

**ORDINANCE NO. 767**

**AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO SEWER EXTENSIONS OUTSIDE THE CITY LIMITS, CHANGING THE PROCESS FOR APPLICATION OF SUCH EXTENSIONS BY MUNICIPAL AND QUASI-MUNICIPAL CORPORATIONS TO ALLOW SUBMITTAL TO THE CITY UNDER CERTAIN LIMITED CIRCUMSTANCES, WITHOUT A DEPARTMENT OF ECOLOGY EMERGENCY ORDER; AMENDING SECTION 13.34.070 OF THE GIG HARBOR MUNICIPAL CODE.**

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WHEREAS, a municipal or quasi-municipal corporation may now apply for an extension of sewer service outside the boundaries of the City of Gig Harbor, pursuant to Gig Harbor Municipal Code ("GHMC") § 13.34.070; and

WHEREAS, a successful municipal or quasi-municipal applicant for sewer service outside the City boundaries must satisfy all of the requirements of chapter 13.34 GHMC, including a demonstration that "the extension is necessary to protect basic public health, safety and/or the environment;" and

WHEREAS, as a prerequisite, GHMC § 13.34.070(A) now requires an applicant to submit an emergency order issued by the Department of Ecology; and

WHEREAS, the City Council finds that as long as the municipal or quasi-municipal corporation can demonstrate compliance with all of the conditions set forth in chapter 13.34 GHMC relative to such sewer service, an emergency order issued by the Department of Ecology is unnecessary, but submission of such order is one method by which an applicant can demonstrate that the extension will protect basic public health, safety and/or the environment; and

WHEREAS, the City Council desires to eliminate the requirement that an emergency order issue as a prerequisite to extension of all municipal or quasi-municipal extension sewer service outside the City limits, but not to alter the applicant's burden to demonstrate that the extension is necessary to protect basic public health, safety and/or the environment; now, therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, DO  
ORDAIN AS FOLLOWS:

Section 1. Section 13.34.070 of the Gig Harbor Municipal Code is hereby amended to read:

**13.34.070 Extensions for public health, safety or environmental reasons.**

A. Municipal corporations or quasi-municipal corporations such as water, sewer or fire districts may make application for water or sewer service to property outside the city urban growth area boundary if, in addition to all other requirements of this title, the applicant can demonstrate that the extension is necessary to protect basic public health, safety, welfare and/or the environment. This showing ~~shall~~ may include, among other documentation, an emergency order issued by the Department of Ecology relative to any sewer extension request.

B. The city council shall review the application and may, in its sole discretion, allow the extension ~~under the following conditions~~ if the council finds:

1. ~~The council finds~~ that the requested service is financially supportable at rural densities and does not permit urban development;
2. ~~Restrictions are placed on the hours that the city will accept sewage flow from the applicants;~~
3. ~~Restrictions are placed on the amount of sewage flow or water provided to the applicant;~~
4. that the city's NPDES permit will not be affected by the extension; and
5. ~~For extensions outside the city's urban growth boundary area, the applicant shall have responsibility for its own facilities;~~

63. that the extension is consistent with the goals of the city's water and sewer comprehensive plans and all other applicable law, including, but not limited to, the Public Water System Coordination Act (Chapter 70.116 RCW), and the State Environmental Policy Act (Chapter 42.31C RCW);

7. ~~Any other conditions the council considers appropriate.~~

C. The council's approval of any extension under the criteria in GHMC § 13.34.070(B) above may be conditioned upon the following:

1. restrictions may be placed on the hours that the City will accept sewage flow from the applicants;
2. restrictions may be placed on the amount of sewage flow or water provided to the applicant;
3. for extensions outside the City's urban growth boundary area, the applicant shall have responsibility to maintain and operate its own facilities; and/or
4. any other conditions the council considers appropriate.

Section 2. 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 3. This ordinance shall take effect and be in full force five (5) days after publication of an approved summary consisting of the title.

APPROVED:

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MAYOR, GRETCHEN A. WILBERT

ATTEST/AUTHENTICATED:

CITY CLERK, MOLLY M. TOWSLEE

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY \_\_\_\_\_

FILED WITH THE CITY CLERK: 8/20/97  
PASSED BY THE CITY COUNCIL: 9/8/97  
PUBLISHED: 9/17/97  
EFFECTIVE DATE: 9/22/97  
ORDINANCE NO. 767

**SUMMARY OF ORDINANCE NO. 767**

of the City of Gig Harbor, Washington

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On the 8th day of September, 1997, the City Council of the City of Gig Harbor, passed Ordinance No.767. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO SEWER EXTENSIONS OUTSIDE THE CITY LIMITS, CHANGING THE PROCESS FOR APPLICATION OF SUCH EXTENSIONS BY MUNICIPAL AND QUASI-MUNICIPAL CORPORATIONS TO ALLOW SUBMITTAL TO THE CITY UNDER CERTAIN LIMITED CIRCUMSTANCES, WITHOUT A DEPARTMENT OF ECOLOGY EMERGENCY ORDER; AMENDING SECTION 13.34.070 OF THE GIG HARBOR MUNICIPAL CODE.

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

DATED this 9<sup>th</sup> day of September, 1997.

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CITY CLERK, MOLLY M. TOWSLEE