

**CITY OF STEVENSON, WASHINGTON
ORDINANCE 2020-1156**

**AN ORDINANCE OF THE CITY OF STEVENSON, WA RELATING TO AND
PROVIDING FOR THE ABILITY TO CONTRACT WITH OWNER OR NON-OWNER
SEWER CUSTOMERS FOR REGULATING SEWER DISCHARGE.**

WHEREAS, the Council has adopted SMC 13.08 which allows wastewater dischargers to enter into a contract for services in lieu of obtaining a discharge permit; and

WHEREAS, SMC 13.04.060 only allows contracts between the city and property owners; and

WHEREAS, property owners may not have direct control over the waste a tenant or non-owner may discharge into the wastewater system; and

WHEREAS, there exists a need to allow the city to enter into a contract directly with a tenant or non-owner.

NOW, THEREFORE, the City Council of the City of Stevenson do hereby ordain as follows:

Section 1 – Amendment. Chapter 13.04 Public Utility Facility Contracts shall be amended as follows:

Key: ~~Strikethrough~~ means repealed. Underlined means new.

Chapter 13.04 - PUBLIC UTILITY FACILITY CONTRACTS

13.04.010 - Contracts for sewer facilities and cost reimbursement authorized.

The city is authorized, pursuant to RCW 35.91.020, as amended, to enter into contractual relationships with owners of real estate for the purpose of construction of storm, sanitary or combination sewers, pumping stations, disposal plants and appurtenances consisting of sewer facilities connecting same with the public sewer system to serve the area in which the real estate of such owners are situated, and further, the city is authorized to contract for the provisions of such owners for reimbursement therefrom such owners who do not contribute to the original costs of installation of such sewer facilities and who subsequently tap on or use the same on a fair prorated share of such installation costs including but not limited to those directly connected thereunto such facilities, but in addition, unto all users connected to laterals or branches connected thereto.

13.04.020 - Provisions for regulations in contracts authorized.

Such contracts may provide reasonable rules and regulations with respect to such installations, facilities and usage thereof.

13.04.030 - Connections—Contract recording prerequisite.

The provisions of such contracts, pursuant to statutory declaration, shall not be effective as to any owners of real estate not a party thereto unless such contract shall have been recorded in the office of the county auditor prior to the time such owner taps into or connects to such sewer facilities.

13.04.040 - Contract to provide for prorated cost reimbursement.

Any such contract entered into by and between the city and such owner of real estate shall provide for reimbursement of the contractor¹'s prorated costs for a period of not to exceed fifteen years from date thereof.

13.04.050 - Construction—Supervision and contract approval required.

Such sewer facilities contracted under this chapter shall be constructed under the supervision of the city, its agents and officials, and such contracts shall be approved by the city attorney prior to execution thereof.

13.04.060 - Contracts restricted to owners of real estate within city limits.

Such sewer facilities contracts shall be limited to owners of real estate within the city limits. This does not limit the authority for the city to enter into contracts with owner or non-owner sewer customers for regulating sewer discharge as provided in SMC Ch. 13.08.

13.04.070 - Liens.

The city council shall have and reserve the right to file appropriate liens against the owners of such real estate, whether such owner be an owner in fee simple or an executory interest therein, and such lien rights reserved unto the city shall bear interest at the rate of eight percent per year from the date of filing such lien, and the city shall reserve its priority lien rights unto such facilities costs as against the owner of such real estate hereinabove specified.

13.04.080 - Contracts binding.

The contracts specified in this chapter and authorized by the city shall be binding on the respective owners, their heirs, assigns, successors and personal representatives as if they were made a party thereto.

Section 2 – Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3 – Effective Date. This ordinance shall become effective following passage and publication as provided by law.

PASSED by the City Council of the City of Stevenson and approved by the Mayor this 19th day of March, 2020.

Mayor of the City of Stevenson

ATTEST:

Clerk of the City of Stevenson

APPROVED AS TO FORM:

Attorney for the City of Stevenson