

**CITY OF MONROE
ORDINANCE NO. 007/2015**

AN ORDINANCE OF THE CITY OF MONROE,
WASHINGTON, AMENDING CHAPTER 13.04 MMC,
WATER REGULATIONS, RATES AND CHARGES, AND
CHAPTER 13.08 MMC, SEWER SYSTEM REGULATIONS;
CLARIFYING REQUIREMENTS FOR SEWER UTILITY
CUSTOMERS THAT ARE NOT CONNECTED TO THE
CITY'S WATER UTILITY SYSTEM; PROVIDING FOR
SEVERABILITY; AND FIXING A TIME WHEN THE SAME
SHALL BECOME EFFECTIVE

WHEREAS, the City of Monroe has established a combined water-sewer utility pursuant to Ordinance No. 1003, and has codified regulations governing the same at Title 13 MMC; and

WHEREAS, the City's utility regulations currently predicate the provision of City sanitary sewer service upon the served premises' connection to and use of the City's water utility service; and

WHEREAS, the City has received requests for sewer utility service from prospective customers whose premises are located outside both the Monroe City limits and the City's water utility service area, are served by private water systems, and who therefore do not utilize the City's water utility service; and

WHEREAS, the City Council desires to authorize the provision of sanitary sewer utility service under such circumstances, and to establish regulations and conditions governing the same.

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

Section 1. Findings. The City Council hereby adopts the above recitals and the content of Agenda Bill No. 15-069 by reference as legislative findings in support of this ordinance. The Council further enters the following findings:

A. Facilitating connection with and use of the City's sanitary sewer system throughout the City's sanitary sewer service area to the maximum extent practicable serves the public health, safety and welfare by, *inter alia*, reducing the number of private septic systems and the potential pollution associated with such systems.

B. Allowing the City to shut off water service to a sewer utility customer's premises is a valuable and effective enforcement mechanism that helps to prevent pollution that could potentially arise from the premises' disconnection from the City's sewer system. The City Council accordingly finds that the water shut off option should

be reserved as an alternative enforcement approach where the underlying premises is located outside the City's water utility service area but is connected to the City's sanitary sewer system.

Section 2. Amendment of MMC 13.04.080. Section 13.04.080 of the Monroe Municipal Code is hereby amended as follows:

13.04.080 Connection to sewer system.

~~[IN EVERY CASE WHERE]~~Unless otherwise provided by this title, any premises ~~[ARE]~~that is connected with and uses the city sewer system~~[, THEN SUCH PREMISES]~~ shall **also** be connected with the city's water system, and shall use water therefrom in its use of the city's sewer system.

Section 3. Amendment of Chapter 13.08 MMC. Chapter 13.08 of the Monroe Municipal Code is hereby amended by the addition of a new Section 13.08.245 to provide in its entirety as follows:

13.08.245 Connection to water system - Exceptions.

A. Except as provided in subsection (B) of this section, any premises that is connected with and uses the city sewer system shall also be connected with the city's water system, and shall use water therefrom in its use of the city's sewer system.

B. A premises located within the city's sanitary sewer service area but outside the city's water service area may connect to and use the city's sanitary sewer system only upon:

1. Installation, at the customer's sole expense, of a separate city water meter measuring water flow to the premise; and

2. The customer's execution of a covenant pursuant to RCW 35.67.310 in a form approved by the public works director and signed by the director, the customer, and the water purveyor that supplies water utility service to the premises. The covenant shall be recorded against the title of the premises at the customer's sole expense, and shall contain the following provisions:

a. In the event of the customer's nonpayment or other violation of this chapter, authorization for the city, at its option, to: (i) shut off water flow to the premises, and/or (ii) disconnect the premises from the city's sanitary sewer system;

b. Allowing reestablishment of water flow and/or reconnection of the premises to the city's sanitary sewer system only upon full payment of all delinquent fees and charges, together with applicable interest, and reimbursement of the city's actual expenses in shutting off the water flow

and/or disconnecting and reconnecting the premises to the sanitary sewer system;

c. A right of entry authorizing the city, its employees and/or agents to enter upon the premises for the purpose of inspection, shutting off and reestablishing water flow to the premises, and connecting, disconnecting and reconnecting the premises to the city's sanitary sewer system;

d. The customer's agreement to indemnify, hold harmless and release the city, its officials, officers and employees from any damages, injuries, harms, and/or costs arising out of or otherwise related to the customer's use of the city's sanitary sewer service, except for matters directly resulting from the city's sole negligence;

e. The water purveyor's authorization for the city to shut off water flow to the premises in the event of the customer's nonpayment or other violation of this chapter;

f. A reservation of all other potentially applicable city rights, remedies and powers; and

g. Any other provisions deemed necessary and appropriate by the public works director.

Section 4. 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 5. Effective Date. This ordinance shall be in full force and effect five (5) days from and after its passage and approval and publication as required by law.

PASSED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this 21 day of April, 2015.

1st Reading: April 14, 2015
Final Reading: April 21, 2015
Published: April 28, 2015
Effective: May 3, 2015

CITY OF MONROE, WASHINGTON:



Geoffrey Thomas, Mayor

(SEAL)

ATTEST:

APPROVED AS TO FORM:



Elizabeth M. Smoot, CMC, City Clerk



Zachary Lell, City Attorney