

ORDINANCE NO. 5419

AN ORDINANCE AMENDING AMC 10.01.050 TO CREATE A HEALTH HAZARD EXCEPTION TO THE GENERAL PROHIBITION AGAINST EXTRATERRITORIAL SEWER EXTENSIONS AND DECLARING AN EMERGENCY.

WHEREAS, AMC 10.01.050(1) contains a general prohibition against extension of sanitary sewer service outside of the City limits; and

WHEREAS, AMC 10.01.050 (3) provided a mechanism whereby extraterritorial sewer extensions could be permitted in exchange for a contractual commitment to subsequent annexation; and

WHEREAS, recent changes to Albany's charter which generally require a vote of the people prior to annexation now makes contractual annexation commitments less enforceable; and

WHEREAS, circumstances have arisen, and will arise in the future, whereby existing residential structures contiguous to the city boundaries and eligible for annexation may, due to the existence of conditions hazardous to health, require immediate extension of sanitary sewer facilities but, due to the aforesaid charter amendment, cannot be annexed immediately due to the timing of annexation elections. Therefore,

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: AMC 10.01.050 (1) is amended to read as follows: (1) Service Limitation. The council shall not extend or furnish sewer service facilities to any residential, commercial or industrial property when the property is without the City limits and is contiguous to the City limits and eligible for annexation within the City limits except pursuant to the health hazard exception set forth in Section 5 hereof. The health hazard exception and the findings required therefore are unique to this section and shall have no applicability to any other provision of this code nor shall it entitle the affected property owner(s) to any service, benefit, or discount applicable to "health hazards" as discussed in other sections of the Albany Municipal Code.

Section 2: AMC 10.01.050 is hereby amended by the inclusion of Subsection (5) as follows:

(5) Health Hazard Exception. The council may authorize the extension of sanitary sewer facilities to property outside of the city limits upon finding that all elements of the following criteria have been met:

- (a) The extension will serve only existing residential use(s).
- (b) The extension is necessary to mitigate an existing hazard to human health resulting from a failing or inadequate sewage disposal system.
- (c) The health hazard cannot practicably be mitigated without connection to the city sanitary sewer system.
- (d) Provisions have been or will be made to connect a residential user to the sanitary system at no cost to the city.
- (e) The owner(s) of the property to be served pursuant to this exception has executed an irrevocable application for annexation, on a form provided by the City, whereby the City may submit the question of annexation to the voters at any election(s). The property must be contiguous to the City limits and within the Urban Growth Boundary. The annexation application shall not require the owner(s) to pay for the cost of the election. The application shall be binding upon the heirs and subsequent assigns of the owner.
- (f) The property owner has tendered the required sewer system development charges to the City and waived any objection thereto.
- (g) The property owner has waived, in writing, any objection to a sewer rate differential which may

exist, or may be subsequently created whereby sewer users outside the City are charged a reasonable premium over and above that charged to city residents.

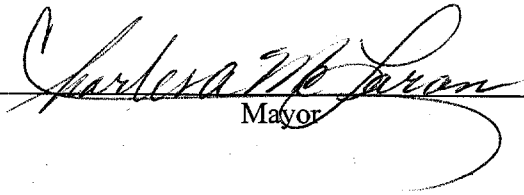
Section 3: AMC 10.01.050 is hereby amended by the inclusion of Section 6 as follows: (6) Limitation On Subsequent Sewer Utilization In The Event Of Health Hazard Exception. Subsequent to the sewer connection subject to a health hazard exception, no additional sewer connections shall be permitted prior to annexation.

INASMUCH as this ordinance is necessary for the immediate preservation of the public peace, health, and safety of the City of Albany, an emergency is hereby declared to exist; and this ordinance shall take effect immediately upon passage by the Council and approval by the Mayor.

Passed by Council: September 8, 1999

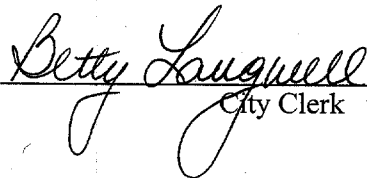
Approved by Mayor: September 8, 1999

Effective Date: September 8, 1999



Mayor

ATTEST:



City Clerk