

**CITY OF MONROE
ORDINANCE NO. 001/2018**

AN ORDINANCE OF THE CITY OF MONROE,
WASHINGTON, AMENDING MONROE MUNICIPAL CODE
CHAPTER 13.08, SEWER SYSTEM REGULATIONS;
UPDATING AND CLARIFYING THE STANDARDS,
PROCEDURES AND CONDITIONS UNDER WHICH
SANITARY SEWER SERVICE WILL BE EXTENDED
OUTSIDE OF CITY BOUNDARIES INTO THE URBAN
GROWTH AREA (UGA); PROVIDING FOR SEVERABILITY;
AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the Monroe City Council adopted amendments to Appendix H of the City of Monroe 2015 – 2035 Comprehensive Plan on October 24, 2017, to clarify the City's policy regarding the conditions under which sanitary sewer service will be extended outside of City boundaries; and

WHEREAS, as provided in the City's Comprehensive Plan, the City's general policy is to refrain from extending new sanitary sewer service to properties located beyond City boundaries, including those within the Urban Growth Area (UGA), prior to annexation into the City of said parcels, except as otherwise required by state law; and

WHEREAS, the City Council now desires to amend the City's sewer regulations to reflect and effectuate the above policy, and to clarify the conditions that will apply where sanitary sewer service is extended beyond the City's boundaries.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MONROE DO ORDAIN AS FOLLOWS:

Section 1. Findings. The above recitals are hereby adopted as legislative findings in support of this ordinance. The Monroe City Council further finds as follows:

A. The City Council held a public hearing on the substance of this ordinance on February 6, 2018.

B. The City is authorized by state law, including but not limited to Chapter 35.67 RCW, to adopt local regulations governing its sanitary sewer system generally, and has specific statutory authority to define the conditions under which sanitary sewer service will be extended to serve properties located beyond the City's boundaries.

C. The regulations set forth in this ordinance are beneficial to the public health, safety, and welfare, and are in the public interest.

Section 2. Amendment of MMC 13.08.240. Monroe Municipal Code (MMC) Section 13.08.240, Sanitary Sewer Service Area, is hereby amended as follows:

13.08.240 Sanitary Sewer Service Outside the City Limits[AREA].

~~[THE SERVICE AREA FOR THE CITY OF MONROE SANITARY SEWER SYSTEM SHALL BE THE MONROE URBAN GROWTH AREA.]~~

A. The city will not extend sanitary sewer service to areas located beyond the city limits except to the extent required by law.

B. Where sanitary sewer service is extended to areas located beyond the city limits, the applicant/landowner must first execute an outside utility extension agreement in a form provided by the city and containing the following provisions:

1. The applicant/landowner shall consent and waive objection to annexation of the subject property, including without limitation the applicant/landowner's signature on an annexation petition if so requested by the city;

2. The applicant/landowner shall secure and obtain, at its sole expense, all permits, easements, licenses and other real property interests necessary to construct and install the requested sewer extension;

3. The applicant/landowner shall reimburse the city's administrative, legal, and other professional costs;

4. The applicant/landowner shall bear all costs of completing the requested sewer extension, including without limitation all design, engineering, construction and installation costs;

5. The applicant/landowner shall design, construct and install the requested sewer extension in full compliance with all applicable city codes, standards, policies and rules;

6. The applicant/landowner shall design, construct and install the requested sewer extension in a manner that allows for reasonable future connections by other properties, including without limitation through the installation of stubs, utility access corridors and/or similar features as may be required by the city;

7. The applicant/landowner shall convey and dedicate to the city all property interests and sewer utility infrastructure comprising the requested sewer extension following the city's approval and acceptance thereof, using forms and instruments approved by the city;

8. The applicant/landowner shall post a maintenance bond or other security, in a form approved by the city attorney, ensuring the workmanship of the sewer utility infrastructure for a period of two years.

9. The applicant/landowner shall agree to pay all applicable connection charges, fees and utility service charges;

10. The applicant/landowner shall comply fully with all applicable city of Monroe regulations;

11. Any other conditions determined appropriate by the city; and

12. The outside utility extension agreement shall be subject to approval by the Monroe City Council, shall be recorded against the title of the applicant/landowner's property, shall run with the land, and shall bind future owners.

C. Sanitary sewer service shall not be extended to areas located beyond the city's boundaries unless the city's sewer system has sufficient capacity to accept, convey and process the additional demand created by such extension. Prior to executing an outside utility extension agreement pursuant to this section, the applicant/landowner shall submit to the city a written documentation, from a professional engineer licensed in Washington State, confirming the volume and extent of the additional demand.

D. The extension of sanitary sewer service beyond the city's boundaries shall be at no expense to the city.

Section 3. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by State or federal law or regulation, such decision or pre-emption shall not affect the validity or enforceability of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 4. Effective Date. This ordinance shall be in full force and effect five (5) days from and after its passage and approval and publication as required by law.

PASSED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this 21st day of FEBRUARY, 2018.

First Reading: February 6, 2018
Adoption: February 20, 2018
Published: February 23, 2018
Effective: February 28, 2018

(SEAL)


ATTEST:


Elizabeth M. Adkisson, MMC, City Clerk

CITY OF MONROE, WASHINGTON:


Geoffrey Thomas, Mayor

APPROVED AS TO FORM:


J. Zachary Leil, City Attorney