

ORDINANCE NO. 2544

AN ORDINANCE CREATING CHAPTER 13.03 OF THE MOSES LAKE MUNICIPAL CODE ENTITLED "STORMWATER UTILITY AND PROVISIONS FOR RATE STRUCTURE"

THE CITY COUNCIL OF THE CITY OF MOSES LAKE, WASHINGTON ORDAINS AS FOLLOWS:

Section 1. Chapter 13.03 of the Moses Lake Municipal Code entitled "Stormwater Utility and Provisions for Rate Structure" is created as follows:

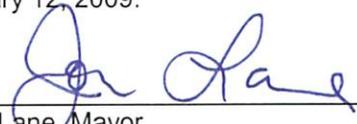
- 13.03.010 Creation of Stormwater Utility: A stormwater utility is created by this ordinance as a separate enterprise and facility. The utility is authorized to own, construct, maintain, operate, and preserve all the stormwater system. Furthermore, the utility is responsible for educating the public about stormwater issues; protecting the qualities of groundwater and surface water within the boundaries of the City of Moses Lake; and meeting the requirements of its National Pollutant Discharge Elimination System (NPDES) permit, state law, and federal law.
- 13.03.020 Rate Classifications:
- A. Developed, Residential Property: Each dwelling unit on developed residential property will have a uniform stormwater fee per Section 13.12.042. The stormwater utility will not measure the impervious ground cover for developed, residential property.
 - B. Developed, Non-residential Property: For each developed non-residential property, the stormwater utility shall measure the impervious groundcover. The stormwater fee is then based on the categories listed in Table 13.12.
 - C. Undeveloped Property: Undeveloped property will not be charged a stormwater fee.
- 13.03.030 Stormwater Fee Revenue: The revenue from the stormwater fees will finance planning, design, administration, construction, operation, maintenance, restoration, procurement, and preservation of stormwater infrastructure; public education of stormwater issues; protection of groundwater and surface water; and for other items required by the stormwater utility to meet the requirements of the City's NPDES permit.
- 13.03.040 Property Exempt from Stormwater Fee: The following categories of property are exempt from a stormwater fee.
- A. Undeveloped property.
 - B. City street rights-of-way, dedicated rights-of-way, and easements for street purposes.
 - C. State of Washington highway rights-of-ways, provided that the State of Washington agrees to own, construct, maintain, operate, and preserve all drainage facilities contained within said rights-of-way 1) as required by the stormwater utility, 2) in conformance with all utility standards for maintenance, construction, and improvement established by the stormwater utility, and 3) at no cost to the stormwater utility.
 - D. Railroad rights-of-ways so long as each railroad agrees to own, construct, maintain, operate, and preserve all drainage facilities contained within said rights-of-way 1) as required by the stormwater utility, 2) in conformance with all utility standards for maintenance, construction, and improvement established by the stormwater utility, and 3) at no cost to the stormwater utility.

13.03.050 Appeal of Impervious Ground Cover Determination: If a non-residential property owner believes the amount of impervious ground cover applied to its property is incorrect, the owner may appeal this determination to the Municipal Services Director. Appeals shall be in writing, shall specify the grounds of the appeal, and shall include a fifty dollar (\$50) review fee. The amount of impervious ground cover applied to the property may increase, decrease, or remain unchanged when the review is completed by the Municipal Services Director. In the event the appeal is successful, the fifty dollar (\$50) fee shall be refunded.

13.03.060 Severability: If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter and the application of the provisions of this chapter are declared to be severable and shall remain in full force and effect.

Section 2. This ordinance shall take effect and be in force five (5) days after its passage and publication of its summary as provided by law.

Adopted by the City Council and signed by its Mayor on January 12, 2009.



Jon Lane, Mayor

ATTEST:



Ronald R. Cone, Finance Director

APPROVED AS TO FORM:

James A. Whitaker, City Attorney