

**CITY OF STEVENSON, WASHINGTON
ORDINANCE 2021-XXXX**

**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 COST REIMBURSEMENT.**

WHEREAS, the Council has adopted SMC 13.08 which allows the city to enter into a reimbursement agreement, granted to the city by RCW 35.91, prior to commencement of construction; and

WHEREAS, SMC 13.04.040 only allows contracts for a period of fifteen years; and

WHEREAS, in 2013 the state revised RCW 35.91 to increase the reimbursement period to twenty years with possible extensions.

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Key: ~~Strikethrough~~ means repealed.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;~~ At an owner’s request, the City must enter into a latecomer agreement under the conditions set forth in pursuant to RCW 35.91.020, as amended, and incorporated herein by this reference, to for the purpose of construction of public water facilities, stormwater facilities, sanitary or combination sewers facilities, 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 contractor's prorated costs for a period of ~~not to exceed fifteen~~ twenty years from date thereof.

13.04.045 Notice of contact information

The reimbursement agreement shall include a provision that requires that any party entitled to reimbursement under the agreement provide the City current contact information including name, address and telephone number. This contact information shall be provided every two years from the date of the agreement. If a party entitled to be reimbursed fails to notify the City of current contact information within 60 days of the due date for notification that party will no longer be entitled to reimbursement and the City will collect such fees owing and deposit those fees in the appropriate utility construction fund.

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, or such longer period if extended according to RCW 35.91.020(4).

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 Chapter 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 ____ day of _____, 2021.

Mayor of the City of Stevenson

ATTEST:

Clerk of the City of Stevenson

APPROVED AS TO FORM:

Attorney for the City of Stevenson