

**CITY OF SNOHOMISH
Snohomish, Washington**

ORDINANCE 2086

AN ORDINANCE OF THE CITY OF SNOHOMISH, WASHINGTON, AMENDING SMC 15.04.140 RELATING TO CONNECTION TO CITY SEWER SYSTEM; ADDING A NEW SECTION SMC 15.04.142 RELATING TO OPTIONAL SURCHARGE TO UTILITY BILLING, AND AMENDING SMC 15.04.165 RELATING TO VIOLATIONS OF SMC 15.04.140

WHEREAS, the Legislature found in the adoption of RCW 70.118.010 that large numbers of septic systems fail, leading to health hazards, loss of property values, and water quality degradation; and

WHEREAS, these health hazards derive from waste waters high in fecal coli form bacteria making their way into nearby water bodies, causing such diseases as typhoid, paratyphoid, bacillary dysentery, gastroenteritis, and cholera; and

WHEREAS, located in the City are a number of on-site septic systems, not in newly annexed areas, on average fifteen or more years old; and

WHEREAS, the average life expectancy for a septic system that functions adequately so as not to be a public health hazard is fifteen to twenty-five years; and

WHEREAS, located in the City are Blackmans Lake, the Snohomish River, numerous streams and tributaries, and numerous wetlands, which are subject to pollution from failing septic systems; and

WHEREAS, in order to address such pollution or potential pollution as described above, the City has enacted by ordinance, as codified in Ch. 15.04 SMC, requirements and exceptions for connecting to the City's sewer system; and

WHEREAS, citizens have testified that sixty (60) days is too short of a time period to arrange contractors and perform the work required to connect to the City's sanitary sewer system once it is within 200 feet; and

WHEREAS, owners of property with existing septic systems, who are affected by the requirement in Ch. 15.04 SMC to connect to the City's sewer system when service is available within two hundred feet of a structure, have provided public testimony as to the financial hardship and the lack of notice provided by the City regarding said connection requirement;

NOW, THEREFORE, be it ordained by the City Council of the City of Snohomish, Washington as follows:

Section 1. Snohomish Municipal Code Section 15.04.140 is hereby amended to read as follows:

15.04.140 Connection to Sewer System Required. The owner or owners of each lot or parcel of real estate within the area served by the sanitary sewer sewage disposal system of the City, upon which lot or parcel or property there shall be situated any building or structure for human occupation or use for any purpose, and not now connected, shall immediately install toilet facilities therein and, except as provided in Section 15.04.145, shall immediately cause a connection to be made between said sewer system and each building or structures. The City Engineer may exempt the owner or owners from this requirement if the structure(s) have been permitted by the City Building Division as not intended for human occupation or business (for example: a garage used for storage).

All premises within two hundred feet of a sewer line or lateral upon which a building is situated as now or hereafter constructed, shall be subject to the provisions of Section 15.06.020; provided, however, that all such premises listed on Schedule A and Schedule B, which are attached to Ordinance 2086, shall connect to the City sanitary sewer system either upon transfer of ownership or title of their property, upon development of their property that either is constructed over the existing septic tank or drain field or requires capacity in addition to that of the existing septic system, upon failure of the existing septic system, or by June 1, 2010, whichever occurs first. The City will transmit a “notice of utility connection requirement and charges” to the Snohomish County Auditor, regarding the requirement to connect to the City sanitary sewer system, for all properties listed on Schedule A and Schedule B.

It is further provided that any building or areas for public use, including but not limited to schools, hospitals, apartments, hotels, cabins, motels, and trailer courts, shall be deemed to be within the area served by such sewer system if such building or buildings or any of them are within five hundred feet of a sewer line or lateral as now or hereafter constructed.

All connections shall be made to such sewer system in a permanent and sanitary manner, subject to payment of, or credit for connection charges to be set by the City Council and subject to the approval of the City Engineer of the City and to such permit and construction requirements and regulations fixed by the City Council and in force at the time.

Connections to the City sewer system will require simultaneous connection to the City water system, unless City water is not available within five hundred (500) feet of the lot or parcel.

Section 2. Chapter 15.04 Snohomish Municipal Code is hereby amended to add a new section 15.04.142 to read as follows:

15.04.142 Surcharge to Utility Billing. An owner or owners of a lot or parcel with an existing completed building(s) or structure(s) as of the effective date of this section required to be connected under SMC 15.04.140 to the sanitary sewer system, and not in a newly annexed area, may apply to the City for connection and obtain a credit against the Utility Connection Fee, the Utility Capital Facility Charge, and the Project Development Fee by agreeing to pay a surcharge added to his/her combined utility billing calculated as follows:

The surcharge shall be the sum of the Utility Connection Fee, the Utility Capital Facility Charge and the Project Development Fee increased by an interest factor determined by the City to reflect the City's cost of borrowed money for a five year term, said number being divided by sixty (60) to arrive at the monthly surcharge.

Said agreement shall be memorialized in writing and shall authorize the City to record a lien against the lot or parcel for which the surcharge is due. Upon signature on the agreement and recording a lien against the lot or parcel, the owner or owners shall receive a credit equal to the full amount of the Utility Connection Fee, the Utility Capital Facility Charge and the Project Development Fee.

Upon payment of all other charges due for utility connection, sewer and/or water service shall be commenced to the lot or parcel.

This section shall sunset and shall be of no further force or effect on December 31, 2005.

Section 3. Snohomish Municipal Code Section 15.04.165 is hereby amended to read as follows:

15.04.165 Violations of 15.04.140-Penalty. Any person failing to make a required connection to the City's sanitary sewer system within 365 days of the date of notice from the City that connection is required commits a first violation and a civil infraction and the civil penalty for the first violation is twenty five dollars (\$25) per day for each day from the 60th day to the 119th day after the date of notice. Any person failing to make a required connection to the City's sanitary sewer system within 485 days of the date of notice from the City that connection is required commits a second violation and a civil infraction and the civil penalty for the second violation is fifty dollars (\$50) per day for each day from the 485th day to the 544th day after the date of notice. Any person failing to make a required connection to the City's sanitary sewer system within 545 days of the date of notice from the City that connection is required commits a third violation and a civil infraction and the civil penalty for the third violation is seventy five dollars (\$75) per day for each day from the 545th day to the 604th day after the date of notice. Any person failing to make a required connection to the City's sanitary sewer system within 605 days of the date of notice from the City that connection is required shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of five hundred dollars (\$500) and/or by imprisonment in jail of not more that thirty (30) days. (Ord. 2075, 2005)

Section 4. Severability. In the event any subsection or section of this ordinance shall be determined or declared unlawful, the remaining provisions of this ordinance shall remain in full force and effect.

Section 5. Effective date. This ordinance and each section it contains shall become effective five days following publication by summary.

PASSED by the City Council and **APPROVED** by the Mayor this 19th day of July, 2005.

CITY OF SNOHOMISH

By _____
Liz Loomis, Mayor

Attest:

By _____
Torchie Corey, City Clerk

Approved as to form:

By _____
Grant K. Weed, City Attorney

Schedule A
City Residents Not Connected to Sewer but Within 200 Feet of Sewer Line

Sanders, Peter	1126 Bonneville Avenue
Tony Loomis	1101 Bonneville Avenue
Price, Mrs. James	1011 Bonneville Avenue
Warren White	712 13th Street
Williams, Barbara	1811 Park Avenue
Laura Cochran	2009 Park Avenue
Aalbu, Lanny	2215 Park Avenue
Timothy Kammerer	1805 Pine Avenue
Bruce A Ferguson	1011 Maple Avenue
Hardy, Randy and Linda	1313 Cypress Ln
Norton, Ann	1317 Cypress Ln
Werder, James	1325 Cypress Ln
Brickman, Shirley	1329 Cypress Ln
Armstrong, Kari	221 16th Street
Skinner, Martha R	215 16th Street
Drake, Earl	1831 Park Avenue
Banister, Floyd	1906 Terrace Avenue
Troupe, Loren and Margie	1900 Terrace Avenue
Cavanaugh, Jodi & Eric	1830 Terrace Avenue
Carpenter, David	1918 Terrace Avenue
Imsland, Eugene	1922 Terrace Avenue
Coombs, Carolyn	1808 Terrace Avenue
McGee, Jane A.	1728 Terrace Avenue
Kirk Williams	1718 Terrace Avenue
Bob Fischer	1716 Terrace Avenue
Daniel Lindsey	1710 Terrace Avenue
Hawkins and Hawkins	1429 Bonneville Avenue
Dunbar Enterprises	1426 Bonneville Avenue
American Roofing and Recyclers	1426 Bonneville Avenue
Werner, Mrs. Roy	1405 Avenue A
Patricia Sterling	1915 Park Avenue
Darwood, Thomas E.	1321 Cypress Ln
Collins, Mark	1910 Pine Avenue
Craig Automotive Repair,	507 Maple Avenue
Dunbar Enterprises	1316 Bonneville Avenue B
Plant Mulch	1426 Bonneville Avenue

Schedule B

City Residents Not Connected to Sewer but Not Within 200 Feet of Sewer Line

Barry McGee	113 Avenue F
Blackman, Kennis G.	1424 Ridge Avenue
Bickford Motors	1405 Bonneville Avenue
Smoots Homes Inc	1315 Bonneville Avenue
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Hutzenbiler, David	1205 Ferguson Park Rd
Owens, Kendall	2011 Park Avenue
Johnson, Robert	1115 Orchard Avenue
Richard Schoot	1309 Maple Avenue
Welcker, Lori and Kent	1826 Terrace Avenue
Imsland, Eugene	2002 Terrace Avenue
William Wislen	2003 Terrace Avenue
Ulrich, William	420 Ludwig Road
McVey, George W.	1825 Bickford Avenue
Terry, Shirley	1823 Bickford Avenue
Brame, Onmalie	1811 Bickford Avenue
Larson, Timothy	1813 Bickford Avenue
Gohr, Shirley	1815 Bickford Avenue
Lance Coughlin	1819 Bickford Avenue
Strahm, Frank	5210 Bickford Avenue
Borseth, Kristin	2615 Lake Avenue
First Baptist Church	2500 Lake Avenue
Troy and Cresta Schmidt	2621 Lake Avenue
Stenier	2623 Lake Avenue
Setzer, Micheal and Hope	2627 Lake Avenue
Smoots Homes Inc	2701 Lake Avenue
Emmanuel Baptist Church	2727 Lake Avenue
Merchant Petroleum LLC	1401 30th Street
Snohomish United Methodist	2400 Lake Avenue
Anderson, Wayne	1901 Pine Avenue
Mills, Lorinda	1919 Pine Avenue
Cohn, Terry	2005 Pine Avenue
Hill, Randy and Cynthia	2128 Pine Avenue
Clark, Donald E	2209 Pine Avenue
Gilpin, Jeffrey P	2525 Pine Avenue
Deseranno, Shane	1210 Orchard Avenue
Clogston, Roy	221 11th Street
Ramstad, J.	303 11th Street
Gillis, Tom and Adrienne	307 11th Street
Stillwell, Roy and Heather	306 11th Street
Gates, John	212 11th Street
Spade, Dave and Kathy	310 11th Street
Bennett, Carolyn	1125 Orchard Avenue
Menzies, Tony	1207 Orchard Avenue
Moakley, Kathleen	1208 Orchard Avenue

Crittenden, T. M.	1211 Orchard Avenue
Brower, Tony K	1212 Orchard Avenue
Cathy Langford	1214 Orchard Avenue
Mazzi, Richard	1215 Orchard Avenue
Barrows, Gail	1216 Orchard Avenue
Roetcisoender, B.J.	1220 Orchard Avenue
Thompson, Charles	1324 Cypress Ln
Ferguson, Dan	1312 Cypress Ln
Chafee, Ronald	1316 Cypress Ln
Ortmeyer, Mark	1320 Cypress Ln
Laureano, Lauri	205 Cypress Ln
Lohnes, Brad	2126 Terrace Avenue
Eugene Imsland	2008 Terrace Avenue
Alisha Campers	2010 Terrace Avenue
Sipple, Eric	2108 Terrace Avenue
Johnson, Elliot and Cecelia	2202 Bickford Avenue
Fischer Bickford	1310 20th Street
Kim Latchford	2014 Terrace Avenue
Fowler, Tim	2308 Bickford Avenue
Craig Murphy	2005 Bickford Avenue
Ted and Donna	2414 Bickford Avenue
Donkin, Charles	3219 Bickford Avenue
Snohomish Building Inc,	3330 Bickford Avenue
Snohomish Building Inc	3100 Bickford Avenue
Barnett Implement Co Inc,	3305 Bickford Avenue
McCloud, Janice	1400 30th Street
Strohm, Frank and Barbara	2515 34th Street