

ORDINANCE NO. 1125

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO STORM WATER GENERAL FACILITIES CHARGES (“GFC”) IMPOSING A ONE-TIME GFC CHARGE TO BE PAID BY THE PROPERTY OWNER AT THE TIME NEW DEVELOPMENT IS CONNECTED TO THE CITY’S STORM WATER SYSTEM, CONSISTENT WITH THE CITY’S RECENTLY ADOPTED STUDY ON STORM WATER GENERAL FACILITIES CHARGES; ADDING A NEW SECTION 14.10.055 TO THE GIG HARBOR MUNICIPAL CODE.

WHEREAS, the state law authorizing the City to construct “systems of sewerage” and to “fix, alter, regulate and control the rates and charges for their use” allows the City to pay for improvements to its storm drainage system by imposing general facilities charges (GFC’s) on property owners when the City issues development permits, which charges are based on the amount of impervious surface on property (RCW 35.67.020; *Tapps Brewing, Inc. v. City of Sumner*, 106 Wn. App. 79, 22 P.3d 280 (2001)); and

WHEREAS, the City has recently commissioned a study to be made of its storm water facility system, in order to determine whether the City should be imposing a storm water general facilities charge (“GFC”); and

WHEREAS, this study, titled the 2007 GFC and Rate Study, performed by Peninsula Financial Consulting, provided the data for the Council’s review of the GFC charges in this Ordinance; and

WHEREAS, the City’s SEPA Responsible Official has determined that this ordinance is categorically exempt from SEPA under WAC 197-11-800(20); and

WHEREAS, the 2007 GFC and Rate Study demonstrated that the City should be charging a storm water GFC to cover the cost of improvements to the City's storm water drainage system and

WHEREAS, the City Council held a public hearing on the storm water GFC rate increase proposed by this ordinance on January 28, 2008, Now, Therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON,
ORDAINS AS FOLLOWS:

Section 1. A new Section 14.10.055 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

14.10.055. Storm Water System General Facilities Charges.

The method/formula for determining the general facility charge shall be: (number of equivalent billing units times \$1,300 = total general facility charge). The City shall require payment of the following general facilities charges from a property owner in order to obtain a development permit:

1 equivalent billing unit	\$1,160
2 equivalent billing units	\$2,320
3 equivalent billing units	\$3,480
4 or more equivalent billing units	As calculated in formula

Section 2. Severability. If any portion of this Ordinance or its application to any person or circumstances is held by a court of competent jurisdiction to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the remainder of the Ordinance or the application of the remainder to other persons or circumstances.

Section 3. Effective Date. This ordinance and any increase in the General Facilities Charges adopted in this ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor this 10th day of March, 2008.

Charles L. Hunter, Mayor

ATTEST/AUTHENTICATED:

By: _____
Molly Towslee, City Clerk

APPROVED AS TO FORM:

By: _____
Carol A. Morris, City Attorney

Filed with city clerk: 02/06/08
Passed by the city council: 03/10/08
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