

ORDINANCE NO. 1590
AN ORDINANCE OF THE CITY OF LYNDEN, COUNTY OF WHATCOM,
AMENDING CHAPTER 13.12 OF THE LYNDEN MUNICIPAL CODE

WHEREAS, RCW 35.67.360 expressly authorizes local governments to assist the public through loans or credits in converting existing on-site septic systems to public sewer systems to preserve water quality; and

WHEREAS, the City finds there is a public benefit in converting existing residential septic systems to the public sanitary sewer system, including helping meet the goals of the City's water quality program and compliance with its Stormwater NPDES Permit; and

WHEREAS, in March 2017, the City established its septic to sewer connection incentive program ("the Program"); and

WHEREAS, after implementing the Program for the past two years, the City has become aware that the Program should be amended to provide clarification and promote the public interest; and

WHEREAS, code changes are shown herein though strikeout of existing provisions removed and underline of new language added; and

WHEREAS, the foregoing recitals are material findings and declarations of the Lynden City Council;

NOW THEREFORE, BE IT ORDAINED as follows:

Section 1: Lynden Municipal Code Section 13.12.055 is amended as follows:

13.12.055 – General facilities charges.

....

- F. The director may grant to any All property with an existing on-site sewage system (OSS) located within the city limits ~~is eligible for a waiver of~~ relief from sewer general facilities charges to connect to the city sanitary sewer system; provided that, such ~~waiver~~ relief shall not include the surcharge due from property within the East Lynden/Line Road Sub-Basin or other such situations where a Council created or approved surcharge is or shall be in place. Refer to Section 13.12.105 for details on the incentive program.

Section 2: Lynden Municipal Code Section 113.12.105 is amended as follows:

13.12.105 - Establishment of septic to sewer connection incentive program.

A. The city hereby establishes a new program designated the septic to sewer connection incentive program. All properties located within the city limits with OSS are eligible properties.

B. The director shall grant a waiver of payment of the city sewer general facilities charges to all eligible properties consisting of only one single-family home to connect to the city sanitary sewer system.

C. The director may in his or her discretion grant other This program will provide eligible properties, which do not qualify under subsection B above, option to obtain a waiver of payment of sewer general facilities charges to connect to the city sanitary sewer system. Any such waiver shall be supported by a written finding of the director that granting the waiver will promote the public interest and does not result in an undue financial burden for the utility. The director may consider one or more factors in determining whether a waiver will promote the public interest such as, without limitation, potential reduction of fecal coliform in nearby surface or ground water, better compliance with City NPDES permit, enhancing efficiency in sewer utility operations, or achievement of a similar public benefit.

D. For any eligible property, including single-family homes, the director will require the property owner to properly decommission the existing OSS and pipe all wastewater to the City sanitary sewer system. The director may in his or her discretion also require the granting of easements or other appropriate measures as conditions of granting a waiver of general facilities charges.

~~B. E.~~ Eligible OSS properties in the East Lynden/Line Road Sub-Basin ~~opting for waiver of sewer general facilities charges~~ receiving relief under this section shall still be required to pay the sewer surcharge for such connection as required by LMC 13.12.055.

~~C. F.~~ The eligibility for ~~this waiver~~ relief under this section shall expire two years from the time of official written notification by the city that sewer services are available, or from the time a property owner applies to connect to the city sewer system, whichever occurs first. Any request for extension must be made in writing and approved by the ~~public works~~ director.

Section 5. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the

validity of the remaining portions of this ordinance. The Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases has been declared invalid or unconstitutional, and if, for any reason, this ordinance should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

Section 6. Any ordinance or parts of ordinances in conflict herewith are hereby repealed.

Section 7. This ordinance shall be in full force and effect five (5) days after its passage, approval and publication as provided by law.

PASSED by the City Council this _____ day of _____, 2019, and signed by the Mayor on the _____ day of _____, 2019.

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney