

**CITY OF SNOHOMISH  
Snohomish, Washington**

**ORDINANCE 2271**

**AN ORDINANCE OF THE CITY OF SNOHOMISH RELATED TO CHAPTER 15.04 OF THE SNOHOMISH MUNICIPAL CODE, UTILITY CONNECTIONS AND RATES, REPEALING CURRENT SECTIONS 15.04.140 (CONNECTION TO SEWER SYSTEM REQUIRED) AND 15.04.145 (EXCEPTION TO CONNECTION REQUIREMENTS FOR NEWLY ANNEXED AREAS); AND ENACTING AND ADOPTING A NEW SECTION 15.04.140.**

**WHEREAS**, the City Council maintains the policy that all structures intended for human occupation or business within the City Limits shall eventually connect to the City's sewer and water systems; and

**WHEREAS**, the City Council desires to maintain the policy above and yet provide flexibility within a limited framework for existing structures and lots;

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

**Section 1. Repeal of Current Sections 15.04.140 and 15.04.145.** Current Snohomish Municipal (SMC) Section 15.04.140 (Connection to Sewer System Required) and Section 15.04.145 (Exception to Connection Requirements for Newly Annexed Areas) are hereby repealed in their entirety.

**Section 2. Adoption of SMC Section 15.04.140.** A new SMC Section 15.04.140 is hereby adopted as set forth in the attached **Exhibit A** and is incorporated herein by this reference.

**Section 3. Severability.** If any section, subsection, sentence, clause, phrase, or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase, or word of this ordinance.

**Section 4. Effective Date.** This ordinance shall be effective five days after adoption and publication by summary.

**ADOPTED** by the City Council and **APPROVED** by the Mayor this 3<sup>rd</sup> day of June, 2014.

CITY OF SNOHOMISH

By \_\_\_\_\_  
KAREN GUZAK, MAYOR

ATTEST:

APPROVED AS TO FORM:

By \_\_\_\_\_  
TORCHIE COREY, CITY CLERK

By \_\_\_\_\_  
GRANT K. WEED, CITY ATTORNEY

Date of Publication: \_\_\_\_\_

Effective Date (5 days after publication): \_\_\_\_\_

## EXHIBIT A

### 15.04.140 Connection to Sewer System Required.

- A. **Existing structures within 200 feet of sewer.** All existing structures within the City limits intended for human occupation or business within two hundred (200) feet of a sewer line or lateral shall connect to the City's sewer system upon:
1. A determination by the Snohomish Health District that the existing on-site sewage (septic) disposal system for the structure has failed; or
  2. Expansion of floor area of more than 20% to an existing structure or any combination of additions greater than 20% of the original structure as of July 1, 2014 and thereafter.
- B. **New lots.** Any new lot within a subdivision or short subdivision for which preliminary plat approval was received after July 1, 2014, within the City limits shall be connected to the City's sewer system.
- C. **New structures within 200 feet of sewer.** Any new structure within the City limits designed or intended for human occupation or business any portion of which is built within 200 feet of sewer shall be connected to the City's sewer system.
- D. **New structures or expansion of existing structures greater than 200 feet from sewer.** Any new structure or the expansion of an existing structure within the City limits that is greater than 200 feet from sewer shall be connected to the City's sewer system, except:
1. Construction of one single family home on an existing parcel or expansion of an existing single family home on an existing lot (and expanded structure is still one single family home). Such single family home must meet Snohomish Health District criteria for an approved on-site septic tank system.
  2. Construction of one Equivalent Residential Unit (ERU), including non-residential and multi-family structures, and less than 2,000 square feet of additional floor area of any structure intended for human occupation or business on an existing lot. Improvement must meet Snohomish Health District criteria for an approved on-site septic tank system.

Approval of any building permit or land division application utilizing one of the exceptions above (D1 or D2) to avoid or defer connection to the City's sewer system is contingent upon submittal of a legally binding agreement with the City of Snohomish, which must be recorded with the property records of the county and in a form acceptable to the Public Works Director, in which the property owner and successors in interest agree to: prompt connection with sanitary sewers when they become available, and participation without protest in any sewer Local Improvement District (LID) or Utility Local Improvement District (ULID), including agreement to pay any connection fees and monthly charges assessed by the City, LID, or ULID. Nothing in this section shall be construed to limit the ability of the applicant or any successor in interest to challenge the amount of any assessment.

- E. **Water connections required.** Connections to the City sewer system will require simultaneous connection to the City water system, unless City water is not available within five hundred (500) feet of the lot or parcel. (Ord. 2086, 2005)
- F. **Variation from distance determination.** When determining the distance to connect to a public utility, the City Engineer shall take into account hardships caused by sensitive areas (e.g. stream crossing) or other physical barriers which make sewer main extension extremely difficult. The City Engineer shall have authority to administratively grant a variance from the distance calculation and requirement to connect. No variance shall be granted which would be detrimental to the public health, welfare, or environment, or which would be inconsistent with the long-range plans of the City utility system. Conditions may be imposed upon the granting of a variance to ensure the protection of the public health, welfare, and environment. Each variance shall be considered on a case-by-case basis, and shall not be construed as setting precedent for any subsequent application. The decision of the City Engineer on a variance application shall be final, subject to appeal to the City land use Hearing Examiner pursuant to the procedure of Chapter 14.75 within a 20-day period after the written decision of the City Engineer.
- G. **Connections.** All connections shall be made to such sewer system in a permanent and sanitary manner, subject to all applicable utility requirements of the City and payment of fees, connection charges, local or general facility charges to be set by the City Council and subject to the approval of the City Engineer of the City and subject to such permit and construction requirements and regulations fixed by the City Council and in force at the time.

Provided that nothing in this ordinance will be construed to compel the City to extend utility services to any property. (Ord. 1670, 1989; Ord. 1886, 1999)