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Chapter 13.16

STORM AND SURFACE WATER UTILITY

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13.16.010 - Definitions

The following words, when used herein, shall have the following meanings unless the context clearly indicates otherwise:

A. "**Billing unit**" is defined as two thousand five hundred twenty-eight feet of impervious surface development on a parcel.

B. "**Developed parcel**" means any parcel which has been altered from a natural state with or without a permit from the city. This includes clearing, grading or filling, whether or not that work accompanies excavation and construction.

C. "**Drainage Design and Erosion Control Manual,**" or "**the Manual**" means the 2005 Edition of the Drainage Design and Erosion Control Manual for Olympia, as the same may be amended from time to time.

D. "Duplex parcel" means a parcel which has been developed and constructed for the purpose of providing habitat for two-family dwelling units on a single property parcel and has and continues to be used solely for that purpose.

E. "Nonresidential parcel" means a parcel which has been developed for any purpose other than a single-family dwelling unit or duplex and includes, among others, all multifamily apartments and condominiums with three or more units and all property owned by governmental and nonprofit entities.

F. "Parcel" means any area of land within the city of Olympia which is deemed a distinct property as identified by the county assessor, whether or not the parcel is considered taxable.

G. "Single-family residential parcel" means a parcel which has been developed and constructed for the purpose of providing a habitat for a single-family dwelling unit, and has and continues to be used solely for that purpose.

H. "Storm drainage system" means all manmade and natural systems used for the collection, conveyance and disposal of rainfall, from the land. The storm drainage system may include lands outside of the city, but such lands will only be subject to this code when they are annexed to the city or by interlocal agreement with the governmental entity in which the property is located. The storm drainage system includes all streets, ditches, pipes, and appurtenances, wetlands, streams, whether intermittent or perennial, ponds, lakes, creeks, rivers, tidelands, or outfalls subject to runoff flows from the land area of the city.

I. "Undeveloped parcel" means any parcel which has not been altered from a natural state by logging, clearing or grading within twenty-five years or by any act as defined under "developed parcel" above.

J. "Utility" means the city of Olympia's storm and surface water utility, which operates and maintains storm or surface water drains, channels and facilities or outfalls for such waters and the rights and interests in other properties relating to the system.

(Ord. 6345 §1, 2004; Ord. 5123 §1(part), 1990).

13.16.017 - Drainage design and erosion control manual-Adopted

A certain document entitled "Drainage Design and Erosion Control Manual for Olympia, 2005 Edition ("the Manual") is adopted by reference as though fully set forth herein. One copy of the Manual is to be placed and held in the office of the director of administrative services for the city and be available to the public.

(Ord. 6345 §2, 2004; Ord. 5826 §1, 1998; Ord. 5639 §1, 1996; Ord. 5517 §3, 1995; Ord. 5429 §1, 1994; Ord. 5194 §1(part), 1991).

13.16.018 - Drainage and erosion control manual-Provisions to prevail in event of conflict

The provisions of the manual adopted in Section 13.16.017 shall control and prevail over any provisions of current ordinances, development standards and/or policies insofar as a conflict may occur.

(Ord. 5194 §1(part), 1991).

13.16.020 - Permit required

Before storm drainage runoff may be discharged to any part of the storm drainage system the owner of the parcel on which the runoff is generated shall apply to the city department of community planning and development for a permit to do the same. The issuance of and terms and conditions to be attached to said permits shall be governed by the Manual.

(Ord. 6345 §3, 2004; Ord. 5429 §2, 1994; Ord. 5123 §1(part), 1990).

13.16.030 - Nonpermitted uses of the storm drainage system

No one may discharge or cause to be discharged any materials of any kind into the storm drainage system, except natural rainfall, clean groundwater, or clean city potable water. This prohibition includes soil products of erosion and contaminants in runoff from impervious areas on a parcel unless such discharge is through an approved treatment device.

(Ord. 5123 §1(part), 1990).

13.16.040 - Connection to the storm drainage system

No work shall be performed which results in runoff from a parcel to the storm drainage system except under the conditions specified in the required storm drainage permit or as provided in the Manual or herein.

Where the connection involves construction of physical facilities such as pipes, inlets, channels, ditches, or other similar improvements, all work shall be approved and inspected by the department of public works prior to acceptance of the work and prior to any occupancy of development on a parcel.

(Ord. 6345 §4, 2004; Ord. 5123 §1(part), 1990).

13.16.050 - Charges for use of the storm drainage system

A. Any and all use of the storm drainage system shall be subject to the payment of all fees, costs and charges specified herein.

B. Residential and nonresidential developed parcels that are vacant shall be subject to full payment of all fees, costs and charges for use of the storm drainage system as specified herein, in accordance with the schedule in Section 4.24.010.

(Ord. 5312 §1, 1992; Ord. 5123 §1(part), 1990).

13.16.060 - Provision of abutting storm drainage system facilities

Whenever a parcel is developed, the applicable development permit shall require the owner to construct that portion of the storm drainage system abutting said parcel in accordance with the city's comprehensive plan and applicable development policies and standards for storm drainage. Provided that the department of public works shall establish policies and procedures for applying LIDs, latecomers agreements, city participation, and other exceptions as promulgated for the city's other utility services.

(Ord. 5123 §1(part), 1990).

13.16.070 - Payment for connection to the storm drainage system

The owner(s) of a parcel shall pay all costs of connecting and discharging runoff from its parcel to the storm drainage system. This obligation shall be assumed in addition to any permit fee or other stormwater charges assessed pursuant to this chapter.

(Ord. 5123 §1(part), 1990) .

13.16.080 - Storm drainage system general facilities charge

In recognition of the city's investment in the storm drainage system, each applicant for a development permit shall pay a general facilities charge in an amount as set forth in Title 4 of this code at the time of issuance of a building/engineering permit.

All monies collected from the general facilities charge will be deposited in an account to be used for the capital improvements program of this utility.

(Ord. 5466 §1, 1994; Ord. 5126 §28(part), 1990; Ord. 5123 §1(part), 1990).

13.16.090 - Credit for additional storm drainage detention/retention or water quality treatment

A. Nonresidential Parcels. Upon application to the department of public works and submittal of proof that an approved stormwater system is providing detention/retention or water quality treatment in excess of the policies and standards that existed at the time of development, the director may approve a reduction in the applicable service charges

indicated in Section 4.24.010(4) of this code. That reduction will be accomplished by adjusting the development category of the affected parcel to the next highest category (e.g., from Category III to Category II) and calculating stormwater charges accordingly.

B. Residential Plats. Upon application to the department of public works, the director may approve a reduction in the service charge assessed under OMC 4.24.010(4), for parcels in a plat approved prior to 1990, to that rate provided for plats approved after 1990, if it can be shown that said plat has a stormwater system that meets or exceeds the standards enacted in 1990 and the entity/person responsible therefor executes an approved maintenance agreement with the city.

(Ord. 5350 §3, 1992).

13.16.120 - Billing date

The monthly or bimonthly billing date for the storm and surface water utility charges shall coincide with the billing date for the other city utilities, except that those users who receive only the services of this utility shall be billed on the date established by the director of administrative services as set forth in Chapter 4.24 of this code.

Except as otherwise provided herein, all monies collected from the storm and surface water utility shall be deposited in the storm and surface water utility fund which was established under Section 3.22.030 of the Olympia Municipal Code.

(Ord. 5398 §6, 1993; Ord. 5123 §1(part), 1990).

13.16.130 - Adjustment of charges and appeals

Any person who considers that the charges established for their parcel are in error may apply in writing to the public works department for an adjustment. The grounds of the complaint shall be explicitly stated in the written complaint. The public works department shall review each complaint and respond to it in writing. A copy of the response shall be forwarded to the complainant and the department of administrative services.

(Ord. 5123 §1(part), 1990).

13.16.140 - Collection of delinquent charges

The city shall have a lien against parcels to which drainage service has been furnished, which lien shall be in the amount of the charges due and owing.

(Ord. 5123 §1(part), 1990).

13.16.160 - Authority to operate, maintain and modify the utility

The city elects to exercise all lawful powers necessary to maintain, operate, regulate, and control a storm and surface water utility as it exists and may be modified in the future.

(Ord. 5123 §1(part), 1990).

13.16.170 - Sunset clause

The rates as increased in the ordinance codified in this section shall revert back to the 1992 (prior to the ordinance codified in this section) level upon payment in full of the bonds issued by the city which are secured by said increase in rates.

(Ord. 5350 §6, 1992).

13.16.180 - Enforcement--Civil and criminal penalties--Public nuisance

A. The Code Enforcement Officer shall enforce the provisions of this chapter.

B. Any person, firm, or corporation who knowingly violates or fails to comply with the following sections of this chapter: 13.16.017, 13.16.020, 13.16.030 and 13.16.040 shall be deemed to have committed a misdemeanor, and if found guilty, shall be subject to a fine not to exceed One Thousand Dollars (\$1,000) and/or imprisonment not to exceed ninety (90) days or both such fine and imprisonment. Each day shall be a separate violation. Each day of such violation or noncompliance shall constitute a separate offense. In the event of continuing violation or failure to comply, the second and subsequent days shall constitute a gross misdemeanor, punishable by a fine not to exceed Five Thousand Dollars (\$5,000) and/or imprisonment for not more than three hundred and sixty-five (365) days or both such fine and imprisonment.

C. As an additional and concurrent remedy, it shall be a civil infraction for any person, firm, or corporation to violate or fail to comply with the provisions of Olympia Municipal Code Sections 13.16.017, 13.16.020, 13.16.030, and 13.16.040.

1. First offense: Class 3 (\$50), not including statutory assessments.

2. Second offense arising out of the same facts as the first offense: Class 2 (\$125), not including statutory assessments.

3. Third offense arising out of the same facts as the first offense: Class 1 (\$250), not including statutory assessments.

D. As a separate and concurrent remedy, any person who violates or fails to comply with the following sections of this chapter shall be liable to the City for the actual expense of cleanup or required maintenance.

E. It shall be a public nuisance to violate or fail to comply with any of the following sections of this chapter: 13.16.017, 13.16.020, 13.16.030 and 13.16.040.

See also OMC Chapter 4.44, Uniform Code Enforcement.

(Ord. 6081 §41, 2001; Ord. 5918 §1, 1999; Ord. 5466 §3, 1994).