

ORDINANCE 2020-09

**AN ORDINANCE OF THE CITY OF TOPPENISH, WASHINGTON
AMENDING SECTION 13.28.050 OF THE TOPPENISH MUNICIPAL CODE
TO ALLOW FOR SEWER SERVICES IN THE FLOODPLAIN FOR NEW
CONSTRUCTION THAT IS BUILT TO BE FLOOD RESISTANT,
AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, in 1994 the City Council enacted Section 13.28.050 of the Toppenish Municipal Code (TMC) prohibiting new sewer connections in a defined portion of the 100-year floodplain, and

WHEREAS, the enactment of this prohibition was a contingency of receiving U.S. Department of Agricultural, Farmers Home Administration (FmHA) funding to mitigate potential flood damage to future development in the 100-year floodplain, and

WHEREAS, in 2007 the City Council enacted Chapter 15.30 TMC Flood Damage Prevention of the Toppenish Municipal Code, and

WHEREAS, Subsection 13.52.040(B) TMC requires an outside utility agreement for sewer service connections for property outside the city limits, and

WHEREAS, the Toppenish Municipal Code now provides for flood damage mitigation,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TOPPENISH WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Section 13.28.050 of the Toppenish Municipal Code is hereby amended to read as follows:

13.28.050 No connections in floodplain Sewer connections in a portion of the floodplain.

New construction connections to the city's sewer system along that portion of Myers Meyers Road and Germantown Road lying within the 100-year floodplain are prohibited. shall only be made for new construction that is done pursuant to Chapter 15.30 TMC. For purposes of this section, the location of the 100-year floodplain shall be determined by the floodplain map provided by the Federal Emergency Management Agency.

Section 2 Severability: If any section, sentence, clause or phrase of this ordinance should be held to be unconstitutional or unlawful 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 chapter.

Section 3 Savings Clause: Ordinance 94-28 is repealed by this ordinance shall remain in effect until the effective date of this ordinance.

Section 4: This ordinance shall become effective five (5) days after a publication of a summary thereof.

PASSED by the Toppenish City Council at its regular meeting held on July 27, 2020.



MARK OAKS, Mayor

ATTEST:



HEIDI RIOJAS, CMC, City Clerk

APPROVED AS TO FORM:



GARY M. CUILLIER, City Attorney