

Subject: Ordinance #1540 – Amending Section 21.01.040 RMC to create Credit system for sewer Connection fees and adding a New section 21.01.045 to set forth requirements for Obtaining the credit

Proposed Council Action:

No Action Requested. This is on for First Reading. Unless directed otherwise, this will Return for Second Reading and Action on January 5, 2021.

Dept. Origin: Mayor’s Office
Prepared by: Jennifer Robertson, City Attorney’s Office
For Agenda of: December 15, 2020
Exhibits: Ordinance #1240

Initial & Date

Concurred by Mayor: _____
Approved by City Planner: _____
Approved as to form by City Atty: JSR 12-9-20
Approved by Finance Director: _____
Approved by Department Head: _____

INFORMATION / BACKGROUND

The City is authorized to provide sanitary sewer services to properties within the City¹ and has the authority² to establish charges for the sanitary sewer facilities and fix the rates for sanitary sewer services.³

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. The City currently charges \$2,000 per connection for new sewer connections in accordance with RMC 21.01.040. In the past the City has provided credits for development of sewer infrastructure that has includes construction of municipal parts of the sewer system and/or for construction private laterals that are a private part of the City’s sewer system that connects to Tacoma’s interceptor line or main line. In order to add clarity to the City’s code, its practice of providing such credits should be added to the included in the City’s code chapter 21.01 “Sewer Connections.”

FISCAL CONSIDERATION

The City had been offering credits for sewer connection similar to the procedures in the Ordinance, so this is not expected to have a fiscal impact.

¹ RCW 35A.11.020, 35A.21.150, and Chapter 35.67 RCW.

² RCW 35.67.020.

³ RCW 35.67.190.

RECOMMENDATION / MOTION

No Action Requested. This is on for First Reading. Unless directed otherwise, this will return for Second Reading and Action on January 5, 2021.

ORDINANCE NO. 1540

AN ORDINANCE OF THE CITY OF RUSTON, REGARDING SEWER CONNECTION FEES, AMENDING RUSTON MUNICIPAL CODE SECTION 21.01.040 TO PROVIDE FOR CREDITS FOR CONNECTION FEES, AND ADDING A NEW SECTION 21.01.045 TO THE RUSTON MUNICIPAL CODE TO CREATE A PROCESS FOR OBTAINING CREDITS FOR SEWER CONNECTION FEES, AND ESTABLISHING AN EFFECTIVE DATE.

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; and

WHEREAS, in accordance with RCW 35.67.190, the City has the authority to fix the rates for sanitary sewer services; 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 provided credits in the past for development that has construction municipal parts of the sewer system and/or constructed private laterals that are a private part of the City’s sewer system that connects to Tacoma’s interceptor line or main line in accordance with the City’s interlocal agreement with Tacoma; and

WHEREAS, in order to add clarity to the City's code, its practice of providing such credits should be included in the City's code; and

WHEREAS, on December 15, 2020, the City Council held first reading of this ordinance; and

WHEREAS, on January 5, 2021, the City Council adopted this Ordinance during its regular meeting at the second reading; **NOW, THEREFORE**

THE CITY COUNCIL OF THE CITY OF RUSTON DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Section 21.01.040 of the Ruston Municipal Code is hereby amended to read as follows:

21.01.040 – Application to Connect; Connection Fees.

A. 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 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 \$2,000.00 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.

B. In calculating connection fees, the City may provide credits towards such fees in accordance with RMC 21.01.025. The fees charged shall be as described in subsection A above, minus any applicable credits. In order to obtain such credits, the request for a credit must be received by the City at the same time as the application to connect is submitted. If the allowable credit exceeds the connection fees charged, no refund is due from the City, however,

any such excess credit may be carried over for use on future connection fees in accordance with the provisions of this Chapter.

Section 2. A new section 21.01.025 is hereby added to the Ruston Municipal Code to read as follows:

21.01.025 Credits for private development of public sewer system.

- A. Any Ruston sewer customer that develops a portion of a municipal sewer system inside the City of Ruston, is eligible to apply for a credit towards sewer connection fees as set forth in RMC 21.01.020.
- B. In order to obtain a credit towards such fees, the customer must do each of the following:
 - 1. Request such credit at the time an application to connect is made;
 - 2. Provide the total amount that is eligible as a credit under subsection C below;
 - 3. Provide information to establish the date such work was completed.
- C. The maximum amount that is eligible to be applied as a credit will be calculated as follows:
 - 1. For work that is being performed after the effective date of this section (January 2021), any work that is performed in the City for which a credit is available under this Section, the customer responsible for performing such work shall provide information to the City and the end of the project to allow the City to discern and calculate the maximum credit amount. A letter will be placed in the property files of the City and provided to the Customer with the maximum credit amount. Such letter to be updated whenever credits have been utilized.
 - 2. For work that was performed prior to the effective date of this section, any customer seeking to use a credit under this section shall provide the City with the following:
 - a. An accounting provided under penalty of perjury of the costs incurred, including the total amount of credit the customer believes he is eligible to receive;
 - b. Provide documentation supporting the accounting to establish the total amount that customer has spent on developing a portion of a municipal sewer system inside the City of Ruston, including invoices, payment receipts, plans, contractor's bills, etc. and sign a sworn statement that the amount spent is a true and correct accounting of the project; and
 - c. Provide an accounting of any credits the City has previously provided for such work.

The City will then review the materials provided by the customer and determine the maximum credit amount the customer is eligible to received. A letter will be issued and placed into the property files of the City with the maximum credit amount. Such letter to be

updated whenever credits have been utilized.

- D. Any connection credits permitted under this section may only be applied to any connections made within twenty (20) years of completion of the work that is eligible for connection fee credit.
- E. If the allowable credit exceeds the connection fees charged, no refund is due from the City, however, any such excess credit may be carried over for use towards future connection fees in accordance with the time limitation in subsection D above.
- F. The decision by the City as to the maximum amount of the credit is a final decision and is not subject to administrative appeal.

Section 3. 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 4. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 5. 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 ____ day of January, 2021.

APPROVED by the Mayor this ____ day of January, 2021.

Bruce Hopkins, Mayor

ATTEST/AUTHENTICATED:

Judy Grams, City Clerk

APPROVED AS TO FORM:

Jennifer S. Robertson
Office of the City Attorney

FILED WITH THE CITY CLERK: _____
PASSED BY THE CITY COUNCIL: _____
PUBLISHED: _____
EFFECTIVE DATE: _____
ORDINANCE NO: 1540