

ORDINANCE NO. 5570

AN ORDINANCE AMENDING ORDINANCE 5419 RELATIVE TO A HEALTH HAZARD EXCEPTION ALLOWING EXTRATERRITORIAL SEWER EXTENSIONS AND DECLARING AN EMERGENCY.

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

Section 1: Ordinance 5419 is amended to read as follows:

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.

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 ~~inhabited~~ 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 2: Emergency Clause. 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: February 11, 2004

Approved by Mayor: February 11, 2004

Effective Date: February 11, 2004



Mayor

ATTEST:



City Clerk