

**CITY OF SULTAN
WASHINGTON
ORDINANCE NO. 1117-11**

AN ORDINANCE OF THE CITY OF SULTAN, WASHINGTON, REPEALING AND REPLACING SECTION 13.08.030(B)(2) "GENERAL FACILITIES CHARGE"; ESTABLISHING THE SEWER GENERAL FACILITY CHARGE BY SEPARATE ORDINANCE; ESTABLISHING THE TIMING AND PAYMENT OF FEES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, RCW 35.92.025, authorizes the City as a municipal corporation to charge a general facility charge ("connection fee") to property owners seeking new connections to the sewer system in such amount as the Council may determine in order that said property owners shall bear their equitable share of the cost of such system; and

WHEREAS, it is the policy of the City of Sultan that all sewage be disposed of by means of the public sewer system; and

WHEREAS, the connection fee is intended to assign an equitable share of the costs to construct and maintain the existing City infrastructure to new development and redevelopment that creates additional demand and need for sewer system facilities.

WHEREAS, the city evaluated the historic value of the sewer system as a part of the 2010 General Sewer Plan and the impact on the general facility charge using the financial analysis prepared by FCS Group as the basis for the analysis; and

WHEREAS, based on the analysis by FCS Group, the city calculated the value of the sewer system and the available equivalent residential units provided by the system and determined that the value of the general facility charge increased from \$11,282 to \$12,895; and

WHEREAS, the City Council has determined to remove specific rates and charges from the Sultan Municipal Code and establish rates and charges by separate ordinance;

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

Section 1.Repeal 13.08.030(B)(2) "General Facilities Charge". The existing SMC Section 13.08.030(B)(2) "General Facilities Charge" is hereby repealed in its entirety and replaced with the following:

2. A general facilities charge ("connection fee") shall be as established by the city council by separate ordinance and included as an attachment to the annual fee schedule adopted by the city council. The amount set by such ordinance shall be the amount calculated per equivalent residential unit (ERU). Where an ERU calculation is not available, the Public Works Director shall make his/her decision based on best available data provided by professional third parties for the same or similar use.

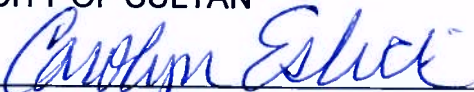
- a. A sewer general facility charge shall be assessed by the city for a new connection to the Sultan sewer system or, at time of expansion and/or change of use of a facility, when the public works director determines the expansion and/or change of use creates additional demand on the city's sewer system facilities.
- b. The sewer general facility charge shall be paid at the time of building permit issuance. An applicant may request the facility charge be deferred in all or part to the initial occupancy of the proposed use. The public works director will not unreasonably withhold approval of a request to defer payment to certificate of occupancy.
- c. If a sewer general facility charge is required, no building permit or certificate of occupancy shall be issued until the corresponding connection fee is paid.
- d. The facility charge paid shall be the fee in effect at the time of payment. Any deferred payments shall be based upon the fee in effect at the time the deferred payment is made to the City, but in all cases payment must be made prior to the physical connection for service.
- e. Connection fees may be paid under protest in order to obtain a permit or other approval of development activity.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

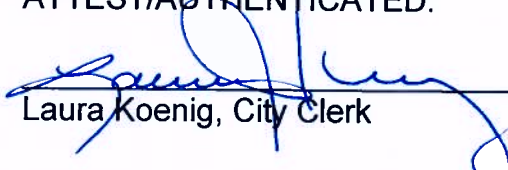
ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 10th DAY OF NOVEMBER 2011.

CITY OF SULTAN



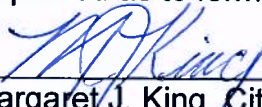
Carolyn Eslick, Mayor

ATTEST/AUTHENTICATED:



Laura Koenig, City Clerk

Approved as to form:



Margaret J. King, City Attorney

Passed by the City Council: 11-10-11

Date of Publication: 11-17-11

Effective Date: 11-22-11