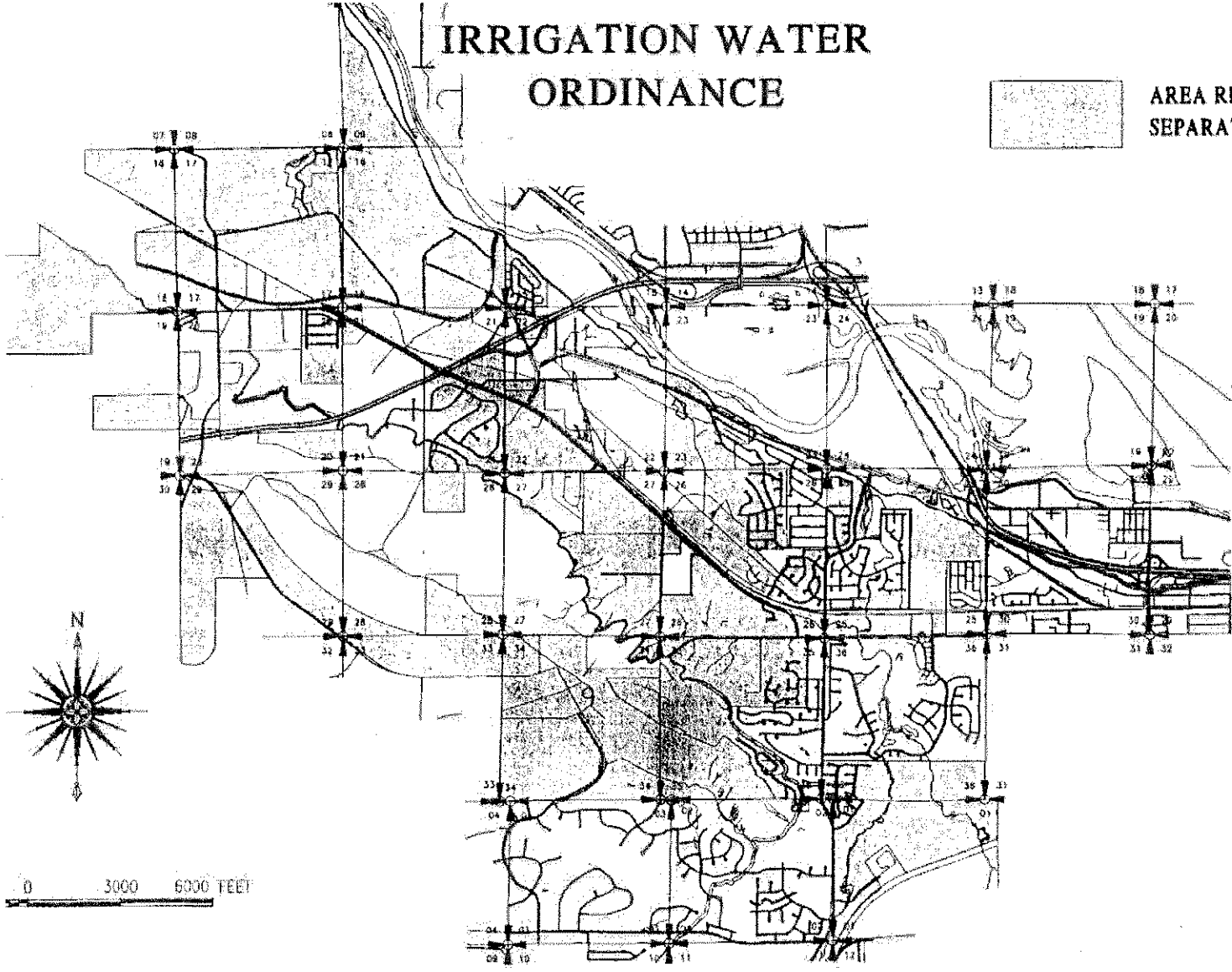


EXHIBIT A - 18.16.080



Chapter 18.36 – IRRIGATION Water UTILITY

Sections:

- 18.36.010 Irrigation Water Utility Created – Responsibilities
- 18.36.020 Director's Authority
- 18.36.030 Definitions
- 18.36.050 Ownership of City Irrigation Water Facilities and Assets
- 18.36.060 Irrigation Water Use Required When Available
- 18.36.070 Connection to Irrigation Water System or Initiation of Customer Service-Application
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18.36.010 Irrigation Water Utility Created – Responsibilities

There is hereby created and established, an irrigation water utility to be known as the "Irrigation Water Utility". The utility shall be administered and enforced by the Director of Public Works, or his/her duly authorized designee. The Director is hereby authorized to specify such irrigation water facility operation, maintenance and performance standards, in the public rights-of-way, or such other public utility easements existing in the City, as necessary to implement the requirements of this code and carry out the duties of the Director. Irrigation charges are limited to the areas identified in section 18.37. All other Richland services will continue with existing irrigation services as stated in 18.16.080. (Ord. 06-05)

18.36.020 Director's Authority

The Director shall have authority to make decisions on any questions, which may arise, and which are not fully covered by the provisions of this chapter, and his decision in such cases shall be final. (Ord. 06-05)

18.36.030 Definitions

The following words and phrases, when used in this title, shall have the meanings ascribed to them as follows: Words used in the present tense include the future and the future includes the present and the plural includes the singular and the singular includes the plural.

- A. "Deveoped Parcel," means any parcel altered from the natural state by the construction, creation, or addition of impervious surfaces.
- B. "Director" means the Public Works Director or his designee.
- C. "Industrial/Commercial property" means any parcel used by a person not defined as apartment, residence or undeveloped parcel.
- D. "Irrigated acre" shall refer to the number of acres on which irrigation water is applied rounded to the nearest whole acre.
- E. "Irrigation service line" means the segment of the irrigation water delivery system providing service to a single parcel.
- F. "Irrigation water" means any non-potable water source intended for landscape or agricultural irrigation use.
- G. "Maintenance" means the act or process of cleaning, repairing or preserving a system, unit, facility, structure, or piece of equipment.

- H. "Parcel" means the smallest separately segregated unit or plot of land having an identified owner, boundaries, and surface area which is documented for property tax purposes and given a tax lot number by the Benton County Assessor.
- I. "Point of delivery" means the point at which the irrigation service line crosses under the back of the curb or onto private property.
- J. "Property owner of record" means a person or persons shown in the records of the County Assessor to be the owner of property and to whom property tax statements are directed.
- K. "Rate category" means the classification in this chapter given to a parcel in the service area based upon the type of land use on the parcel and/or the surface area (in acres) of the parcel or other factors affecting irrigation water use.
- L. "Rates" means the dollar amount charged per unit or other basis set in the rate category.
- M. "Service charges" means charges to property owners for irrigation water management services.
- N. "Single Family Residence" means any dwelling unit that houses an individual family or is rented as a separate living facility, including but not limited to, mobile home units, manufactured homes, duplexes, tri-plexes and four-plexes with separate kitchen and bathroom facilities. The term residence includes the term "residential" or "residential unit" as referring to the type of or intended use of a building or structure.
- O. "Undeveloped parcel" means any parcel that has not been altered from its natural state by the construction, creation, or addition of impervious surface(s).
- P. "Utility" means the Irrigation Water Utility created under the provisions of this chapter.
- Q. "Vacant building" means any unoccupied building or structure or portion thereof, designed for and intended to be used by a person.
- R. "Waste of Water" means excess of water use or allowing water to run off of a property and on to adjacent properties or rights-of-way. (Ord. 06-05; Ord. 06-08)

18.36.050 Ownership of City Irrigation Water Facilities and Assets

Title and all other incidents of ownership of the following assets are vested in the water utility of the City of Richland:

All properties, interests, and physical and intangible rights of every nature owned or held by the City, however acquired, insofar as they relate to or concern the irrigation water service system. (Ord. 06-05)

18.36.060 Irrigation Water Use Required When Available

In order to promote the most efficient use of the City's domestic and irrigation water supplies and systems, the utilization of irrigation water in lieu of domestic water is required when such service is available. (Ord. 06-05)

18.36.070 Connection to Irrigation Water System or Initiation of Customer Service-Application

Any person residing in an area having an irrigation source owned by the City shall make application in the same manner as provided for in 18.12 of this code. (Ord. 06-05)

18.36.080 Unlawful Connections – Connection Between Systems

It is unlawful to make any physical connection between the irrigation service system or any other source of water supply and the City's (potable) water distribution system. (See Section 18.13 for regulations on cross connections and back-flow preventing devices.) It is unlawful for any person whose premises are supplied with irrigation water to furnish water to any additional premises. (Ord. 06-05)

18.36.090 Unauthorized Turn-on

It is a breach of the contract between the City and the property owner for any property owner, occupant or any unauthorized person to consent to, or turn water on, or to receive, obtain, or use any irrigation water after such water has been shut off by an authorized agent of the City and before said water is turned on by an authorized agent of the City. All costs of repair, replacement, connection or disconnection, resulting from a violation of this section, and penalty, as set forth in Chapter 18.32 of this code, shall be assessed against the customer and included as additional costs in the regular service billing. Failure to pay the assessed costs may result in a lien being assessed against the real property served by the connection. Notice of the assessed costs and penalty shall be included on the customer billing together with their right to a hearing to contest the assessment and penalty as provided below. There is hereby created a presumption that the head of the household or manager of a firm consents to all breaches of

above-referenced contract by members of household or firm, thereby becoming responsible for violations of this section. Any person aggrieved by assessment of such costs may, within ten (10) days of a receipt of their regular service billing showing the assessment of such costs, appeal to the Director and shall state the basis for such appeal. The director shall render a final decision within 10 days of receipt of the appeal. Further appeal can be made to the City Manager. (Ord. 06-05)

18.36.100 Access to Premises

The Director or his duly authorized representatives shall be allowed free access at all reasonable hours to all premises supplied with irrigation water from the City system for the purpose of inspecting the condition of pipes and fixtures and noting the amount of water used and the manner in which it is used. If any owner or occupant of any premises shall violate any provision of this rule the Director may shut off such service and such owner or occupant shall be required to pay any and all unpaid charges against such premises together with a charge as set forth in Chapter 18.24 of this code before the same shall be again turned on. (Ord. 06-05)

18.36.110 Maintenance of Water Supply

The City will exercise reasonable diligence and care to furnish and deliver a continuous supply of irrigation water to the customer, and to avoid any shortage or interruption of delivery of same. The City will not be liable for high or low pressure conditions, chemical or bacteriological conditions, interruptions, or shortage or insufficiency of supply, or any loss or damage occasioned thereby. The use of water upon the premises of the customer is at the risk of the customer, and the responsibility of the City shall cease at the point of delivery of water. (Ord. 06-05)

18.36.120 Inspecting Customer's Line

The City does not assume the duty of inspecting the customer's line, plumbing and equipment, and shall not be responsible therefore and will not be liable for failure of customer to receive service on account of defective plumbing or apparatus on the customer's premises. (Ord. 06-05)

18.36.130 Liability for Loss or Damage

The City shall not be liable for any loss or damage of any nature whatsoever caused by any defect in the customer's line, plumbing or equipment, or caused by water through valves and pipes which may be open at the time water is turned on by the City, and the City may without further notice discontinue service to any customer when defective conditions of plumbing or equipment upon the premises of the customer results or is likely to result, in interference with proper service or is likely to cause contamination of water. (Ord. 06-05)

18.36.140 Interruption of Service-Liability of City

The City reserves the right at any time, without notice, to shut off the water supply for repairs, extensions, nonpayment of rates, or for any other reason, and the City shall not be responsible for any damage caused by the breaking, bursting or collapsing of any pipe or any other type of fixture, or by the stoppage or interruption of the water supply, the loss of plants or vegetation, or any damage whatever, resulting directly or indirectly from the shutting off of the water. (Ord. 06-05)

18.36.150 Liability Disclaimer

- A. This chapter shall be administered and enforced for the benefit of the health, safety and welfare of the general public, and not for the benefit of any particular person or class of persons.
- B. No provision of or any term used in this chapter is intended to impose any duty upon the City or any of its officers or employees which would subject them to damages in a civil action. (Ord. 06-05)

18.36.160 Shortage of Water

In case of shortage of supply, the Water Department reserves the right to give preference in the matter of furnishing service to customers, as in the judgment of its representatives shall be for the best interests of the City, from the standpoint of public convenience or necessity. (Ord. 06-05)

18.36.170 Use of Water for Irrigation

The City may at any time issue orders suspending or restricting the use of water for irrigation purposes zoning the City and assigning specific days or hours for irrigation and sprinkling. Irrigation water customers shall be expected to utilize irrigation water in an efficient manner and shall not permit the

waste of water. Customers/Owners shall promptly repair broken pipelines or malfunctioning sprinklers on their premises. The waste of water shall be grounds for the City to suspend irrigation water use. (Ord. 06-05)

18.36.180 Irrigation Season

The irrigation season shall generally be defined as the months of March through October of each year. The Public Works director shall annually set the system start-up and turn-off dates. (Ord. 06-05: Ord. 06-08)

18.36.190 Irrigation Water Fund

There is established an Irrigation Water Fund as part of the water utility into which all revenue from the rates and charges for irrigation water service, together with all other utility revenue from user fees, connection charges, grants, taxes and other funding sources shall be deposited and from which all expenditures related to the City's irrigation water service system shall be paid. This fund shall be kept in the manner prescribed by state law as to accounting and reporting expenditures. (Ord. 06-05)

18.36.200 Billing

The charges imposed by this chapter shall be billed in conjunction with the property or user's customary utility bill issued by the City, or other means, such as accounts receivable invoice, determined effective by the City. Such charges shall be due and payable, and subject to the same procedures and penalties for delinquent or non-payment, as provided in Title 3.30.040. In the event a property does not have City utility services, but is subject to the charges imposed in this chapter, a new account shall be established and that property shall be billed for irrigation water service charges. (Ord. 06-05: Ord. 06-08)

18.36.210 Remedies

In the event a customer or property owner shall fail to pay the irrigation water availability fee or service charge, the City shall have the authority to terminate domestic water service to said property or customer. Termination of such water service shall not limit other remedies available to the City under state law. (Ord. 06-05)

18.36.220 Annual Review of Irrigation Water Utility Revenue

On or before the first day of September of each calendar year, the Finance Manager or his designee shall report to the City Council any modification and/or increase in the irrigation water utility rate necessary and/or desirable to meet anticipated expenditures of the utility, including but not limited to debt service, operating, replacement, upgrading, and expansion requirements projected in the ensuing year. (Ord. 06-05)

18.36.230 Appeals

Any customer or property owner who feels that the irrigation water service charge for their property has been incorrectly computed or applied, may petition, in writing, to the Director for a review of said computations or application. The decision of the Director shall be final. (Ord. 06-05)

18.36.240 Liens for Service/Interest

The City shall have a lien for delinquent or unpaid irrigation water service charges as stated in RMC Title 3.28. Enforcement and foreclosure of said lien(s) shall be as provided by law. Interest and penalties on the unpaid balance shall be as stated in Title 3.30. (Ord. 06-05: Ord. 06-08)

18.36.250 Severability

The invalidity of any article, section, subsection, provision, clause, or portion thereof, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of this title or the validity of its application to other persons or circumstances. (Ord. 06-05)

Chapter 18.37 – IRRIGATION Water RATES AND CHARGES

Sections:

18.37.010 Delinquency

18.37.020 Columbia Point Irrigation Rates

18.37.030 Horn Rapids Irrigation Rates

18.37.010 Delinquency

Bills are due and payable upon receipt and are delinquent after twenty (20) days from the date of billing. Late fees and interest will be charged on all delinquent accounts according to Title 3.30.040 of the established Municipal Code of the City of Richland. Failure to receive a bill does not release the customer from payment of the obligation due. (Ord. 06-05)

18.37.020 Columbia Point Irrigation Rates

These rates are specifically for the area of the City designated as “Columbia Point” and the member properties of the Columbia Point Master Association (CPMA). The following table identifies annual irrigation charges for each property. Beginning on April 1, 2008 all property assessments will be charged 1/12 of the annual irrigation assessment on the customer’s monthly utility bill: (Ord. 06-05; Ord. 06-08)

PROPERTY	SIZE (ACRES)	IRRIGATION UTILITY ASSESSMENT
Tract A	16.98	\$ 2,222.14
Tract B-1	0.52	68.05
Tract B-2	1.02	133.49
Tract B-3	1.00	130.87
Tract B-4	1.59	208.08
Tract B-5	1.59	208.08
Tract C	2.98	389.99
Tract D	16.17	2,116.14
Tract E	4.38	573.77
Tract F	3.88	510.87
Tract G	4.44	581.05
Tract H	4.88	638.64
Tract I-1	3.86	505.15
Tract I-2	1.73	226.40
Tract I-3	0.77	100.77
Tract J-1	2.05	268.28
Tract J-2	2.49	325.86
Tract J-3	1.59	208.08
Tract K	2.62	342.87
Tract L	3.08	403.07
Tract M	3.13	409.62
Tract N	5.21	681.82
Tract O – L1	2.11	276.13
Tract O – L2	1.16	151.81
Tract O – L3	2.91	380.83
Tract O – L4	0.52	68.05

18.37.030 Horn Rapids Irrigation Rates

These rates are specifically for the area of the City designated as "Horn Rapids". Rates will apply to those customers served by the City through its share of water diverted into the Horn Rapids Irrigation System. The annual irrigation rate for Horn Rapids irrigation customers shall be as follows:

Customer Type	1 Acre or Less	Each Additional Irrigated Acre
Residential	\$197.68	N/A
Commercial, Industrial, Golf Courses, etc.	\$197.68	\$46.80

In 2008 this charge will become effective on April 1, therefore, for 2008 only irrigation charges will be billed at a rate of 1/9 of the annual charge beginning with the April utility bills. This charge will be assessed on the customer's monthly master utility account.

Beginning with the January 2009 utility bills, Horn Rapids irrigation will be assessed on the customer's monthly master utility account at a rate of 1/12 of the annual rate. (Ord. 06-08)

HISTORICAL CHRONOLOGY OF ORDINANCES

- Ord. 80
- Ord. 188
- Ord. 199
- Ord. 388
- Ord. 589
- Ord. 609
- Ord. 688
- Ord. 794
- Ord. 02-74
- Ord. 36-74
- Ord. 38-74
- Ord. 54-74
- Ord. 11-76
- Ord. 47-76
- Ord. 21-77
- Ord. 29-77
- Ord. 62-77
- Ord. 66-77
- Ord. 14-78
- Ord. 25-78
- Ord. 27-78
- Ord. 44-78
- Ord. 42-79
- Ord. 96-79
- Ord. 14-80
- Ord. 31-80
- Ord. 44-80
- Ord. 50-80
- Ord. 27-81
- Ord. 32-81
- Ord. 41-81
- Ord. 08-82
- Ord. 36-82
- Ord. 63-82
- Ord. 16-83
- Ord. 33-83
- Ord. 54-83
- Ord. 19-84
- Ord. 43-84
- Ord. 05-85
- Ord. 14-85
- Ord. 19-85
- Ord. 20-87
- Ord. 04-88
- Ord. 09-88
- Ord. 09-90
- Ord. 29-90
- Ord. 10-91
- Ord. 16-91
- Ord. 34-91
- Ord. 07-92
- Ord. 11-92
- Ord. 14-92
- Ord. 19-93
- Ord. 50-93
- Ord. 12-94
- Ord. 48-94
- Ord. 54-94
- Ord. 29-95
- Ord. 33-95
- Ord. 31-96
- Ord. 34-96
- Ord. 47-96
- Ord. 29-98
- Ord. 17-03
- Ord. 35-03
- Ord. 06-04
- Ord. 06-05
- Ord. 07-05
- Ord. 24-05
- Ord. 05-06
- Ord. 32-07
- Ord. 38-07
- Ord. 02-08
- Ord. 06-08
- Ord. 29-08