

**CITY OF SNOHOMISH
Snohomish, Washington**

ORDINANCE 2384

AN ORDINANCE OF THE CITY OF SNOHOMISH, WASHINGTON, AMENDING SNOHOMISH MUNICIPAL CODE (SMC) SECTIONS 15.04.047; 15.04.120; 15.04.125; AND 15.04.155; TO DELETE REFERENCES TO SECTIONS OF SNOHOMISH MUNICIPAL CODE THAT HAVE BEEN REPEALED.

WHEREAS, Snohomish Municipal Code 15.04.120, 15.04.125, and 15.04.155 all refer to SMC 15.04.143 which was repealed by Ordinance 2367 on May 21, 2019; and

WHEREAS, Snohomish Municipal Code 15.04.047 refers to SMC 15.04.145 which was repealed by Ordinance 2271 on June 3, 2014; and

WHEREAS, the Snohomish Municipal Code should be periodically updated to reflect correct references to sections that have been affected due to adoption or repeal of various ordinances;

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

Section 1. SMC 15.04.047, entitled "NE Sewer Area," is hereby amended to read as follows:

15.04.047 NE Sewer Area.

A. Existing Structures.

Within the NE Sewer Area, existing structures with on-site sewage disposal systems (septic tanks) will be required to connect to City sewer as follows:

- ~~1. If within a newly annexed area, then in accordance with the requirements of SMC 15.04.145.~~
2. If if within the City limits, as to connection and extension, at such time as required by SMC 15.04.140.

Existing structures within the NE Sewer Area shall pay for the development of extensions and capacity improvements as follows:

1. As to the Cemetery Creek Special Project, if and when required by any ordinances addressing the Cemetery Creek Special Project;

2. As to any local or interim capacity or extension improvements, if any, when required by any applicable ordinance, cost recovery agreement, or as required by any assessment for a local improvement district.

At the time of connection, existing structures also shall be required to pay meter and related charges and any City general facility charge, unless some other provision of City ordinance allows for the said meter and facility charge to be deferred or paid by an increase in the amount of monthly service charge.

- B. *Lots without structures.* Lots with new structures for human habitation or commercial use in the NE Sewer Area will be required to connect to City sewer at such time as a building permit is issued for any building or structure for human habitation or commercial use. At such time of building permit issuance, payment of all fees for meter placement of the City's general facility charge shall be required.
- C. *Issuance of Building Permit for New Structures.* No building permit will issue for a new structure for human habitation or commercial use in the NE Sewer Area until the earlier of the following:
 1. Segments 2 and 3 of the Cemetery Special Project and any local extensions have been built and are available for connection, or
 2. Interim Sewer extensions and capacity improvements have been built to serve the new structures for human habitation and commercial use. Such interim extensions and capacity improvements shall not be built by the City but shall have been built by such owner or developer prior to the issuance of any occupancy permit. Such extensions and capacity improvements shall not increase the degree or amount of capacity insufficiency at any location in the City's sewer system. The owner or developer of such extensions or capacity improvements, to the extent allowed by law, may seek cost recovery under a recovery contract, or if a local improvement district is formed, from the local improvement district. If the extension or capacity improvements are for improvements designated on the City's Capital Facilities Plan, the owner or developer also may seek, to the extent allowed by law, a credit against any general facilities charge. At the time of connection to such extension or capacity improvements, payment for all fees for meter placement and of the City's general facility charge shall be required.
 3. *Effect of interim sewer extensions and capacity improvements.* Connection to interim sewer extension and capacity improvements, and payment of fees and charges associated with the same shall not affect and shall not reduce any requirement for payment of fees, charges, and assessments imposed for the Cemetery Creek Special Project and the future connection to said special project upon demand by the City.

Section 2. SMC 15.04.120, entitled “Utility Connection Fee,” is hereby amended to read as follows:

15.04.120 Utility Connection Fee.

- A. Except where a credit or deferral for the Utility Connection Fee is authorized by SMC 15.04.142 ~~or SMC 15.04.143~~, a Utility Connection Fee shall be assessed for each new water or sewer connection and for each connection which has remained unused for twelve months and/or for which a minimum maintenance fee as set forth in Section 15.05.040 has not been paid during said period to provide means by which property owners who connect to the City’s water and/or sewer utilities bear an equitable share of the cost of construction and replacement of major utility facilities and equipment, which include the following: all projects in the City’s Water and Sewer Capital Facilities plans. The Connection Fee for both the water and sewer connection shall be based upon the size of the water service. Connection Fees for utility connection made to property located outside of the corporate City limits shall be one hundred fifty percent (150%) of those charges established by resolution as authorized in Snohomish Municipal Code 15.04.120(B) below.
- B. The City Council shall, from time to time by Council resolution, determine the amount of utility connection fee for water and sewer connection.
- C. Payment of all Connection Fees shall be made in full upon submission of an application for service under SMC 15.04.020 or by a credit against payment or deferral established by SMC 15.04.142 ~~or SMC 15.04.143~~. No water or sewer service shall be commenced until such charges have been paid in full with good funds or by the credit against payment or deferral established by SMC 15.04.142 ~~or SMC 15.04.143~~. All charges constitute a lien against the property superior to all other liens and encumbrances except those for general and special assessments. Such a lien may be foreclosed in the same manner provided by law for the foreclosure of delinquent local improvement district assessments.
- D. All Utility Connection Fees received by the City shall be deposited in the Water Sewer System Replacement Fund.

Section 3. SMC 15.04.125, entitled “Utility Capital Facility Charge,” is hereby amended to read as follows:

15.04.125 Utility Capital Facility Charge.

- A. Except where a credit for or deferral of a Utility Capital Facility Charge is authorized by SMC 15.04.142 ~~or SMC 15.04.143~~, a Utility Capital Facility Charge shall be assessed for each new water or sewer connection which has remained unused for twelve months and/or for which a minimum maintenance fee as set forth in Section 15.05.040 has not been paid during said period to provide a means by which property owners who connect to the City’s water and/or sewer utilities bear an equitable share of the cost of construction of major utility facilities and equipment. The Capital Facility Charge for both the water and sewer connection shall be based upon the size of the water service. Capital Facility Charges for

utility connection made to property located outside of the corporate City limits shall be one hundred fifty percent (150%) of those charges established by resolution as authorized in Snohomish Municipal Code 15.04.120(B).

- B. The City Council shall, from time to time by Council resolution, determine the amount of Capital Facility Charge for water and sewer connection.
- C. Payment of all Capital Facility Charges shall be made in full upon submission of an application for service under SMC 15.04.020 or by credit against payment or deferral as established by SMC 15.04.142 ~~or SMC 15.04.143~~. No water or sewer service shall be commenced until such charges are paid in full in good funds or by credit against payment or deferral as established by SMC 15.04.142 ~~or SMC 15.04.143~~. All charges constitute a lien against the property superior to all other liens and encumbrances except those for general taxes and special assessments. Such a lien may be foreclosed in the same manner provided by law for the foreclosure of delinquent local improvement district assessments.
- D. A developer who has, at the City's request, installed upsized utility infrastructure, and has not entered into any reimbursement agreement that includes a recovery for the oversized value, and has not applied for or received utility service connections prior to the adoption date of this ordinance, may apply for a Capital Facility Charge Credit. The value of the Capital Facility Credit shall be determined by the City Engineer and shall be based on the estimated value of the oversized infrastructure. The Capital Facility Credit shall be limited to the development that installed the utility infrastructure. Capital Facility Credits will be applied in equal amounts to each lot's utility specific capital facility charges.
- E. All Capital Facility Charges received by the City shall be deposited in the Water Sewer Cumulative Reserve Construction Fund.

Section 4. SMC 15.04.155, entitled "Vesting of Fees and Rates," is hereby amended to read as follows:

15.04.155 Vesting of Fees and Rates.

Unless otherwise specifically stated in Chapter 15.04, all utility connection fees for water and sewer established by resolution, and all water and sewer service rates, and all Project Development Fees and Utility Capital Facility Charges shall be paid at the rates and in the amounts in effect at the time of City receipt of a complete application for a building permit and payment of all applicable permit fees. No application for connection to the City water and/or sewer utility shall be deemed approved until payment of the fees and charges in effect at the time of complete application for a building permit or credit or deferral is granted pursuant to SMC 15.04.142 ~~or SMC 15.04.143~~. In cases where a building permit is not required then the fees and charges in effect at the time of issuance of a plumbing permit shall apply.

Section 5. Severability. If any section, subsection, sentence, clause, phrase, or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or

constitutionality of any other section, subsection, sentence, clause, phrase, or word of this ordinance.

Section 6. Effective Date. This ordinance shall become effective five days after the date of its publication by summary.

PASSED by the City Council and **APPROVED** by the Mayor this 3rd day of December, 2019.

CITY OF SNOHOMISH

By John T. Kartak
John T. Kartak, Mayor

ATTEST:
By [Signature]
Pat Adams, City Clerk

APPROVED AS TO FORM:
By [Signature]
Grant K. Weed, City Attorney

Date of Publication: 12/7/2019

Effective Date: 12/12/2019