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Creates Stormwater  
Management Utility

ORIGINAL

ORDINANCE NO. 1409

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON,  
RELATING TO STORM AND SURFACE WATER, AMENDING THE  
REDMOND MUNICIPAL CODE BY ADDING A NEW CHAPTER 13.18  
ESTABLISHING A STORMWATER MANAGEMENT UTILITY.

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WHEREAS, the Redmond City Council finds that an expanding population and increased development of land has and will continue to increase demands on the City's present storm drainage system; that the present storm drainage system is inadequate to meet these increased demands; that stormwater runoff has caused significant damage to parts of the City; that flood water during a major storm carries a higher concentration of pollutants which may contaminate the City's water supply; that uncontrolled water runoff on streets and highways poses a safety hazard to both lives and property; that increased runoff has led to erosion and sedimentation of previously stable streams; and

WHEREAS, the City Council has determined that storm drainage and surface water runoff must be controlled in a manner that minimizes property damage and soil erosion, and protects the public health, safety, and welfare; that the current level of funding for storm drainage and surface water control is not adequate to meet current and future needs to protect public and private property from storm and surface water damage; that all real property within the City's boundaries, both present and future, contributes runoff to the City's storm and surface water drainage system; and that all property benefits from the storm and surface water management efforts of the City and should contribute financially to the payment of expenses for planning, design, construction, maintenance, administration, operation, and improvement of the City's storm and surface water drainage system, and

WHEREAS, a stormwater management consultant retained by the City, staff of the City's Public Works Division, and the Citizens

Advisory Committee on Storm Drainage have made presentations and/or reports to the City Council; that after review of the various presentations and reports, the City Council finds that storm and surface water should be managed, regulated, and controlled under unified management of a storm and surface water public utility, now, therefore

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON ORDAINS AS FOLLOWS:

Section 1. A new Chapter 13.18, entitled "Stormwater Management Utility," is hereby added to the Redmond Municipal Code to read as follows:

13.18.010 Stormwater Management Utility Created - Responsibilities. There is hereby created and established pursuant to RCW Chapters 35A.80 and 35.67, a storm and surface water utility to be known as the "Redmond Stormwater Management Utility." All references to "the Utility" in this Chapter refer to the Redmond Stormwater Management Utility. The Utility will have primary authority and responsibility for carrying out the City's comprehensive drainage and storm sewer plan, including responsibilities for planning, design, construction, maintenance, administration, and operation of all City storm and surface water facilities, as well as establishing standards for design, construction, and maintenance of improvements on private property where these may affect storm and surface water management.

13.18.020 Administrator of Utility. The Director of Public Works shall be ex officio administrator of the Utility.

13.18.030. Ownership of City Stormwater Facilities and Assets. Title and all other incidents of ownership of the following assets are hereby vested in the Utility:

All properties, interests, and physical and intangible rights of every nature owned or held by the City, however acquired, insofar as they relate to or concern storm or surface water sewage, further including, without limitation, all properties, interests, and rights acquired by adverse possession or by prescription, directly or through another, in and to the drainage or storage, or both, of storm or surface waters, or both, through, under, or over lands, watercourses, sloughs, streams, ponds, lakes, and swamps, all beginning in each instance, at a point where storm or surface waters first enter the storm and surface water system of the City and ending in each instance at a point where the storm or surface waters exit from the storm and surface water system of the City, and in width to the full extent of inundation caused by storm or flood conditions, together with all funds on deposit in the City Storm Drainage Construction Fund and future revenues of said fund.

13.18.040 Rates and Charges. The administrator of the Utility shall formulate and propose to the City Council for adoption by ordinance a system of rates and charges for services of the Utility. To the extent required by

RCW 35.16.020 and other applicable law, rates charged shall be uniform for the same class of customers or service. In classifying customers served by the Utility, any or all of the following factors shall be considered:

The difference in cost of service to the various customers; the location of the various customers within and without the City; the intensity of development of the property; the types of surfaces on the property; the difference in cost of maintenance, operation, repair, and replacement of the various parts of the system; the different character of the service furnished various customers; the quantity and quality of the sewage delivered and the time of its delivery; capital contributions made to the system, including, but not limited to, assessments; and any other matters which present a reasonable difference as a ground for distinction.

Section 2. The initial responsibilities of the Utility shall include an analysis of the City's Comprehensive Drainage and Stormwater Plan, January 1964 edition, adopted as the official storm drainage plan of the City by Resolution No. 137, on March 10, 1964. Revisions to such plan, or if determined appropriate by the administrator of the Utility, a new plan, shall be formulated and proposed for adoption by the City Council. Such proposed revisions or new plan shall take into account the findings and recommendations contained in the 1987 Report of the Citizen's Advisory Committee on Storm Drainage.

Section 3. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of the proposed ordinance which is hereby approved, or February 1, 1988, whichever is later.

APPROVED:

  
MAYOR, DOREEN MARCHIONE

ATTEST/AUTHENTICATED:

*Doris A. Schaible*  
CITY CLERK, DORIS SCHAIBLE

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY: *Ray C. Porter*

FILED WITH THE CITY CLERK: 1-14-88  
PASSED BY THE CITY COUNCIL: 1-19-88  
PUBLISHED: 1-24-88  
EFFECTIVE DATE: 2-1-88  
ORDINANCE NO. 1409