

CITY OF FIFE, WASHINGTON

ORDINANCE NO. 1814

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, PROVIDING CREDITS TO WATER AND SEWER GENERAL FACILITIES CHARGES FOR PROPERTY USED FOR STATE HIGHWAY PURPOSES AND AMENDING SECTIONS 13.04.095 AND 13.08.465 OF THE FIFE MUNICIPAL CODE**

WHEREAS, pursuant to FMC 13.04.095 and FMC 13.08.465, property owners that pay for water and sewer improvements through local improvement district assessments, are afforded credits to water and sewer general facilities charges based on such improvements, at the time service connection is made to the property; and

WHEREAS, public property owners are not able to take advantage of the credit if the public property within the local improvement district is intended to be used for state highway purposes not requiring connection to water or sewer service; and

WHEREAS, the Council deems it to be in the City's interest to provide an alternative general facilities charge credit to owners of public property intended for state highway purposes; now therefore

THE CITY COUNCIL OF THE CITY OF FIFE, WASHINGTON  
DO ORDAIN AS FOLLOWS:

Section 1. Section 13.04.095 of the Fife Municipal Code is hereby amended to read as follows:

**13.04.095 Water general facility charges.**

A. Prior to connecting to the city's water system, the property owner shall pay, in addition to other applicable charges, a general facility charge of \$5,266 per equivalent residential unit (ERU).

B. An ERU for this purpose is 230 gallons per day for nonresidential connections. An ERU for residential connections is one single-family house, apartment unit, condominium unit, or townhouse unit.

C. If after connection of a nonresidential service the actual water usage has increased or the property use expanded so that there is a greater number of ERUs being used on the property than for which the general facility charge was paid, the property owner shall pay to the city an additional general facility charge based upon the new or expanded use. The additional general facility charge shall be based upon the general facility charge rate in effect at the time the increased use is requested and/or detected, whichever first occurs. Except that in the case of those property owners who have paid for a period of five years for base usage rates for two two-inch meters or one three-inch or larger meter (excluding irrigation meters), and for associated water usage, the general facilities charge rate shall be 60 percent of the regular rate.

D. A credit against the general facility charge may be applied for those property owners that pay final assessments through a local improvement district formed by the city council where such local improvement district is formed to finance the construction of any of the improvements that are a basis for calculating the value of the general facility charge. The credit shall be the smaller of the following:

1. The portion of the final assessments, not including interest, that are directly applicable to the construction of the improvements that are a basis for the value of the general facility charge; or
2. That proportionate amount of the general facility charge that is attributable to the water facilities constructed in the local improvement district.

The credit shall be applied at the time of payment of the general facility charge and shall not be used to reduce any assessments in the local improvement district. Credits to the general facility charge shall not be applicable to: (a) local improvement districts finalized prior to the effective date of the ordinance establishing this general facility charge; or (b) omitted properties for a local improvement district formed after the effective date of the ordinance codified in this section. Omitted properties are properties benefited by the improvements constructed in the local improvement district but for which the property was not included in the local improvement district at the time of its formation.

E. Public property owners that pay final assessments through a local improvement district formed by the city council where such local improvement

district is formed to finance the construction of any of the improvements that are a basis for calculating the value of the general facility charge may obtain a credit against general facilities charges at such time as the property is put to actual use for state highway purposes, if the property has not connected to the city's water system. For purposes of this subsection, "actual use" shall mean commencement of state highway construction on the property, and "state highway" shall mean a highway that is both designated as a state highway pursuant to RCW 47.24.010 as amended, and classified as an urban principal arterial or higher classification in the federal classification system. The credit shall be the smaller of the local improvement district assessment for the property and the designated general facilities charge ("DGFC") calculated as follows:

$$(ERUs/Acre \text{ for zoning classification}) \times (\text{Number of Acres}^*) \times (\text{GFC rate at time of commencement of actual use for highway purposes}) = \text{DGFC}$$

\*If the local improvement district assessment were calculated based on buildable acres, then the number of acres used for the calculation shall be the number of buildable acres set forth in the final assessment roll.

The ERUs/Acre under this subsection for each zoning classification are as follows:

- |     |                             |              |
|-----|-----------------------------|--------------|
| 1.  | Single Family Residential:  | 3.5 ERU/Acre |
| 2.  | Small Lot Residential:      | 8 ERU/Acre   |
| 3.  | Medium Density Residential: | 11 ERU/Acre  |
| 4.  | High Density Residential:   | 12 ERU/Acre  |
| 5.  | Neighborhood Residential:   | 6 ERU/Acre   |
| 6.  | Neighborhood Commercial:    | 6 ERU/Acre   |
| 7.  | Community Commercial:       | 4/ERU/Acre   |
| 8.  | Community Mixed Use:        | 12 ERU/Acre  |
| 9.  | Regional Commercial:        | 8 ERU/Acre   |
| 10. | Business Park:              | 8 ERU/Acre   |
| 11. | Industrial:                 | 2 ERU/Acre   |

A public property owner seeking credit under this subsection shall file a written request to the public work director together with proof that the property is in actual use for highway purposes. Upon determination by the director that the requirements for credit under this subsection have been met, the director shall set forth in writing the amount of the general facilities charge credit for the property

based on the above formula and the zoning classification of the property at the time of commencement of actual use for highway purposes.

The general facilities charge credit under this subsection is transferable in whole or in part and may be applied to then-applicable water general facilities charges imposed in accordance with Fife Municipal Code Chapter 13.04, as amended, on any future development or redevelopment within the City of Fife. Any transfer of general facilities charge credit to another property shall be in writing, shall be signed by the City solely to confirm the actual amount of the credit available and transferred, and shall include the reservation of rights set forth below in this subsection. If a property obtains general facilities charge credit under this subsection, it shall be ineligible for the credit under subsection D above.

Nothing herein shall prevent or impede the City from amending or repealing any provisions of the Fife Municipal Code regarding water general facilities charges. In the event the City no longer imposes water general facilities charges, any outstanding general facilities charge credit under this subsection shall have no value, and the owner of such credit shall have no claim or recourse against the City.

The credit shall be applied at the time of payment of the water general facility charge and shall not be used to reduce any assessments in the local improvement district. Credits to the general facility charge under this subsection are only available for property paying final assessments in local improvement district formed after 2007.

F. A credit against the general facility charge may be applied for those property owners that construct at their own expense any of the improvements that are a basis for calculating the value of the general facility charge or for those property owners that pay a latecomer's fee toward those same improvements. The credit shall be the smaller of the following:

1. That portion of the design and construction costs or latecomer's fees that are directly applicable to the construction of the improvements that are a basis for the value of the general facility charge; or
2. That proportionate amount of the general facility charge that is attributable to the water facilities either constructed by the property owner or paid through a latecomer's fee.

The credit shall be applied at the time of payment of the general facility charge and shall not be used to reduce any latecomer's fees. Credits to the general facility charge shall not be applicable to facilities constructed or latecomer's fees established prior to the effective date of the ordinance establishing this general facility charge.

G. Any single-family residence existing at the effective date of the ordinance codified in this section and desiring to hook up to water is exempt from paying this general facility charge for a period of six months from the date water becomes available in front of the property.

H. The general facilities charge for any single-family residence in existence, and not otherwise exempt from paying a general facilities charge under this chapter, shall be 60 percent of the regular general facilities charge rate.

I. Any lots that were already platted and zoned as "single-family residential" and existing at the effective date of Ordinance No. 1347 (codified in this section, and effective April 21, 1999) and desiring to hook up to water are exempt from paying this general facility charge for a period of six months from the date water becomes available in front of the property. For such lots that are unimproved when water becomes available, the six-month time period shall begin to run when a permit has been issued for new construction.

J. Any water service that has been legally hooked up to the city's system shall be deemed to vest the property on which such service exists for water general facility charges equal to the number of ERUs provided under this section; provided, that a water bill is paid for such service for at least four months of each rolling 12-month period and that the account is no more than six months in arrears. The required four months' payment shall be due regardless of whether any water is used, and shall be calculated at the minimum current rate for the service size if no water is used. If less than four months' water service bills have been paid in a given rolling 12-month period, or the account is more than six months in arrears, the rights to water service shall be forfeited, the service disconnected, and service not restored until after payment of new water general facility charges, meter fees, and connection fees at the rate then in effect. The finance director-treasurer shall review utility account records after the end of each billing period and shall twice notify any property owner subject to forfeiture of water service rights under this section, allowing at least 30 days after the first

such notice and seven days after the second such notice before declaring the service forfeited. Once notice has been mailed, all fees must be paid in full or the service forfeiture will proceed as scheduled.

K. Any rights to water service vested under this section shall run with the property and may offset general facility charges applied to development or redevelopment of the property or to the property and contiguous adjoining properties developed or redeveloped under a single plan with unified permits. Such rights may not be otherwise transferred.

L. The finance director-treasurer shall cause to be recorded with the Pierce County auditor a notice declaring the forfeiture of the service right, and that any new service will be subject to the city codes, regulations and fee schedules in effect at the time water service is requested.

Section 2. Section 13.08.465 of the Fife Municipal Code is hereby amended to read as follows:

**13.08.465 Sanitary sewer capital facility charges.**

A. Prior to connecting to the city's sanitary sewer system, the property owner shall pay, in addition to other applicable charges, a general facility charge equal to \$4,015 per equivalent residential unit (ERU).

B. An ERU for this purpose is 230 gallons per day for nonresidential connections. An ERU for residential connections is one single-family house, apartment unit, condominium unit, or townhouse unit.

C. If after connection of a nonresidential service, the actual sewer usage has increased or the property use expanded so that there is a greater number of ERUs being used on the property than for which the general facility charge was paid, the property owner shall pay to the city an additional general facility charge based upon the new or expanded use. The additional general facility charge shall be based upon the general facility charge rate in effect at the time the increased use is requested and/or detected, whichever first occurs.

D. A credit against the general facility charges may be applied for those property owners that pay final assessments through a local improvement district

formed by the city council where such local improvement district is formed to finance the construction of any of the improvements that are a basis for calculating the value of the general facility charge. The credit shall be equal to the amount of property owner's final assessments, not including interest.

The credit shall be applied at the time of payment of the general facility charge and shall not be used to reduce any assessments in the local improvement district. Credits to the general facility charge shall not be applicable to: (a) local improvement districts finalized prior to the effective date of the first ordinance that established a general facility charge and was codified in this section; or (b) omitted properties for a local improvement district formed after the effective date of the first ordinance that established a general facility charge and was codified in this section. Omitted properties are properties benefited by the improvements constructed in the local improvement district but for which the property was not included in the local improvement district at the time of its formation.

E. Public property owners that pay final assessments through a local improvement district formed by the city council where such local improvement district is formed to finance the construction of any of the improvements that are a basis for calculating the value of the general facility charge may obtain a credit against general facilities charges at such time as the property is put to actual use for highway purposes, if the property has not connected to the city's sanitary sewer system. For purposes of this subsection, "actual use" shall mean commencement of state highway construction on the property, and "state highway" shall mean a highway that is both designated as a state highway pursuant to RCW 47.24.010 as amended, and classified as an urban principal arterial or higher classification in the federal classification system. The credit shall be the smaller of the local improvement district assessment for the property and the designated general facilities charge ("DGFC") calculated as follows:

$(\text{ERUs/Acre for zoning classification}) \times (\text{Number of Acres}^*) \times (\text{GFC rate at time of commencement of actual use for highway purposes}) = \text{DGFC}$

\*If the local improvement district assessment were calculated based on buildable acres, then the number of acres used for the calculation shall be the number of buildable acres for the property set forth in the final assessment roll.

The ERUs/Acre under this subsection for each zoning classification are as follows:

- |     |                             |              |
|-----|-----------------------------|--------------|
| 1.  | Single Family Residential:  | 3.5 ERU/Acre |
| 2.  | Small Lot Residential:      | 8 ERU/Acre   |
| 3.  | Medium Density Residential: | 11 ERU/Acre  |
| 4.  | High Density Residential:   | 12 ERU/Acre  |
| 5.  | Neighborhood Residential:   | 6 ERU/Acre   |
| 6.  | Neighborhood Commercial:    | 6 ERU/Acre   |
| 7.  | Community Commercial:       | 4/ERU/Acre   |
| 8.  | Community Mixed Use:        | 12 ERU/Acre  |
| 9.  | Regional Commercial:        | 8 ERU/Acre   |
| 10. | Business Park:              | 8 ERU/Acre   |
| 11. | Industrial:                 | 2 ERU/Acre   |

A public property owner seeking credit under this subsection shall file a written request to the public work director together with proof that the property is in actual use for highway purposes. Upon determination by the director that the requirements for credit under this subsection have been met, the director shall set forth in writing the amount of the general facilities charge credit for the property based on the above formula and the zoning classification of the property at the time of commencement of actual use for highway purposes.

The general facilities charge credit under this subsection is transferable in whole or in part and may be applied to then-applicable sanitary sewer general facilities charges imposed in accordance with Fife Municipal Code Chapter 13.08, as amended, on any future development or redevelopment within the City of Fife. Any transfer of general facilities charge credit to another property shall be in writing, shall be signed by the City solely to confirm the actual amount of the credit available and transferred, and shall include the reservation of rights set forth below in this subsection. If a property obtains general facilities charge credit under this subsection, it shall be ineligible for the credit under subsection D above.

Nothing herein shall prevent or impede the City from amending or repealing any provisions of the Fife Municipal Code regarding sanitary sewer general facilities charges. In the event the City no longer imposes sewer general facilities charges, any outstanding general facilities charge credit under this subsection shall have no value, and the owner of such credit shall have no claim or recourse against the City.

The credit shall be applied at the time of payment of the water general facility charge and shall not be used to reduce any assessments in the local improvement district. Credits to the general facility charge under this subsection are only available for property paying final assessments in local improvement district formed after 2007.

F. A credit against the general facility charge may be applied for those property owners that construct at their own expense any of the improvements that are a basis for calculating the value of the general facility charge or for those property owners that pay a latecomer's fee toward those same improvements. The credit shall be the smaller of the following:

1. That portion of the design and construction costs or latecomer's fees that is directly applicable to the construction of the improvements that are a basis for the value of the general facility charge; or
2. That proportionate amount of the general facility charge that is attributable to the sewer facilities either constructed by the property owner or paid through a latecomer's fee.

The credit shall be applied at the time of payment of the general facility charge and shall not be used to reduce any latecomer fees. Credits to the general facility charge shall not be applicable to facilities constructed or latecomer's fees established prior to the effective date of the ordinance establishing this general facility charge.

G. Any property within the city limits which is north of Interstate Highway 5 and is required to connect to the Pierce County sewer transmission lines shall be exempt from the general facility charge imposed by this section. In lieu of the general facility charge, the property owner will pay a special facility charge based upon the pro rata cost of construction of city sewer lines, if any, connecting the property to the Pierce County transmission lines. The special facility charge shall not apply to connecting lines paid for by the property owner. The public works director shall base the special facility charge upon the anticipated flow from the property owner's property as compared to the anticipated flow at total buildout for the city connecting lines. The special facility charge, if any, will be paid prior to connecting to the city system.

H. Any single-family residence existing in the city on December 18, 2002, and desiring to connect to the city's sanitary sewer system is exempt from paying this general facility charge for a period of six months from the date connection to the city's sanitary sewer system becomes available to the property.

I. Any lots that were platted and zoned as "single-family residential" and existing in the city on December 18, 2002, and desiring to connect to the city's sanitary sewer system are exempt from paying this general facility charge for a period of six months from the date connection to the city's sanitary sewer system becomes available to the property. For such lots that are unimproved when sanitary sewer becomes available, the six-month time period shall begin to run when a permit has been issued for new construction.

J. Any sanitary sewer service that has been legally hooked up to the city's system shall be deemed to vest the property on which such service exists for sanitary sewer general facility charges equal to the number of ERUs provided under this section; provided, that a sewer bill is paid for such service for at least four months of each rolling 12-month period and the account is no more than six months in arrears. The required four months' payment shall be due regardless of whether the sanitary sewer service is used, and shall be calculated at the minimum current rate for the service size if not used. If less than four months' sanitary sewer service bills have been paid in a given rolling 12-month period, or the account is more than six months in arrears, the rights to sanitary sewer service shall be forfeited, the service disconnected, and service not restored until after payment of new sanitary sewer general facility charges, connection fees, and other fees at the rates then in effect. The finance director-treasurer shall review utility account records after the end of each billing period and shall twice notify any property owner subject to forfeiture of sanitary sewer service rights under this section, allowing at least 30 days after the first such notice and seven days after the second such notice before declaring the service forfeited. Once notice has been mailed, all fees must be paid in full or the service forfeiture will proceed as scheduled.

K. Any rights to sanitary sewer service vested under this section shall run with the property. Such rights may offset general facility charges applied to development or redevelopment of the property or to the property and contiguous

adjoining properties developed or redeveloped under a single plan with unified permits. Such rights may not be otherwise transferred.

L. The finance director-treasurer shall cause to be recorded with the Pierce County auditor a notice declaring the forfeiture of the service right, and that any new service will be subject to the city codes, regulations and fee schedules in effect at the time sewer service is requested.

Section 3. Each and every provision of this Ordinance shall be deemed severable. In the event that any portion of this Ordinance is determined by final order of a court of competent jurisdiction to be void or unenforceable, such determination shall not affect the validity of the remaining provisions thereof provided the intent of this Ordinance can still be furthered without the invalid provision.

Section 4. This Ordinance shall be in full force and effect five (5) days after publication as required by law. A summary of this Ordinance may be published in lieu of the entire Ordinance, as authorized by State law.

Introduced the 16<sup>th</sup> day of Oct, 2012.

Passed by the City Council on the 16<sup>th</sup> day of Oct, 2012.

  
\_\_\_\_\_  
David K. Zabell, City Manager

ATTEST:

  
\_\_\_\_\_  
Carol Etgen, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Loren D. Combs, City Attorney  
*assistant city attorney*

Published: 10/25/12  
Effective Date: Oct 30<sup>th</sup>, 2012

Ad Order Confirmation

Ad Order Number 0001344814  
PO Number ORD 1814/1817  
Customer Account 220218AIM  
Customer CITY OF FIFE  
ACCOUNTS PAYABLE,5411 23RD ST E,  
FIFE WA 98424-2061 USA

Phone Number 253-922-2489  
Phone Number 2  
Customer Fax

Payment Method  
Total Amount \$155.91  
Payment Amt \$0.00  
Amount Due \$155.91

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Sales Rep. legals  
Blind Box  
Tear Sheets 3  
Proofs 0  
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Placement Legal  
Position Legals-001

Product	Start Date	Stop Date	# Inserts
The News Tribune	10/18/2012	10/18/2012	1

NOTICE OF ORDINANCES PASSED BY  
THE CITY OF FIFE  
ORDINANCE NO. 1814  
AN ORDINANCE OF THE CITY COUNCIL OF  
THE CITY OF FIFE, PIERCE COUNTY  
WASHINGTON, PROVIDING CREDITS TO  
WATER AND SEWER GENERAL FACILITIES  
CHARGES FOR PROPERTY USED FOR  
STATE HIGHWAY PURPOSES AND  
AMENDING SECTIONS 13.04.095 AND  
13.08.465 OF THE FIFE MUNICIPAL CODE

A COMPLETE COPY OF THE ORDINANCE CAN BE  
OBTAINED BY CONTACTING THE OFFICE OF THE  
CITY OF FIFE, CITY CLERK - 253-922-2489  
Carol Eagen  
City Clerk

ORDINANCE NO. 1817  
AN ORDINANCE OF THE CITY COUNCIL OF  
THE CITY OF FIFE, PIERCE COUNTY  
WASHINGTON, REGARDING PAYMENT OF  
ASSESSMENTS FOR LOCAL  
IMPROVEMENT DISTRICT NO. 08-1

A COMPLETE COPY OF THE ORDINANCE CAN BE  
OBTAINED BY CONTACTING THE OFFICE OF THE  
CITY OF FIFE, CITY CLERK - 253-922-2489  
Carol Eagen  
City Clerk