

## **ORDINANCE NO. 854**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO WATER SERVICE APPLICATIONS, AMENDING THE CONDITIONS UNDER WHICH NEW WATER SERVICE HOOK-UPS MAY BE OBTAINED BY PROPERTY OWNERS, ESTABLISHING AN EXPIRATION DATE OF ONE YEAR FOR SUCH APPLICATIONS IF THE HOOK-UP IS NOT REQUESTED WITHIN SUCH TIME, CLARIFYING THAT WATER HOOK-UP FEES ARE DETERMINED AT THE TIME OF THE ACTUAL HOOK-UP; DECLARING AN EMERGENCY WARRANTING IMMEDIATE ADOPTION OF THIS ORDINANCE AND AMENDING SECTIONS 13.02.030, 13.02.040 AND 13.34.020 OF THE GIG HARBOR MUNICIPAL CODE.**

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WHEREAS, the City of Gig Harbor may experience a water shortage problem in the near future because the existing water rights granted to the City are approaching maximum use, this will eliminate the City's ability to issue new water connections prior to obtaining additional water rights from the Department of Ecology; and

WHEREAS, the City's code currently allows owners of property within and without the City limits to apply for new water service at any time, even if there is no development on the property; and

WHEREAS, the City's "approval" of a water service application is called a "water availability certificate"; and

WHEREAS, the City's code does not establish an expiration date for water availability certificates after issuance; and

WHEREAS, the City's code implies that a property owner could "vest" to the amount of a water hook-up or connection fee, when the law is clear that the fee must be determined at the time the water availability certificate issues; and

WHEREAS, an expiration date on water availability certificates is needed so that the Public Works Director can effectively track the amount of water available for future use; and

WHEREAS, the City anticipates that because the water shortage problem in Gig Harbor is public knowledge, there will be a rush of water service applications submitted to the City from property owners hoping to obtain a water availability certificate of indefinite duration; and

WHEREAS, in order to prevent a rush of water service applications, the Public Works Director has recommended the adoption of the following ordinance; Now, Therefore:

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

Section 1. Section 13.02.030 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**13.02.030 Water Service Application – Generally.** Any person owning property located within the City limits desiring to have such premises connected with the water supply system of the City shall make application at the office of the City Clerk ~~Treasurer~~ on the printed forms furnished for that purpose. Every such application shall be made by the owner of the property to be furnished water service or his/her authorized agent. The applicant must state fully the purposes for which the water ~~may~~ is required. The applicant must agree to conform to the regulations and rules concerning the use of water as they may be established from time to time and further agree that the City shall have the right at any time, without notice, to shut off the water supply for repairs, extensions, nonpayments of rates and charges, or for any other reason, and that the City shall not be responsible for any damage, caused by the breaking, bursting or collapsing of any boiler, pipes or fixtures, or by the stoppage or interruption of the water supply, or any damage whatever resulting directly or indirectly from the shutting off of the water. The City Public Works Director shall determine whether or not the City has adequate water before issuing a water availability certificate to the applicant. Water availability certificates shall expire within one year from the date of issuance if the property

owner does not pay the required fees and submit a request to the City for a hook-up/connection to the City water service to the property within such time period.

Section 2. Section 13.02.040 of the Gig Harbor Municipal Code is hereby amended to read as follows:

13.02.040. **Water service application – Form.** Application for the use of water shall be substantially in the following form:

CITY OF GIG HARBOR  
**WATER SERVICE APPLICATION**

Date: \_\_\_\_\_

Application is hereby made by the undersigned property owner for ~~all~~ water service in the following amount: \_\_\_\_\_ at the following location: \_\_\_\_\_, Gig Harbor, Washington, for the following purpose(s): \_\_\_\_\_.  
~~Required or used for any purpose at, in or near Gig Harbor, Washington, for which I agree to pay in advance and in accordance with existing ordinance and regulations of the City,~~ the following estimated charges, the exact charges shall be paid as established by City Resolution, and will be determined at the time a water availability certificate issues and be payable immediately upon completion of installation:

Engineering Fees  
Water Main Extension  
Fire Hydrant Installation  
Street Repair  
Tap-In Charges  
Water Service Connection Charge  
(Metering Charges)  
Total: \$ \_\_\_\_\_

I further agree that all rates and charges for water service to the above property shall be paid in accordance with the now-existing ordinances and regulations of the City, or any ordinances and regulations passed hereafter.

I understand that the City will use all reasonable effort to maintain uninterrupted service, but reserves the right to shut off the water at any time without notice for repairs, expansions, nonpayment of rates or any other reason and assumes no liability for any damage as a result of interruption of service from any cause whatsoever.

I understand that if the City issues a water availability certificate to me, such certificate shall be subject to all ordinances and regulations of the City, as they now exist or may hereafter be amended, and that such certificate expires within one year from the date of issuance, if I do not pay the required fees and request an actual hook-up or connection to the below-identified individual parcel of property within that time period.

Section 3. Section 13.34.020 of the Gig Harbor Municipal Code is hereby amended to read as follows:

13.34.020. **Water or sewer service application.** Any person desiring to have their property located outside the City limits to the City's water supply system or with sewer service shall make application at the office of the City Clerk ~~Treasurer~~ on the appropriate form. Every such application shall be made by the owner of the property to be supplied the service, or by his/her authorized agent. The applicant must state fully the purposes for which the water and/or sewer service is required. Applicants must agree to conform to the City's rules and 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 a water service application and subsequently issues a water availability 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.

Section 4. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or 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 5. Declaration of Emergency. The City Council hereby declares that an emergency exists necessitating that this Ordinance take effect immediately upon passage by a majority vote plus one of the whole membership of the Council, and that the same is not subject to a referendum (RCW 35A.12.130). The Council declares that an emergency exists necessitating immediate adoption of this Ordinance, due to the possibility that once the public is aware of the water shortage problem in Gig Harbor, there may be a rush to submit water service applications to the City. Because there currently is no expiration date for water availability certificates, property owners may believe that

submission of a water service application now, even for property that may not be developed for years in the future, will guarantee that water will be available. Such a rush of applications will therefore not only cause a problem in processing, but also distort the City's water planning efforts.

Section 6. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 7. Effective Date. This Ordinance shall take effect and be in full force immediately upon passage as set forth in Section 5.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor this  
13th day of November, 2000.

CITY OF GIG HARBOR

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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: 11/8/00  
PASSED BY THE CITY COUNCIL: 11/13/00  
PUBLISHED: 11/22/00  
EFFECTIVE DATE: 11/13/00  
ORDINANCE NO. 854

**SUMMARY OF ORDINANCE NO. 854  
of the City of Gig Harbor, Washington**

On November 13, 2000 the City Council of the City of Gig Harbor, Washington, approved Ordinance No. 854, the summary of text of which is as follows:

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO WATER SERVICE APPLICATIONS, AMENDING THE CONDITIONS UNDER WHICH NEW WATER SERVICE HOOK-UPS MAY BE OBTAINED BY PROPERTY OWNERS, ESTABLISHING AN EXPIRATION DATE OF ONE YEAR FOR SUCH APPLICATIONS IF THE HOOK-UP IS NOT REQUESTED WITHIN SUCH TIME, CLARIFYING THAT WATER HOOK-UP FEES ARE DETERMINED AT THE TIME OF THE ACTUAL HOOK-UP; DECLARING AN EMERGENCY WARRANTING IMMEDIATE ADOPTION OF THIS ORDINANCE AND AMENDING SECTIONS 13.02.030, 13.02.040 AND 13.34.020 OF THE GIG HARBOR MUNICIPAL CODE.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GIG HARBOR:

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

APPROVED by the City Council at their regular meeting of November 13, 2000.

BY: \_\_\_\_\_  
MOLLY M. TOWSLEE, CITY CLERK