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## CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3986

AN ORDINANCE providing for water use restrictions; authorizing the declaration of a water emergency; authorizing the imposition of restrictions on the use of water and the imposition of monetary penalties for excessive usage; authorizing shut-off of irrigation systems during declared water emergencies; amending Section 1 (parts) of Ordinance No. 3335 and BCC 24.02.020, .050, .060, .070, .080, .170, .180 and .250; and adding new Sections 24.02.252, and .254 to Chapter 24.02 of the Bellevue City Code.

WHEREAS, water is considered a valuable natural resource which should always be used wisely; and

WHEREAS, water shortages have occurred at various times in recent years due to low rainfall, early snowmelt and runoff, increased demand, and the failure, repair or modification of the water conveyance system, among other things; and

WHEREAS, unrestricted water use for nonessential needs may endanger the adequacy of the City's water supply for essential needs; and

WHEREAS, it is necessary to implement water use restrictions to respond to water emergencies; and

WHEREAS, it is necessary to develop a water conservation plan and to encourage compliance with water use restrictions by the imposition of monetary penalties for water usage in excess of authorized usage; by the shut-off of irrigation, if necessary, and by the imposition of other sanctions; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 1 (part) of Ordinance No. 3335 and Section 24.02.020 of the Bellevue City Code are hereby amended to read as follows:

24.02.020 Purpose.

It is the purpose of this Code to:

1. Provide for the regulation of water facilities in the Utility

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service area, including the construction of new water facilities, in order to provide for a uniform, integrated Utility system and protect the public health, safety and welfare and to carry out the water system plan and comprehensive plan of the City.

2. Establish the authority of the Utility regarding the acquisition, design, construction, maintenance, management, planning and operation of the Utility system.
3. Establish the authority of the City Manager to declare a water emergency and to impose restrictions on water usage.
4. Establish the authority of the Director to adopt a water conservation program and to adopt regulations thereunder.

Section 2. Section 1 (part) of Ordinance No. 3335 and Section 24.02.050 of the Bellevue City Code are hereby amended to read as follows:

24.02.050 Definitions.

The following words and phrases when used in this chapter shall mean:

Procedure - a procedure adopted by the Utility, by and through the Director, to implement a regulation or regulations adopted under this Code or to carry out other responsibilities as may be required by this Code or by other codes, ordinances, or resolutions of the City or of other agencies.

Director - the Director of the Department of Public Works and Utilities, or his/her designated representative.

Private System - any water system which is not a part of the Utility System as defined in this Code.

Regulation - any regulation, rule or requirement prepared by the Utility and adopted by the City Council or by the Director pursuant to the requirements of this Code.

Unsafe Condition - any condition on any premises, or on any private system thereon, which is a hazard to health, or does or may impair or impede the operation or functioning of any portion of the Utility System, or which may cause damage thereto.

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Utility - the Water Utility component of the Waterworks Utility of the City of Bellevue, organized as a part of the Department of Public Works and Utilities, as provided by Bellevue City Code Chapter 3.38.

Utility Service Area - that area delineated on that certain "service area map" and accompanying legal description on file with the City Clerk under Clerk's Receiving No. 8894, as the same may be hereafter amended.

Utility System - the water system owned and operated by the Utility. Also referred to as the "Water System."

Water Emergency - that period of time during which water is not available or its availability is limited due to severe shortages in supplies, interruptions in the water transmission or distribution systems, contamination of water supplies, or other conditions where use restrictions or prohibitions are necessary in order to efficiently and effectively safeguard the safety and health of the general public and to provide water for essential public uses.

Water Facility - any facility for the conveyance or storage of water, whether part of the Utility system or a private system which is connected to or intended to be connected to the Utility system.

Water Service Connection - that portion of the public water line running from a water main, or from a stub line of a water main, in a street, right-of-way or easement to the water meter of the customer to be served. A water service connection consists of a saddle, corporation stop, water service line, meter setter, meter, meter box and appurtenances, or any combination thereof as may be required to furnish the requested service.

Water System Plan - the Water System Plan for the Utility, as adopted by Resolution No. 4554, as now or hereafter amended.

Section 3. Section 1 (part) of Ordinance No. 3335 and Section 24.02.060 of the Bellevue City Code are hereby amended to read as follows:

24.02.060 Powers of the Utility.

The Utility, under the direction of its Director, shall have the power to:

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1. Prepare regulations as needed to implement this Code, and forward the same to the City Council for consideration and adoption, and adopt such procedures as are required to implement said regulations or to carry out other responsibilities of the Utility.
2. Administer the acquisition, design, construction, maintenance and operation of the Utility system, including capital improvements.
3. Administer and enforce this Code and all regulations and procedures adopted hereunder relating to the design, construction, maintenance, operation and alteration of the Utility System.
4. Inspect the Utility System, and that portion of private systems up to and including backflow prevention devices installed to separate or isolate premises from the Utility System, as needed to determine compliance of such systems with this Code and regulations adopted hereunder.
5. Advise the City Council, City Manager and other City departments on matters relating to the Utility.
6. Initiate and manage programs to further the water quality objectives of the Utility, including inspection of public and private property to identify and eliminate potential sources of contamination of the Utility System.
7. Implement and manage programs to further the conservation of water including the adoption of regulations restricting the continued use of water in order to ensure to the extent possible the availability of water to users within the water service area.
8. Implement, manage and enforce all orders, regulations or actions necessary to carry out any and all requirements imposed pursuant to the declaration of a water emergency pursuant to Section 24.02.252 of this Code or imposed pursuant to the water conservation program adopted pursuant to Section 24.02.250 of this Code.
9. Implement the water system plan adopted by Section 24.02.070 and the Bellevue Comprehensive Plan.
10. Carry out such other responsibilities as required by this Code or other codes, ordinances or regulations of the City,

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including the issuance of civil violations and the imposition of monetary penalties pursuant to Chapter 1.18 of the Bellevue City Code.

Section 4. Section 1 (part) of Ordinance No. 3335 and Section 24.02.070 of the Bellevue City Code are hereby amended to read as follows:

24.02.070 Water System Plan.

A water system plan for the Utility, as required by WAC 248-54-065, shall be adopted by the City Council and shall be updated by the Council as may be required.

Section 5. Section 1 (part) of Ordinance No. 3335 and Section 24.02.080 of the Bellevue City Code are hereby amended to read as follows:

24.02.080 Emergency Plan.

An emergency plan for the Utility, as required by WAC 248-54-205(3), shall be adopted by the City Council and shall be updated by the Council as may be required.

Section 6. Section 1 (part) of Ordinance No. 3335 and Section 24.02.170 of the Bellevue City Code are hereby amended to read as follows:

24.02.170 Inspections - Right of Entry.

Whenever necessary to make an inspection to enforce any of the provisions of this Code or any regulation adopted hereunder, including any restrictions imposed pursuant to a declaration of water emergency by the City Manager pursuant to Section 24.02.252 of this Code or any restrictions imposed pursuant to the water conservation program adopted pursuant to Section 24.02.250 of this Code, or to inspect the property of the Utility, or whenever the Director has reasonable cause to believe there exists on any premises any condition which is unsafe as defined in this Code, the Director may enter onto such premises at all reasonable times to inspect the same or to perform any duties imposed upon the Director by this Code; provided the Director shall first make reasonable efforts to contact the owner or person responsible for such premises and shall present proper credentials to such person or persons and demand entry onto the premises. If entry is refused, the Director shall have recourse to every remedy provided by law to secure entry.

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Section 7. Section 1 (part) of Ordinance No. 3335 and Section 24.02.180 of the Bellevue City Code are hereby amended to read as follows:

24.02.180 Correction and Discontinuance of Unsafe, Nonconforming, or Unauthorized Conditions and Imposition of Monetary Penalties.

Whenever the Director determines that any condition on any premises is in violation of, or is being used contrary to any provision of this Code, any code or regulation the Utility is responsible for enforcing, including any restrictions imposed pursuant to a declaration of water emergency by the City Manager pursuant to Section 24.02.252 of this Code or any restrictions imposed pursuant to the water conservation program adopted pursuant to Section 24.02.250 of this Code, or is unsafe as defined in Section 24.02.050 of this Code, the Director may order the correction or discontinuance of such condition or any activity causing such condition.

The Director is authorized to order correction or discontinuance of any such condition or activity and to impose monetary penalties therefor pursuant to the procedures specified in Chapter 1.18 of the Bellevue City Code.

The Utility shall also have all powers and remedies which may be available under law, this Code, and regulations and procedures adopted hereunder for securing the correction or discontinuance of any condition specified in this Section.

Section 8. Section 1 (part) of Ordinance No. 3335 and Section 24.02.250 of the Bellevue City Code are hereby amended to read as follows:

24.02.250 Water Conservation.

The Utility is authorized to develop and implement a water conservation program to further the water conservation objectives of the Utility; to comply with any conditions or requirements of any water purveyor contract to which the City is a party; or to comply with water conservation requirements of other local, state or federal agencies having jurisdiction within the utility service area. Said water conservation program shall be implemented to encourage the wise and efficient use of water during those periods of water shortage when conservation of water is necessary to assure an adequate and safe supply of water for the public convenience. Water use restrictions imposed through implementation of the water conservation program shall become effective upon adoption by the Director and notice of the adoption of said restrictions being

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published in a newspaper of general circulation within the City at least twice within a one-week period.

Section 9. Chapter 24.02 of the Bellevue City Code is hereby amended by the addition of a new Section 24.02.252 to read as follows:

24.02.252 Water Emergency - Use Restrictions.

Upon declaration of a water emergency by the City Manager or his designee, the use of City water may be prohibited, restricted, or otherwise regulated and such action may be made effective to all customers; customers in an affected area only; or as to any particular class of customer. Such restrictions on water usage shall immediately become effective upon the declaration of such water emergency by the City Manager and the delivery of said declaration and any restrictions, prohibitions or regulations provided therein to all news media within the City. The City shall also utilize such other available means of giving notice of such declaration of water emergency as may in the judgment of the City Manager be necessary. Such declaration of water emergency and any restrictions, prohibitions or regulations adopted thereunder shall remain in effect until the City Manager or his designee declares the water emergency to be over.

Section 10. Chapter 24.02 of the Bellevue City Code is hereby amended by the addition of a new Section 24.02.254 to read as follows:

24.02.254 Irrigation Restrictions - Shut Off.

In addition to any other prohibition, restriction, surcharge or regulation provided in this Code, the use of water by a customer within the City's water service area for irrigation purposes may be restricted or prohibited during a declared water emergency pursuant to Section 24.02.252 or pursuant to the provision of the water conservation program authorized and implemented pursuant to Section 24.02.250 of this Code. In order to enforce the provisions of this section, the Director is hereby authorized, where such customer is using water for irrigation purposes in violation of the restrictions or prohibitions imposed pursuant to a declared water emergency or imposed pursuant to the water conservation program, to enter upon the property of such customer after first making reasonable efforts to contact the owner or person responsible for such premises pursuant to Section 24.02.170 of this Code and, shut off said irrigation system and prohibit or restrict future use of City water for irrigation purposes during the declared water emergency or pursuant to the provision of the water conservation program. Such shut-offs shall not restrict water usage for

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essential nonprohibited uses.

Section 11. This ordinance shall be in force and take effect thirty days after final passage by the City Council.

PASSED by the City Council this 6<sup>th</sup> day of February 1989, and signed in authentication of its passage this 6<sup>th</sup> day of February, 1989.

(SEAL)

Nan Campbell  
Nan Campbell, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

Richard L. Kirkby  
Richard L. Kirkby, Assistant City Attorney

Attest:

Marie K. O'Connell  
Marie K. O'Connell, City Clerk

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