

ORDINANCE NO. 2569

AN ORDINANCE AMENDING 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 amended as follows:

13.03.020 Rate Classifications:

- A. Residential Property: Each living unit on residential property will have a uniform stormwater fee per Section 13.12.042. The stormwater utility will not measure the impervious ground cover for residential property.
- B. Non-residential Property: For each 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 other items required by the stormwater utility to meet the requirements of the City's NPDES permit, and other state and federal clean water regulations.

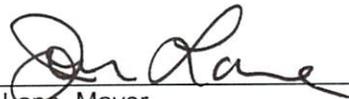
13.03.040 Property Exempt from Stormwater Fee: The following categories of property are exempt from a stormwater fee.

- A. Undeveloped property.
- B. City street rights-of-way, dedicated rights-of-way, deeds, and easements for street purposes.
- C. State of Washington highway rights-of-ways.
- 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 property 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.

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