

ORDINANCE NO. 2008-08-082

AN ORDINANCE AMENDING BELLINGHAM MUNICIPAL CODE SECTION 15.12.040 – SEWER SERVICE CONNECTIONS, TO ALLOW FOR CONCURRENT PERMIT APPLICATION SUBMITTALS WITH OTHER LAND USE AND BUILDING PERMIT APPLICATIONS.

WHEREAS, the City of Bellingham has been developing a project management system to improve the City's permit review process; and

WHEREAS, the proposed amendments comply with, and implement the goals and policies of the Bellingham Comprehensive Plan; and

WHEREAS, the proposed amendments are exempt from the State Environmental Policy Act, per WAC 197-11-800(19); and

WHEREAS, after published notice as required by the BMC, the City Council held a public hearing on the proposed code amendment on August 4, 2008; and

WHEREAS, the City Council has considered the staff report and the public comment and hereby adopts the Findings of Fact and Conclusions of the staff report;

NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1. Bellingham Municipal Code, Section 15.12.040, is hereby amended as follows:

15.12.040 - Sewer Service Connections

A. When the premises abuts upon a street or City-owned utility easement through which there is a City sewer main, the premises' owner may apply for service. Upon approval of the service application by the Director of Public Works and upon such conditions as required by the Director, the Department of Public Works shall issue a permit authorizing the premises to be connected to the system.

B. Any person desiring to have a premises connected with the city sewer system shall make application to the Public Works Department on printed forms furnished for that purpose. Every such application shall be made by the owner or the purchaser under a real estate contract of the premises to be benefited, or by his authorized agent. The application must describe the property to be served, state fully the purposes for which the sewer service is required, and indicate that by signing the form, the applicant agrees to conform to the ordinances, rules, and regulations established as conditions for use of sewer services, and further agrees, as a condition to the furnishing of sewer services, that the city has the right to shut off the sewer service as required for such things as, by way of example, non-payment, repairs, extensions, or doing other necessary work.

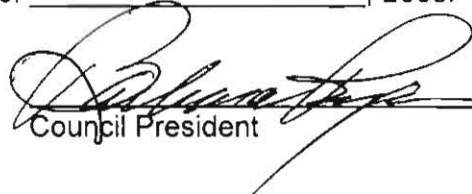
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C. When the premises within the city limits for which service is sought does not fully abut upon a street or city-owned utility easement through which there is a city sewer main, the application may be accepted for review however, the utility must be constructed and accepted by the City prior to approval of building permits for the adjacent land use. The Public Works Director has the administrative authority to determine if the property requesting service is the last developable lot and may grant an exception for service without requiring a main extension. However, when the City of Bellingham has begun constructing a City sewer main that will allow an applicant's premises to abut upon a street or City-owned utility easement through which there will be a City sewer main and the applicant has a commercial, multi-family or industrial project on the premises, the Department of Public Works may, in its sole discretion, accept the application and issue a permit authorizing the premises to be connected to the system; PROVIDED, a Certificate of Occupancy shall not be issued for the premises until the sewer connection is functioning and providing sewer service to the premises.

D. When the premises for which service is sought is within a critical service area under Section 15.12.020, the application shall be rejected.

E. When the premises for which service is sought will discharge more waste than the available capacity of the sewer main, as determined by the Department of Public Works, the application for service may be accepted for review however, the deficiency of capacity must be improved prior to issuance of the permit.

PASSED by the Council this 11th day of August, 2008.



Council President

APPROVED by me this 14th day of August, 2008.

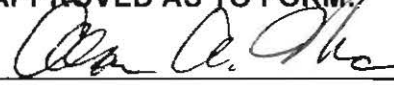


Mayor

ATTEST: 

Finance Director

APPROVED AS TO FORM:



Office of the City Attorney

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