

Ordinance No. 00244

[Council Meeting Minutes 00/09/05](#)

ORDINANCE NO. 244

AN Ordinance of the City Council of the City of Lakewood, Washington, amending Sections 3.38.050 of the Lakewood Municipal Code, relating to the City of Lakewood Storm Drainage and Surface Water Management Program, and the service charge credits therefor

WHEREAS, in anticipation of the incorporation of the City of Lakewood, the City Council adopted Ordinance No. 47, establishing a Storm Drainage and Surface Water Management Program, including providing for service fees and credits in connection with the operation of that program; and,

WHEREAS, the initial fees included in those service charges and credits were intended to reflect rates similar to and consistent with those in affect in Pierce County prior to the incorporation of the City; and,

WHEREAS, because the charges included in the rates for the Storm Drainage and Surface Water Management Program are responsible for maintaining a system and there are significant system needs, the City Council amended the provisions of Ordinance No. 47 by Ordinance No. 186, reflecting the need changes in its rates and charges, pursuant to the authority provided by RCW 85.06.230, and with an intention of providing no more of an impact on rate payers than is necessary to meet system requirements, as well as making some other changes including providing for special reduced utility rates for low income senior citizens and disabled persons; and,

WHEREAS, the provisions again need to be changed to more accurately reflect the impacts of run-off depending on certain uses, and to accommodate salmon recovery requirements and other such required programs.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON, DO ORDAIN as Follows:

Section 1. That section 3.38.050 of the Lakewood Municipal Code be, and the same, hereby is, amended to read as follows:

3.38.050 Method of Calculating Service Charges.

An annual service charge schedule is hereby established for the areas of the City.

A. Annual Service Charges are as follows:

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|----|---------------------------------------|---|
| 1. | Residential | \$91.00 |
| 2. | Duplex | \$117.39 |
| 3. | Multifamily | \$0.03447 per square foot of impervious area |
| 4. | All Mobile Homes other than 1., above | \$50.22/vacant or occupied mobile home site (mobile home equivalent) plus \$0.03447 per square foot of impervious areas in addition to mobile home site |
| 5. | Vacant/Undeveloped | \$0.455/acre, but in no case shall the minimum service charge be less than \$22.75 |
| 6. | Forest and Timber Land | \$22.75/parcel, plus \$0.00455/acre on lands classified as forest lands under RCW 84.33 or RCW 84.34 |
| | City Streets, Roads and | |

- | | | |
|----|---|---|
| 7. | City Streets, roads and Public Highways | \$0.01033 per square foot of impervious area. |
| 8. | All parcels other than 1. through 7., above | \$0.03447 per square foot of impervious area but in no case shall the minimum service charge be less than the higher of the residential equivalent rate for each year or the charge for a vacant/undeveloped parcel of equal acreage. |

~~B. Credits. To qualify for a service charge credit, the following must be completed before October 1 of the year preceding the year for which the owner is requesting credit. Service charge credits as provided for in this Section will become effective January 1, 1997.~~

1. Credit will apply to all categories listed in Section 3.38.050 of this Chapter.
2. To qualify for a credit, the Owner of Record shall provide the City with engineering calculations in accordance with design criteria acceptable to the City and "As Constructed" Plans stamped and signed by the Owner's Engineer to verify that the drainage system has adequate capacity to meet the design criteria for which the Owner is requesting a credit. The Owner's engineer shall prepare and stamp an operation and maintenance manual for the Owner to follow in maintaining any drainage pond. The City shall be provided a copy of the maintenance manual. New calculations, "As Constructed" Plans, and a maintenance and operation manual shall be prepared and stamped by the Owner's engineer if the drainage pond is increased or decreased in size from the original credit request.
3. Annually, each Owner of Record shall provide a certified statement by October 1 of the year preceding the year for which the Owner of Record is requesting credit on a form provided by the City verifying that all specified maintenance has been performed in accordance with the operation and maintenance manual prepared by the Owner's engineer on the facility for the calendar year the credit is being requested. Once every five (5) years, the certified statement shall be stamped and signed by the Owner's Engineer.
4. Each Owner of Record shall provide a "hold harmless" statement on a form provided by the City that indemnifies the City from any loss incurred arising from the construction and maintenance and operation of the Owner's drainage facilities for both water quantity and quality runoff from the Owner's property. This statement shall be signed by the Owner and will be recorded with the Pierce County Auditor by the Owner of Record. The owner of Record shall provide the City a copy of the agreement with the Pierce County Auditor recording number stamped on it before the application will be deemed completed.
5. Each Owner of Record must enter into an agreement with the City that allows the City to enter onto the Owner's parcel to inspect the drainage facility and verify all information submitted by the owner and his/her Engineer. The agreement form will be provided by the City. This agreement will be recorded with the Pierce County Auditor by the Owner of Record. The Owner of Record shall provide the City a copy of the agreement with the Pierce County Auditor recording number stamped on it before the credit application will be deemed completed.
6. Credit percentages shall be provided in accordance with the following schedule:

CREDIT PERCENTAGES

Retention Percent Detention Percentage

Facility Credit Facility Credit

100 Year Storage 85% 100 Year Storage; 85%

Release rate of 50%

of the predevelopment

discharge rate for a

2 year storm

50 Year Storage 40% 50 Year Storage 40%

2 Year Release

25 Year Storage 20% 25 Year Storage 20%

2 Year Release

10 Year Storage 10% 10 Year Storage 10%

2 Year Release

The annual service charge shall be calculated based on impervious area and parcel status as of January 1 each year. The annual service charge shall be due the City on or before April 30 of each year and shall be paid together with payment of real property tax upon the parcel, if any, and shall be delinquent thereafter. Provided, that if real property tax upon the parcel payable in that year exceeds thirty dollars, and one-half of the tax, together with one-half of the annual service charge provided by this section are paid on or before April 30 of such year, the remaining one-half of the annual service charge shall be due and payable on October 30, next following, or at the time of payment of the remaining tax on the parcel, whichever is earlier and shall be delinquent after that date. The service charge shall be incorporated on the Pierce County Real Property Tax Statement.

~~C. The annual service charge credit will be calculated by multiplying the annual service charge by the applicable credit percentages when all of the conditions established for a service charge credit have been met. In order to determine the credit percentage for a retention/detention facility, the following shall apply:~~

1. For a retention/detention facility whose year storage is not listed in Section 3.38.050 B.6 of the Ordinance, the next lower year storage category will be used.
2. The release rate shall be equal to or less than a two-year release rate for a detention facility with a 10, 25, or 50 year storage. The release rate for a detention facility with a 100-year storage shall be equal to or less than 50% of the predevelopment discharge rate for a 2-year storm.
3. No credit shall be given for a retention/detention facility with less than a 10-year storage.

Annual Service Charge Credit

1. Credit will apply to all categories listed in Section 3.38.050(A) of this Chapter with the exception of Vacant/Undeveloped, Forest and Timber Land, and City Streets, Roads, and Public Highways.

2. Credit Application Submittal Requirements

To qualify for a credit, the Owner of Record shall provide the City:

a. A "hold harmless" statement on a form provided by the City that indemnifies the City from any loss incurred arising from the construction and maintenance and operation of the Owner's drainage facilities for both water quantity and quality runoff from the Owner's property. This statement shall be signed by the Owner and will be held in record along with the application, certification, and recertification submissions. The owner of Record shall provide the City a notarized copy of the agreement.

b. Each Owner of Record must enter into an agreement with the City that allows the City to enter onto the Owner's parcel to inspect the drainage facility and verify all information submitted by the owner and his/her Engineer. The agreement form will be provided by the City. This statement shall be signed by the Owner and will be held in record along with the application, certification, and recertification submissions. The owner of Record shall provide the City a notarized copy of the agreement.

c. "As constructed" Plans stamped by the Owner's Engineer should be accompanied by engineering calculations in accordance with design criteria acceptable to the City. Both quantity and quality BMP's shall be shown. Acceptable quality BMP's include bio-swailes, constructed wetlands, and approved filter vaults.

d. An operation and maintenance manual prepared and stamped by the Owner's Engineer for the Owner to follow in maintaining the storm drainage system.

e. A certified statement that all maintenance as outlined in the operation and maintenance manual has been completed.

f. A copy of any maintenance contracts and contractors' certified statement that all maintenance as outlined in the operation and maintenance manual has been completed.

3. Resubmittal Requirements

a. Biennially, each Owner of Record shall provide a certified statement by October 1 of the year preceding the year for which the Owner of Record is requesting credit on a form provided by the City verifying that all specified maintenance has been performed in accordance with the operation and maintenance manual prepared by the Owner's engineer on the facility for the calendar year the credit is being requested.

b. Every sixth (6th) year, the certified statement shall be stamped and signed by the Owner's Engineer.

4. Credit percentages shall be provided in accordance with the following schedule:

CREDIT PERCENTAGES

a. Single-lot Residential, Duplex and Single-lot Mobile Homes

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Facility Type Percent Credit

Retention

100 Year Storage 85%

25 Year Storage 35%

Detention 0%

b. Residential Subdivisions, Mobile Home Parks, Multifamily, and all parcels NOT 1 through 7 of 03.38.050(A)

Facility Type Percentage Credit

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Detention

Percentage Credit

Natural Drainage Course Municipal Drainage System

100 Year Storage; Release rate 60% 50%

of 50% of the predevelopment

discharge rate for a 2 year storm

25 Year Storage; 2 Year Release 30% 25%

D. ~~The annual service charge shall be calculated based on impervious area and parcel status as of January 1 each year. The~~

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~~E. It is the intention of the City Council to provide rates that accurately reflect the needs of the Surface Water and Storm Drainage System, and that rates be set in responsible and appropriate amounts not more than necessary to meet the system's needs. Therefore, the City Council directs staff to return to the City Council proposals, reports and recommendations regarding the appropriate rate levels, including information to determine system needs and to consider whether rate should be continued, reduced or otherwise amended, which proposals, reports and recommendations shall be provided to the City Council not later than the 31st day of October, of each even numbered calendar year.~~

(Ord. 186 Â§ 2, 1998; Ord. 47 Â§ 5, 1996.)

No credit shall be given for a retention/detention facility with less than a 25-year storage. The annual service charge credits will be calculated using the schedule in Section 3.38.050.C.4 at the time the credit application was approved. Credits will be recalculated when the certified statement defined in Section 3.38.050.C.3 is due.

~~E.F.~~ It is the intention of the City Council to provide rates that accurately reflect the needs of the Surface Water and Storm Drainage ~~System Management Program~~, and that rates be set in responsible and appropriate amounts not more than necessary to meet the ~~system's Program's~~ needs. Therefore, the City Council directs staff to return to the City Council proposals, reports and recommendations regarding the appropriate rate levels, including information to determine system needs and to consider whether the rate should be continued, reduced or otherwise amended, which proposals, reports and recommendations shall be provided to the City Council not later than the 31st day of October, of each even numbered calendar year. (Ord. 186 Â§ 2, 1998; Ord. 47 Â§ 5, 1996.)

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(Ord. 186 Â§ 2, 1998; Ord. 47 Â§ 5, 1996.)

No credit shall be given for a retention/detention facility with less than a 25-year storage. The annual service charge credits will be calculated using the schedule in Section 3.38.050.C.4 at the time the credit application was approved. Credits will be recalculated when the certified statement defined in Section 3.38.050.C.3 is due.

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Section 2. Severability. If any portion of this Ordinance or its application to any person or circumstances is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 3. Effective Date. That this Ordinance shall be in full force and effect five (5) days after publication of the Ordinance Summary.

ADOPTED by the City Council this 5th day of September, 2000.

CITY OF LAKEWOOD

Attest: Bill Harrison, Mayor

Alice M. Bush, CMC, City Clerk

Approved as to Form:

Daniel B. Heid, City Attorney

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