

**Ferry County Ordinance #2009-01**  
**PINE GROVE WATER SYSTEM AREA WATER SERVICE**  
**ORDINANCE**

AN ORDINANCE REQUIRING MANDATORY CONNECTION TO A PUBLIC WATER SYSTEM WITHIN THE PINE GROVE WATER SYSTEM AREA.

WHEREAS, pursuant to the provisions of RCW Section 36.94.130 the County has the authority to adopt rules and regulations governing the construction, maintenance, operation, use, connection and service of the system of domestic water; and

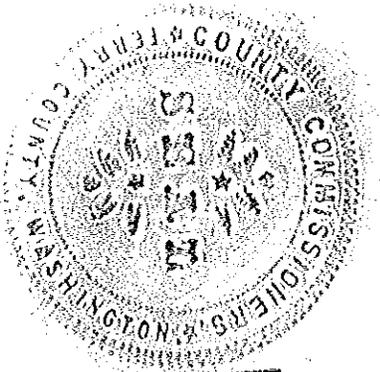
WHEREAS, the governing body of the Pine Grove Water System area has engaged their membership in the planning process for upgrading their water system. This ordinance has been requested by the membership at their duly published meeting on January 28, 2009; and

WHEREAS, the Board of the County Commissioners of Ferry County held a public hearing on February 9, 2009 at 1:00 p.m. , at the office of the Board of County Commissioners to consider the adoption of the Pine Grove Water System Area Water Service Ordinance; and

WHEREAS, after considering all public testimony submitted at said public hearing, the Board of County Commissioners of Ferry County deems it is in the best interest of the public and to comply with the state rules and regulations to establish the mandatory connection to a public water system in the Pine Grove Water System Service Area; and

NOW THEREFORE, BE IT ORDAINED BY THE FERRY COUNTY BOARD OF COMMISSIONERS:

This ORDINANCE shall come into full force and effect on this 9th day of February, 2009.



BOARD OF COUNTY COMMISSIONERS

Brad L. Miller  
Brad L. Miller, Chairman

ABSTAINED  
Ronald J. "Joe" Bond, Member

Robert L. Heath  
Robert L. "Bob" Heath, Member

ATTEST:

Debbie Bechtol  
Debbie Bechtol, Clerk of the Board

APPROVED AS TO FORM:

Michael Sandona  
Michael Sandona  
Prosecuting Attorney

**Section 1.01 TITLE** This Ordinance shall be known as the "Pine Grove Water System Area Water Service Ordinance."

**Section 1.02 AUTHORITY** RCW 36.94.190 provides the authority for this Ordinance and the granting of the water system operations to the City of Republic.

**Section 1.03 PURPOSE AND RECITALS.** The purpose of this Ordinance is to attempt to ensure that the Pine Grove Water System Area is able to provide sufficient drinking water that meets or exceeds all applicable state and federal water standards. In adopting this ordinance the Board of Commissioners make the following findings:

1. The City of Republic (hereinafter "City") will be extending its water distribution facilities in order to provide water to the members of the Pine Grove Water Cooperative Association.
2. The boundaries of the water system service area for the Pine Grove Water Cooperative Association and the boundaries of the Pine Grove Water System Area overlap but are not congruent. See Exhibit A.
3. The City of Republic will incur substantial expenses in the operation, repair, maintenance, construction and improvement of such water distribution facilities.
4. In order to finance necessary facility improvements required to maintain compliance with state and federal drinking water standards, it will be necessary for the City of Republic to obtain a loan from the United States Department of Agriculture/Rural Utilities Service (USDA/RUS), from the Washington Drinking Water State Revolving Fund, or from another state or federal funding source.
5. In order to comply with conditions of the loan agreement, it is required that the City provide for mandatory water connections so as to ensure that all properties benefiting from facility improvements will contribute to their repayment.
6. Because the Pine Grove Water Cooperative Association and the Pine Grove Water System Areas are located outside the City of Republic corporate limits and outside the City's Urban Growth Area boundary, the Board of Commissioners of Ferry County, in cooperation with the City of Republic, is adopting this mandatory connection to water service ordinance.

**Section 1.04 DEFINITIONS.** Unless the context clearly indicates otherwise, the following words and terms shall have the meaning set forth below:

City: City of Republic

City water supply system: The municipally-owned water supply system, including all water rights owned, leased, operated, controlled, or otherwise utilized by the City of Republic, including any and all additions, modifications, and extensions thereof.

Improved Property: Any property upon which a building currently may be constructed in accord with the County's existing and/or subsequently adopted or amended building ordinance and/or comprehensive plan, including all properties within and any other properties currently connected to the Pine Grove Water Cooperative Association system.

Person: Any individual, corporation, partnership, association, firm, company, society or group.

Private water supply system: A system owned and operated by a person for collection and delivery of piped water for human consumption into commercial, industrial, or residential buildings or structures.

Water supply system: Any installation or structure designed to provide domestic or potable water supply.

#### **Section 1.05 GENERAL REGULATIONS.**

1. Location of Applicability. This ordinance is applicable only to the Pine Grove Water Cooperative Association boundary and the Pine Grove Water System Area within Ferry County as depicted in Exhibit A.
2. Authority. The sole authority rests with the City of Republic for hooking up the connections to the water system within the Pine Grove Water System Area. The provisions of the City's ordinances, regulations and policies relative to the public water system shall apply within the boundaries of the Pine Grove Water System Area.
3. Policy to Limit Private Water Supply System. No person within the Pine Grove Water System Area shall build, establish, expand or maintain a private water supply system within the Pine Grove Water System Area unless there shall be no public water supply system within two-hundred (200) feet of the closest point on the property line of such person.
4. Mandatory Connection. Every improved property within the Pine Grove Water System Area, in which domestic water or irrigation fixtures are installed, shall

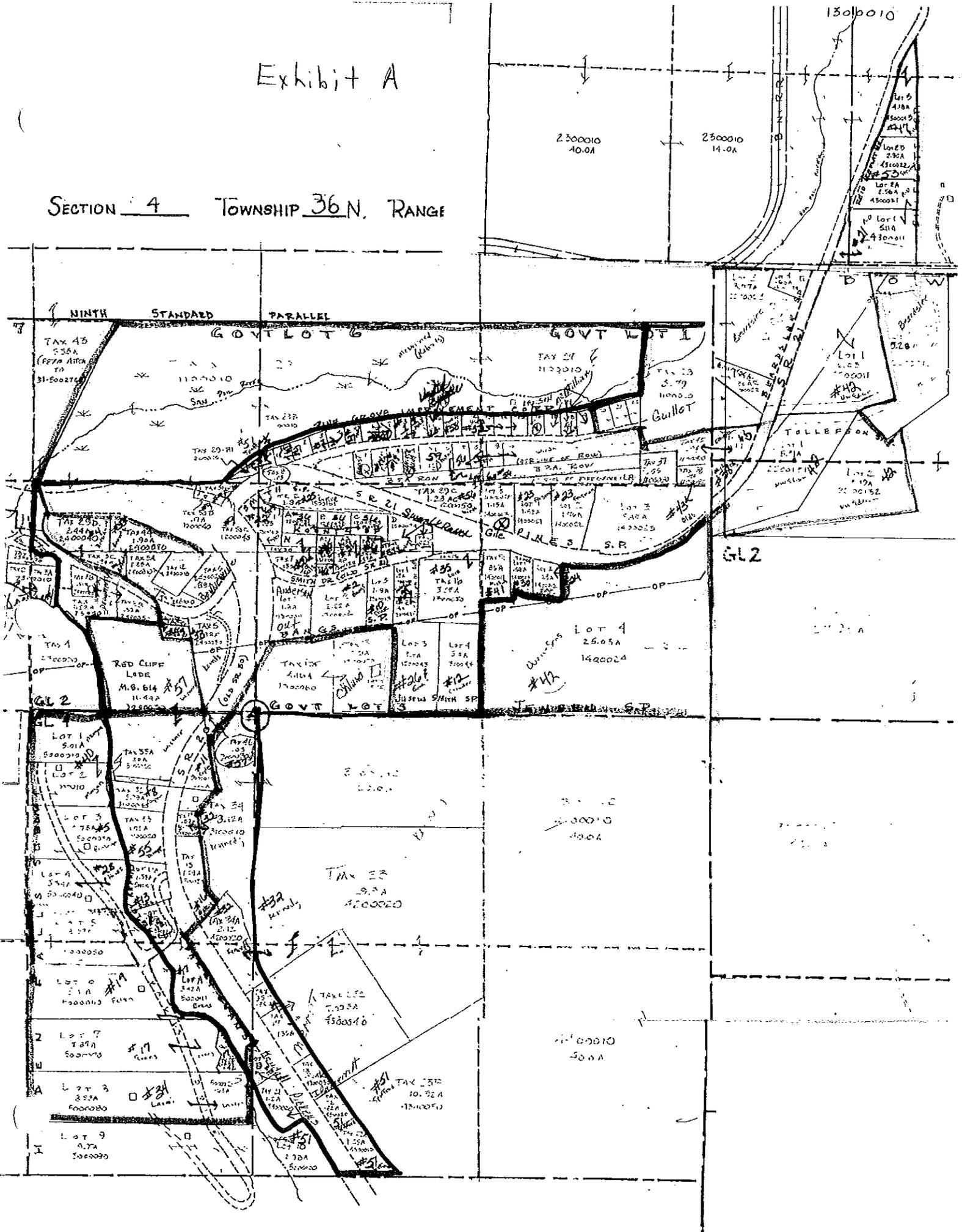
be connected, at the property owner's expense, to the City water supply system, when the City has installed a water lateral or water main within two hundred (200) feet from the point on property of such person which is nearest the public water system. This requirement shall apply to any improved property existing at the time of the effective date of this ordinance, as well as any improved property thereafter created. Connection is required within ninety (90) days after the date of written notice from the County/City.

5. In the event the City does not install a water lateral to the curb line or edge of the right of way line of a property within the Pine Grove Water System Area, the owner of said property shall not be required to connect to the public water system. However, in the event the owner of any such property subsequently voluntarily connects to the public water system, that property owner shall be responsible for the expense to install the water lateral to the curb line or edge of the right of way of the property in accordance with Authority standards.
6. Exception for Existing Wells. Notwithstanding any other provisions of this article, those persons within the Pine Grove Water System Area who have existing wells in use as of the date this Ordinance is adopted, shall be allowed to use such wells. However, the use of such wells and/or water rights for any purpose shall not permit the introduction of water produced from said wells and/or water rights, directly or indirectly into the City water supply system.
7. Exception for Permitted Wells. Any person within the Pine Grove Water System Area who shall have applied to the appropriate state agencies for permits to build and establish a private water supply system by April 30, 2009 shall not be subject to this Ordinance for the water system so applied for provided:
  - a. Such person diligently pursues such application; and
  - b. Such person commences construction of such system within ninety (90) days after obtaining such permits.
8. Payment of charges and compliance with rules and regulations. Upon the connection to the City's water supply system, the owner, agent, or occupant shall pay any applicable special connection charge, commence payment of monthly water service fees and applicable general facility charges, and comply with all City of Republic water system codes and regulations.
9. No Rights Created. This ordinance shall not create rights for any person to require construction or extension of the public water system, connection thereto, or otherwise to receive water service from the City of Republic or Ferry County.
10. Misdemeanor. Any violation of this Ordinance shall constitute a misdemeanor. Each day any person is in violation of this Ordinance shall constitute a separate offense.

11. Severability of Invalid Provision. If any one or more of the findings, determinations, or provisions of this ordinance should be held invalid, then such finding, determination or provision shall be null and void and shall be deemed separate for the remaining findings, determinations, or provisions, and in no way affect the validity of any of the other findings, determinations, and provisions of this ordinance.

# Exhibit A

SECTION 4 TOWNSHIP 36 N. RANGE



2300010  
40.0A

2300010  
14.0A

1300010

NINTH STANDARD PARALLEL

GOVT LOT 6

GOVT LOT 1

RED CLIFF LODGE  
M.B. 614  
11.42A  
1280000

GOVT LOT 3

LOT 4  
26.05A  
1420024

GL2

TAX 23  
19.9A  
1200020

1100010  
50.0A

TAX 23  
10.32A  
1200050

Lot 5  
118A  
500015  
2441  
Lot 6  
280A  
450022  
2441  
Lot 7A  
1.26A  
450031  
2441  
Lot 8  
516A  
430041  
2441

Lot 1  
2.05  
100011  
2441  
Lot 2  
1.19A  
200152  
2441  
TOLLESON  
PINE 3 S.P.

TAX 43  
536A  
31-500276

TAX 29D  
244  
2400040

TAX 4  
100000

LOT 1  
5.01A  
5000310

LOT 2  
1.10A  
5000320

LOT 3  
75A  
5000330

LOT 4  
3.47A  
5000340

LOT 5  
2.17A  
5000350

LOT 6  
1.1A  
5000360

LOT 7  
7.87A  
5000370

LOT 8  
3.57A  
5000380

LOT 9  
0.77A  
5000390