RECOMMENDATION**

Review proposed code revisions and conduct first reading of ordinance 1435.

**SUMMARY STATEMENT**

Currently Stanwood code allows shut water off for emergencies and nonpayment. The new regulations will allow the suspension of water service for non-compliance regarding customer water leaks. A number of jurisdictions have provisions for shut off due to non-remedied leaks. Further, in 2009 one MRSC attorney reasoned that given that water is a proprietary function, that the city can establish reasonable regulations that include water service shut off as a remedy.

**DISCUSSION**

The WUEP endeavors to increase water use efficiency within the City's water service area by implementing state mandated and voluntary measures to reduce water lost through leakage or other waste.

The proposed amendments to SMC 12.17.060 seek to implement the WUEP with regard to significant water leaks. The main reasons for the changes are to 1) to help

reduce our water system distribution leakage as required by state law and 2) preserve our water resources. Currently the City has no remedy for individuals who refuse to fix a water leak so long as they are paying their bill, but the resource is nonetheless wasted.

The City is currently trending toward a gradual annual reduction of distribution system leakage (DSL) and equivalent residential unit use. This code revision is proposed to further the DSL reduction by allowing suspension of a customer's water service in situations where a significant leak has been detected and notification of the leak has been provided to the owner, but the leak is not corrected. In the future, additional measures including a rate structure modification could be implemented to discourage high water usage by charging a higher rate for excess water usage. Currently, water usage in excess of the allowed quantity (600cu. ft./mo) are billed at a lower rate per 100 cu. ft. (\$3.18) than the allowed amount (\$4.06).

### **FINANCIAL IMPACT**

Although there will be no direct cost or gain from the amended program, the City may incur a higher cost due to more staff hours needed to implement the water use efficiency measures more closely. Some consultant costs have recently been reduced by in-house staff performing tasks that have historically been outsourced.

### **COMMITTEE RECOMMENDATION**

The Committee reviewed the proposed amendments to SMC 12.17 Water System Regulations on October 10 and November 7, 2016. The Committee supports the changes as revised and recommended the proposal move forward to the whole council for review and consideration.

### **RECOMMENDED ACTION**

**I MOVE TO HAVE FIRST READING OF ORDINANCE 1435 AMENDING SMC 12.17.060 REGARDING WATER LEAKAGE.**

**CITY OF STANWOOD**  
Stanwood, Washington

**ORDINANCE 1435**

**AN ORDINANCE OF THE CITY OF STANWOOD, WASHINGTON, AMENDING STANWOOD MUNICIPAL CODE SECTION 12.17.060 RESPONSIBILITY – REGARDING WATER LEAKAGE – SHUTOFF; ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR SEVERABILITY.**

**WHEREAS**, the City has considered amendments to Stanwood Municipal Code (SMC) Chapter 12.17; and

**WHEREAS**, the Stanwood Water Use Efficiency Plan requires that the Stanwood water system distribution leakage be reduced to under 10 percent or less by 2035 ; and

**WHEREAS**, the City is currently trending toward a gradual annual reduction of water distribution system leakage and equivalent residential unit use, but has not yet achieved the necessary reduction; and

**WHEREAS**, by amending Chapter 12.17 the Stanwood water distribution system leakage will be further addressed and reduced as required by state law; and

**WHEREAS**, the Public Works Committee reviewed proposed edits to SMC relating to water leakage at their October 10, 2016 and November 7, 2016 regular meetings and provided direction on the proposed amendments; and

**WHEREAS**, the City Council reviewed the recommendations from staff at the Public Works Committee at their October 27, 2016 meeting; and a revised Ordinance on the November 21, 2016 and December 8, 2016 regular meetings; and

**WHEREAS**, the City Council has determined that it is in the best interests of the City to amend SMC Chapter 12.17 to further reduce the Stanwood water system distribution leakage.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF STANWOOD, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1.** Stanwood Municipal Code Chapter 12.17.060 entitled Responsibility is hereby amended to read as follows:

**12.17.060 Responsibility.**

(1) All extensions of city mains to serve new customers or areas outside the

corporate limits of the city shall be laid at the expense of the person or persons requesting such extensions in writing.

(2) The owner of any service connections shall be responsible for damage to meters serving the premises due to willful or careless injury and shall be charged for repairs to meters caused by such damage.

(3) It shall be unlawful for any person willfully to place any automatic sprinkling device or willfully to place or hold any hose in such position or manner that water therefrom falls on any person while on any public street or sidewalk.

(4) The city reserves the right at any time, without notice, to shut off the water supply for repairs, extensions, nonpayment of rates, or any other reason including but not limited to emergencies and leakage, and the city shall not be responsible for any damage, such as bursting boilers supplied by direct pressure, the breaking of any pipes or fixtures, stoppages or interruption of water supply, or any other damage resulting from the shutting off of water.

Leakage.

(a) It shall be unlawful for any person to allow a known or suspected leak of significant volume to continue. The standard residential service is calculated at 1,200 cubic feet per billing cycle.

(b) Where there are leaking or defective pipes, fittings or fixtures, the water may be turned off at the option of the city until proper repairs are made.

(c) The city may notify said customer, in writing, that the leakage must be corrected or abated within a specified period of time, the length of which shall be reasonably related to the circumstances of the particular violation, and in no case shall the time allowed for abatement exceed 30 days. Said notice shall be posted on the premises or mailed to the last known billing address for the customer. If the customer fails to comply, or if a repeat violation occurs within the following six months, the city may shut off the water service until the violation is corrected. Disconnection and reconnection fees shall be paid in accordance with the city's fee schedule for any service which has been disconnected pursuant to this section.

(d) The city may install a flow restrictor on the customer's service line. The cost of said device, together with a reasonable installation charge, shall be added to the customer's water bill. The cost of removing the device shall be added to the customer's water bill.

(5) Water mains and service lines from the main to individual meters are the responsibility of the city of Stanwood. Water meters are the sole ownership of the city and shall not be turned on/off except by authorized city personnel. Service lines from the meter to the premises are the responsibility of the land owner and will not be maintained or repaired by the city. (Ord. 1405 § 1 (Exh. 1), 2015).

**Section 2. Severability.** The various parts, sections and clauses of this ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

**Section 3. Effective Date.** This Ordinance shall become effective five (5) days after its passage and publication as required by law.

**PASSED AND APPROVED** by the Stanwood City Council this \_\_\_\_ day of \_\_\_\_\_ 2016.

CITY OF STANWOOD

\_\_\_\_\_  
Leonard Kelley, Mayor

ATTEST:

By: \_\_\_\_\_  
Patricia Myrdal, Deputy City Clerk

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Grant Weed, City Attorney

Date of Publication: \_\_\_\_\_

Effective Date: \_\_\_\_\_

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