ORDINANCE NO. 17-0509

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EDGECWOOD, WASHINGTON, ADJUSTING THE SURFACE WATER UTILITY ANNUAL SERVICE CHARGE FOR THE \"OTHER\" CLASSIFICATION OF SERVICE TO MATCH THE \"MULTIFAMILY\" CLASSIFICATION, IN ORDER TO ADDRESS A DEFICIT IN THE ONGOING MAINTENANCE AND OPERATIONS BUDGET FOR THE UTILITY, TO BE EFFECTIVE AS OF JANUARY 1, 2018, AMENDING EDGECWOOD MUNICIPAL CODE SECTION 13.10.070, 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 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 discovered a deficit in the ongoing maintenance and operations budget for its surface water management utility; and

WHEREAS, the City recognizes that said utility cannot consider capital project spending while said budget deficit exists; and

WHEREAS, the City desires to adjust the annual service charge to immediately address said maintenance and operations budget deficit; and

WHEREAS, on September 19, 2017 and October 3, 2017, the City Council considered this ordinance during a study session; and

WHEREAS, on September 26, 2017, the City Council held a first reading of this ordinance during its regular City Council meeting; and
WHEREAS, on September 26, 2017, the City Council held a public hearing on this ordinance, after proper notice was sent out to the public; and

WHEREAS, on October 10, 2017, 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 EDGECOON, WASHINGTON, DOES 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 staff report dated September 19, 2017, and agenda bill dated September 26, 2017 as additional findings.

Section 2. Section 13.10.070 amended. Section 13.10.070 of the Edgewood Municipal Code is hereby amended to read as follows:

13.10.070 PCC 11.02.050(A) amended—Method of calculating service charges. 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:

1. Residential: $159.00.
2. Duplex: $205.10.
3. Multifamily: $0.06022 per square foot of impervious area.
4. All mobile homes other than subsection (A)(1) of this section: “$159.00 x 55 percent” ($87.45) per vacant or occupied mobile home site (mobile home equivalent).
5. Vacant/undeveloped: $0.80/acre, but in no case shall the minimum service charge be less than $40.00/parcel.
6. Forest and timber land: $40.00 per parcel, plus $0.008/acre on lands classified as forest lands under Chapters 84.33 and 84.34 RCW.
7. State, county and federal public highways: $0.01805 per square foot of impervious area.
8. All parcels other than subsections (A)(1) through (7) of this section: $0.015055 $0.06022 per square foot of impervious area.

B. Credit Program. Sites that utilize rainwater harvesting systems, which retain stormwater on-site for later non-potable use, are eligible for a 10 percent credit. To qualify for a service charge credit, the following must be completed before June 1 of the year preceding the year for which the owner is requesting credit:
1. Credit may be applied to all categories listed in EMC 13.10.070 A, except for items 5, 6, and 7. Newly developed properties must fully complete the development process in accordance with EMC 13.05 before applying for a credit.

2. To qualify for a credit, the Owner of Record shall provide the City the following documentation, each stamped and signed by the Owner's Engineer, that all storm drainage systems serving the entire site are fully compliant with the current requirements for storm water control, both water quantity and water quality, in EMC 13.05:
   a. Engineering calculations, demonstrating they are properly sized for their intended use and have a capacity of at least 1,500 gallons per structure; and
   b. "As Constructed Plans"; and
   c. Maintenance and Operations Manual for all drainage facilities, including applicable source control BMPs.

3. Once accepted into the credit program, a system will remain eligible for a credit for a period of five years, even if the requirements in Title 13 EMC change, assuming the system is not modified, continues to function as designed, and is adequately maintained. Credit may be re-applied for following this five year period if the system is still in proper working order.

C. The annual service charge credit will be calculated by multiplying the annual service charge by the applicable credit percentage when all of the conditions established for a service charge credit have been met.

D. The annual service charge shall be calculated and collected as described in PCC 11.02.050 (E), as adopted by Pierce County Ordinance 2016-72s.

Section 3. Rates Effective. The rates described herein shall take effect and be in full force for fees collected beginning January 1, 2018.

Section 4. 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 5. 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 10TH DAY OF OCTOBER, 2017.

[Signature]

Daryl Eidinger, Mayor

ATTEST:

[Signature]
Rachel Pitzel, City Clerk

APPROVED AS TO FORM:

[Signature]
Carol Morris, City Attorney

Date Published: October 12, 2017
Ordinance Effective Date: October 17, 2017