

CITY OF BUCKLEY, WASHINGTON

ORDINANCE NO. 07- 22

**AN ORDINANCE OF THE CITY OF BUCKLEY, WASHINGTON,
AMENDING SECTIONS BMC 14.04.320, BMC 14.10.016
AND BMC 14.28.140 RELATED TO THE ASSESSMENT AND
PAYMENT OF GENRAL FACILITY CHARGES.**

WHEREAS, RCW 35.92.025 authorizes Cities and towns to charge property owners seeking to connect to the water or sewerage system of the city or town as a condition to granting the right to so connect, in addition to the cost of such connection, such reasonable connection charge as the legislative body of the city or town shall determine proper in order that such property owners shall bear their equitable share of the cost of such system; and

WHEREAS, RCW 35.67.020 authorizes Cities and towns to construct and fix rates and charges related to storm or surface water sewer systems and authorizes assessments related to capital contributions; and

WHEREAS, the City of Buckley currently assesses property owners a connection charge prior to connecting to the water, sewer and stormwater systems; and

WHEREAS, Buckley Municipal Code establishes the various general facility charges in the separate code sections of BMC 14.04.320 (Water), BMC 14.10.016 (Sewer) and BMC 14.28.140 (Stormwater), but fails to identify when the fees are actually due except for the generalization of prior to connecting to the system; and

WHEREAS, impact fees are authorized for those jurisdictions planning under the Growth Management Act and are charges assessed by local governments against new development projects that attempt to recover the cost incurred by government in providing the public facilities required to serve the new development; and

WHEREAS, the City has adopted code provisions governing the assessment and collection of impact fees for parks and recreation, schools and transportation in Chapter 3.50 of the Buckley Municipal Code; and

WHEREAS, in the majority of cases connection to the individual systems and assessment occur at the time of new development, which coincides with the assessment of impact fees at the time of building permit issuance; and

WHEREAS, the City Council desires to amend the individual utility general facility charge sections to correspond with the timing of the payment of impact fees under BMC 3.50; and

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF BUCKLEY, PIERCE COUNTY, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. BMC 14.04.320 is hereby amended to read as follows:

BMC 14.04.320 Water system general facilities charge.

For each new connection to the city water system, the city shall charge and collect the reasonable connection charge determined by the city council as necessary, for the property owner shall bear their equitable share of the cost of such system, which charge shall be established by resolution of the city council. Each “equivalent residential unit” means 265 gallons per day; provided, that every use shall be assumed to be at least one equivalent residential use. Gallons per day for any use shall be established by reference to the city of Buckley sewer flow factors – BMC 14.10.016(2), Table 14.10.016. The general facility charges for the water system identified in this section will be automatically increased each year on January 1st, compared to the prior year, by the percentage reflected in the Seattle ENR Construction Cost Index (CCI).

For individual connections the general facility charge shall be assessed and collected prior to connection to the system. For new development the general facility charge shall be assessed and collected upon application for a building permit pursuant to BMC Chapter 3.50.035.

Section 2. BMC 14.10.016 is hereby amended to read as follows:

BMC 14.10.016 Sanitary sewer general facilities charges.

(1) For each new connection to the city sanitary sewer system, the city shall charge and collect the reasonable connection charge determined by the city council as necessary for the property owner to bear their equitable share of the cost of such system, which charge shall be established by resolution of the city council. Each equivalent residential unit means 265 gallons per day; provided, that every use shall be assumed to be at least one equivalent residential use. Gallons per day for any use shall be established by reference to the city of Buckley sewer flow factors – Table 14.10.016 in this section. The general facility charges for the sanitary sewer system identified in this section will be automatically increased each year on January 1st, compared to the prior year, by the percentage reflected in the Seattle ENR Construction Cost Index (CCI).

(2) Institutions, nursing homes, and rest homes shall include senior housing; provided, that the senior housing includes 20 or more units. All other senior housing shall be deemed multifamily.

(3) For individual connections the general facility charge shall be assessed and collected prior to connection to the system. For new development the general facility charge shall be assessed and collected upon application for a building permit pursuant to BMC Chapter 3.50.035.

Section 3. BMC 14.10.016 is hereby amended to read as follows:

BMC 14.28.140 Facilities charge.

For each new development on land, the city shall charge surface water management utility general facilities charges, which charges shall be established by resolution of the city council. The general facility charges for surface water management identified in this section will be automatically increased each year on January 1st, compared to the prior year, by the percentage reflected in the Seattle ENR Construction Cost Index (CCI).

For new development the general facility charge shall be assessed and collected upon application for a building permit pursuant to BMC Chapter 3.50.035.

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 or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

APPROVED by the Buckley City Council this 24th day of April, 2022.



MAYOR, BEAU BURKETT

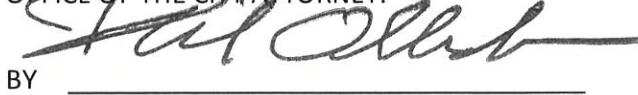
ATTEST/AUTHENTICATED:



TREVA PERCIVAL, CITY CLERK

APPROVED AS TO FORM

OFFICE OF THE CITY ATTORNEY:



PUBLISHED: June 1, 2022

EFFECTIVE: June 6, 2022