

ORDINANCE NO. 449

AN ORDINANCE establishing a rate structure policy for the Storm Drainage Utility of the City of Gig Harbor, Washington, establishing service charges and system development charges for such utility, providing authority for the collection thereof.

WHEREAS, by said Ordinance No. 448, the City created the City of Gig Harbor, Washington Storm Drainage Utility (Utility) to implement and administer its Storm Drainage Utility Program; and

WHEREAS, the City is authorized pursuant to RCW 35A.80.010 and 35.67.020, to fix, alter, regulate and control the rates and charges for use of said Utility and the storm and surface water drainage system of the City; and

WHEREAS, the City Council finds that it is now necessary to fix rates and charges for the payment of the cost and expense of operating said Utility; and

WHEREAS, the City Council finds that all developed real property within the boundaries of the Utility coterminous with the boundaries of the City contribute runoff to the City's storm drainage system and that all developed property benefits from the Storm Drainage Utility of the City and should participate financially in the payment of all expenses for maintenance, operation and improvement of said storm drainage system and for administration of the Utility; and

WHEREAS, the City Council finds that the extent of impervious ground cover preventing or hastening the drainage of storm and surface water from a parcel of property is the primary factor determining an individual property's contribution to the retention of storm waters and the flow of storm water runoff from such property into the City's storm drainage system;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GIG HARBOR DO HEREBY ORDAIN:

Section 1. Definitions. The following words when used herein shall have the following meanings, unless the context clearly indicates otherwise:

A. The "City" shall mean the City of Gig Harbor, Washington, a municipal corporation created and existing under the laws of the State of Washington.

B. "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 (as clearing and grading) such that the hydrology of the property or portion thereof is materially affected.

C. An "Equivalent Billing Unit" shall mean 2,200 square feet of Impervious Ground Cover and is the measure of Impervious Ground Cover to be used by the Utility in assessing Service Service Charges, and/or a single family dwelling.

D. "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.

E. "Service Charge" means the monthly fee levied by the Utility upon all developed real property within the boundaries of the Utility upon all developed real property within the boundaries of the Utility as authorized by Section 3 of this Ordinance.

F. The "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.

G. "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.

H. The "Utility" means the City of Gig Harbor, Washington Storm Drainage Utility created by Ordinance No. 448 of the City, passed on July 23, 1984.

Section 2. Rate Policy. It shall be the policy of the City that the rate structure to be applied in establishing the amount of Service Charges assessed against each parcel of developed real property within the boundaries of the Utility shall be based upon the amount of Impervious Ground Cover contained within each parcel of property as measured by Section 3 of this ordinance, except for those properties set forth in Section 6 hereof.

Section 3. Classification of Property. The Utility shall measure the Impervious Ground Cover of each parcel of developed real property within the boundaries of the Utility to determine the number of Equivalent Billing Units contained therein; twenty two hundred (2,200) square feet of Impervious Ground Cover shall equal one Equivalent Billing Unit. All detached single family residences and mobile homes are deemed to contain one (1) Equivalent Billing Unit. For all other developed real properties within the Utility boundaries, the Utility shall determine the number of Equivalent Billing Units contained thereon by dividing the number of square feet of Impervious Ground Cover on each property by 2,200. In making the calculation, fractions shall be disregarded, except where such calculation results in a fraction greater than one half (.50) than the number shall be adjusted to the next higher whole number.

Section 4. Undeveloped Real Property. In accordance with the policy established in Section 2 of this ordinance that the service charges be determined by the amount of Impervious Ground Cover contained on each parcel of real property, those 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 that real property within the boundaries of the Utility which is Undeveloped.

Section 5. Service Charge Rates. In accordance with the basis for a rate structure set forth in Sections 2 and 3 of this ordinance, there is hereby levied upon all developed real property within the boundaries of the Utility the following service charges which shall be collected from the owners of such properties:

A. For all detached single family residences and mobile homes (One Equivalent Billing Unit), the monthly service charge shall be \$2.10.

B. Those developed properties that are riparian to the Harbor or Puget Sound from which storm and surface waters flow directly into the Harbor or Puget Sound, without the aid of any watercourse or natural or artificial drainage facilities, and all developed properties with City approved detention facilities will be billed at 1 Equivalent Billing Unit.

C. Duplexes shall be charged at 1.5 Equivalent Billing Units for the two units.

D. For all other developed property within the boundaries of the Utility, except as set forth in Section 6 hereof, the monthly service charge shall be \$2.10 multiplied by the number of Equivalent Billing Units determined by the Utility to be contained in such parcel pursuant to Section 3 hereof.

Section 6. Property Exempt from Service Charges. The following special categories of property are exempt from service charges and system development charges:

A. City street rights-of-way, all of which are a part of the system pursuant to the plan;

B. State of Washington and Pierce County highway rights-of-way.

Section 7. Collection.

A. All service charges, system development charges and all other fees or charges hereafter established by the City Council by ordinance shall be deemed to be levied upon the premises themselves.

B. The City shall have a lien for all delinquent and unpaid charges and fees for storm drainage purposes, including without limitation service charges and system development charges assessed against all premises to which service was furnished, which lien shall have the superiority established by RCW 35.67.200 and shall be foreclosed in the manner provided in RCW 35.67.220 et seq.

C. As an additional and concurrent method of enforcing its lien upon any premises for delinquent storm drainage charges, the Utility is authorized, in accordance with law and in the manner provided by Gig Harbor Municipal Code to stop providing water service to such premises for so long as any delinquent fees or charges remain unpaid.

D. Storm drainage service charges shall be deemed delinquent if not paid within twenty (20) days following the billing date. A late charge equal to 10 percent of the delinquent service charge shall be imposed at the time of such delinquency and interest at the rate of 12 per cent per annum shall be charged on all delinquent service charges and late charges.

Section 8. 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. Subsequent to such review, the administrator of the Utility shall present to the City Council a yearly budget for the Utility and proposed amendments to any rates and charges necessary, for the City Council's approval.

Section 9. Effective Date of Service Charge. The service charge herein established shall apply to all storm drainage services provided on or after August 1984 and shall be billed beginning in August, 1984.

Section 10. Severability. If any portion 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 adjudged to be invalid or unconstitutional, and its application to other persons or circumstances shall not be affected.

Section 11. Codification. There is hereby established a new Title in the Gig Harbor Municipal Code which shall be Chapter 14.10 "Storm Drainage Billing Policy and Collection". Sections 1-4, 6, 7(a) and (b), 8 (a), (b) and (c), and 9 of this Ordinance shall be codified therein as Section 14.10.01 to 14.11.02 of the Gig Harbor Municipal Code.

Section 12. Effective Date. This ordinance shall take effect and be in force five (5) days after its passage, approval and legal publication as required by law.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR this 23rd day of July, 1984.



Ruth M. Bogue, Mayor

ATTEST:



Jeff SNIDER,
Administrator/Clerk