

ORDINANCE NO. 2012-01-002

AN ORDINANCE OF THE CITY OF BELLINGHAM, WASHINGTON AMENDING BELLINGHAM MUNICIPAL CODE SECTIONS 15.08.200 AND 15.12.165 REGARDING THE CITY'S POLICIES FOR ABANDONED WATER AND SEWER SERVICE OUTSIDE THE CITY'S CORPORATE LIMITS BUT WITHIN THE CITY'S URBAN GROWTH AREA (UGA).

WHEREAS, the City of Bellingham ("City") enacted Ordinance No. 8728 in January 1979 relating to the extension of City water and sewer systems outside the City's corporate limits;

WHEREAS, Ordinance 8728 was enacted prior to the Growth Management Act (GMA) and was, in certain respects, inconsistent with that law;

WHEREAS, Ordinance 8728 created a number of water and sewer service zones outside the City's corporate limits in which the City could contract to provide retail water and/or sewer service directly to customers within these zones;

WHEREAS, Ordinance 8728 also established a procedure for the City to expand or create new water and/or sewer service zones outside the City's corporate limits;

WHEREAS, in April 1990, the State adopted the GMA which defined: 1) sewer service as an urban but not a rural service; 2) water as both an urban and rural service; however, differentiated between rural and urban water service based on the intensity of the service, with urban water service being at an intensity historically and typically provided in cities; and 3) "urban growth area" as the place where urban growth is encouraged and urban water and sewer service are allowed;

WHEREAS, in March 2006, the City adopted Ordinance 2006-03-026 repealing all water and/or sewer service zones located both inside and outside the City's UGA created by Ordinance 8728;

WHEREAS, after the adoption of Ordinance 2006-03-026, the City still had water and sewer service zones both inside and outside the City's UGA which were created by ordinances adopted after Ordinance 8728:

WHEREAS, in May 2011, the City adopted Ordinance 2011-05-025 repealing all remaining water and/or sewer service zones located both inside and outside the City's UGA;

WHEREAS, the City no longer extends City water and/or sewer service to property located outside of the City corporate limits until that property annexes to the City except in -

very limited circumstances that are necessary to protect basic public health and safety and the environment;

WHEREAS, the City Council finds that allowing properties located within the City's UGA with an abandoned City water or sewer service to apply for one new single-family water or sewer service is necessary to protect basic public health and safety and the environment in accordance with BMC 15.36.010 and meets the criteria of BMC 15.36.040.

WHEREAS, City Council finds that passing this Ordinance is in the best interests of the citizens of the City of Bellingham.

NOW, THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1: BMC 15.08.200 is amended as follows:

15.08.200 - Abandoned Services

A. An abandoned service is any water service that has not been used for a period of 3 years or longer except for services installed as part of a main extension and not put into service, which will not be considered abandoned. Abandonment under this section shall not relieve the property owner or other responsible party of any financial responsibility for charges incurred at the premises for water service.

B. A property with an abandoned City water service located outside the City's corporate limits but within the City's Urban Growth Area may apply for one new single-family water service with a service meter size of one inch or the same size service meter as the water service previously abandoned whichever is smaller.

C. A new water service for a premises where an abandoned service exists may use the existing abandoned water service if it is determined to be in satisfactory condition by the Director of Public Works or his designee. If the abandoned service is reactivated without modification, the applicant shall be refunded that portion of the fees and charges expressly stated for service installation. All other fees and charges shall be the same as for a new service.

Section 2: BMC 15.12.165 is amended as follows:

15.12.165 - Abandoned Service.

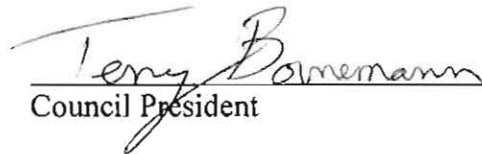
A. An abandoned service is any sewer service that has not been used for a period of 3 years or longer except for services installed as part of a main extension and not put into service, which will not be considered abandoned. Additionally, an abandoned water service under BMC 15.08.200 shall also mean the sewer service is abandoned. Abandonment under

this section shall not relieve the property owner or other responsible party of any financial responsibility for charges incurred at the premises for sewer service.

B. A property with an abandoned City sewer service located outside the City's corporate limits but within the City's Urban Growth Area may apply for one new single-family sewer service.

C. A new sewer service for a premises where an abandoned service exists may use the existing abandoned sewer service if it is determined to be in a satisfactory condition in writing by a licensed plumber, a copy of which shall be provided to the Department of Public Works. All fees and charges shall be the same as for a new service.

PASSED by the Council this 23rd day of January 2012.



Council President

APPROVED by me this 30th day of January 2012.



Mayor

Attest: 

Finance Director

Approved as to form:



Office of the City Attorney

Published: January 27, 2012