

ORDINANCE NO. 839

AN ORDINANCE OF THE CITY OF PALOUSE, WASHINGTON, adopting Palouse Municipal Code §13.46, thereby requiring residences within the area commonly known as Breeding's Addition to be connected to the municipal sewer systems, fixing the cost for such connections, and providing a penalty for the violation thereof.

The City Council of the City of Palouse do ordain as follows:

Section 1. There is hereby adopted as Palouse Municipal Code §13.46 the following:

“Chapter 13.46” BREEDING’S ADDITION SEWER EXTENSION

Sections:

- 13.46.010 Finding
- 13.46.020 Connection to sewer system required
- 13.46.030 Construction charge-connection fee
- 13.46.040 Penalty for violation-injunction

13.46.01 Finding. The area within the City of Palouse laying north of the Palouse River and east of State Route 272, commonly referred to as “Breeding’s Addition”, is characterized by shallow soils underlain by basalt rock. Municipal sewer service has not previously been available to this area because of the very high cost and technical difficulties in extending sewer service to the area, through the rock. As a consequence, residents of the area have traditionally relied upon individual, on-site sewerage disposal systems. Because of the shallow soil, these systems often times lack adequate drain fields and are prone to failure. The City Council finds that these failures pose a significant public health hazard and has determined it reasonable and necessary to extend municipal sewer service to the area and require all residences within the area to connect to the system.

13.46.020 Connection to municipal sewer mandatory. Each residence located within 210 feet of a municipal sewer main in that area of the City laying north of the Palouse River and east of State Route 272 shall be connected to the municipal sewer system:

- upon failure of any existing, on-site sewer system serving the residence;
- upon any sale or conveyance (other than by inheritance or testamentary devise) of the real property upon which the residence is located; or
- December 31, 2020, whichever is sooner.

13.46.030 Construction charge. In addition to the regular connection fee assessed for new sewer connections as provided in Palouse Municipal Code §13.36.020, all new connections to the municipal sewer system within the area of the City laying north of the Palouse River and east of State Route 272 shall be assessed a one-time construction charge as follows:

- (a) For each connection for which payment is received by the City Clerk on or before December 31, 2008, the charge shall be \$7,000.00.
- (b) For each connection for which payment is received by the City Clerk on or after January 1, 2009, the charge shall be \$7,000.00, plus interest at the rate of 7.5% per annum. Interest shall accrue beginning January 1, 2009, and shall continue to accrue until payment is received, up to a maximum interest charge of \$2,625.00

All construction charge payments (and interest) shall be deposited in the Sewer Capital Improvement fund to reimburse the City for the cost of the sewer extension project and the cost of financing the project. The construction charge (and interest) must be paid in full to the City Clerk before any work to complete the construction shall be authorized.

13.46.040 Penalty for violation-remedies. Any property owner convicted of violating any provisions of this chapter shall be subject to a fine of not more than \$500.00 for each violation. Each day a violation continues shall be considered a separate violation. If a property owner fails or refuses to connect a residence to the municipal sewer as required in the Chapter, the City shall have the right to petition the Superior Court of Washington for Whitman County for an order enjoining further habitation of the residence, and imposing costs of suit upon the property owner.”

PASSED by the City Council of the City of Palouse on January 22nd, 2008.

APPROVED: _____
MAYOR

ATTEST: _____
CITY CLERK-TREASURER

Approved as to form:

CITY ATTORNEY

Passed: January 22, 2008

Published: February 6, 2008

Effective Date: February 11, 2008

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