

**CITY OF LYNNWOOD  
ORDINANCE NO. 2665**

City of Lynnwood

MAR 08 2007

**SCANNED**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, REPEALING ORDINANCE NO. 1838, ENTITLED "APPROVING SEWER SERVICE TO CERTAIN REAL PROPERTY OUTSIDE THE CITY CORPORATE LIMITS;" AMENDING AND REPEALING SECTIONS OF TITLE 14, SEWERS, OF THE LYNNWOOD MUNICIPAL CODE TO ELIMINATE MANDATORY CONNECTION OF PROPERTY WITHIN 200 FEET OF A PUBLIC SEWER, RRQUIRING SUCH CONNECTION WHEN PUBLIC HEALTH IS THREATENED AND ALLOWING PRIVATE OWNED PROPERTY LOCATED OUTSIDE THE CITY'S CORPORATE BOUNDARIES TO CONNECT TO THE CITY'S PUBLIC SEWER BY CONTRACT; ESTABLISHING A RATE FOR SUCH SERVICE.AND PROVIDING FOR SUMMARY PUBLICATION, AN EFFECTIVE DATE AND SEVERABILITY.

WHEREAS, the City Council adopted Ordinance No. 1838 authorizing sewer service to certain identified property outside the City's corporate limits not as a matter of right but according to special terms and conditions; and

WHEREAS, the City of Lynnwood has no pending application for sewer service for any of the property identified in Ordinance No. 1838; and

WHEREAS, the City Council has concluded that the special terms and conditions for service under Ordinance No. 1838 are not sufficient to protect the interests of the City of Lynnwood; and

WHEREAS, the City Council desires to amend Title 14, Sewers, of the :Lynnwood Municipal Code to eliminate certain mandatory connection requirements, allow for property located outside the City to be served by contract and to establish a rate for such customers; now, therefore,

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

Section 1. Ordinance No. 1838 is repealed.

Section 2. Section 14.12.042 of the Lynnwood Municipal Code is amended to read as follows:

14.12.042 Connection to public system required.

Every residence, apartment house, motel, hotel, factory, store, commercial establishment, or other building in which plumbing fixtures have been or are to be placed shall be required to connect with the municipal sanitary sewerage system within 90 days of written notice from the city whenever the Snohomish County Board of Health determines that a failing on-site wastewater system threatens public health or, for any public sewer installed after March 1, 2007, within 90 days after written notice that sewer service is available to said building; and provided, that any such building or part of building, or any exterior drainage facility, is within 200 feet of a public sewer

Section 3. Section 14.12.043 of the Lynnwood Municipal Code is amended to read as follows:

14.12.043 Authority to compel connection.

The administrative authority is empowered to compel a connection to the public sewer when such connection is authorized by L.M.C. 14.12.

Section 4. A new section 14.40.030. is added to the Lynnwood Municipal Code, as follows

Section 14.40. 030. Real property located outside of the corporate boundaries of the city of Lynnwood that receive sewer service from the city of Lynnwood shall be charged 150% of the sewer rates charged to comparable property located within the city's corporate boundaries.

Section 5. Section 14.48.010 of the Lynnwood Municipal Code is amended as follows:

14.48.010 Contract for service.

Sewer service to users outside the corporate limits of the city of Lynnwood may be extended only by special contract approved by the city council.

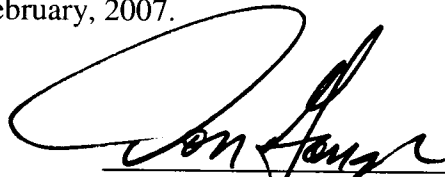
Section 6. Section 14.44.030 of the Lynnwood Municipal Code is repealed:

Section 7. Severability If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 8. Effective Date. This Ordinance shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

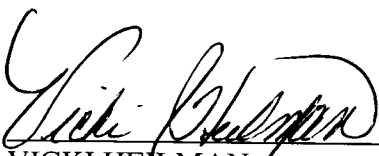
PASSED by the City Council of the City of Lynnwood, Washington 12th day of February 2007.

SIGNED AND APPROVED by the Mayor and attested by the Finance Director of the City of Lynnwood, Washington, this 22<sup>nd</sup> day of February, 2007.



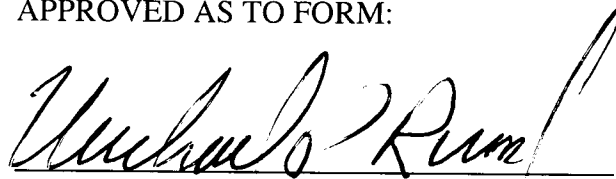
DON GOUGH, Mayor

ATTEST:



VICKI HEILMAN  
Interim Finance Director

APPROVED AS TO FORM:



MIKE RUARK  
City Attorney