

ORDINANCE NO. 939

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO THE CITY'S PROVISION OF WATER AND SEWER OUTSIDE CITY LIMITS BY CONTRACT WITH OWNERS OF PROPERTY, REINSTATING THE REQUIREMENT THAT AN APPLICANT REQUESTING EXTENSION OF WATER OR SEWER SERVICE FROM THE CITY TO PROPERTY OUTSIDE THE CITY LIMITS SIGN A UTILITY EXTENSION AGREEMENT, WHICH INCLUDES, AS ONE CONDITION OF SUCH SERVICE, THAT THE PROPERTY OWNER AGREE TO SIGN A PETITION FOR ANNEXATION OF HIS/HER PROPERTY WHEN REQUESTED BY THE CITY, NOW THAT A NEW STATE LAW HAS BEEN ADOPTED FOR THE PETITION METHOD OF ANNEXATION (CH. 331, SSB 5409, WASHINGTON LAWS, 2003), AMENDING GHMC SECTION 13.34.060.

WHEREAS, the City has the authority under RCW 35.67.310 and RCW 35.92.170 to provide water and sewer service outside the city limits under such conditions the City adopts by ordinance; and

WHEREAS, the City adopted an ordinance describing the conditions under which water and sewer service may be extended (GHMC Section 13.34.060); and

WHEREAS, the original ordinance adopting GHMC Section 13.34.060 included a requirement that the property owner agree to sign a petition for annexation of his/her property when asked to do so by the City; and

WHEREAS, the Washington Supreme Court recently invalidated the petition method for annexations in *Grant County Fire Protection District v. City of Moses Lake*, 145 Wn.2d 702 (2002); and

WHEREAS, the Washington Legislature subsequently adopted Chapter 331 (SSB 5409) of the Laws of Washington, 2003, which provides a new direct petition method; and

WHEREAS, the City Council desires to reinstate, as a condition for the provision of water and/or sewer service outside the City limits, the requirement that a property owner sign a petition for annexation of his/her property when asked to do so by the City; and

WHEREAS, the City's SEPA Responsible Official has determined that this ordinance is categorically exempt from SEPA under WAC 197-11-800(20); Now, Therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. Section 13.34.060 of the Gig Harbor Municipal Code is hereby amended to read as follows:

13.34.60 Utility Extension Agreement. Every applicant for water and/or sewer service outside the city limits, except for municipal corporations or quasi-municipal corporations, such as water, sewer or fire districts making application under GHMC Section 13.34.070, must agree to sign an agreement with the City, which conditions the provision of the service on the following terms:

* * *

- H. Agreement Not to Protest Annexation. The owner shall provide the City with an irrevocable power of attorney to allow a City representative to sign a petition for annexation on behalf of the property owner or the property owner shall agree to sign a petition(s) for annexation of his/her property when requested to do so by the city.

* * *

Section 2. Severability. If any portion of this Ordinance or its application to any person or circumstances is held by a court of competent jurisdiction to be

invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the remainder of the Ordinance or the application of the remainder to other persons or circumstances.


Section 3. Effective Date. This ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor this 25th day of August, 2003.

CITY OF GIG HARBOR


GRETCHEN WILBERT, MAYOR

ATTEST/AUTHENTICATED:

By: 
MOLLY TOWSLEE, CITY CLERK

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

By: _____
CAROL A. MORRIS

FILED WITH THE CITY CLERK: 8/2/03
PASSED BY THE CITY COUNCIL: 8/25/03
PUBLISHED: 9/3/03
EFFECTIVE DATE: 9/8/03
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