

Ordinance No. 00393

[Council meeting minutes of September 19 2005](#)

ORDINANCE NO. 393

AN ORDINANCE of the City Council of the City of Lakewood, Washington, amending chapter 3.38 of the Lakewood Municipal Code, specifically section 3.38.050, reducing the Surface Water Management Utility Service Charge

WHEREAS, in 1996 the City of Lakewood created a Storm Drainage and Surface Water Management Program; and,

WHEREAS, this program became a public utility on January 1, 2002; and,

WHEREAS, storm drainage and surface water management are essential government functions designed to minimize property damage, to protect water quality, to ensure the safety of City streets and rights of way, and intended to promote the public safety and health; and,

WHEREAS, the City's Storm Drainage and Surface Water Management Utility is funded through a utility service charge applicable to most parcels of land located within the City's jurisdictional boundaries; and,

WHEREAS, the funds accrued to this utility are used to plan, manage, maintain, design, construct, revise and upgrade storm drainage and surface water runoff systems within the City; and,

WHEREAS, under authority granted in Revised Code of Washington Chapter 35.67, the City of Lakewood is authorized to set rates and charges as necessary for all aspects of operation and maintenance of this utility; and,

WHEREAS, as stated in Lakewood Municipal Code section 3.38.050(D), it is the intent of the Lakewood City Council to set and keep rates that accurately reflect the needs of the utility and to this end staff has been directed to regularly report to the City Council proposals, reports and recommendations regarding appropriate rate levels in order to consider whether rates should be continued, reduced or otherwise amended; and,

WHEREAS, based upon information provided, the City Council has determined that the rates charged for storm drainage and surface water management shall be reduced as reflected in this Ordinance commencing on January 1, 2006.

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 amended to read as follows:

03.38.050 - Method of Calculating Service Charges

Commencing on January 1, 2006, the ~~An~~ annual service charge schedule for storm drainage and surface water management is hereby set and established for the areas of the City as set forth herein.

A. Annual Service Charges are as follows:

1. Residential \$ ~~86.00~~ 77.40
2. Duplex \$ ~~112.39~~ 101.15
3. Multifamily \$ ~~0.03447~~ 0.03102 per square foot of impervious area, less an additional \$5.00.
4. All Mobile Homes other than 1., above \$ ~~45.22~~ 40.70 per vacant or occupied mobile home site (mobile home equivalent) plus \$ ~~0.03447~~ 0.03102 per square foot of impervious areas in addition to mobile home site.
5. Vacant/Undeveloped \$ ~~0.455~~ 0.410 per acre, less an additional \$5.00, but in no case shall the minimum service charge be less than \$ ~~17.75~~ 15.98.
6. Forest and Timber Land \$ ~~17.75~~ 15.98 per parcel, plus \$ ~~0.455~~ 0.410/acre on lands classified as forest lands under RCW 84.33 or RCW 84.34.
7. City Streets, Roads and Public Highways \$ ~~0.01033~~ 0.00930 per square foot of impervious area, less an additional \$5.00.
8. All parcels other than 1. through 7., above \$ ~~0.03447~~ 0.03102 per square foot of impervious area, less an additional \$5.00, 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 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

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
Retention	
100 Year Storage	85%
25 Year Storage	35%
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.

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, excepting that the rates for utilities as set forth in this Ordinance shall commence in effect on January 1, 2006, and thereafter until modified, amended or changed by action of the Lakewood City Council.

ADOPTED by the City Council this 19th day of September, 2005.

CITY OF LAKEWOOD

Douglas G. Richardson, Mayor

Attest:

Alice Bush, MMC/CMC, City Clerk
Approved as to form:

Heidi Ann Wachter, City Attorney