

ORDINANCE NO. 4575

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON RELATING TO CHAPTER 2.48 “UTILITY EXTENSION AGREEMENTS” OF THE ELLENSBURG MUNICIPAL CODE; AMENDING SECTION 2.48.030, AND ADDING A NEW SECTION ENTITLED “2.48.035 EXTENSION OF WATER FOR EMERGENCY FIRE SERVICE PERMITTED BEYOND THE CITY LIMITS.”

WHEREAS, the extension of utility services outside of the city limits may be made only after approval of, and upon terms and conditions established by, the city council, including the execution of a utility extension agreement, and

WHEREAS, the city council finds there may be limited circumstances when it may be beneficial to the city to extend water service outside of the city limits for emergency fire service purposes only, without requiring a utility extension agreement, if the extension will provide an operational enhancement of the city’s water system through looping of water lines and so long as other specific conditions are met,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Section 2.48.030 and Ordinance No. 4503 of the Ellensburg Municipal Code is hereby amended to read as follows:

2.48.030 Utility extension agreements.

Unless the conditions defined in section 2.48.035 relating to emergency fire service apply and have been satisfied, A utility extension agreement must be executed by a property owner before any city utility service can be extended to property located beyond the Ellensburg corporate city limits; provided, however, a utility extension agreement shall neither be required for the extension of natural gas service nor to serve properties located within the corporate boundaries of another city or within the urban growth boundaries of another city. [Ord. 4503 § 3, 2007.]

Section 2. A new section entitled 2.48.035 “Extension of water for emergency fire service permitted beyond the city limits” is hereby added to the Ellensburg Municipal Code to read as follows:

Extension of water service outside of the city limits for emergency fire service only may be permitted without benefit of a utility extension agreement as required in section 2.48.030 if all of the following conditions are met:

- a. The extension provides an operational enhancement of the city’s water utility system through looping of water lines;
- b. The extension is constructed at no cost to the city;
- c. Construction of the extension shall be completed to current City Public Works Development Standards;

- d. Upon completion, the property owner shall convey ownership of the extension to the city's Water Department;
- e. Upon completion, the property owner shall grant easements to the City which allow access for maintenance, construction, reconstruction, improvement, repair, and the placement of other public and private utilities;
- f. No physical connection to the extension except connection to fire hydrants by authorized emergency services personnel will be permitted until a Utility Extension Agreement in accordance with section 2.48.030 has been executed by the property owner requesting connection to the constructed system; and
- g. The proposal to extend service is considered and approved after holding a public hearing as set forth in section 2.48.060B.

Section 3. 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 portions of this ordinance.

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

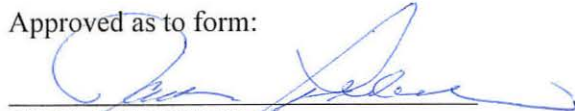
The foregoing ordinance was passed and adopted at a regular meeting of the City Council on October 18, 2010.



 MAYOR


 CITY CLERK

Attest:

Approved as to form:


 CITY ATTORNEY

Publish: October 21, 2010

I, Coreen M. Reno, City Clerk of said City, do hereby certify that Ordinance No. 4575 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, that Ordinance No. 4575 was published as required by law.



 COREEN M. RENO, CMC