

ORDINANCE No. _____

AN ORDINANCE AMENDING THE PUBLIC UTILITIES CODE TO IMPLEMENT A SELF-FUNDING MUNICIPAL SEWER DEPARTMENT

WHEREAS, the Town of Skykomish enacted Ordinance No. 385 being an ordinance adopting a General Sewer and Facilities Plan (hereafter “the Plan”); and

WHEREAS, the Washington State Department of Ecology (Ecology) is providing funding from the Toxics Cleanup Fund for design and construction of Phases I and II of the Plan, and additional funding is available under the Natural Resource Damages (hereafter “NRD”) provisions of the Consent Decree between Ecology and BNSF Railway Co. regarding the Former BNSF Maintenance and Fueling Facility at Skykomish (entered October 18, 2007, hereafter, “the Consent Decree”); and

WHEREAS, the Consent Decree sets forth various terms and conditions for the use of state grant and NRD funds in the development of the wastewater system; and

WHEREAS, the Town needs to enact an ordinance for the use, operation and maintenance of the community sewer system; and

WHEREAS, the Town Council set forth certain guidelines and recommendation regarding the content of the ordinance as designated in Resolution No. 219; and

WHEREAS, the Mayor has prepared for consideration by the Town Council a sewer utility ordinance for the installation, operation, maintenance and finance of the Town of Skykomish community sewer system;

IN LIGHT OF THE RECITALS SET FORTH ABOVE; IT IS HEREBY ORDAINED AS FOLLOWS:

- (1) Skykomish Municipal Code Section 13.05.010 shall be revised to read:

The purpose of this chapter is to set forth uniform regulations.

There is hereby created and established in the town of Skykomish, a ~~combined utility system consisting of the water utility system and such sewage system as now exists or may hereafter be established, improved or extended.~~ Such ~~sewage and water utility systems are~~ is hereby combined established in accordance with the laws of the state of Washington to provide for and establish ~~combined~~ water utility rates and charges, the establishment of

necessary indebtedness and to maintain and operate the ~~combined~~
water system.

- (2) Chapter 13.20, Self-Funding Municipal Sewer Department, shall be added to the Skykomish Municipal Code, as presented in Exhibit A attached hereto and incorporated herein by reference.
- (3) Chapter 13.25, Self-Funding Municipal Sewer System Fees, Rates and Charges, shall be added to the Skykomish Municipal Code, as presented in Exhibit B attached hereto and incorporated herein by reference.
- (4) The initial commitment deadline for phases I and II, all as defined in Chapter 13.20.020 of the Skykomish Municipal Code as added hereby, shall be October 31, 2009. Premises located within the BNSF Former Maintenance and Fueling Facility, Skykomish, Washington site area shall be eligible for connection to the sewer system without obligation to pay the sewer connection charges if application for sewer service is made within 90 days of completion of cleanup on the subject property pursuant to the King County Superior Court Consent Decree No. 07-2-33672-9SEA and any subsequent amendments thereto.

PASSED by the Town Council of Skykomish, at a regular meeting thereof

this _____ day of _____, 2009.

TOWN OF SKYKOMISH

BY: _____
Mayor

Approved as to form:

Town Attorney

Attest:

Clerk