

Ordinance No. 2547

(Amending or Repealing Ordinances)

CFN=648 – Storm Drainage Utility
Passed – 4/1/1985
Drainage Utility Established
Establishing Chapter 7.20 and codifying Ord. 2325

Amended by Ords 3453, 3459 & 3461 (Secs 7.05.090 formerly
7.20.200 & 7.05.160 formerly 7.20.280)
Amended by Ord. 3488 (Secs. 7.05.090 & 7.05.160)
Amended by Ord 3527 (Sec 7.05.090)

Secs 7.05.090 & 7.05.160 of Ord. 3534 readopting, re-enacting,
ratifying and confirming rates and fees

Amended by Ord. 3573 (Sec. 11.03.510 formerly 12.12A.510)
Amended by Ord. 3656 (Secs. 7.05.020 & 7.05.130 formerly 7.20.100 &
7.20.250)
Amended by Ord. 3746 (Sec. 11.03.510 formerly 12.12A.510)
Amended by Ord. 3779
Amended by Ord. 3819 (Sec. 7.05.090)
Amended by Ord. 3864 (Secs. 7.01.050;7.01.060 & 7.01.070)
Amended by Ord 3901 (7.05.090, 7.05.120 formerly 7.20.240 &
7.05.160 formerly 7.20.280)
Amended by Ord. 3916 (Sec. 7.05.140 formerly 7.20.260 and repealed
7.05.150 formerly 7.20.270)
Amended by Ord. 3981 (Sec. 7.05.090)
Amended by Ord. 4021 (Sec. 7.05.090)
Amended by Ord. 4032 (Sec. 7.06.010)
Amended by Ord. 4060 (Sec. 7.05.090)

ORDINANCE NO. 2547

AN ORDINANCE relating to storm and surface water; establishing a new Chapter 7.20 in the Kent City Code relating to storm and surface water; codifying Ordinance 2325 entitled:

AN ORDINANCE of the City of Kent relating to storm and surface water, establishing a storm and surface water utility, and adopting a system or plan of storm water collection and treatment for the City.;

declaring a system and structure of rates for Storm and Surface Water Utility charges, requiring the payment of certain drainage charges, and providing for the collection thereof; combining the system of sewerage, the system for garbage and refuse collection and disposal, and the system for storm and surface water collection and treatment, to be called "system of sewerage," and adding a new section KCC 7.03.010 to provide for the system of sewerage; amending KCC 7.02.160 relating to delinquent utility bills; amending KCC 12.12A.510D. relating to SEPA Substantive Authority (Ordinance 2494, as last amended by Ordinance 2511).

WHEREAS, the City of Kent adopted Ordinance No. 2325 finding that an expanding population and increased development of land has led to increased surface water run-off problems within the City of Kent, and to water quality degradation through discharge of nutrients, metals, oil and grease, toxic materials, and other detrimental substances; that uncontrolled water run-off from streets and highways poses a safety hazard to both lives and property; and that continuation of present drainage planning practices, to the extent that they exist, will lead to erosion and property damage, and endanger the health and safety of inhabitants of the City; and

WHEREAS, the present drainage system in the City of Kent cannot adequately handle the increasing run-off caused by present and future development in the drainage basins within or partially within the City of Kent; and

WHEREAS, the City of Kent wishes to promote the public health, safety and welfare of the community by minimizing the

Amends Ord. 2494 as amended by Ord. 2511 Sec. 4 amended by Ord. 2818

amended by Ord. 2665

amended by 3042

KCC 7.02.160 amended by O. 3181

amended by Ord. 3224 (Sec. 7.20.200) (now 7.05.090)

Sec. 12.12A.510 amended by Ord. 3282 (NEW SEC. 11.03.510)

amended by Ord. 3400 (to add new sec)

inconvenience and damage resulting from uncontrolled run-off within the City; and

WHEREAS, a Master Drainage Plan, adopted by the City Council, includes goals and objectives for the utility, identifies present and future drainage problems, and recommends a system of improvements to alleviate such problems; and

WHEREAS, the City of Kent, by approving Ordinance No. 2325, also created and established a Storm and Surface Water Utility and elected to exercise all lawful powers necessary and appropriate for the construction, condemnation and purchase, acquisition, addition to, maintenance, operation, management, regulation and control of a storm and surface water system described and adopted therein, including without limitation all the lawful powers to fix, alter, regulate, and control the rate, charges and conditions for the use thereof; and

WHEREAS, the improvements to the storm and surface water drainage system and the program for operation and maintenance outlined in the Storm Drainage Master Plan require additional financial resources over and above funding presently available for storm and surface water drainage control; and

WHEREAS, professional management and engineering consultants, who prepared the Drainage Master Plan, have also prepared a cost of service study and recommended a structure of rates which, in their opinion, will balance equity with administrative simplicity and provide revenues sufficient for operating and maintaining the utility and for initiating improvements to existing facilities as well as construction of new facilities as set forth in the Plan; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF KENT, as follows:

Section 1. There is hereby created a new Chapter 7.20 in Title 7 of the Kent City Code which shall be referred to as "Storm and Surface Water Utility" as follows:

CHAPTER 7.20
STORM AND SURFACE WATER UTILITY

7.20.005. PURPOSE - FINDINGS.

A. The City of Kent finds that all real property in the City contributes run-off to the common drainage problem, and that all real property in the City benefits from the Storm and Surface Water Utility system in the City of Kent.

B. The City finds that the intensity of development on all parcels of real property, as measured by the square footage of impervious surface area, is an appropriate basis for determination of an individual parcel's contribution to the problem of storm and surface water run-off.

C. The City of Kent also finds that each owner of a parcel of real property within the City of Kent should pay for his or her share of the cost of constructing, operating, maintaining, repairing, improving and replacing drainage facilities in proportion to the amount of run-off contributed to the drainage system beyond that which would occur if the parcel were in its natural state.

7.20.010. POTENTIAL HAZARD DECLARED. The City Council finds and declares that absent effective regulation and control, existing storm and surface water drainage conditions in all drainage basin(s) within the City generally described in a map filed with the City Clerk as EXHIBIT A to Ordinance 2325, constitute a potential hazard to health, safety and property of City inhabitants. The City Council finds further that natural and man-made storm and surface water drainage or sewerage facilities together constitute a storm and surface water drainage facility and that effective regulation and control of storm and surface water in all stream basins and financing of the facilities requires joint regulations, control, and financing with some or all of the cities of Auburn, Renton, Tukwila, and Des Moines and King County, Washington (the "County") pursuant to Chapters 35.67 and 39.34 RCW, and Article 11, Section 11 of the Washington State Constitution, and that the best interests of the City require the formation by the City of a storm and surface water utility and the

transfer to the utility of all storm and surface watercourses and related rights belonging to the City.

7.20.020. STORM AND SURFACE WATER UTILITY CREATED.

There is hereby created and established a storm and surface water utility of the City. The City elects to exercise all the lawful powers necessary and appropriate to the construction, condemnation and purchase, acquisition, addition to, maintenance, conduct and operation, management, regulation and control of, the storm and surface water system described in KCC 7.20.030 as the same may hereafter be added to, bettered or extended within or without the present and future limits of the City, including, without limitation, all the lawful powers to fix, alter, regulate and control the rate, charges and conditions for the use thereof.

7.20.030. STORM AND SURFACE WATER SYSTEM. There is hereby specified and adopted the original system or plan of the storm and surface water facilities described as set forth on the map filed with the City Clerk as EXHIBIT A to Ordinance 2325, and which shall include all properties, interest, physical and intangible rights of every kind or nature owned or held by the City, however acquired, insofar as they relate to or concern storm or surface water sewerage, further including without limitation, all such properties, interest and rights acquired by adverse possession or by prescription, directly or through another, in and to the drainage or storage, or both, of storm or surface waters, or both, through, under or over lands, landforms, watercourses, sloughs, streams, ponds, rivers, lakes, and swamps, all beginning, in each case or instance at a point where storm or surface waters first enter the storm or surface water system of the City and ending in each case or instance at a point where such storm or surface waters exit from the storm or surface water system of the City, and in width to the full extent of inundation caused by storm or flood conditions.

7.20.040. PROPERTY TRANSFERRED TO UTILITY.

A. The City Council expressly finds the value of the above described original system or plan of storm and surface water facilities is equal to the value of release from primary responsibility therefor insofar as it relates to or concerns storm or

surface waters within the City. Accordingly, all of the City's above-mentioned facilities including the rights and interests as a part thereof, as they relate to or concern storm or surface waters are, for purposes of Section 43.09.210 RCW, hereby transferred to and subject to the administration of the City's storm and surface water utility created by this Chapter, and all other institutions and departments of the City having primary responsibility therefor within the City are, to the same extent, released from such primary responsibility.

B. Inasmuch as the City now owns all those facilities, including the rights and interests as a part thereof and the original system or plan set forth in KCC 7.20.030, there is no estimated cost thereof.

7.20.050. UTILITY ADMINISTERED BY PUBLIC WORKS

DEPARTMENT. The storm and surface water utility herein created shall be administered by the City Public Works Department in such a manner as the City Council shall provide by ordinance or by joint resolution with the County or other cities. The failure to pass or adopt such an ordinance or resolution shall not affect the validity of this Chapter or the formation of the storm and surface water utility created hereby.

DEFINITIONS

7.20.100. DEFINITION - Detention. The temporary storage of storm and surface water run-off with provisions for the controlled release of the stored water.

7.20.105. DEFINITION - Drainage Master Plan. The plan entitled CITY OF KENT SURFACE DRAINAGE UTILITY DRAINAGE MASTER PLAN prepared by the City of Kent, URS Engineers, and Matrix Management Group, dated February 20, 1985, and filed with the City Clerk, and a copy of which is maintained at the Public Works Department, is hereby specified and adopted by the City as the system or plan for such surface drainage utility. The Drainage Master Plan sets forth recommendations for: 1) improvements in Kent's system of storm and surface water facilities, 2) construction of needed new storm and surface water facilities, and 3)

operation and maintenance of storm and surface water facilities within the Utility's service area.

7.20.110. DEFINITION - Equivalent Service Unit (ESU). A configuration of development or impervious surfaces estimated to contribute an amount of run-off to the City's storm and surface water drainage system which is approximately equal to that created by the average single family residential parcel. This excludes the multiplier effects of continuous areas of impervious surfaces larger than an ESU. One ESU is equal to 2,500 square feet of impervious surface area or any portion thereof.

7.20.115. DEFINITION - Impervious Multiplier. A multiplier used in the City of Kent's Storm and Surface Water Utility rate formula which reflects the hydraulic impact of increasing percentages of impervious surface area. The effect of said multiplier is to increase the monthly service charge for parcels having a higher ratio of impervious surface area to total surface area.

7.20.120. DEFINITION - Impervious Surface. That hard surface area which either prevents or retards the entry of water into the soil mantle as it entered under natural conditions pre-existent to development, and/or that hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from that present under natural conditions pre-existent to development. Common impervious surfaces include, but are not limited to, roof tops, concrete or asphalt paving, walkways, patios, driveways, parking lots or storage areas, and oiled, macadam or other surfaces which similarly impede the natural infiltration of surface water.

7.20.125. DEFINITION - Parcel. The smallest separately segregated unit or plot of land having an identified owner, boundaries, and surface area which is documented for tax purpose and given a tax account (lot) number by the King County Assessor.

7.20.130. DEFINITION - Parcel - Agricultural. Any parcel of land upon which crops are produced or livestock is raised, and may include houses, barns, greenhouses, and other structures related to farming activities. Agriculture includes both commercial and non-commercial activities.

7.20.135. DEFINITION - Parcel - Developed. Any parcel which has been altered by grading or filling of the ground surface, or by construction of any improvement or other impervious surface area which affects the hydraulic properties of the parcel.

7.20.140. DEFINITION - Parcel - Single-Family Residential. Any parcel of land having on it a dwelling unit which is designed for occupancy by one family or a similar group of people.

7.20.145. DEFINITION - Parcel - Undeveloped. Any parcel which has not been altered by grading or filling of the ground surface, or by construction of any improvements or other impervious surface area which affects the hydraulic properties of the parcel.

7.20.150. DEFINITION - Retention. The storage of storm and surface water run-off with no provisions for release of the stored water other than by evaporation and infiltration.

7.20.155. DEFINITION - Storm and Surface Water Facility. Any natural or person-made component of the City of Kent's storm and surface water system. Storm and surface water facility shall also include any structure or facility impacting the City system, or otherwise related to storm and surface water management.

7.20.160. DEFINITION - Storm and Surface Water System. The total system of storm and surface water facilities as described in KCC 7.20.030 (the map attached to Ordinance No. 2325 as "EXHIBIT A").

SYSTEM OF CHARGES

7.20.200. SYSTEM OF CHARGES. There is hereby imposed a system of charges on each parcel of real property within the City of Kent served by or to which is available for service the Storm and Surface Water Utility established by this Chapter. The charges are found to be reasonable and necessary to fund administration, planning, design, construction, operation, maintenance, repair, improvement, and replacement of all existing and future

storm and surface water facilities, including the accumulation of reserves and the retirement of any associated debt.

7.20.210. CHARGES. The following charges are hereby established for all parcels of real property in the City of Kent:

A. Residential Parcels: The single-family residential charge rate shall be \$0.92 per month for each parcel having one residential dwelling plus the basin-specific charge of KCC 7.20.210 D.

B. Agricultural and Undeveloped Parcels: Agricultural parcels shall be charged the monthly residential parcel rate. Undeveloped parcels shall not be charged.

C. Other Parcels:

1. The charge for all other parcels except residential parcels, agricultural parcels and undeveloped parcels shall be based upon:

a. the total amount of impervious surface as expressed in Equivalent Surface Units [an Equivalent Service Unit has been determined to be 2,500 square feet of impervious surface or any fraction thereof], and

b. the percentage of impervious surface area on each parcel.

2. The charge for all such parcels shall be computed:

a. by multiplying the total number of ESU's on each by the appropriate parcel impervious multiplier and,

b. multiplying the results by the sum of the single family residential rate and the appropriate basin-specific charge.

3. Impervious multipliers are hereby established:

a. Percentage of Impervious Area per Parcel (Impervious Surface /Total Surface X 100)	Impervious Multiplier
1 to 40	1
41 to 60	1.2
61 to 80	1.4
81 to 100	1.6

b. Impervious multipliers correlate the hydraulic impact of a parcel to its percentage of impervious surface per parcel. The multiplier for the average single family residence is established as 1. The multiplier linearly increases as the percentage of impervious area increases. The final category has a multiplier of 1.6 which reflects the hydraulic impact on the Drainage System compared to that impact of the average single family residence.

D. Basin-Specific Charges: The City shall have all lawful powers and authorities to fix, alter, regulate and control charges within specific basins and sub-basins. The purpose of the power and authority granted herein is to provide for charging parcels of one basin or sub-basin for improvements, studies, or extraordinary maintenance which specifically and solely benefit the property owners thereof. The basin-specific charges are as follows.

<u>Basin</u>	<u>Charge \$/ESU/Month</u>
Mill Creek	
Upper (G)	1.533
Lower (A)	1.582
LID #306 (A ₁)	0.146
Garrison Creek	
Lower (B)	1.191
Upper (J & I)	1.142
Direct (C)	0.049
All Other	0.0

The boundaries of the described basins are generally defined on EXHIBIT "A" attached hereto and incorporated by this reference. The detailed definitions thereof are reflected on maps filed in the Engineering Division of the Public Works Department.

E. Water Quality Charges:

1. The City of Kent hereby authorizes and declares its intent to establish, within two years of the adoption of this Chapter, a water quality charge which may be added to any or all of the above rates. The purposes of such a charge will be to finance monitoring, testing, treatment and control of pollutant discharges into the storm and surface water system, including the exercise of all lawful enforcement powers of the City. A plan for developing such charges, and a schedule and budget for this project shall be submitted to the City Council for review and approval within 90 days of adoption of this Chapter. A system of water pollution charges for storm and surface water run-off from all parcels of real property in the City of Kent shall be developed within two years.

2. Such charges should be based upon appropriate indices of pollutant discharges which approximate each parcel's contribution to the problem of water quality within storm and surface water facilities including all receiving waters.

F. Undeveloped parcels shall be subject to all charges established under this section upon development of a parcel. Development shall be determined by the date of issuance of a building permit or any other permit for development purposes, or as otherwise established by the Director of Public Works.

7.20.220. MEASUREMENT OF IMPERVIOUS AREA. The Director of Public Works or his/her designee shall determine the number of square feet of impervious surface in all non-single-family residential parcels, excluding agricultural and undeveloped parcels, and the total surface area of each parcel of real property, through the records of the King County Assessor and through aerial photographic methods, provided that the methods used insure accuracy to one-tenth (0.1) of an equivalent service unit as defined herein.

7.20.230. BILLING AND COLLECTION. Storm and Surface Water Utility charges for each parcel of real property within the City of Kent shall be computed on a monthly basis. The amount billed shall be included on the City of Kent UTILITY BILL. All billings, collections, delinquencies, and related administrative matters shall be handled in a manner consistent with Chapter 7.02 KCC.

7.20.240. RATES WITHIN DRAINAGE DISTRICTS. The Storm and Surface Water Utility charges imposed upon all parcels within the City of Kent which are also being assessed, according to the records of the King County Assessor, by Drainage District No. 1 or Drainage District No. 2 shall be reduced by the amount equal to such assessments upon the providing of adequate proof thereof to the Finance Director or designee. The maximum reduction allowed in any one year shall be limited to the Storm and Surface Water Utility charge imposed for that year.

7.20.250. RATE REDUCTIONS - CREDITS. The Finance Director, upon direction of the Director of Public Works or designee shall reduce (credit) the normal Storm and Surface Water Utility charge for a parcel of real property when the Public Works Department finds:

A. 1. The owner of a parcel, other than a residential parcel, has installed an approved on-site retention system which substantially reduces the flows expected after the development of such a parcel. No credit shall be given for mitigating measures which are required to meet any ordinance, regulation, other control or standard established by the City of Kent, King County or the State of Washington. Such credits shall be commensurate with the mitigating effects so that the reduction in rates will be in approximate proportion to the reduction in run-off. In no case shall such a credit result in a rate less than the monthly charge for a single-family residential parcel. A system of standard credits in Storm and Surface Water Utility charges for retention measures shall be developed and transmitted to the City Council for approval within 90 days of adoption of this Chapter.

2. Such a credit will remain in effect as long as:

a. The owner of such a system has obtained the proper permits and constructed the system according to plans approved by the Director of Public Works, or designee;

b. The owner remains responsible for all costs of operation and maintenance of the system (consistent with City standards), whether operated and maintained by the owner or by the City; and

c. The Director of Public Works or designee has access for inspection of the system to determine if it is in compliance with design and maintenance standards, and is functioning properly.

B. The owner or renter of a single family residential parcel of real property qualifies under Resolution 980 for lifeline rates. In such cases the lifeline charge rate for the qualifying customer shall be \$0.92 per month, and basin-specific charges pursuant to KCC 7.20.210D. shall not be imposed.

C. The owner of a parcel of real property has made improvements to existing and natural watercourses which will result in the enhancement of water quality or the restoration or enhancement of natural spawning or rearing areas. These credits shall continue so long as the owner or his/her agent satisfactorily maintains the watercourse improvements. Standards and criteria for establishing the amount of reductions for such improvements shall be developed, with the assistance of a fisheries biologist, and transmitted to the City Council for approval within 180 days of the adoption of this Chapter.

D. Approved on-site retention systems, KCC 7.20.250A., and approved water quality enhancement efforts, KCC 7.20.250C., are found to be mitigating measures pursuant to RCW 90.03.510 and thereby entitled to the credits provided in this section.

7.20.260. PERMITS. Permits are hereby required for any person:

A. To construct, install, place, or attempt to construct, install, or place any storm or surface drainage structure

or facility within the City of Kent. Every person desiring to construct or install any storm or surface water facility, whether on private or public property, shall make application for same to the City of Kent Public Works Department prior to commencing work on such project. Such applications shall be made on forms provided by the Department prior to commencing work on such project, and shall include all information as may be required by the Department. The application shall be approved by the Director of Public Works, or designee, prior to construction, provided that such construction or installation is in compliance with all City ordinances, regulations, other controls or standards. Each application submitted to the Department of Public Works shall be accompanied by payment for a construction permit fee in an amount established by the City Council. In addition to the other penalties that may be provided by law, failure to obtain such a permit will result in the fee being doubled. Such fees shall defray part of the cost of inspections and plan review(s) required by the City prior to and during the construction of storm and surface water drainage facilities. All such fees shall be placed in a separate revenue account for the Storm and Surface Water Utility. This section shall not be construed to duplicate any other existing City requirements.

B. To discharge or in any way release or contribute to pollution in any storm or surface water run-off which enters into the storm and surface water facilities within the City of Kent. The determination of whether a parcel is contributing pollutants to storm or surface water run-off will be made by the Public Works Department, using American Public Health Association 1980 Standard Methods for the Examination of Water and Waste Water, 15th Edition, as amended, to identify one or more of the pollutants listed by the Environmental Protection Agency in Water Quality Documents published in the Federal Register, Volume 5, #231 dated 11/28/1980, or in Water Quality Standards for Waters of the State (WAC 173.201), or in Dangerous Wastes Regulations (WAC 173.303), copies of all said documents are filed with the City Clerk and a copy of which are maintained at the Public Works Department. If the owner of a parcel of real property within Kent, or any other person occupying or using such parcel, is determined to be contributing pollutants to storm or surface water run-off, the owner shall be required to obtain a pollution discharge permit.

Applications for such permits must be made by the owner to the City of Kent Public Works Department on forms provided by the Department and must be accompanied with payment of the pollution discharge permit fee. The pollution discharge permit fee shall be established by the City Council. Such fees shall cover part of the cost of the Storm and Surface Water Utility's water quality monitoring and enforcement program. All such fees shall be placed in a separate revenue account for the Storm and Surface Water Utility.

7.20.270. UNLAWFUL DISCHARGES MONITORED - DIRECTOR'S EMERGENCY AUTHORITY. If the owner of a parcel of real property, or any other person occupying or conducting any activity on a parcel, is found to be contributing pollutants as defined in KCC 7.20.260.B. in amounts which exceed criteria established by the Environmental Protection Agency in Quality Criteria for Water published in 1976 as amended, or by the State Department of Ecology in Water Quality Standards for Waters of the State (WAC 173.201) and in Dangerous Waste Regulations (WAC 173.303), the owner of the parcel from which the pollutant is discharged shall be required to pay, in addition to the standard pollutant discharge fee, and other penalties or fines provided by law, any additional costs associated with the continual monitoring of discharges from such a parcel which is required to insure that standards are not being violated. The Public Works Department is hereby authorized to monitor and assess the owner of a parcel of real property contributing pollutants in excess of standards as set forth above for the period, after each separate incident where standards for pollutant discharges are exceeded, to insure that standards are not being violated. The Public Works Department also is hereby authorized to exercise all lawful enforcement powers of the City and to take emergency measures deemed to be necessary by the Director of Public Works.

7.20.280. CONNECTION FEES. Connection fees shall be assessed against an owner of real property at the time of issuance of a development permit for any on-site storm or surface water drainage structure or facilities which attach or connect to, or otherwise drain into the system of drainage facilities as defined in KCC 7.20.030 or where any additional surface or storm water 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. The connection fees shall be as follows:

<u>Basin</u>	<u>Connection Charge \$/Month/Acre</u>
G	12.50
I	11.25
A	13.75
B	12.50
C & A	1.25
All Others	0.0

The basins are as defined under KCC 7.20.210.D. The charge is calculated by the number of months from the date of adoption of this Chapter to the date of issuance of the development permit, and the acre represents the area of the property being developed. All connection fees collected by the Storm and Surface Water Utility shall be placed in a separate revenue account for the Storm and Surface Water Utility.

7.20.290. MITIGATION OF SYSTEM IMPACT - DEVELOPER CONTRIBUTIONS. The City of Kent Public Works Department is hereby authorized to require mitigation of impacts on storm water drainage facilities pursuant to this Chapter and Chapter 12.12A KCC. Payment of a fair and equitable pro rata portion of specific off-site storm and surface water drainage improvements necessitated by new development may be authorized. Such mitigation of off-site impacts shall be made in addition to any other requirements of the City for on-site improvements. Where a developer is required to completely finance off-site storm or surface water drainage facilities, the City will enter into a "latecomer's agreement" with the developer. All developer contributions shall be placed in a separate revenue account for the Storm and Surface Water Utility, earmarked for specific projects or improvements, and utilized solely for such purpose(s).

ADMINISTRATION

7.20.300. STORM AND SURFACE WATER UTILITY ACCOUNTING. All monies obtained pursuant to this Chapter shall be segregated, credited, and deposited to the credit of City of Kent Storm and Surface Water Utility. The monies so deposited shall be expended only for administering, operating, maintaining, or improving storm

and surface water drainage facilities, including all or any part of the cost of planning, designing, financing, acquiring, constructing, maintaining, repairing, replacing, improving, or operating present or future storm and surface water drainage facilities owned by the Utility. Monies shall not be transferred to any other funds of the City except to pay for expenses directly attributable to storm and surface water drainage.

7.20.310. REGULATION AND ADMINISTRATION. The Director of Public Works, or designee, is hereby authorized to administer this Chapter unless otherwise designated herein. The Director of Public Works also is hereby authorized and directed to formulate any rules and regulations which are consistent with this ordinance and which are necessary for its proper administration by the officials of the Department of Public Works.

7.20.400. APPEALS.

A. Filing.

1. Any owner or owners who dispute the amount of a charge pursuant to this Chapter 7.20, or who dispute any determination made by or on behalf of the City pursuant to and by authority of this Chapter 7.20, may petition the Hearing Examiner in writing for a hearing on a revision or modification of such charge or determination, no later than twenty (20) days after having been billed for such charge or after having been notified of such determination. Such petition shall be filed with the City Clerk upon payment of the disputed charge and a fifty (50) dollar fee. The petition shall identify the property, describe all improvements or proposed improvements, and allege specific errors in a charge or the basis for the challenge of a determination.

a. For purposes of this subsection, notice of determination shall be effective upon the date of mailing, postage prepaid to the address of the person seeking the determination. Notice of charges shall be the monthly account billing date, PROVIDED, that a reduction or increase in charges shall only be allowed from that billing date forward, for which an appeal is filed.

b. Pending hearing and final decision, the owner shall pay current charges. Failure to pay current charges shall result in dismissal of the appeal by the Hearing Examiner.

B. Hearing.

1. Upon receiving such a petition, the Hearing Examiner shall schedule a hearing within 30 days. Notice of the hearing shall be provided to the petitioner at least ten (10) days prior to the hearing. Following the hearing, a final determination shall be made by the Hearing Examiner and the petitioner so notified within 30 days.

2. All decisions of the Hearing Examiner shall be based upon guidelines for storm and surface water drainage rate appeals as amended, to be established by the Department of Public Works on or before July 31, 1985, and as may thereafter be amended. Such guidelines, and amendments thereto, shall be effective upon filing with the City Clerk and publication in a newspaper of general circulation in the City.

3. Nothing in this Chapter shall be construed as granting any right of judicial review which does not previously exist in law. The decision of the Hearing Examiner shall be final and conclusive. A writ of review must be sought in the Superior Court of King County, if at all, by an aggrieved party or person within fourteen calendar days of the effective date of the Examiner's decision.

7.20.500. PENALTIES - ENFORCEMENT.

A. Civil. Any violation of the provisions of this Chapter shall be an infraction, and any person found in violation thereof shall be subject to a penalty not to exceed \$250 per day.

B. Criminal. Any knowing violation of the provisions of this Chapter shall be a misdemeanor, and any person found guilty thereof shall be punished by a fine not to exceed \$5000 or imprisonment in jail not to exceed one year or by both such fine and imprisonment.

C. Penalties Not Exclusive. The penalties authorized in subsections A and B above shall not be exclusive. The Director of Public Works is authorized to take such emergency measures as are necessary to insure compliance with this Chapter. Violation of the provisions of this Chapter may also give rise to such other remedies or action necessary to carry out the purposes of this Chapter.

Section 2. Section 2, Ordinance 1338, is hereby codified as KCC 7.03.010, and amended to read as follows:

COMBINED UTILITY

7.03.010. The City is (~~(presently)~~) maintaining and operating a sanitary sewage collection and disposal system (Chapter 7.05 KCC), a storm and surface water utility (Chapter 7.20 KCC) and a system and plant for garbage and refuse collection and disposal (Chapter 7.08 KCC), pursuant to the provisions of Sections 35.21.120, 35.67.020 (~~(and)~~), 35.92.020 and 35A.80.010 of the Revised Code of Washington(~~(and)~~). Pursuant to the provisions of RCW 35.67.020 the present sanitary sewage collection and disposal system of the City, the present storm and surface water utility, and the present system and plant for garbage and refuse collection and disposal, together with all additions, extensions and betterments thereof at any time made, are hereby combined into a single utility, provided the accounting procedure for each system shall be kept separate as required by RCW 35.37.010. The combined sanitary sewage collection and disposal system of the City, the storm and surface water utility, and the system and plant for garbage and refuse collection and disposal, together with all additions, extensions and betterments thereof at any time made, shall hereinafter be called "system of sewerage."

Section 3. KCC 7.02.160 is amended to read as follows:

7.02.160. DELINQUENT UTILITY BILLS.

A. All utility bills are due and payable in the office of the City Treasurer within ten days after the billing date appearing on the bill. Bills not paid within twenty-one days of the billing date shall be considered delinquent; provided, that

when the twenty-first day falls on a legal holiday, Saturday or Sunday, the first business day thereafter shall be considered the twenty-first day. If it becomes necessary to mail out a past due reminder for a delinquent utility account, a fee of five dollars (~~will~~) shall be added to such utility account.

((1)) B. Delinquent Water Bill.

((A)) 1. When a charge for water service is delinquent, the service shall be subject to shutoff upon notice to the customer. Regulations governing issuance of notice, consistent with this Chapter, shall be promulgated by the Director of Finance. The service shall not be restored until full payment of the delinquent account is received, together with a water turnoff/on charge of twenty-five dollars.

((B)) 2. Whenever a water service is in the name of a renter, tenant or lessee, and is subject to turnoff for delinquency, the Utilities Department will send a duplicate notice of delinquency to the owner of record shown on the application for service.

C. Delinquent Sewer - Garbage - Drainage Bill.

1. SYSTEM OF SEWERAGE. Pursuant to RCW 35.67.331 and KCC 7.03.010, the combined sanitary sewage collection and disposal system (sewage), the storm and surface water utility (drainage), and the system and plant for garbage and refuse collection and disposal (garbage) are all combined as the "system of sewerage." Delinquent and unpaid rates and charges for sewage, drainage on garbage service shall be subject to Chapter 35.67 RCW and shall be deemed "delinquent and unpaid rates and charges for sewer service" subject to KCC 7.02.160C.2.

2. DELINQUENT SEWER (~~Bill~~) SERVICE RATES AND CHARGES - INTEREST - WATER SERVICE CUT OFF.

((A)) a. When a charge for sewer service is delinquent, the City shall have a lien for delinquent and unpaid charges, plus penalties, which lien shall be effected in accordance with RCW 35.67.210. Liens for sewer service shall be

effective for a period not to exceed six months delinquent charges without the necessity of any writing or recording. In order to make such a lien effective for more than six months, the Director of Finance will cause to be filed for record in the Office of Records and Elections of King County a notice setting forth the amount of the delinquency, the name of the owner or reputed owner who owes the bill and the description of the lot, tract or parcel to which such lien shall attach. This lien may be foreclosed in action in Superior Court pursuant to Chapter 35.67 RCW.

~~((B-))~~ b. ~~((A-charge))~~ Interest ~~((may))~~ shall be added to any delinquent and unpaid charge for sewer service in the maximum amount allowed by RCW 35.67.200.

c. As an additional and concurrent method of enforcing the lien authorized by Chapter 35.67 RCW and this Section, the City may cut off water service from the premises to which such sewer service was furnished after the charges become delinquent and unpaid, until the charges and delinquent account are paid. PROVIDED, the right to enforce the lien by cutting off and refusing water service shall not be exercised after two years from the date of the recording of sewerage lien notice except to enforce payment of six months' charges for which no lien notice is required to be recorded.

~~((3)) Delinquent Garbage Bill.~~

~~When a charge for garbage service is delinquent, the City shall have a lien for delinquent and unpaid charges, plus penalties, which lien shall be effected in accordance with RCW 35.21.130-150; i.e., the lien must be filed with the King County Department of Records and Elections within ninety days of the date the service was provided. Foreclosure on the lien must be commenced in Superior Court within eight months of the time the lien was recorded, and can include all delinquent and unpaid charges from the beginning of the ninety-day period until the time of foreclosure.)~~

~~((4))~~ D. Provided, that the remedies set forth above are not meant to be exclusive and that the City may use any

alternate method of collecting delinquent charges that is available under common law or the laws of the State of Washington.

Section 4. Subsection 12.12A.510 D. Kent City Code (SEPA Substantive Authority)(Ordinance 2494, as last amended by Ordinance 2511) is amended as follows:

12.12A.510

D. The City designates the adopts by reference the following additional policies as the basis for the City's exercise of authority pursuant to this section:

1. The City shall use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs, and resources to the end that the state and its citizens may:

a. Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

b. Assure for all people for Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings;

c. Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

d. Preserve important historic, cultural, and natural aspects of our national heritage;

e. Maintain, wherever possible, an environment which supports diversity and variety of individual choice;

f. Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

g. Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

2. The City recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.


3. The City adopts by reference the policies in the following City codes, ordinances, and resolutions:

- a. Kent Citywide Comprehensive Plan (Resolution 817), and its specific components, including, but not limited to the East Hill Plan (Resolution 972), the West Hill Plan (Resolution 1016), the Kent Central Business District Plan (Resolution 764) and the Valley Floor Comprehensive Plan (Resolutions 873 and 924), as amended.
- b. Shoreline Master Program (Resolution 907).
- c. City of Kent Surface Water and Drainage (~~(Plan)~~) Code (KCC 12.14).
- d. Electrical or Communications Facilities - Underground Requirements (KCC 7.10).
- e. Transportation Master Plan (Resolution 1014).
- f. Wastewater Facilities Master Plan (KCC 7.12)
- g. Comprehensive Water Plan (Ordinances 2369 and 2329).
- h. Construction Standards for Public Works (KCC 4.04)
- i. Street Use Permit Requirements (KCC 4.07).
- j. Flood Hazard Protection (KCC 14.22).
- k. Kent Subdivision Code (KCC 12.04).
- l. Kent Mobile Home Park Code (KCC 12.08).
- m. Valley Studies (as adopted in Resolutions 920, 921, 922, 923, and 924).
- n. Noise Control (KCC 9.20).
- o. State Building Code, together with the local implementing ordinances (KCC Title 14).
- p. State Fire Code, together with the local implementing ordinances (KCC Title 13).
- q. Kent Zoning Code (KCC Title 15).
- r. Recreational Vehicle Park Code (KCC 12.06).
- s. Water Shortage Emergency Regulations (KCC 9.24).
- t. Kent Comprehensive Park & Recreation System Plan (KCC 4.10 & KCC 4.12).
- u. Kent Public Improvements Ordinance (KCC 4.14 & KCC 4.18)
- v. Storm Drainage Utility (~~((Ordinance 2325))~~) KCC 7.20).

- w. Storm Drainage Policies (Resolutions 920 and 937).
- x. Six Year Transportation Improvement Plan (Resolution 1020).
- y. Comprehensive Sewerage Plan (Resolution 915).
- z. Fire Master Plan (Ordinance 2511).

Section 5. Severability. If any section, subsection, paragraph or part of this Ordinance as now or hereafter amended, or its application to any person or circumstances, is held invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole, or any section, provision, or part thereof not adjudicated to be invalid or unconstitutional, and its application to other persons or circumstances shall not be affected.

Section 6. Effective Date. This ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication as provided by law. The effective date for the rates and charges provided herein shall be April 15, 1985; PROVIDED, should the billing mechanism not be operational to allow for such a billing date, then the effective date for the rates and charges shall be May 1, 1985.


ISABEL HOGAN, MAYOR

ATTEST:


MARIE JENSEN, CITY CLERK

APPROVED AS TO FORM:


P. STEPHEN DIJULIO, CITY ATTORNEY

PASSED the 1st day of April, 1985.

APPROVED the 2nd day of April, 1985.

PUBLISHED the 5th day of April, 1985.

I hereby certify that this is a true copy of Ordinance No. 2547, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

Marie Jensen (SEAL)
MARIE JENSEN, CITY CLERK

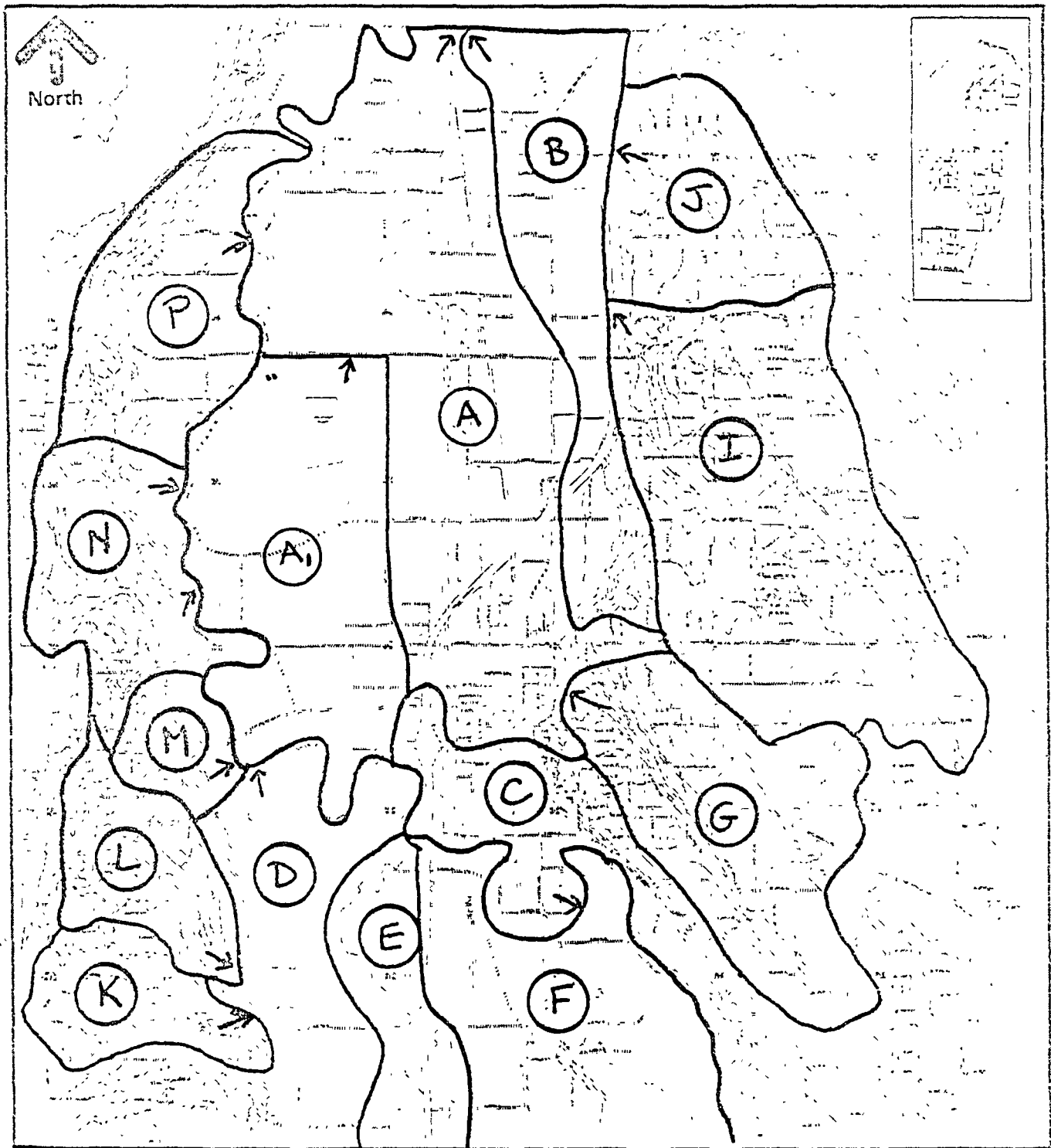


EXHIBIT A
DRAINAGE BASINS