

# Ordinance No. 00333

[Council meeting minutes of Dec 15 2003](#)

## ORDINANCE NO. 333

AN Ordinance of the City Council of the City of Lakewood, Washington, amending Chapter 03.38 of the Lakewood Municipal Code, sections 3.38.040 and 3.38.050, relating to service charges and credits for the Storm Drainage and Surface Water Management Utility.

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 effect in Pierce County prior to the incorporation of the City; and,

WHEREAS, the City Council amended the provisions of Ordinance No. 47 in Ordinance No. 186, Ordinance No. 244, Ordinance No. 289 and Ordinance No. 321, reflecting the need for change 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, in Ordinance No. 321 the City Council reduced the Surface Water Management fees for all parcels by \$5.00 per parcel and provided this rate adjustment to Pierce County, which entity is entrusted to conduct Surface Water Management billings throughout its jurisdiction; and,

WHEREAS, after passage of Ordinance No. 321 Pierce County informed the City that it can make this billing decrease only upon parcels that contain single family residential uses and undeveloped parcels because such parcels are charged a flat-rate for Surface Water Management, and it cannot make this billing adjustment on parcels that contain commercial, multi-family and industrial properties due to limitations in its computerized billing programs; and,

WHEREAS, the present Ordinance is implemented to effectuate the City Council's intent to reduce fees for as many properties as possible in light of the information obtained after adoption of Ordinance 321.

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

Section 1. That section 3.38.040 of the Lakewood Municipal Code be, and the same is hereby amended to read as follows:

### 03.38.040 Policy for Service Charges

The City shall apply a rate structure as a utility service charge to all parcels within the City and those incorporated areas defined by an interlocal drainage agreement as authorized by Section 3.38.050 of this Chapter.

- A. All parcels are subject to a service charge except the following exempt parcels:
1. All parcels consisting of mineral rights only.
  2. All parcels consisting entirely of tidelands, rivers, lakes, creeks and/or streams.
  3. All vacant/undeveloped parcels less than two-tenths (2/10ths) of an acre (8,712 square feet) in total area.
  4. All parcels within national parks due to the minuscule amount of impervious area compared to the pristine nature of total acreage protected for future generations.
- B. Low income senior citizens and disabled persons receiving relief under Section 84.36.381 RCW shall receive the following partial exemption from surface water service charges and surcharge, as applicable:
1. All parcels for which a person qualifies for an exemption under subsection 84.36.381(5) (a) shall be exempt from 40 percent of surface water utility fees and surcharge, as applicable, ~~less an additional \$2.00.~~

2. All parcels for which a person qualifies for an exemption under subsection 84.36.381(5) (b) (i) RCW shall be exempt from 60 percent of surface water utility fees and surcharge, as applicable, ~~less an additional \$3.00.~~
3. All parcels for which a person qualifies for an exemption under subsection 84.36.381(5) (b) (ii) RCW shall be exempt from 80 percent of surface water utility fees and surcharge, as applicable, ~~less an additional \$4.00.~~ (Ord. 321 ? 1, 2003; Ord. 289 ? 5, 2002; Ord. 186 ? 1, 1998; Ord. 47 ? 4, 1996.)

Section 2. That section 3.38.050 of the Lakewood Municipal Code be, and the same is hereby amended to read as follows:

03.38.050 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:

- |    |   |  |
|----|---|--|
| 1. | Residential                                 | \$86.00  |
| 2. | Duplex                                      | \$112.39   |
| 3. | Multifamily                                 | \$0.03447 per square foot of impervious area, <del>less an additional \$5.00.</del>  |
| 4. | All Mobile Homes other than 1., above       | \$45.22 per 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 per acre, <del>less an additional \$5.00,</del> but in no case shall the minimum service charge be less than \$17.75.  |
| 6. | Forest and Timber Land                      | \$17.75 per parcel, plus \$0.455/acre on lands classified as forest lands under RCW 84.33 or RCW 84.34.  |
| 7. | City Streets, Roads and Public Highways     | \$0.01033 per square foot of impervious area, <del>less an additional \$5.00.</del>  |
| 8. | All parcels other than 1. through 7., above | \$0.03447 per square foot of impervious area, <del>less an additional \$5.00,</del> 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. 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. 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-swales, 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 contractor's 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 (6<sup>th</sup>) 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**

<b>Facility Type</b>	<b>Percent Credit</b>
<b>Retention</b>	
<b>100 Year Storage</b>	<b>85%</b>
<b>25 Year Storage</b>	<b>35%</b>
<b>Detention</b>	<b>0%</b>

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

**Facility Type                      Percentage Credit**

**Retention**

<b>100 Year Storage</b>	<b>85%</b>
<b>25 Year Storage</b>	<b>35%</b>

**Detention**

**Percentage Credit**

Natural Drainage Course    Municipal Drainage System

100 Year Storage; Release rate 60% of 50% of the predevelopment discharge rate for a 2 year storm	50%	
25 Year Storage; 2 Year Release	30%	25%

D. 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. It is the intention of the City Council to provide rates that accurately reflect the needs of the Surface Water and Storm Drainage Management Utility, and that rates be set in responsible and appropriate amounts not more than necessary to meet the Utility'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. 321 ? 2, 2003; Ord. 289 ? 5, 2002; Ord. 244 ? , 2000; Ord. 186 ? 2, 1998; Ord. 47 ? 5, 1996.)

Section 3. Sunset. That each amendment made by this ordinance expires and ceases to have any effect on December 31, 2004 and those items revert to the previous language on that date.

Section 4. 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 5. 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 15<sup>th</sup> day of December, 2003.

CITY OF LAKEWOOD

\_\_\_\_\_  
Bill Harrison, Mayor

Attest:

---

Alice M. Bush, CMC, City Clerk

Approved as to Form:

---

Heidi Ann Wachter, City Attorney