

ORDINANCE NO. 451

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, REQUIRING PROPERTY OWNERS TO CONNECT STRUCTURES TO THE PUBLIC SANITARY SEWER SYSTEM, PROVIDING THE PROCESS AND TIME FOR CONNECTION, AND PENALTY FOR FAILURE TO CONNECT, AND ESTABLISHING A SUNSET PROVISION

WHEREAS, making sewers available to all properties in the City is a goal of the Comprehensive Plan; and

WHEREAS, there are approximately 8,155 developed properties in University Place and approximately 6,322 or seventy-seven percent (77%) of developed properties are connected to sanitary sewers and the proposed ordinance impacts undeveloped properties and approximately 1,833 or twenty-three percent (23%) of developed or underdeveloped properties not currently connected to sanitary sewers; and

WHEREAS, the City has passed a resolution on August 8, 2005 requesting the Pierce County Council to enact a University Place capital facilities charge for the construction of sanitary sewer facilities within the Pierce County sewer service area within the City of University Place and contemplates that this ordinance to be effective only in conjunction with this capital facilities charge; and

WHEREAS, the City of University Place will finance and assume responsibility for the construction of new sewer facilities via the University Place capital facilities charge in accordance with Pierce County standards at the time of construction in University Place and Pierce County has agreed to accept such improvements upon completion; and

WHEREAS, requiring properties to connect to sewers will allow the extension of the sanitary sewer system to unsewered areas, which will enable investment and reinvestment in areas currently without sewers; and

WHEREAS, providing a sanitary sewer system promotes efficient urban development; and

WHEREAS, providing a sanitary sewer system will make sewer availability more equitable by providing sewers to more residents of the City; and

WHEREAS, requiring properties to connect will promote uniform sewer standards for developed and developing properties; and

WHEREAS, failing on-site septic systems can be a major source of water pollution and requiring property owners to connect to the public sanitary sewer system can alleviate long term health and environmental impacts of failed septic systems and prevent damage to water and other natural resources; and

WHEREAS, providing public sewers is in the public interest to protect public health, safety and welfare, and the environment; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:


Section 1. Adopting a New Chapter to Title 14. Title 14, UPMC, Buildings and Construction, is hereby amended to add Chapter 14.35 as set forth in Exhibit A, attached hereto and incorporated into this ordinance.

Section 2. Sunset Provision. This Ordinance contemplates that Pierce County will adopt a University Place capital facilities charge to be added to the existing Pierce County Public Works and Utilities sewer service charge and connection fee for the construction of sanitary sewer facilities within the Pierce County sewer service area within the City of University Place in accordance with University Place Resolution No. _____. If Pierce County has not adopted an ordinance imposing a University Place capital facilities charge by January 31, 2006, this Ordinance shall be automatically repealed on February 1, 2006 without further action of the City Council.

Section 3. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances by a court of competent jurisdiction shall not be affected.


Section 4. Publication and Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City. This Ordinance shall be effective five (5) days after its publication.

PASSED BY THE CITY COUNCIL ON THE 8TH DAY OF AUGUST 2005.



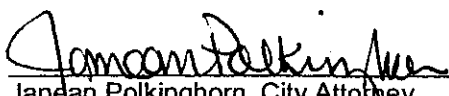
Ken Grassi, Mayor

ATTEST:



Sarah Ortiz, CMC, City Clerk

APPROVED AS TO FORM:



Janean Polkinghorn, City Attorney

Published: 8/10/05
Effective Date: 8/15/05

EXHIBIT "A"

14.35.010 Purpose. The purpose of this ordinance is to implement the goals and policies of the comprehensive plan, protect the public health, safety, and welfare and the environment, and provide sewers to properties in the City by requiring property owners to connect structures to the public sanitary sewer system if an available sewer main is funded by the University Place capital facilities charge and to set forth the minimum requirements and procedures for sewer connection.

14.35.020 Definitions.

"Available" means any point on the property is within the distance specified from a sewer main by way of public right-of-way or a private utility easement between the property and the sewer main. A private utility easement will be considered for purposes of availability only if it allows for construction and connection to sanitary sewers.

"Director" means the City of University Place Director of Community Development or designee, or such other duly authorized representative as the City Manager may designate to supervise the enforcement of this Chapter. The Director may designate an official from the sewer purveyor to implement or enforce any portion of this Chapter.

"Economic hardship" means

1. the unrecoverable cost to connect to sewers, excluding utility connection charges, is equal to or exceeds 20% of the total assessed value of the lot with the structures in place; or
2. the property owner qualifies for an exemption from excess property taxes under RCW 84.36.381 as now exists or may be hereafter amended.

The unrecoverable cost to connect to sewers are those costs to the property owner associated with the physical construction of the sewer main and side sewer, excluding utility connection charges, that are not offset or reimbursed by a latecomer's agreement or a grant or other financial incentive of the City or sewer utility.

"Interim on-site septic system" means a new or remodeled on-site septic system permitted after the effective date of this ordinance that meets the requirements of the Tacoma-Pierce County Health Department as currently in effect or hereafter amended.

"Sewage" means waste discharged from the plumbing facilities of buildings.

"Sewer Main" means a sewer pipe designed and used to transport sewage and to which a side sewer can connect. Sewer main excludes side sewers.

"Side Sewer" means a sewer line extending from the structure's plumbing facilities to the sewer main.

"Structure" means any building that contains facilities for the disposal of sewage.

"University Place Capital Facilities Charge" means a charge adopted and collected by Pierce County added to the existing Pierce County Public Works and Utilities sewer service charge and connection fee to fund sewer extensions into unsewered areas of the Pierce County Public Works and Utilities service area within the City of University Place.

14.35.030 Connection to Sewers.

A. Sewer Connection Required. It shall be unlawful for property owners to fail to connect the structure to the sanitary sewer system if the sewer main is funded partially or wholly by the University Place capital facilities charge, and it is available within 300 feet; provided, however, that in the Leach Creek area as defined in Chapter 19.70 UPMC, any subdivision and any structure except a single family

home must connect to the sanitary sewer system regardless of distance to the sewer main. For single family homes in the Leach Creek Area, owners must connect to the sanitary sewer system if the existing sewer main is available within 300 feet. The owner must connect the structure to the sanitary sewer system within 90 days of written notice by the Director unless a deferral has been granted under UPMC 14.35.050. For good cause shown, the Director may extend the period to connect not to exceed 90 additional days. The costs of the connection shall be the responsibility of the property owner.

B. Unlawful Wastes. Any sewage, waste or other matter designated as a prohibited discharge by the sewer utility provider's regulations shall not be discharged or allowed to run, leak, leach, or escape into the sanitary sewer system.

C. Proof of Connection. Any property owner who is required to connect to sanitary sewers under this Chapter shall provide documentation or other evidence to the Director sufficient to show proof of connection from the sewer utility provider.

D. Decommission of On-site Septic System. Any property owner who is required to connect to sanitary sewers under this Chapter shall decommission any existing on-site septic system in accordance with the requirements of the Tacoma-Pierce County Health Department as currently in effect or hereafter amended.

14.35.040 Permits. The property owner shall be responsible to obtain any necessary permits from the City, the sewer provider, and the Tacoma-Pierce County Health Department (if required) to carry out the requirements of this Chapter. Permits in violation of this Chapter shall not be issued.

14.35.050 Connection Deferrals.

A. Deferral Period. Connection to the sanitary sewer system under this Chapter may be deferred for a period up to three (3) years unless there is an on-site septic system failure sooner. A deferral may be renewed for a maximum of one (1) additional three (3) year period based on continued eligibility. The property owner shall comply with the provisions of this Chapter upon termination of the deferral period.

B. Criteria for Deferrals. Upon application, the Director shall approve a deferral of the requirement to connect to the sanitary sewer system if, in the Director's reasonable discretion, the Director determines all of the following criteria are met:

1. the cost of connecting to the sanitary sewer system would be an economic hardship to the property owner; and
2. within three months of the request for deferral, the septic system shall be inspected by the Tacoma Pierce County Health Department and certified by that department to be in good working order and to have an estimate remaining useful life of at least three years; and
3. the property owner has recorded a Connection Agreement as required in UPMC 14.34.060; and
4. the septic system will not have a significant adverse environmental impact on potable water wells, ground water, streams or other surface bodies of water; and
5. the septic system is in compliance with all applicable federal, state, and local regulations.

14.35.060 Conditions for interim septic systems. The Director shall grant a deferral and shall allow continued operation of an interim on-site septic system only upon the condition that the property owner shall record a Connection Agreement to connect to the sanitary sewer system, which shall (1) be a covenant running with the land; and (2) provide that the structure shall be connected to the sanitary sewer system at such time as the deferral period or any renewal expires; and (3) require the property owner to pay all costs of connection, including any additional connection charges incurred as a result of the deferral; and (4) provide that the property owner will not protest the formation of any future Utility Local Improvement District for the construction of a sewer system that would serve the property; and (5) provide that the deferral will be voided and the property connected to sewer in accordance with this Chapter in the event the property owner refinances or sells the property during the deferral period.

14.35.070 Violations. It is unlawful for any person to do any of the following:

- A. Construct or maintain any structure within the City without connecting the structure to the public sanitary sewer system as required in this Chapter.
- B. Connect to the sewer system without meeting the requirements of this Chapter or the requirements imposed by the sewer provider.
- C. Fail to comply with any notice or order issued by the Director pursuant to this Chapter.
- D. Perform or cause to be performed any work upon any structure, land, or property within the City of University Place in a manner not permitted by the terms or conditions of any permit or authorization issued pursuant to this Chapter.

14.35.080. Penalties.

- A. Any violation of this Chapter shall be a civil violation subject to the penalties and abatement process set forth in UPMC 1.20 as enacted or hereinafter amended.
- B. As an alternative to the remedy provided in 14.35.070(A), the Director may designate an official of the sewer purveyor as the enforcement official for purposes of enforcing this Chapter.
- C. In addition to or as an alternative to any other remedy provided in this section, any person or entity violating this Chapter shall be guilty of a misdemeanor punishable as provided for in RCW 9A.20.021.
- D. Failure to connect to the public sewer system as required in this Chapter or any work carried out contrary to the provisions of this Chapter is hereby declared public nuisance and may be enjoined as provided by state law.
- E. In addition to any other remedies provided for herein, the City may commence legal or equitable action to prevent, enjoin, abate, or terminate any condition that constitutes or threatens to constitute a violation of this Chapter.
- F. Any violation of this Chapter may be cause for withholding or withdrawing approval of project plans, revocation of a permit, suspension of building (or other) inspections, forfeiture of financial guarantees submitted to the City, and refusal of the City to accept the work.
- G. Any person who violates any provisions of this Chapter shall be liable to the City for any expense, loss, damage, cost of inspection, or cost of correction incurred by the City by reason of such violation, including any cost incurred by the City in collecting such loss, damage, expense, or costs.

14.35.090 Appeals. Any person or entity aggrieved by any decision or order of the Director under this Code, except a decision by the Director to seek redress in the courts through either civil or criminal remedies, may appeal the decision in accordance with the procedures and timelines established in Title 22 UPMC.

14.35.100 Sunset Provision. This Chapter shall be automatically repealed on February 1, 2006 without further action of the City Council if the Pierce County Council has not adopted a University Place capital facilities charge, to be added to the existing Pierce County Public Works and Utilities sewer service charge and connection fee, on or before January 31, 2006.