

ORDINANCE NO. 1283

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO THE PROVISION OF WATER AND SEWER SERVICE OUTSIDE THE CITY LIMITS; AMENDING SECTION 13.34.030 OF THE GIG HARBOR MUNICIPAL CODE TO ESTABLISH NEW EXPIRATION PROVISIONS FOR WATER AND SEWER CAPACITY RESERVATION CERTIFICATES; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, RCW 35.67.310 and RCW 35.92.200 authorize the City to provide water and sewer service to property beyond the City limits, and City has adopted conditions for such service in chapter 13.34 of the Gig Harbor Municipal Code; and

WHEREAS, Section 13.34.030 of the Gig Harbor Municipal Code requires the property owner seeking a utility extension to enter into a utility extension agreement with the City for such extension; and

WHEREAS, Section 13.34.030 of the Gig Harbor Municipal Code further requires property owners seeking a utility extension to request an actual hook-up or connection to the City's system within one year from the date of issuance of a water or sewer capacity reservation certificate; and

WHEREAS, property owners outside the City requesting a utility extension may need more than one year from issuance of the capacity reservation certificate to request hook-up or actually connect due to permitting durations or other processes, and the City Council desires to revise chapter 13.34 of the Gig Harbor Municipal Code to allow a greater timeframe to request hook-up or actually connect; and

WHEREAS, the City has determined this amendment is categorically exempt from SEPA threshold determinations per WAC 197-11-800; and

WHEREAS, the Gig Harbor City Council considered the Ordinance at first reading and public hearing on January 13, 2014; Now, therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON,
ORDAINS AS FOLLOWS:

Section 1. Section 13.34.030 - Amended. Section 13.34.030 of the Gig Harbor Municipal Code is hereby amended as follows:

13.34.030 Water and sewer service application.

Any person owning property outside the city limits and desiring to have their property connected to the city's water supply system or sewer system shall make application to the Public Works Director at the office of the city clerk for both a ~~concurrency capacity reservation~~ certificate and the actual connection, on the appropriate form. Every such application shall be made by the owner of the property to be connected and supplied the service, or by his/her authorized agent. The property owner must state fully the purposes for which the water and/or sewer service is required and for properties outside the urban growth area, must also describe the manner in which the application satisfies the requirements in GHMC 13.34.020. In addition, the property owner must agree to sign a utility extension agreement with the all of the elements set forth in this chapter, and conform to the city's regulations concerning water and sewer service set forth in this title, as the same now exists or may be amended in the future. If the city receives such application, approves it under the procedures set forth herein, and subsequently issues a water or sewer ~~concurrency capacity reservation~~ certificate, such certificate shall expire ~~within one year of the date of issuance if the applicant does not pay the required fees and request an actual hook up or connection to the subject property within that time period. upon the occurrence of any one of the following conditions:~~

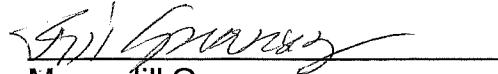
- A. The applicant does not timely pay the required capacity commitment payments or general facilities charges; or
- B. The underlying development application expires; or
- C. The underlying development approval expires; or
- D. The corresponding utility extension agreement expires.

Section 2. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

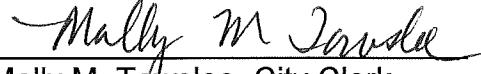
Section 3. Effective Date. This Ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor, this 10th day of February, 2014.

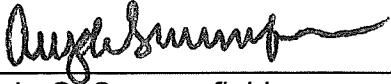
CITY OF GIG HARBOR


Mayor Jill Guernsey

ATTEST/AUTHENTICATED:


Molly M. Towslee, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney


Angela G. Summerfield

FILED WITH THE CITY CLERK: 01/02/14
PASSED BY THE CITY COUNCIL: 02/10/14
PUBLISHED: 02/19/14
EFFECTIVE DATE: 02/24/14
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