

AN ORDINANCE AMENDING AMC 11.01.140 TO PROVIDE COUNCIL THE AUTHORITY TO APPROVE WATER SERVICE TO PROPERTIES CONTIGUOUS TO CITY LIMITS AND DECLARING AN EMERGENCY.

WHEREAS, Albany Municipal Code 11.01.140 (a) and (b) prohibit the City from providing water service to properties that are contiguous to city limits; and

WHEREAS, the process for annexation including application, hearings, and election by the voters takes a minimum of six months; and

WHEREAS, in some instances existing residences with failing wells need city water service on a more timely basis.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

SECTION 1: AMC 11.01.140 (1)(a) and (b) is amended to read as follows:

Subsection 1(a) Service Limitation. The utility shall not provide water service to any property outside the Albany city limits when such property is contiguous to the city limits and eligible for annexation to the city of Albany unless Council finds that it is in the public interest to do so. The property owners requesting water service must submit a signed and notarized Irrevocable Request to Annex before receiving water service.

Subsection 1(b) Users. No use or benefits of the city water system shall be extended to or made available to any property outside the city limits, except under a contractual agreement with the owners of said property, and only then when the property is not contiguous to the city of Albany at the time the water service is requested unless Council finds that it is in the public interest to do so.

SECTION 2: 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 24, 2003

Approved by Mayor: September 24, 2003

Effective Date: September 24, 2003



Mayor

ATTEST:



City Recorder