

**Subject: Ordinance #1483 – Updating Sewer Connection Fees – RMC 21.01.040**

**Dept. Origin: Planning Dept.**

**Prepared by: Jennifer Robertson, City Attorney’s Office**

**For Agenda of: July 5, 2016**

**Exhibits: Ordinance #1483**

**Proposed Council Action:**

This matter is on for First Reading and a public hearing. Unless directed otherwise, this Ordinance will be brought back for Second Reading and Adoption on July 19, 2016.

	Initial & Date
<b>Concurred by Mayor:</b>	_____
<b>Approved by City Planner:</b>	_____
<b>Approved as to form by City Atty:</b>	<u>JSR/6-23-16</u>
<b>Approved by Finance Director:</b>	_____
<b>Approved by Department Head:</b>	_____

**INFORMATION / BACKGROUND**

The City is authorized to provide sanitary sewer services to properties within the City in accordance with RCW 35A.11.020, 35A.21.150, and Chapter 35.67 RCW. This authority includes the authority to establish charges for the sanitary sewer facilities, including connection charges. RCW 35.67.020; 35.67.190.

Sewer connection fees are meant to help ensure that “growth pays for growth” and that the new customers will pay into a system that has been created and maintained by existing customers. The City has charged \$2,000 per connection for new sewer connections for a number of years under RMC 21.01.040. The City has implemented this to be a charge of \$2,000 per unit for new sewer connections and has interpreted this to be \$2,000 per unit of development. In order to ensure clarity in the code on this issue, RMC 21.01.040 should be updated to do the following:

1. State that the connection fee is “per unit”,
2. Define what a “unit” is,
3. Provide for the rounding up of any partial units in the fee calculation,
4. Give the Planning Director the authority to determine the number of units being developed and connected for purposes of this fee, and
5. Provide an appeal process if a developer desires to challenge the Planning Director’s interpretation.

The update to RMC 21.01.040 contained in Ordinance 1483 makes these changes.

**FISCAL CONSIDERATION**

The fee at issue is not changes, however, the code is proposed to be clarified and additional language inserted to make the fee calculation more clear and transparent.

**BOARD OR COMMITTEE RECOMMENDATION**

N/A

**RECOMMENDATION / MOTION**

Hold the public hearing.

MOTION 1: I move to open the public hearing.

[Take any testimony. Once all testimony is completed, close the public hearing.]

MOTION 2: I move to close the public hearing.

Give any direction to staff. Unless directed otherwise, Ordinance 1483 will return for Second Reading and Action on July 19, 2016.

**ORDINANCE NO. 1483**

**AN ORDINANCE OF THE CITY OF RUSTON, WASHINGTON, RELATING TO CHARGES FOR CONNECTION TO SANITARY SEWER WITHIN THE CITY OF RUSTON, AMENDING SECTION 21.01.040 OF THE RUSTON MUNICIPAL CODE TO AMEND THE SANITARY SEWER CONNECTION LANGUAGE IN THE CODE FOR CLARIFICATION PURPOSES TO ENSURE THAT THE CITY'S PRACTICES ARE CLEARLY UNDERSTANDABLE TO MEMBERS OF THE PUBLIC, INCLUDING ADDING A DESCRIPTION OF WHAT CONSTITUTES A "UNIT" AND PROVIDING THE CITY PLANNING DIRECTOR WITH INTERPRETATION AUTHORITY, PROVIDING AN APPEALS PROCESS, AND ESTABLISHING AN EFFECTIVE DATE.**

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WHEREAS, in accordance with RCW 35A.11.020, 35A.21.150, and Chapter 35.67 RCW, the City is authorized to provide sanitary sewer services to properties within the City; and

WHEREAS, in accordance with RCW 35.67.020, the City has the authority to establish charges for the sanitary sewer facilities, including connection charges; and

WHEREAS, in accordance with RCW 35.67.190, the City has the authority to fix the rates for sanitary sewer services and connection fees; and

WHEREAS, the sewer connection fees are meant to help ensure that "growth pays for growth" and that the new customers will pay into a system that has been created by existing customers; and

WHEREAS, the City charges \$2,000 per connection for new sewer connections in accordance with RMC 21.01.040; and

WHEREAS, the City has implemented this to be a charge of \$2,000 per unit for new sewer connections; and

WHEREAS, to ensure clarity in the code on this issue, RMC 21.01.040 should be updated;  
and

WHEREAS, on July 5, 2016, the City Council held the first reading of this Ordinance and held a public hearing on this ordinance; and

WHEREAS, on July 19, 2016, the City Council adopted this Ordinance at Second Reading during its regular meeting following such hearing; **NOW, THEREFORE,**

**THE CITY COUNCIL OF THE CITY OF RUSTON HEREBY ORDAINS AS FOLLOWS:**

**Section 1.** Section 21.02.040 of the Ruston Municipal Code is hereby amended to read as follows:

**21.01.040 - Application.**

Any person desiring such connection to be made, or such pipe or drain to be laid, shall make an application for permit therefor in writing to the ~~Town~~ City Clerk on a form to be prescribed by the Mayor. Such application shall specify the plumber or other person who is to perform the work, and shall be accompanied by a permit fee as prescribed by the Uniform Plumbing Code and a one-time connection fee of \$2,000 per unit being developed. The definition of a “unit” shall be per “dwelling unit” per “commercial unit” or per “hotel room”. An area shall not be considered a separate “unit” if it does not have any plumbing fixtures in the space. If there is an issue as to how many units are being connected under this section, then the City Planning Director shall have the discretion to make a determination as to the number of units being connected. Such determination shall be appealable under the procedures for Interpretations under Chapter 19.09 RMC. If there is a partial unit, the number of units shall be rounded up to the nearest whole number. The Clerk shall issue a permit after being satisfied that such person is qualified or authorized as provided in this code and all fees have been paid.

**Section 2.** Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be 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. Publication.** This Ordinance shall be published by an approved summary consisting of the title.

**Section 4. Effective Date.** This Ordinance shall be effective five days after publication as provided by law.

ADOPTED by the City Council of the City of Ruston and attested by the City Clerk in authentication of such passage on this 19<sup>th</sup> day of July, 2016.

APPROVED by the Mayor this 19<sup>th</sup> day of July, 2016.

\_\_\_\_\_  
Bruce Hopkins, Mayor

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
Judy Grams, City Clerk

APPROVED AS TO FORM:

Office of the City Attorney

\_\_\_\_\_  
Jennifer S. Robertson

FILED WITH THE CITY CLERK: 6/23/2016

PASSED BY THE CITY COUNCIL: \_\_\_\_\_

PUBLISHED: \_\_\_\_\_

EFFECTIVE DATE: \_\_\_\_\_

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