

ORDINANCE NO. 4765

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELENSBURG, WASHINGTON, RELATING TO "CHAPTER 9.25 REQUIREMENTS FOR RECEIVING UTILITY SERVICE"; AND AMENDING SECTION 9.25.030 OF THE ELENSBURG CITY CODE.

WHEREAS, a utility extension agreement requires City water, sewer, electric utility services and natural gas when a property is located within the Ellensburg corporate limits or within the urban growth area.; and

WHEREAS, an exemption to requiring City water and sewer utilities is currently allowed under ECC 9.25.030 H.; and

WHEREAS, an exemption should also be allowed for City electric service for a single lot of record containing one single family dwelling unit,

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

Section 1. Section 9.25.030 of the Ellensburg City Code, as last amended by Section 7 of Ordinance 4644, is hereby amended to read as follows:

9.25.030 General.

- A. Application for Service. Upon requesting utility service, the customer shall complete, sign and submit an application for service to the city.
- B. Access to Premises. The applicant shall grant the city the right to remove (and replace) or otherwise disturb lawns, shrubs or other property on the applicant's premises as reasonably necessary, for the purpose of installing or extending utility service.
- C. The responsibility for obtaining any special review or permit not issued by the city for the trench work, if required, shall rest with the developer, contractor or applicant.
- D. Where applicable laws, regulations, or other obstacles prevent use of what would otherwise be the shortest practicable route for the main extension, the applicant shall provide the city a satisfactory alternate easement.

E. No utility service or line extension will be provided to any applicant who has an outstanding balance due any city utility until such time as the outstanding balance is paid in full.

F. No utility service will be connected if, in the opinion of the city, an unsafe condition exists or would exist if the connection were made. The city also reserves the right to disconnect utility service if an unsafe condition is found.

G. When the city enters into a utility extension agreement under Chapter 2.48 ECC for properties beyond the Ellensburg corporate city limits, the following shall take place:

1. The property shall be required to utilize city water, ~~and sewer, or electric~~ service, subject to the provisions of subsection (H) of this section;
2. The property shall be required to utilize ~~city electric service and~~ city natural gas service for any new services; and
3. The property shall be required to construct all improvements required by the public works development standards. These improvements include water, sanitary sewer, surface water flow control and treatment, street improvements which include street, sidewalk, curb and gutter, street sign, and street lighting improvements and when applicable, natural gas and electrical utility improvements.

H. When a property is located within the Ellensburg corporate city limits or within the city's urban growth area, and requests ~~either~~ water, ~~or~~ sewer ~~or~~ electric service, the property shall be required to apply for, and make connection to, ~~both water and sewer~~ ~~all three~~ services as a condition of the permit; provided, however, if the property consists of a single lot of record containing one single-family dwelling unit, connection to less than all three services may be approved by the city if, at the time of application:

1. ~~and~~ ~~or~~ One or more of the two utility services is not available to serve the property at the time of application connection to a single utility may be approved by the city if, at the time of application,; or

2. The connection cost for a particular utility service would be excessive in comparison to the average cost for a similar service connection, as determined by the utility director.

Any connection to less than all three utility services is subject to the owner executing an agreement with the city to make connection at such time as the unavailable utility becomes available to the property, and to participate in a proportionate share of the cost of the extension.
[Ord. 4644 § 7, 2013; Ord. 4600 § 1, 2011; Ord. 4503 § 2, 2007.]

Section 2. Severability. If any portion of this ordinance is declared invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portion(s) of this ordinance.

Section 3. Corrections. Upon the approval of the City Attorney, the City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 4. Effective Date. This ordinance shall take effect and be in force five (5) days after its passage, approval and publication.

The foregoing ordinance was passed and adopted at a regular meeting of the City Council on the 20th day of March, 2017.

ATTEST:



MAYOR


CITY CLERK

Approved as to form:



CITY ATTORNEY

Publish: 3-23-17

I, Coreen M. Reno, City Clerk of said City, do hereby certify that Ordinance No. 4765 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, and that Ordinance No. 4765 was published as required by law.



COREEN M. RENO