

ORDINANCE NO. 913

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO THE PROVISION OF WATER OUTSIDE CITY LIMITS, REMOVING THE REQUIREMENT THAT AN APPLICANT FOR A UTILITY EXTENSION AGREEMENT AGREE TO SIGN A PETITION FOR ANNEXATION OF HIS/HER PROPERTY, AFTER INVALIDATION OF THE PETITION METHOD FOR ANNEXATION BY THE WASHINGTON SUPREME COURT, AND MAKING OTHER TYPOGRAPHICAL CHANGES TO A RELATED SECTION, AMENDING GHMC SECTION 13.34.060 AND 13.34.010.

WHEREAS, the City has the authority under RCW 35.67.310 to provide sewer service outside the city limits under such conditions the City adopts by ordinance; and

WHEREAS, the City's ordinance describing such conditions includes a requirement that the property owner agree to sign a petition for annexation of his/her property when asked to do so by the City; and

WHEREAS, the Washington Supreme Court recently invalidated the petition method for annexations, making this condition unenforceable; and

WHEREAS, the City's SEPA Responsible Official has determined that this ordinance is categorically exempt from SEPA under WAC 197-11-800(20); Now, Therefore,

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

Section 1. Section 13.34.010(C) of the Gig Harbor Municipal Code is hereby amended to read as follows:

13.34.010. City's authority to provide service outside city limits.

* * *

- C. The Growth Management Act, chapter 36.70A RCW, ~~has been amended to allow~~ cities to provide water and sewer services in rural areas in those limited circumstances shown to be necessary to protect basic public health, safety and the environment, and when such services are financially supportable at rural densities and do not permit urban development (~~Chapter 2, 1995 Laws of the state of Washington, amending RCW 36.70A.110(4)~~). Applications for water and sewer service in rural areas or areas outside the city's urban growth areas may be granted by the City Council under the circumstances in this sub section and under the procedures set forth in GHMC Section 13.34.070.

Section 2. Section 13.34.060(H) of the Gig Harbor Municipal Code is hereby amended to read as follows:

13.34.60 Utility Extension Agreement. Every applicant for water and/or sewer service outside the city limits, except for municipal corporations or quasi-municipal corporations, such as water, sewer or fire districts making application under GHMC Section 13.34.070, must agree to sign an agreement with the City, which conditions the provision of the service on the following terms:

* * *

H. ~~Agreement Not to Protest Annexation. The owner shall agree to sign a petition(s) for annexation of his/her property when requested to do so by the city.~~

* * *

Section 3. Severability. If any portion of this Ordinance or its application to any person or circumstances is held by a court of competent jurisdiction to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the remainder of the Ordinance or the application of the remainder to other persons or circumstances.

Section 4. 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 28th day of May 2002.

CITY OF GIG HARBOR

GRETCHEN WILBERT, MAYOR

ATTEST/AUTHENTICATED:

By: _____
MOLLY TOWSLEE, CITY CLERK

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

By: _____
CAROL A. MORRIS

FILED WITH THE CITY CLERK: 5/8/02
PASSED BY THE CITY COUNCIL: 5/28/02
PUBLISHED: 6/5/02
EFFECTIVE DATE: 6/11/02
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SUMMARY OF ORDINANCE NO. 913

of the City of Gig Harbor, Washington

On May 28, 2002, the City Council of the City of Gig Harbor, Washington, approved Ordinance No. 913, the main points of which are summarized by its title as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO THE PROVISION OF WATER OUTSIDE CITY LIMITS, REMOVING THE REQUIREMENT THAT AN APPLICANT FOR A UTILITY EXTENSION AGREEMENT AGREE TO SIGN A PETITION FOR ANNEXATION OF HIS/HER PROPERTY AFTER INVALIDATION OF THE PETITION METHOD FOR ANNEXATION BY THE WASHINGTON SUPREME COURT, AMENDING GHMC SECTIONS 13.34.060 AND 13.34.010.

The full text of this Ordinance will be mailed upon request.

APPROVED by the City Council at their meeting of May 28, 2002.

MOLLY TOWSLEE, CITY CLERK