

ORDINANCE NO. 1850

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DAYTON, WASHINGTON REPEALING CERTAIN SECTIONS OF ORDINANCE NUMBER 505; AMENDING CERTAIN SECTIONS OF TITLE 4 CHAPTER 2 OF THE DAYTON MUNICIPAL CODE AND MAKING CERTAIN TECHNICAL CORRECTIONS REQUIRED BY STATE LAW

WHEREAS, the courts of the State of Washington have promulgated a bail schedule to be used uniformly throughout the state in District Court, as well as Municipal Court; and

WHEREAS, it is necessary to amend certain sections of the Dayton Municipal Code in order to have penalty provisions that are consistent with and match those set forth in the statewide bail schedule; and

WHEREAS, certain sections of the Municipal Code deal with subject matters that are already covered by existing state law, are no longer necessary, or requires an update, it is therefore advisable to amend City of Dayton Municipal Code so as to amend ordinance sections that are already covered by State law, are no longer necessary or in need of an update; and

WHEREAS, after further review, certain technical corrections need to be made in prior Ordinance Nos. 505, 1510, 1603 and 1840.

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

Section 1. Title 4, Chapter 2 of the Dayton Municipal Code is hereby amended as follows:

4-2.02. Water and sewer systems combined. Section 4-2.02 is hereby repealed in its entirety.

4-2.78. Cross Connection Control. Section 4-2.78 shall be amended as follows:

C. ~~Penalty.~~ Service to any premise receiving its water for the purveyor's public drinking water system shall be contingent upon compliance with all rules and regulations of the department and the purveyor.

D. Service shall be discontinued to any premises for failure to comply with the rules and regulations of the department and this purveyor; and, furthermore, shall be a violation of this chapter. ~~A minimum penalty of \$100.00, and a maximum, of the total cost of clean-up of the cross connection including any liability of health directly related to such cross connection.~~

4-2.88. Delinquent charges—Interest—Enforcement. Section 4-2.88 is hereby repealed in its entirety.

~~When any of the charges mentioned in the preceding section shall become delinquent, they shall bear interest at the rate of ten percent per annum from the date of delinquency until paid, and the said charges and interest shall be and remain a permanent charge against said property, and the water shall be cut off from said premises at the time of such delinquency, and shall not be turned on again until all of such charges and interest have been paid.~~

4-2.92. Council's rule-making power. Section 4-2.92 is hereby repealed in its entirety.

~~All necessary rules and regulations not inconsistent with the provisions of this chapter regarding the use and price of water supplied by the City of Dayton, and such changes therein as may from time to time be required, shall be made by the city council by resolution.~~

4-2.100. Unauthorized turning on water—Penalties.

~~Where~~ When the water is to be turned off for any reason specified in this chapter or in the rules adopted hereunder by the city council, it shall, when possible, be turned off at the curb cock, by an employee of the City, and shall not be turned on again until the provisions of this chapter and of the said rules have been complied with. ~~After the water has been turned off at the curb cock, should it be turned on without the written consent of the superintendent of water and streets, it shall be cut off at the main and a charge of \$100.00 made for the cutting off and turning it on again in all ordinary cases, and where the main is in a paved street, the charge for cutting the water off and turning it on again at the main shall be \$150.00.—It shall be a violation of this chapter if an unauthorized person(s) turns the water on at the curb stop after the water has been turned off or disconnected by an employee of the City.~~

4-2.102. Fee for turning water on at property owner's request. Section 4-2.102 is hereby amended as follows:

At the request of the property owner or his authorized agent, there shall be a \$15.00 20.00 fee charged for turning water on at the property owner's premises or off at the request of the property owner.

4-2.103. Water stand-by fee. Section 4-2.103 is hereby repealed in its entirety.

~~A water stand-by fee of \$5.00 is authorized for inactive commercial or public use facilities in those instances where the property owner has requested this service.~~

4-2.112. Tampering with system prohibited. Section 4-2.112 shall be amended as follows:

It shall be a violation of this chapter for any unauthorized person(s) to ~~open or shut any street cock or to~~ in any way tamper with ~~or injure any meter, valve or service pipe connecting any premises or building with the city water supply, or to tap or in any manner to tamper with any fire line, unless such be a regular employee of the Superintendent of Water and Streets or of some authorized agent thereof~~ the water system including, but not limited to the following:

1. Breaking or defacing of any water meter;
2. Altering, injuring or preventing the action of any meter or other instrument used to measure or register the quantity of water supplied to a consumer thereof, or
3. Making any connection by means of a pipe or otherwise with any main or pipe used for the delivery of water to a consumer thereof, in such manner as to take water from said main or pipe without its passage through the meter or other instrument provided for registering the amount or quantity consumed, or use any water so obtained after meter is installed;
4. Making any connection or reconnection with such main or pipe, or turn on or off, or in any manner interfere with any valve, stopcock, or other appliance connected therewith;
5. Opening or shutting any street cock or to in any way tampering with or injuring any meter, valve or service pipe connecting any premises or building with the city water supply, or to tap or in any manner to tamper with any fire line, unless such be any of the officers or authorized employees of the City of Dayton.

4-2.116. Unlawful acts—Penalty. Section 4-2.116 of the Dayton Municipal Code is hereby repealed in its entirety.

4-2.126. Obstructing meter unlawful. Section 4-2.126 shall be amended as follows:

It shall be a violation of this chapter for any person(s) to: ~~obstruct the access or view of any water meter by city officials or staff in any manner that interferes with their duties to read, repair, or modify said meter as required~~

1. Prevent by the erection or construction of any device, or by any other means, free access to any meter or other instrument for registering or measuring the amount of water consumed; or
2. Interfere with, obstruct or prevent, by any means, the reading or inspection of such meter or instrument, by any person(s) other than authorized employees of the City of Dayton.

4-2.128. Enforcement Violations. Section 4-2.128 of the Dayton Municipal Code is hereby repealed in its entirety.

4-2.132. Violations -Penalty. Section 4-2.132 is hereby amended as follows:

Any person, association, firm, partnership or corporation that violates any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and

shall, upon conviction, be punished by a fine up to \$1,000.00, and/or imprisonment in the County Jail for a period of up to one (1) year.

Section 2. Validity. If any section, paragraph, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that they would have passed this ordinance and each section, paragraph, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, paragraphs, clauses, or phrases may subsequently be found by competent authority to be unconstitutional or invalid.

Section 3. Effective Date. This Ordinance shall take effect from and after five (5) days of date of passage and publication of an approved summary thereof consisting of the title.

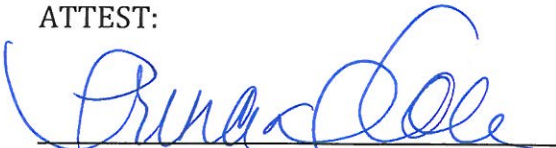
Passed by the City Council, City of Dayton, this 13TH day of JANUARY, 2014.

APPROVED:



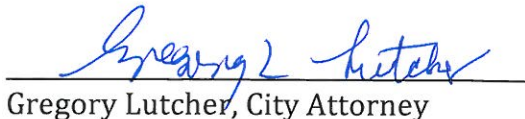
Craig George, Mayor

ATTEST:



Trina D. Cole, City Clerk-Treasurer

APPROVED AS TO FORM:



Gregory Lutch, City Attorney