

ORDINANCE 1595

CITY OF LACEY

AN ORDINANCE OF THE CITY OF LACEY, WASHINGTON, RELATED TO PAYMENT OF UTILITY CONNECTION FEES, AMENDING SECTIONS 13.02.010, 13.16.025, AND 13.32.005, ALL OF THE LACEY MUNICIPAL CODE, AND APPROVING A SUMMARY FOR PUBLICATION.

WHEREAS, the timing for payment of utility connection fees is specified in Title 13 of the Lacey Municipal Code; and

WHEREAS, utility connection fees are currently due at the time of building permit; and

WHEREAS, for multi-family, commercial and industrial projects, utility connection fees can total a significant amount that must be paid at the front end of a multi-year project; and

WHEREAS, delaying the timing for payment of such fees may provide a benefit to the development community and will not negatively impact the city.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, as follows:

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

Payment of utility connection charges.

A.

1. ~~For single family residential or two family structures, the~~ 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 issuance of a building permit for each 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 shall be paid to the city prior to the issuance of a building permit by Thurston County for such parcel of property.~~

2. For all structures other than single family residential or two family structures, the water connection fees provided for in Section 13.32.010, 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 issuance of a building permit for each structure located upon said property.

3. For all structures other than single family residential or two family structures, the 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, 13.70.020 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 prior to Final Public Works Approval and prior to issuance of the Certificate of Occupancy. Occupancy shall not be allowed until all charges and fees are paid.

4. 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 shall be paid to the city prior to the issuance of a 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:

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, a capacity development charge shall be paid for every single family residential and duplex structure, prior to the ~~issuance of a building permit~~connection of such structure to the sewerage system or upon the first billing for sewerage service charges, whichever occurs first. Payment for the capacity development charge for all other structures shall be made prior to Final Public Works Approval and issuance of the Certificate of Occupancy. In no case shall any structure be occupied prior to payment of the capacity development charge. The capacity development charge shall be \$4,718.88 for connections made during calendar year 2013, and shall be an amount equal to that set by the LOTT Alliance board of directors each year thereafter pursuant to the LOTT Alliance Intergovernmental Agreement. The 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 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, resulting in a significant increase of sewage discharge therefrom, there shall be a 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 capacity development sewer charges shall be consistent with the provisions of Chapter [13.02](#) LMC.

Section 3. Section 13.32.005 of the Lacey Municipal Code is hereby amended to read as follows:

General facilities charge for new connections.

There is established a general facilities charge to be paid ~~prior to the connection to the city's water system~~ for all connections made to the city's water system on or after April 1, 1987. For single family residential or two family structures, the general facilities charge shall be paid prior to connection to the city's water system. For all other structures, the general facilities charge shall be paid prior to Final Public Works Approval and prior to issuance of the Certificate of Occupancy. In no case shall any structure be occupied prior to payment of the general facilities charge. The rate during that portion of the calendar year 2008 remaining after the effective date of this ordinance shall be in accordance with the schedule set forth below for each service connection. The rate of said charge shall be increased on January 1 of each calendar year subsequent to 2008 by an amount equal to the increase in the Engineering News Record Construction Cost Index or by six percent per annum, whichever rate of

increase is higher. The payment of such connection charges shall be in accordance with Chapter [13.02](#) LMC. Such schedule shall be as follows:

Meter Size	GFC
5/8" to 3/4"	\$3,842
1"	7,698
1 1/2"	15,329
2"	25,035
3	47,232
4	78,720
6	157,278

Section 4. This Ordinance shall take effect five (5) days after its passage and publication as provided by law.

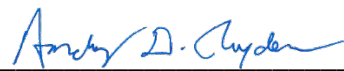
Section 5. SEVERABILITY. If any section, sentence, clause or phrase of this ordinance should be held to be invalid by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 6. CORRECTIONS. The City Clerk and the codifiers of this ordinance are authorized to make corrections to this ordinance including, but not limited to, the corrections of scrivener's/clerical errors, references, ordinance numbering, section/subsection number and any references thereto.

Section 7. The Summary Attached is hereby approved for publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, this 17th day of June, 2021.

CITY COUNCIL

By: 
Mayor

Attest:

Peri Edmonds
City Clerk

Approved as to form:


City Attorney

SUMMARY FOR PUBLIC ATION
ORDINANCE NO 1595
CITY OF LACEY

The City Council of Lacey, Washington passed on June 17, 2021, Ordinance No. 1595, entitled “AN ORDINANCE OF THE CITY OF LACEY, WASHINGTON, RELATED TO PAYMENT OF UTILITY CONNECTION FEES, AMENDING SECTIONS 13.02.010, 13.16.025, AND 13.32.005, ALL OF THE LACEY MUNICIPAL CODE, AND APPROVING A SUMMARY FOR PUBLICATION.”

The main points of the Ordinance are described as follows:

1. The Ordinance amends Section 13.02.010 of the Lacey Municipal Code related to utility connection charges.
2. The Ordinance amends Section 13.16.025 of the Lacey Municipal Code related to capacity development charges.
3. The Ordinance amends Section 13.32.005 of the Lacey Municipal Code related to general facility charges.
4. The Ordinance approves this summary for Publication.

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 21, 2021.