

ORDINANCE NO. 2567

AN ORDINANCE AMENDING CHAPTER 13.01 OF THE MOSES LAKE MUNICIPAL CODE ENTITLED "STORMWATER GENERAL PROVISIONS"

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

Section 1. Chapter 13.01 of the Moses Lake Municipal Code entitled "Stormwater General Provisions" is amended as follows:

13.01.040 Definitions: The following terms, when used in this Title, shall have the following meaning:

- A. "Construction Site Operator" shall mean a person, firm, corporation, subdivider, developer, contractor, property owner, or any agent of a property owner who causes construction activity.
- B. "Impervious Groundcover" shall mean a surface that is covered with material that is resistant to infiltration of water including conventionally surfaced streets, roofs, sidewalks, concrete flatwork, driveways, parking lots and other oiled, graveled, graded or compacted surface that impedes the natural infiltration of surface water.
- C. "Moses Lake" shall mean the body of water named Moses Lake along with all associated ponds, wetlands and tributaries, and the waters of the state, unless the usage of the phrase is clearly tied to the Moses Lake City Council, the City of Moses Lake, the Moses Lake Municipal Code, or the Port of Moses Lake.
- D. "Non-residential Property" shall mean all properties that are billed as commercial accounts per Chapter 13.12.
- E. "Non-Stormwater" shall mean discharge to a stormwater system that is not composed entirely of stormwater.
- F. "Potential Discharge to Moses Lake" shall mean stormwater that might discharge from the property into Moses Lake or the City's stormwater system that discharges to Moses Lake; and includes areas where debris is tracked out into the right-of-way and might enter Moses Lake or the City's stormwater system that discharges to Moses Lake.
- G. "Property Owner" shall mean the property owner of record according to the Grant County Assessor's Office and includes all part owners, joint owners, tenants in common, joint tenants, and tenants by the entirety, of the whole, or a part of such building or land.
- H. "Residential Property" shall mean all properties that are billed as residential accounts per Chapter 13.12.
- I. "Stormwater Fee" shall mean the service charge established under Title 13 of the Municipal Code for parcels of real property to fund the costs of stormwater management and for operating, maintaining and improving the City's stormwater system.
- J. "Stormwater System" shall mean all the pipes, swales, ditches, culverts, street gutters, detention ponds, retention ponds, constructed wetlands, infiltration devices, catch basins, oil/water separators, biofiltration swales, outfalls, underground injection wells, and other items for conveying, treating, or containing stormwater and non-stormwater.

K. "Stormwater Utility" shall mean the stormwater utility, created by Chapter 13.03 of the Moses Lake Municipal Code.

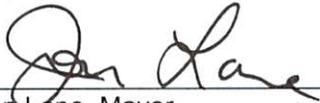
L. "Undeveloped Property" shall mean property that is unaltered by the actions, construction, or addition to such property by man, or addition to such property by man of impervious groundcover, or physical manmade improvements, or conditions of any kind that change the hydrology of the property or its soil from its natural state, so long as stormwater runoff from said property causes no detriment to the City's stormwater system.

13.01.050 Enforcement: All violations of this Title related to stormwater shall be deemed to constitute a public nuisance. Violations of this chapter and all other chapters of this Title dealing with stormwater shall be enforced in the same manner as violations of Moses Lake Municipal Code Chapter 8.14.

13.01.060 Severability: If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter or 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 July 13, 2010.



Jon Lane, Mayor

ATTEST:



Ronald R. Cone, Finance Director

APPROVED AS TO FORM:

James A. Whitaker, City Attorney