

Ordinance No. 00551

[CITY COUNCIL MEETING MINUTES AUGUST 20, 2012](#)

Amended 8/20/12

ORDINANCE NO. 551

AN ORDINANCE of the City Council of the City of Lakewood, Washington, amending Section 12A.15.050 to the Lakewood Municipal Code, regarding sewer availability charges.

WHEREAS, on or about March 21, 2011, the City Council adopted Ordinance 530 establishing a new Chapter of the Lakewood Municipal Code related to public sanitary sewer systems; and,

WHEREAS, under LMC Section 12A.15.020, the City assesses a sewer "availability charge" for the privilege of being able to connect to the sewer system in order to offset the costs of operating a low-flow sewerage system, providing for the flushing, treatment, maintenance, operation, potential expansion and other costs related to the provision of sanitary sewer systems within the City of Lakewood; and,

WHEREAS, property owners not connected to the sewer system are assessed the sewer availability charge for a period 5 years after service and recording of a Notice of Availability, after which time connection to the sewer system is required; and

WHEREAS, in accordance with Chapter 12A.15.030, the City sent Notices of Availability to property owners detailing the requirements to connect to the sewer and payment of the availability charge; and

WHEREAS, multi-family and mobile park property owners responded by expressing concern that the sewer availability charges are excessive in relation to their property values, sewer connection time for larger multi-family complexes takes longer to complete due to required engineer plans and sewer extensions, many complexes are not fully occupied and/or are comprised of a significant number of low income tenants, current leases would not allow property owners to pass on the fees to tenants; and, due to the location of some properties within the industrial-zone, sewer connection costs would make it difficult for the properties to be redeveloped into other uses; and

WHEREAS, City staff recommend amending the code to allow flexibility in reducing the sewer availability charge to multi-family and mobile park property owners that meet certain criteria;

NOW, THEREFORE, THE CITY OF LAKEWOOD, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 12A.15.050 ("Failure to Connect and Availability Charge") of the Lakewood Municipal Code is hereby amended as follows:

12A.15.050- Failure to Connect and Availability Charge

- A. Any owner or owners of property who fail through neglect or refusal to connect a property and structure to an available sewer main as required under LMC 12A.15.040 within the time specified, shall be assessed an Availability Charge for continued use of an interim on-site septic system.
- B. All interim on-site septic systems will be allowed to remain in use only if the system is in and remains in good working order.
- C. The City Manager, or the designee thereof, may order mandatory connection to an available sewer main in the event that a property owner fails to pay Availability Charges or fails to provide sufficient proof that an existing on-site septic system is in good working order.
- D. Any owner(s) of multi-family properties with more than ten (10) units or mobile home parks with more than ten (10) units may request a one-time fifty percent (50%) reduction of the Availability Charge for a twelve (12) month period after service and recording of the Notice of Availability. To be eligible for the reduction, the total construction cost of the sanitary sewer connection must exceed One Hundred Thousand and 00/100 dollars (\$100,000.00). The property owner(s) shall submit a request to the City, in writing, that includes an estimate from a licensed civil engineer proving that the total construction costs of the sanitary sewer connection will exceed One Hundred Thousand and 00/100 dollars (\$100,000.00). The property owner shall also submit certification from the Tacoma-Pierce County Health Department that the existing septic sewer system is in good working order. Construction costs shall be limited to: engineering, plan review fees, easement document development and recording, sanitary sewer extension construction, and associated restoration costs. Connection fees associated with the sanitary sewer construction shall not be included in the total construction cost calculations. Property owners that request and

receive a reduced availability charge under this exception will not be granted an additional deferral of connection per Section 12A.14.090 LMC and shall be connected to sanitary sewer no later than four (4) years after service and recording of the Notice of Availability. Upon the City's approval of the request the reduction shall be effective commencing the first subsequent Availability Charge billing cycle. A reduction request and/or subsequent approval by the City does not relieve the property owner(s) from paying the Availability Charge during the period between service and recording of the Notice of Availability and Availability Charge reduction approval. (Ord. 551 Ord. 530 § 1 (part), 2011.)

Section 2. Effective Date. This Ordinance shall be in full force and effect thirty (30) days after passage and after publication as required by law.

PASSED by the City Council this _____ day of _____, 2012.

CITY OF LAKEWOOD

Douglas G. Richardson, Mayor

Attest:

Alice M. Bush, MMC, City Clerk

Approved as to form:

Heidi Ann Wachter, City Attorney