

ORDINANCE NO. 697

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO THE CITY'S PROVISION OF WATER AND SEWER OUTSIDE THE CITY LIMITS, ALLOWING WATER OR SEWER EXTENSIONS UNDER CERTAIN LIMITED CIRCUMSTANCES SUCH AS THREATS TO PUBLIC HEALTH AND SAFETY, AMENDING SECTION 13.34.010 AND 13.34.060 OF THE GIG HARBOR MUNICIPAL CODE AND ADDING A NEW SECTION 13.34.070.

WHEREAS, the City is statutorily authorized to provide water and sewer service to property beyond the City limits (RCW 35.67.310 and 35.92.200); and

WHEREAS, the City may provide water and sewer service to property beyond its limits under such terms, conditions and payments as may be prescribed by the City and evidenced in a written agreement between the City and property owners; and

WHEREAS, the Washington State Legislature has recently amended the Growth Management Act regulations relating to Urban Growth Areas, which amendments provide that cities should not provide urban governmental services like water and sewer service in rural areas, "except 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 347, Laws of Washington, Section 2, amending RCW 36.70A.110); now, therefore,

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

Section 1. Section 13.24.010 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.

A. The City is authorized, pursuant to RCW 35.67.310 and RCW 35.92.200 to provide sewer and water service to property outside the City limits. The City's provision of such service is not mandatory. In all circumstances in which the City agrees to provide water or sewer service to property beyond its limits, the applicants for such service must comply with all of the terms and conditions of this chapter.

B. After designation of the City's urban growth area boundary by the County as contemplated by RCW 36.70A.110, the City is prohibited from annexing territory beyond such boundary (RCW 35A.14.005). Therefore, except to municipal corporations or quasi-municipal corporations, such as water, sewer or fire districts, and then only under the circumstances described in subsection C. herein, the City's extension of Water and sewer service outside the city limits to

property not contained within the City's urban growth area is not appropriate under GHMC 13.34.060H.

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). Applications for water and sewer service in rural areas or areas outside the City's urban growth area may be granted by the City Council under the circumstances in this paragraph, and under the procedures set forth in Section 13.34.070.

Section 2. Section 13.24.060 of the Gig Harbor Municipal Code is hereby amended to read as follows:

13.34.060. 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 Section 13.34.070, must agree to sign an agreement with the city, which conditions the provision of the service on the following terms:

Section 3. A new section 13.34.070 is hereby added to the Gig Harbor Municipal Code, to read as follows:

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 and/or the environment. This showing shall 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:

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. the City's NPDES permit will not be affected by the extension;
5. for extensions outside the City's urban growth boundary area, the applicant shall have responsibility for its own facilities;
6. 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.

Section 4. 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. Effective date. Pursuant to GHMC Section 1.08.202(B), the City Council may take action on this ordinance on the day of its introduction upon the affirmative vote of a majority plus one of the whole membership of the Council. This ordinance was passed by a motion to implement GHMC Section 1.08.020(B), and received an affirmative vote of a majority plus one of the whole membership of the Council. This ordinance shall take effect and be in full force five (5) days after publication of an approved summary consisting of the title.

APPROVED:

Corbett Platt, Mayor Pro Tem

ATTEST:

Mark Hoppen

City Administrator/Clerk

APPROVED AS TO FORM:

City Attorney

Filed with city clerk: 10/5/95

Passed by the City Council: 10/9/95

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