

ORDINANCE NO. 4775

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, RELATING TO "TITLE 9 - UTILITIES" OF THE ELLENSBURG CITY CODE AND AMENDING SECTION 9.20.030 OF "CHAPTER 9.20 - NEW UTILITY MAIN/PRIMARY VOLTAGE EXTENSIONS" TO PROVIDE CLARIFICATION ON EASEMENTS, INCLUDING UTILITY FACILITY AND EASEMENT COSTS.

WHEREAS, the City of Ellensburg has general requirements for new utility mains and primary voltage extensions; and

WHEREAS, a further clarification of when an existing prescriptive easement is adequate and when a new easement is required is recommended; and

WHEREAS, a further clarification that the customer requesting new utility lines or replaced utility lines is responsible for all utility facility and easement costs to serve their property and adjacent private properties is also recommended,

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

**Section 1.** Section 9.20.030 of the Ellensburg City Code, as last amended by Section 3 of Ordinance 4762, is hereby amended to read as follows:

**9.20.030 General.**

A. All mains (gas, sewer, water and stormwater) and primary voltage facilities installed by or on behalf of the city shall remain the property of the city at all times. After acceptance by the city, all such mains and primary voltage facilities shall be maintained by the city.

B. 1. Except as required in subsection (B)(2) of this section, any time that new city utilities must be installed on or over private property adjacent to a customer requesting utility service, a duly executed and notarized easement agreement satisfactory to the city must be obtained from the owners of record of the adjacent property and recorded with the office of the county auditor, which may be executed by the director of the utility department. Service lines installed on or over property owned by a customer requesting utility service are exempt from this requirement.

Existing utility facilities that are replaced in the same location on or over another party's private property to serve a customer requesting utility service that have a utility easement satisfactory to the city are exempt from this requirement.

2. Easements located within city-owned property or right-of-way, easements that require city payment, and easements outside of the city limits shall require city council approval.

3. Any party making modification to a property or structure that results in the need to replace, relocate, or otherwise modify existing utility facilities or obtain additional easements shall be responsible for all associated costs.

C. All electrical facilities not installed by city employees must be installed by qualified electrical employees with training equivalent to those required of city employees for the same specific work. All natural gas facilities not installed by city employees must be installed by operator-qualified workers with training equivalent to those required of city employees for the same specific work. The operator qualifications must be approved by the city prior to any electrical or gas work commencing.

D. The city shall have the right and authority to condemn and appropriate so much private property as is necessary for the construction and operation of electric, gas, sewer or water facilities in such manner as may be prescribed by law; and to condemn and appropriate any electric, gas, sewer or water facilities not owned by the city, in such manner as may be prescribed by law for the condemnation of real estate.

E. A utility extension agreement as provided for in Chapter 2.48 ECC and approved by the city council must be executed by a property owner before any city utility service (except gas) can be extended to property located beyond the Ellensburg corporate city limits. The city is authorized, but not mandated, to provide non-gas utility service outside of the corporate city limits but in no case may non-gas utility service be extended outside of the city's urban growth area boundary except as allowed by Chapter 35.84 RCW.

F. The energy services director (gas, telecommunications or electric) or the public works director (sewer or water) may determine that an extension or oversizing of utility facilities beyond the needs of the customer(s) is in the best interest of the city for the long-term operation

or reliability of the utility system. In such cases the city will pay for the extension and/or the net cost of oversizing and be eligible to recover the costs through a reimbursement fee.

G. The utility directors are authorized to establish standards and procedures for processing applications and determining eligibility for utility reimbursement agreements consistent with the requirements of this chapter.

H. Persons paying to extend or upgrade utility mains to their property may seek partial cost recovery from individuals who connect to the extended or upgraded main at a later date. In order to qualify for partial cost recovery the individual must have entered into a reimbursement agreement with the city prior to substantial completion of the development. [Ord. 4762 § 3, 2016; Ord. 4644 § 5, 2013; 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 16th day of October, 2017.

  
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MAYOR

ATTEST:

  
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CITY CLERK

Approved as to form:

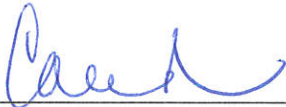


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CITY ATTORNEY

Publish: 10-19-17

I, Coreen M. Reno, City Clerk of said City, do hereby certify that Ordinance No. 4775 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, and that Ordinance No. 4775 was published as required by law.



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COREEN M. RENO