ORDINANCE NO. 19-0561

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, ADJUSTING THE STORM DRAINAGE AND SURFACE WATER UTILITY ANNUAL SERVICE CHARGE FOR ALL CLASSIFICATIONS OF SERVICE CONSISTENT WITH THE SURFACE WATER MANAGEMENT PLAN, IN ORDER TO IMPLEMENT THE CAPITAL IMPROVEMENT PLAN BUDGET FOR THE UTILITY, TO BE EFFECTIVE AS OF JANUARY 1, 2020, AMENDING SECTION 13.10.070 OF THE EDGEWOOD MUNICIPAL CODE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City of Edgewood has “full jurisdiction and authority to manage, regulate and control” its storm water utility (RCW 35.67.020(1)); and

WHEREAS, the City has the authority to fix, alter, regulate and control the rates and charges associated with the storm water utility, which charges must be uniform for the same class of customers of service and facilities furnished, taking into account the factors identified in state law (RCW 35.67.020(2)); and

WHEREAS, the City has established a storm drainage and surface water management utility and has codified regulations pertaining thereto at Chapter 13.10 of the Edgewood Municipal Code (EMC); and

WHEREAS, Pierce County collects storm water charges for the City, as directed and authorized by the Mayor through an established interlocal agreement, and designates each property by one of the eight (8) categories defined in EMC 13.10.070; and

WHEREAS, the City is updating its capital improvement and comprehensive plans for the maintenance, repair, replacement, and new construction of storm water projects which are paid for by the revenue from storm water charges; and

WHEREAS, in review of said plan updates, the City has determined additional funding is necessary to support the proposed capital improvement budget for its surface water management utility; and

WHEREAS, the City desires to adjust the annual storm drainage and surface water service charge to fund said capital improvement budget; and

WHEREAS, the City’s SEPA Responsible Official has determined that this procedural action is categorically exempt from SEPA threshold determination and EIS requirements pursuant to WAC 197-11-800(19); and
WHEREAS, on October 1 and October 15, 2019, the City Council considered this ordinance during study sessions; and

WHEREAS, on October 8, 2019, the City Council held a first reading of this ordinance during its regular City Council meeting; and

WHEREAS, on October 8, 2019, the City Council held a public hearing on this ordinance, after proper notice was sent out to the public; and

WHEREAS, on October 22, 2018, the City Council considered the adoption of this ordinance during a second reading, which was held during a regular City Council meeting;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings. The recitals above are hereby adopted as legislative findings in support of this ordinance. The City Council further adopts by reference the agenda bill dated October 22, 2019 as additional findings.

Section 2. EMC Subsection 13.10.070(A), amended. Subsection 13.10.070(A) of the Edgewood Municipal Code is hereby amended to read as follows:

An annual service charge schedule is hereby established for all areas of the city.

A. Annual service charges for all parcels within the city are as follows:

<table>
<thead>
<tr>
<th>Classification</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>$190.80 $257.58</td>
</tr>
<tr>
<td>Duplex</td>
<td>$246.42 $352.26</td>
</tr>
<tr>
<td>Multifamily (per sq. ft. impervious area)</td>
<td>$0.07227 $0.097565</td>
</tr>
<tr>
<td>Mobile Home Site</td>
<td>$104.94 $141.67</td>
</tr>
<tr>
<td>Vacant / Undeveloped</td>
<td>$48.00 $64.80</td>
</tr>
<tr>
<td>State, County &amp; Federal Public Highways (per sq. ft. impervious area)</td>
<td>$0.02146 $0.029268</td>
</tr>
<tr>
<td>All Others (per sq. ft. impervious area)</td>
<td>$0.07227 $0.097565</td>
</tr>
</tbody>
</table>

Section 3. EMC Subsection 13.10.070(D), amended. Subsection 13.10.070(D) of the Edgewood Municipal Code is hereby amended to read as follows:

D. The annual service charge, in addition to any applicable Utility Tax pursuant to EMC 5.08.030 E, shall be calculated and collected as described in PCC 11.02.050(E), as adopted by Pierce County Ordinance 2016-72s.

Section 4. Rates Effective. The rates described herein shall take effect and be in full force for fees collected beginning January 1, 2020.
Section 5. Severability. Should any section, paragraph, sentence, clause or phrase of this Code, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason or should any portion of this Code be pre-empted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Code or its application to other persons or circumstances.

Section 6. Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL ON THE 22ND DAY OF OCTOBER, 2019.

ATTEST: 

[Signature]
Rachel Pitzel, CMC
City Clerk

APPROVED AS TO FORM:

[Signature]
Ann Marie J. Soto, Interim City Attorney

Date Published: October 24, 2019
Ordinance Effective Date: October 29, 2019  (Rate effective date: 01/01/2020)