

**ORDINANCE NO. 911**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO SEPTIC TANKS, AMENDING THE CURRENT PROHIBITION ON INSTALLATION AND CONSTRUCTION OF NEW SEPTIC TANKS ON PROPERTY IN THE CITY LIMITS TO ALLOW A LIMITED EXCEPTION FOR SINGLE PARCELS MEETING CERTAIN CRITERIA; AMENDING GIG HARBOR MUNICIPAL CODE SECTIONS 13.28.090 AND 13.28.100.**

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WHEREAS, state law allows the City to compel property owners to connect their septic tanks to the City's sewer system if the City's sewer system is constructed to provide sewer service to the property (RCW 35.67.190); and

WHEREAS, pursuant to such authority, the City adopted Gig Harbor Municipal Code ("GHMC") Section 13.28.100, which requires that property owners connect their private sewers and septic tanks to the City's sewer system when the City constructs a sewer extension that is within 200 feet of the subject building(s), and after 120 days notice by the City of the requirement to connect; and

WHEREAS, GHMC Section 13.28.100 also requires that after June 22, 1978, the owners of all new houses, buildings and property used for human occupancy are required to connect to a public sewer; and

WHEREAS, GHMC Section 13.28.090 prohibits anyone from constructing or maintaining a septic tank or other facility intended or used for the disposal of sewage; and

WHEREAS, as part of the City's planning under the Growth Management Act, the City is required to adopt comprehensive land use plans, capital facilities plans and sewer comprehensive

plans, which are the City's generalized policy statements regarding the general distribution, location, extent and use of land, an inventories of existing capital facilities owned by the City, a forecast of the future needs for such facilities and showing the proposed locations and capacities of new facilities with a six-year plan for financing such capital facilities; and

WHEREAS, such plans would include the City's 6-year plan for funding and constructing new sewer extensions into areas previously not served by the City's sewer systems; and;

WHEREAS, in the City's review of the property within City limits that is not served by the City's sewer system for the purpose of one or more of these plans, the City has become aware of individual, undeveloped lots created prior to the Growth Management Act that are not proposed to be served by the City's sewer system in the next 6 years; and

WHEREAS, the City's review of these individual, undeveloped lots and the sewer facilities needed to serve these lots disclosed that new extensions would be so expensive that the owners of these lots would not be able to afford to construct the extensions, under an LID, latecomers' agreement or otherwise; and

WHEREAS, the City Council has determined that it is in the best interests of the public health, safety and welfare to allow an exception to the prohibitions in the Gig Harbor Municipal Code, in order to accommodate these individual, undeveloped lots, as long as the property owners are still required to connect to the City's sewer system under the same conditions set forth in GHMC Section 13.28.100; and

WHEREAS, the City SEPA Responsible official has determined that this ordinance is categorically exempt from SEPA, pursuant to WAC 197-11-800(6)(b); Now, Therefore,

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

Section 1. Section 13.28.090 of the Gig Harbor Municipal Code is hereby amended to read  
as follows:

**13.28.090. Privies, ~~septic tanks~~ and cesspools prohibited.** Except as hereinafter provided, it is unlawful to construct or maintain any privy, privy vault, ~~septic tank~~ cesspool, or other facility intended to used for the disposal of sewage. New septic tanks may be constructed, installed or maintained only as provided in GHMC Section 13.28.100.

Section 2. Section 13.28.100 of the Gig Harbor Municipal Code is hereby amended to read  
as follows:

**13.28.100. Public sewer available – When Toilet facilities installation and connection required – Exceptions.**

- A. The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the city and abutting on any street, alley, or easement in which there is now located or may, within the next six years in the future be located, as shown in the City's current sewer comprehensive plan, a public sanitary sewer of the City, are required at their expense to install suitable toilet facilities therein, and to connect such facilities directly within the property public sewer, in accordance with the provisions of this chapter, within 120 days after date of official notice to do so, provided that the public sewer is within 200 feet of the building or buildings and specific provisions have been made to connect to such to the public sewer and that no public health or safety hazards exist, as determined by the ~~superintendent~~, City Engineer.
- B. The owners of all new houses, buildings and properties used for human occupancy ~~after June 22, 1978~~ shall be required to connect to a public sewer, except as provided in subsection C herein.
- C. The City Engineer may approve an exception to the requirements of this Section to address the on-site sewer needs of individual lots created prior to the Growth Management Act if all of the following limited circumstances exist:

1. The subject lot is not located in an area planned to be served by sanitary sewer, as shown in the most current version of the City's six year capital improvement plan and sewer comprehensive plan;
2. The subject lot was created prior to July 1, 1990, which was the date of the adoption of the Growth Management Act;
3. The septic system to be constructed will serve no more than one dwelling unit on the lot meeting the criteria of this subsection; and
4. The property owner shall record a notice against the lot, in a form approved by the City Attorney, providing notice to all subsequent purchasers that the City's approval of a septic system under these procedures will not affect the City's ability to enforce GHMC Section 13.28.100(A) above (or any subsequent amendment to GHMC Section 13.28100(A)) against the lot at any time in the future, as long as the conditions described in that subsection exist.


D. This procedure is exempt from the procedures in Title 19 GHMC, pursuant to RCW 36.70B.140.

Section 3. 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 4. 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  
11th day of May 11, 2002.

CITY OF GIG HARBOR

  
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GRETCHEN WILBERT, MAYOR

ATTEST/AUTHENTICATED:

By: *Molly M Towslee*  
MOLLY TOWSLEE, CITY CLERK

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

By: \_\_\_\_\_  
CAROL A. MORRIS

FILED WITH THE CITY CLERK: 5/8/02  
PASSED BY THE CITY COUNCIL: 5/28/02  
PUBLISHED: 6/5/02  
EFFECTIVE DATE: 6/11/02  
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