

ORDINANCE 1106

CITY OF LACEY

AN ORDINANCE PROVIDING FOR A CAPACITY DEVELOPMENT CHARGE FOR JOINT SEWERAGE FACILITIES TO BE IN PLACE OF THE RESERVE CAPACITY CHARGE, SETTING THE AMOUNT OF SUCH CHARGE, AMENDING SECTIONS 13.02.010, 13.16.025 AND 13.16.027 OF THE LACEY MUNICIPAL CODE AND ADOPTING A SUMMARY FOR PUBLICATION

BE IT ORDAINED by the City Council of the City of Lacey, Washington at follows:

Section 1. Section 13.02.010 of the Lacey Municipal Code is hereby amended to read as follows:

**13.02.010 Payment of Utility Connection Charges.**

A. The ~~reserve capacity~~ development charges, sewer general facility charges, water general facility charges, water connection fees, accrued storm and surface water utility charges and any other utility connection charges provided for in Sections 13.16.020, 13.16.025, 13.16.027, 13.16.028, 13.32.005, 13.32.010, 13.70.020 and any other provisions of Title 13 of this code may be paid no earlier than the date of the issuance of the first building permit for a parcel of property and no later than the actual connection of the first such public utility to a structure located upon said property. At the time of payment of any such connection charge called for in Title 13, all other connection charges levied under the terms of Title 13 shall also be required to be paid. The rate of the payment for any such connection charge levied under Title 13 of this code shall be the rate in effect on the date of payment. For those parcels of property lying outside the city, such connection fees may be paid to the city only upon showing proof of the issuance of the first building permit by Thurston County for such parcel of property.

B. For purposes of this section, the first building permit in the case of single family or two family residential structures shall be the structural building permit. In the case of commercial, industrial or multifamily buildings exceeding two family units, the first building permit may be the foundation permit issued for each structure.

C. If a building permit expires under the terms of Section 14.18.020 of this code after all utility connection fees have been paid, the owner shall be required to pay any increase in connection fees at the time a new building permit is issued.

D. Nothing in this section shall be interpreted to require the payment of increased reserve capacity or capacity development, general facilities or other connection charges in addition to those charges previously levied on such property as part of a local improvement district or utility local improvement district nor the payment of additional charges for those interim sewerage facilities where such connection charges have been paid as a condition of approving such interim facility.

Section 2. Section 13.16.025 of the Lacey Municipal Code is hereby amended to read as follows:

**13.16.025 ~~Reserve capacity sewer service charge.~~ Capacity Development Charge.**

Unless there has been assessed against a particular parcel of real property a reserve capacity charge or capacity development charge as part of the assessment under a city utility local improvement district, such a capacity development charge shall be paid for every structure, prior to the connection of such structure to the sewerage system or upon the first billing for sewerage service charges, whichever occurs first. The ~~reserve capacity development charge rate during the calendar month of December, 1992 shall be \$570.00~~ \$3,000.00 for each ERU. ~~The charge for each ERU after December, 1992 shall be computed by increasing said charge by the amount of \$4.00 per ERU for each whole calendar month which has expired between the last day of December, 1992 and the date of first billing or connection as set forth above.~~ The ~~reserve~~ capacity development charge for residential uses shall be computed on the basis of one ERU for single-family structures, including mobile homes, two ERUs for two-family structures and seven-tenths of an ERU for each living unit for those residential structures containing more than two living units. The ~~reserve~~ capacity development charge for nonresidential structures shall be determined in accordance with an ERU value established by the joint sewerage facilities advisory committee. If the use of any structure changes ~~subsequent to March 1, 1977~~, resulting in a significant increase of sewage discharge therefrom, there shall be a ~~reserve~~ capacity development charge paid upon the first billing subsequent to the change for the increased monthly ERUs determined in accordance with an ERU value established by the advisory committee and at the rates set out in this section. Notwithstanding anything in this section to the contrary, the provisions for payment of such ~~reserve~~ capacity development sewer ~~service~~ charges shall be consistent with the provisions of Chapter 13.02.

Section 3. Section 13.16.027 of the Lacey Municipal Code is hereby amended to read as follows:

**13.16.027 General facilities charge.**

A. There is levied a general facilities charge on all properties proposed to be connected for service by the Lacey sewerage system. The amount of the sewerage general facilities charge levied on a particular piece of property shall be equal to the number of equivalent residential

units estimated to be used by said property multiplied by the rate per equivalent residential unit determined as set forth in 13.16.027(B). The term "equivalent residential unit" or "ERU" for purposes of this section shall be as follows:

1. Single-family residence, including mobile homes: one ERU per living unit;
2. Duplex (two-family residence): two ERUs;
3. Residential buildings containing more than two living units: 7/10 of an ERU per living unit;
4. Commercial, industrial or other customers not readily identified as a residential customer, including but not limited to, hotels, motels, boarding or rooming houses, nursing homes and transient (overnight) trailer parks: one ERU for each estimated 900 cubic feet of water to be consumed per month.

B. The general facilities charge for each equivalent residential unit during 1989 shall be \$800.00. The rate of said charge shall be increased annually on January 1st of each calendar year by an amount equal to the increase in the Engineering News Record Construction Cost Index or by six percent, whichever rate of increase is higher.

C. The general facilities charge levied herein shall be due and payable for each individual service prior to the connection of such service to the Lacey sewerage system unless such general facilities charge is included as part of the assessment levied against a parcel of property as part of a local improvement district or utility local improvement district.

D. If the land use of a property is proposed to be changed to a use which will increase the equivalent residential unit use of sewerage capacity and said proposed change in use is after charges levied herein have been computed and paid, a condition of allowing said increased use shall be that the owner of said property will pay to the city an additional general facilities charge in accordance with this section equal to the increase in the contemplated equivalent residential unit use.

E. The charges established and levied by this section shall be in addition to any and all charges for reserve capacity or capacity development of joint sewerage facilities under Section 13.16.025 and any and all charges for sewerage collection system or other sewerage facilities not covered by the reserve capacity charge or capacity development or the general facilities charge whether such charges are by latecomers agreement or otherwise.

F. The payment of such connection charges shall be in accordance with Lacey Municipal Code Chapter 13.02.

Section 4. The effective date of this ordinance, after its passage and publication, shall be July 1, 1999.

Section 5. The Summary attached hereto is approved for publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, this 10th day of June, 1999.

CITY COUNCIL

BY: Nancy Petersen  
Mayor

Attest:

Approved as to form:

Choyette D. Taylor  
City Clerk

[Signature]  
City Attorney

Published: June 14, 1999  
Monday

SUMMARY FOR PUBLICATION

ORDINANCE 1106

CITY OF LACEY

The City Council of the City of Lacey, Washington, passed on June 10, 1999, Ordinance No. 1106 entitled "AN ORDINANCE PROVIDING FOR A CAPACITY DEVELOPMENT CHARGE FOR JOINT SEWERAGE FACILITIES TO BE IN PLACE OF THE RESERVE CAPACITY CHARGE, SETTING THE AMOUNT OF SUCH CHARGE, AMENDING SECTIONS 13.02.010, 13.16.025 AND 13.16.027 OF THE LACEY MUNICIPAL CODE AND ADOPTING A SUMMARY FOR PUBLICATION."

The main points of the ordinance are as follows:

1. The Reserve Capacity Charge for the joint facilities of the LOTT sewerage system is replaced with a Capacity Development Charge.
2. The Capacity Development Charge for such joint facilities is set at the sum of \$3,000.00.
3. The Ordinance is effective July 1, 1999.

A copy of the full text of this Ordinance will be mailed without charge to any person requesting the same from the City of Lacey.

Published: June 14, 1999.  
Monday