

ORDINANCE NO. 08-872

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY WASHINGTON ADDING NEW CHAPTER 14.02 TO THE BLACK DIAMOND MUNICIPAL CODE, FORMING A STORMWATER UTILITY AND ESTABLISHMENT OF RATES

WHEREAS, the City believes in order to protect the public health, safety and welfare, it is in the best interests of its citizens to establish a stormwater and surface water management utility for operation of a comprehensive approach to surface and stormwater management within the City;

WHEREAS, the City believes it is essential to establish rates, charges and the method of payment for the maintenance and operation of stormwater facilities; now, therefore

THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. There is hereby created a new Chapter 14.02 to the Black Diamond Municipal Code which shall be entitled Stormwater Utility.

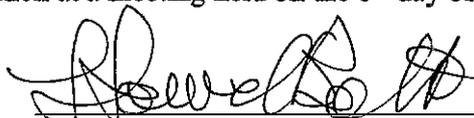
Section 2. There new Chapter 14.02 shall read as set forth in Exhibit A, attached hereto and by reference incorporated herein.

Section 3. Severability. If any provision of this Ordinance is determined to be invalid or unenforceable for any reason, the remaining provisions of this Ordinance shall remain in force and effect.

Section 4. Effective date. This Ordinance shall be in full force and effect five days after its passage, approval, posting and publication as provided by law. A summary of this Ordinance may be published in lieu of publishing the Ordinance in its entirety.

Introduced the 6th day of November, 2008.

Passed by a majority of the City Council at a meeting held on the 6th day of November, 2008.


Howard Botts, Mayor

Attest:


Brenda L. Streepy, City Clerk

APPROVED AS TO FORM:

Loren D. Combs, City Attorney

Published: 11-11-08
Posted: 11-7-08
Effective Date: 11-16-08

Chapter 14.02**STORMWATER UTILITY****Sections:****14.02.010 Purpose****Definitions****Stormwater and Surface Water****Management Utility Created****Utility Administration Authority****Future Growth****Developed Properties****Calculation of Impervious Ground Cover****Undeveloped Real Property****Public street right-of-ways****Connection Charges****Service Charge Rates****Billing and Collection****Annual review of charges and fees****14.02.010 Purpose**

It is the finding of the City that the stormwater and surface water management utility is necessary in order to promote public health, safety, and welfare by establishing and operating a comprehensive approach to surface and stormwater problems. The purpose of the rates and charges established herein is to provide a method for payment of all or any part of the cost and expense of maintaining and operating stormwater control facilities, all or any part of the cost and expense of planning, designing, establishing, acquiring, developing, constructing, and improving any of such facilities, or to pay or secure the payment of all or any portion of any issue of general obligation or revenue bonds issued for such services. These rates and charges are necessary in order to promote the public health, safety and welfare by minimizing uncontrolled surface and stormwater, erosion, and water pollution, to preserve and utilize the many values of the City's natural drainage system including water quality, open space, fish and wildlife habitat,

recreation, education, urban separation and drainage facilities, and to provide for the comprehensive management and administration of surface and stormwater.

14.02.020 Definitions

The following definitions shall apply in the interpretation and enforcement of this chapter:

1. "*City*" shall mean the City of Black Diamond, Washington.
2. "*Connection Charge*" shall mean that fee charged by the utility to property which is developed which reflects a proportionate share of the utility's capital costs attributable to the newly developed property.
3. "*Developed*" shall mean that condition of real property altered from its natural state by the addition to or construction on such property of impervious ground cover or other manmade physical improvements such that the hydrology of the property or portion thereof is affected.
4. "*Drainage Facility*" shall mean the system of collecting, conveying, and storing surface and stormwater runoff. "Drainage facility" includes but is not limited to a constructed or engineered stream, pipeline, channel, ditch, swamp, lake, wetland, closed depression, infiltration facility, retention/detention facility, erosion/sedimentation control facility, and other drainage structures and appurtenances that provide for drainage.
5. "*Equivalent Residential Unit*" shall mean and be equal to 2,500 square feet of impervious ground cover and is the measure of impervious ground cover to be used by the utility in assessing service charges and general facility charges against each parcel of property.
6. "*Impervious ground cover*" shall mean those hard surfaced areas either which

prevent or retard the entry of water into the soil in the manner that such water entered the soil under natural conditions preexistent to development, or which cause water to run off the surface in greater quantities or at an increased rate of flow than that present under natural conditions preexistent to development, including without limitation such surfaces as roof tops, asphalt or concrete sidewalks, paving, driveways and parking lots, walkways, patio areas, storage areas, and gravel, oiled macadam or other surfaces which similarly affect the natural infiltration or runoff patterns existing prior to development.

7. "*Parcel*" shall mean the smallest separately segregated unit or plot of land having an identified owner, boundaries and surface area which is documented for property tax purposes and given a tax lot number by the King County Assessor.
8. "*Service area*" means the incorporated areas of the City of Black Diamond.
9. "*Service Charge*" shall mean the monthly rate levied by the utility upon all developed real property within the boundaries of the utility.
10. "*Surface and stormwater*" shall mean water originating from rainfall and other precipitation that is found on ground surfaces and in drainage facilities, streams, springs, seeps, ponds, lakes and wetlands as well as shallow ground water.
11. "*Surface and stormwater management services*" shall mean the services provided by the Public Works Department, including, but not limited to, basin planning, facilities maintenance, regulation, financial administration, public involvement, drainage investigation and enforcement, aquatic resource restoration, surface and stormwater quality and environmental

monitoring, natural surface water drainage system planning, intergovernmental relations and facility design and construction.

12. "*System*" shall mean the entire system of storm drainage facilities owned by the utility or over which the utility has control or right of use for the movement and retention of storm and surface waters, including both naturally occurring and manmade facilities.
13. "*Undeveloped*" shall mean that condition of real property unaltered by the construction or addition to such property by man of impervious ground cover or physical manmade improvements of any kind which change the hydrology of the property from its natural state.
14. "*Utility*" shall mean the City of Black Diamond Stormwater and Surface Water Management Utility.

14.02.030 Stormwater and Surface Water Management Utility Created

The City Council creates and established for and on behalf of the citizens of the City a stormwater and surface water management utility, in accordance with and subject to the laws of the state including the establishment of rates and charges therefore. The City Council further establishes that the stormwater and surface water management utility boundaries shall coincide with the legally established boundaries of the City's corporate limits.

14.02.040 Utility Administration Authority

The City's stormwater and surface water management utility herein created shall be administered by the City Public Works Department in such a manner as the City Council shall provide.

14.02.050 Future Growth

It is the finding of the City the comprehensive management of surface and stormwater runoff must include anticipation of future growth and development in the design and improvement of the surface and stormwater management system. Service charge revenue needs shall be based upon the present and future requirements of the surface and stormwater management system, and these needs shall be considered when determining the rates and charges of the utility.

14.02.060 Developed Properties

It is the finding of the City that developed properties contribute to an increase in surface and stormwater runoff to the surface and stormwater management system. This increase in surface and stormwater runoff results in the need to establish rates and charges to finance the City's activities in stormwater and surface water management. Developed properties shall be subject to the rates and charges of the surface water management utility based on their contribution to increase runoff based on the amount of impervious surface areas.

14.02.070 Calculation of Impervious Ground Cover

The City shall calculate the impervious ground cover of each parcel of developed real property within the boundaries of the utility to determine the number of equivalent residential units contained therein; 2,500 square feet of impervious ground cover shall equal one equivalent residential unit. All detached single-family residences and mobile homes are deemed to contain one equivalent residential unit; all duplexes are deemed to contain two equivalent residential units; all triplexes are deemed to contain three equivalent residential units. For all other developed real properties within the utility boundaries, the City shall determine the number of equivalent residential units

contained thereon by dividing the number of square feet of impervious ground cover on each property by 2,500 square feet/ERU; the total thus obtained will be rounded to the nearest half representing the equivalent residential units contained on such property. Each developed parcel of property shall be deemed to contain a minimum of one equivalent residential unit.

14.02.080 Undeveloped Real Property

Properties remaining in an undeveloped condition are deemed not to make use of the services of the utility or of the facilities of the system beyond that used by such property in the natural state. Therefore, no service charge shall be imposed upon undeveloped real property.

14.02.090 Public street right-of-ways City, County, and/or State roadway right-of-ways are exempt from service charges and general facility charges:

14.02.100 Connection Charges

A connection charge shall be assessed against an owner of real property at the time of issuance of a development permit for any onsite storm or surface water drainage structure or facilities which attach or connect to, or otherwise drain into, the system of drainage facilities or where any additional surface or stormwater run-off is generated and delivered or transported through either natural or person-made watercourses to the utility's system of storm and surface water facilities.

14.02.110 Service Charge Rates

Service charges are hereby imposed on each parcel of real property within the City served by or to which is available for service the stormwater and surface water management utility. The following service charge rate is hereby established for all

parcels of real property in the City: \$13.00 per ERU per month.

14.02.120 Billing and Collection

Stormwater and surface water management utility charges for each parcel of real property within the City shall be computed on a monthly basis. The amount billed shall be included on the city utility bill. All billings, collections, delinquencies, and related administrative matters shall be handled in a manner consistent with the Black Diamond Municipal Code.

14.02.130 Annual review of charges and fees

The charges and fees established by this ordinance and any other ordinances of the City Council establishing charges and fees for the utility shall be reviewed annually by the administrator. Subsequent to such review, the utility shall present to the City Council a yearly budget for the utility and proposed amendments to any rates and charges necessary to enable the city to pay all costs to be incurred by the utility.