

ORDINANCE NO. 869

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO STORM WATER DRAINAGE AND MANAGEMENT, AMENDING ORDINANCE 858 WHICH ADOPTED STORM WATER DEVELOPMENT STANDARDS IN CHAPTER 14.20 OF THE GIG HARBOR MUNICIPAL CODE, ELIMINATING THE ENFORCEMENT AND PENALTY PROVISIONS IN ORDER TO ALLOW THE CITY TO ENFORCE THE STORM WATER DRAINAGE STANDARDS THROUGH THE CITY'S STANDARD ENFORCEMENT PROCEDURES IN CHAPTER 12.17 GHMC; AMENDING SECTIONS 14.20.530, 14.20.560, 14.20.590, 14.20.630 OF EXHIBIT A TO ORDINANCE 858; AND REPEALING SECTIONS 14.20.090, 14.20.640, 14.20.650, 14.20.660, 14.20.670, 14.20.680, 14.20.690, 14.20.700, 14.20.710, 14.20.720, 14.20.730, 14.20.740 OF EXHIBIT A TO ORDINANCE NO. 858.

WHEREAS, on January 9, 2001, the City Council passed Ordinance No. 858, which adopted storm water drainage and management standards in Gig Harbor; and

WHEREAS, the procedures in Ordinance No. 858 relating to enforcement and the imposition of penalties was inconsistent with the City's current enforcement procedures; and

WHEREAS, the City Council desires to have consistent enforcement procedures in the Gig Harbor Municipal Code for violations of development codes and public works standards; and

WHEREAS, the adoption of this Ordinance has been determined to be exempt from the State Environmental Policy Act by the City's SEPA Responsible Official, pursuant to WAC 197-11-800(2); Now, Therefore,

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

Section 1. Section 14.20.090, "Severability," in Exhibit A, which was adopted by reference in Ordinance No. 858, is hereby repealed.

Section 2. Section 14.20.530, in Exhibit A, which was adopted by reference in Ordinance No. 858, is hereby amended to read as follows:

14.20.530 Maintenance Covenant Required for Privately Maintained Drainage Facilities.

A. Prior to beneficial use of a development, the owner shall record a Storm Water Maintenance Covenant against the property that:

1. allows the City of Gig Harbor, its officials, employees or agents a non-exclusive right of entry onto those portions of the property immediately adjacent to the stormwater facilities for the purpose of inspection of the facilities. The covenant shall allow the City, but not require the City, to enter the property and repair any condition of the storm water facilities that, in the opinion of the Public Works Director, creates an immediate threat to public health, safety or public property and to charge the property owner for the related costs; and

2. requires the property owner to perform his/her own regular inspections and maintenance on the stormwater facilities, at the property owner's cost; and

3. is binding upon the property owner and the property owner's legal representatives, heirs and assigns, and is in a form approved by the City Attorney; and

4. is recorded against the property in the records of the Pierce County Auditor. Guarantees the City of Gig Harbor that the stormwater facilities shall be properly operated, maintained, and inspected. The restrictions set forth in such covenant shall be included in any instrument of conveyance of the subject property and shall be recorded with the Pierce County Auditor.

B. The Director may require the owners of existing stormwater facilities for which the City of Gig Harbor has not previously accepted operation and maintenance responsibility, to record the Maintenance Covenant described above, or to request that the City of Gig Harbor accept operation and maintenance responsibility for the stormwater facilities subject to the requirements of this Code.

C. Maintenance Covenants shall remain in force for the life of the development, or until the responsibility for the operation and maintenance of the subject stormwater facilities is accepted by the City of Gig Harbor. In order to

terminate a Maintenance Covenant, the property owner and the City must execute the necessary documentation and record the same against the property. A property owner may not unilaterally terminate a Maintenance Covenant.

Section 3. Section 14.20.560, in Exhibit A, which was adopted by reference in Ordinance No. 858, is hereby amended to read as follows:

14.20.560 City Inspections of Privately Maintained Stormwater Facilities.

A. The Director is authorized to develop an inspection program for privately owned and maintained stormwater facilities in the City of Gig Harbor. The purpose of this inspection program shall be to determine if said storm water facilities, conveyance structures, and water quality facilities are in good working order and are properly maintained, and to ensure that stormwater quality BMPs are in place and that non-point source pollution control is being implemented.

B. Whenever the provisions of this program are being implemented, or whenever there is cause to believe that a violation of this Code has been or is being committed, the inspector may take such enforcement action as set forth in chapter 12.17 of the Gig Harbor Municipal Code. Is authorized to inspect during regular working hours and at other reasonable times any and all stormwater drainage facilities within the City of Gig Harbor to determine compliance with the provisions of this Code.

C. Prior to making any inspections, the Director or his assignee shall follow the procedures delineated in Section 14.20.650.

Section 4. Section 14.20.590 of Exhibit A, adopted by reference in Ordinance No. 858, is hereby amended to read as follows:

14.20.590. Illicit Connections and Uses. The stormwater system of the City, natural and artificial, may only be used to convey stormwater runoff. The stormwater system shall mean all natural and man-made systems that function together or independently to collect, store, purify, discharge, and convey stormwater. Included are all stormwater facilities as well as natural systems such as streams and creeks and all natural systems that convey, store, infiltrate, or divert stormwater. Violation of this section can result in enforcement action being taken by the City as provided in Chapter 12.17 GHMC, prescribed in Section 14.20.670.

No person shall use the stormwater system, directly or indirectly, to dispose of any solid or liquid matter other than stormwater. No person shall make or allow any connection to the stormwater system that could result in the discharge of

polluting matter. Connections to the stormwater system from the interiors of structures are prohibited. Connections to the stormwater system for any purpose other than to convey stormwater or groundwater are prohibited and shall be eliminated.

Section 5. Section 14.20.630 in Exhibit A, as adopted by reference in Ordinance 858, is hereby amended to read as follows:

14.20.630 Violations of this Code. The placement, construction or installation of any structure, or the connection to a public storm drainage facility, or the discharge to a public drainage facility or any activity, including but not limited to grading, which violates the provisions of this Code shall be and the same is hereby declared to be unlawful and a public nuisance. The City may take enforcement action as set forth in Chapter 12.17 GHMC to ensure that any such activity, Code violation or property condition declared to be a public nuisance ceases and is abated through the use of civil or criminal penalties and Stop Work Orders, as well as any other remedies which are set forth in this Code, the Gig Harbor Municipal Code, or including any applicable ordinance or statute, including, but not limited to revocation of any permits. The choice of enforcement action taken and the severity of any penalty shall be determined as set forth in chapter 12.17 GHMC. Based on the nature of the violation, the damage or risk to the public or to public resources.

Section 6. Section 14.20.640 of Exhibit A, which was adopted by reference in Ordinance No. 858, is hereby repealed.

Section 7. Section 14.20.650 of Exhibit A, which was adopted by reference in Ordinance No. 858, is hereby repealed.

Section 8. Section 14.20.660 of Exhibit A, which was adopted by reference in Ordinance No. 858, is hereby repealed.

Section 9. Section 14.20.670 of Exhibit A, which was adopted by reference in Ordinance No. 858, is hereby repealed.

Section 10. Section 14.20.680 of Exhibit A, which was adopted by reference in Ordinance No. 858, is hereby repealed.

Section 11. Section 14.20.690 of Exhibit A, which was adopted by reference in Ordinance No. 858, is hereby repealed.

Section 12. Section 14.20.700 of Exhibit A, which was adopted by reference in Ordinance No. 858, is hereby repealed.

Section 13. Section 14.20.710 of Exhibit A, which was adopted by reference in Ordinance No. 858, is hereby repealed.

Section 14. Section 14.20.720 of Exhibit A, which was adopted by reference in Ordinance No. 858, is hereby repealed.

Section 15. Section 14.20.730 of Exhibit A, which was adopted by reference in Ordinance No. 858, is hereby repealed.

Section 16. Section 14.20.740 of Exhibit A, which was adopted by reference in Ordinance No. 858, is hereby repealed.

Section 17. Severability. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional 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 Ordinance.

Section 18. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 19. Effective Date. This Ordinance shall take effect and be in full force five days after publication of the approved summary.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor this 26th day of February, 2001.

CITY OF GIG HARBOR

GRETCHEN WILBERT, MAYOR

ATTEST/AUTHENTICATED:

By: _____
MOLLY TOWSLEE, CITY CLERK

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

By: _____
CAROL A. MORRIS

FILED WITH THE CITY CLERK: 2/8/01
PASSED BY THE CITY COUNCIL: 2/26/01
PUBLISHED: 3/7/01
EFFECTIVE DATE: 3/12/01
ORDINANCE NO: 869

SUMMARY OF ORDINANCE NO. 869

of the City of Gig Harbor, Washington

On February 27th, 2001, the City Council of the City of Gig Harbor, Washington, approved Ordinance No. 869, the main points of which are summarized by its title as follows:

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The full text of this Ordinance will be mailed upon request.

APPROVED by the City Council at their meeting of February 26th, 2001.

MOLLY TOWSLEE, CITY CLERK