

ORDINANCE NO. 08-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PULLMAN, WHITMAN COUNTY, WASHINGTON, RELATING TO STORMWATER SERVICES, RATES, FEES AND CHARGES, ADDING A NEW CHAPTER TO TITLE X [TITLE NAME] OF THE PULLMAN CITY CODE, AND OTHER MATTERS PROPERLY RELATED THERETO.

WHEREAS, The Federal Clean Water Act, 33 U.S.C. 1251 et seq., requires certain political entities, such as the City of Pullman (the City), to implement stormwater management programs within prescribed time frames, and the Environmental Protection Agency (EPA), pursuant of the Federal Clean Water Act, 33 U.S.C. 1251 et seq., has promulgated a Phase II rule that extends coverage under the National Pollutant Discharge Elimination System (NPDES) to certain small municipal separate stormwater sewage systems (MS4s), such as the City, that apply for coverage under a NPDES Phase II municipal stormwater general permit; and

WHEREAS, the City applied for coverage under the NPDES Phase II municipal stormwater general permit on July 26, 2006; and

WHEREAS, the NPDES Phase II municipal stormwater general permit program requires the City to regulate activities that impact stormwater quality; to operate and maintain a stormwater system; to protect surface water quality; to educate and involve the public in stormwater matters; and to provide for the planning, design and construction of necessary stormwater capital facilities; and

1       WHEREAS, in Washington State, the EPA has delegated  
2       primacy for the Federal Clean Water Act to the Washington  
3       State Department of Ecology; and

4       WHEREAS, chapter 90.48 of the Revised Code of  
5       Washington (RCW) - the Water Pollution Control Act of  
6       Washington - establishes that it is the public policy of  
7       the state of Washington to maintain the highest possible  
8       standards to ensure the purity of all waters of the state  
9       consistent with public health and public enjoyment  
10      thereof, the propagation and protection of wild life,  
11      birds, game, fish and other aquatic life, and the  
12      industrial development of the state, and to that end  
13      requires the use of all known available and reasonable  
14      methods to prevent and control the pollution of the  
15      surface waters of the state of Washington from discharges  
16      including those arising from stormwater runoff; and

17      WHEREAS, the City is required to comply with these  
18      applicable stormwater and surface water regulations under  
19      federal and state laws, and implementation by the City of  
20      the stormwater pollution prevention programs required by  
21      these regulations is a necessary part of providing  
22      stormwater services and operating storm sewer systems and  
23      facilities; and

24      WHEREAS, the development of property can adversely  
25      affect stormwater quality, generate stormwater runoff, and  
26      otherwise necessitate stormwater regulation and management  
27      and burden the stormwater system; and

28      WHEREAS, owners of developed property benefit from  
29      the provision of stormwater management services and from  
30      the operation of the system; and

1       WHEREAS, The City desires to form a Storm Drainage  
2 and Surface Water Management Utility to regulate public  
3 and private activities that impact stormwater discharges,  
4 and to provide related facilities and services, in order  
5 to promote and protect the public health, safety and  
6 welfare; minimize water quality degradation; ensure the  
7 safety of City roads and rights-of-way; assure compliance  
8 with federal and state storm drainage, surface water  
9 management, and water quality regulations; and encourage  
10 the preservation of the function of natural drainage  
11 systems; and

12       WHEREAS, the City is authorized to own and operate a  
13 Storm Drainage and Surface Water Management Utility, and  
14 to impose charges therefore, pursuant to RCW 35.67.010 -  
15 .020 and RCW 35.92.020; and

16       WHEREAS, the revenues to be generated by the charges  
17 set forth in this ordinance will be used solely for  
18 purposes of storm drainage and surface water management.

19       NOW, THEREFORE, the City Council of the city of Pullman  
20 do ordain as follows:

21       Section 1: There is hereby added a new Chapter XX to the  
22 Pullman City Code entitled Storm Drainage and Surface Water  
23 Management Utility.

24       Section 2: There is hereby added a new section X.XX.010  
25 to the Pullman City Code to read as follows:

26       X.XX.010 Legislative Findings and Policy. The City  
27 Council finds, determines and declares that the streams,  
28 rivers, ponds, waterways, groundwater, and functionally  
29 related natural and manmade stormwater control facilities  
30 constitute a stormwater control facility.

1       The City Council finds, determines and declares that  
2 the public stormwater control facility including its  
3 administration, which provides for the collection,  
4 treatment, storage and disposal of stormwater, provides  
5 benefits and services to all developed property within the  
6 incorporated City limits. Such benefits include, but are  
7 not limited to: the provision of adequate systems of  
8 collection, conveyance, detention, treatment and release  
9 of stormwater; the reduction of hazards to property and  
10 life resulting from stormwater runoff; improvements in  
11 general health and welfare through reduction of  
12 undesirable stormwater conditions; and improvements to the  
13 water quality of the stormwater and its receiving waters.  
14 State and federal laws mandate that operation of such  
15 systems requires the City of Pullman to implement local  
16 water quality protection activities and programs to reduce  
17 and control the potential to pollute surface waters and  
18 groundwaters by storm drainage originating on both public  
19 and private properties.

20       The City Council finds, determines and declares that  
21 development of lands alter both the amount of stormwater  
22 runoff and the amount of pollution contained in such  
23 runoff and that the variation in these two factors  
24 constitutes a fair way to determine the burdens imposed  
25 upon the system and the benefits of the services received  
26 by the customer from the pollution management and  
27 regulatory services and facilities provided by a utility  
28 for storm drainage and surface water management, and the  
29 customer's charges for management of such burdens and  
30 provision of such services and facilities.

1       The City Council finds, determines and declares that  
2 the amount of impervious surface, land use, and rainfall  
3 will determine the volume of runoff and the general level  
4 of pollution from a property, which has been well  
5 established in both engineering practice and water quality  
6 studies by the Environmental Protection Agency, the  
7 Department of Ecology, the United States Geological  
8 Survey, the Soil Conservation Service, and others. While  
9 the relationships established by the above studies are  
10 adequate to assign charges, the City Storm Drainage and  
11 Surface Water Management Utility may perform local studies  
12 and based upon the results of these, may adjust rates and  
13 charges in the future to more accurately reflect the  
14 burdens imposed by customer classes within the City.

15       The City Council finds, determines and declares that  
16 to fund the costs of storm drainage and surface water  
17 management in the City, it is necessary to adopt service  
18 charges for stormwater users, with rates varying according  
19 to the services furnished, the burdens imposed or benefits  
20 received; and the character, use and stormwater runoff  
21 characteristics of the land.

22       Section 3: There is hereby added a new section X.XX.020  
23 to the Pullman City Code to read as follows:

24       X.XX.020 Creation of Storm Drainage and Surface Water  
25 Management Utility. Pursuant to RCW 35.67.010 - .020 and RCW  
26 35.92.020, there is hereby created a City Storm Drainage and  
27 Surface Water Management Utility.

28       The Storm Drainage and Surface Water Management  
29 Utility, under the legislative policy, supervision and

1 control of the governing body of the City, shall perform  
2 the following activities within the City:

3 (1) Administer the acquisition, design,  
4 construction, maintenance and operation of the  
5 public stormwater and surface water system,  
6 including stormwater capital improvements  
7 designated in the capital improvement program;

8 (2) Administer and enforce this ordinance and all  
9 regulations and procedures adopted thereto  
10 relating to the design, construction,  
11 maintenance, operation and alteration of the  
12 stormwater and surface water system, including,  
13 but not limited to, the quantity, quality and/or  
14 velocity of the stormwater conveyed thereby;

15 (3) Advise the City's governing body and other City  
16 departments on matters relating to the utility;

17 (4) Prepare and periodically revise, as determined  
18 by state and federal law, comprehensive  
19 stormwater management and drainage plans for  
20 adoption by the City's governing body;

21 (5) Develop standards and ordinances relating to  
22 stormwater drainage and treatment to apply to  
23 new development and redevelopment;

24 (6) Enforce regulations to protect and maintain  
25 water quality and quantity within the stormwater  
26 and surface water system in compliance with  
27 water quality standards established by state,  
28 regional and/or federal agencies as now adopted  
29 or hereafter amended;

1 (7) Periodically analyze the cost of services and  
2 benefits provided to, and burdens imposed by,  
3 different classes of customers, and the system  
4 and structure of fees, charges, civil penalties  
5 and other revenues of the utility, and prepare  
6 budgets for adoption by the City's governing  
7 body; and

8 (8) Perform all other activities allowable by law  
9 and required to ensure compliance with state and  
10 federal stormwater and surface water quality  
11 laws.

12 Section 4: There is hereby added a new section X.XX.030  
13 to the Pullman City Code to read as follows:

14 X.XX.030 Definitions. Unless the context clearly requires  
15 otherwise, the definitions in this section apply  
16 throughout this chapter:

17 (1) "Base Rate" means the stormwater user's fee for  
18 an equivalent residential unit (ERU).

19 (2) "City" means the City of Pullman, Washington, a  
20 municipal corporation created and existing under  
21 the laws of the state of Washington.

22 (3) "Credit" means the extent to which utility  
23 customers meeting specified criteria are billed  
24 at a reduced fee, such reduction representing a  
25 fee credit. The fee credit is provided in  
26 recognition that those utility customers who  
27 meet the specified criteria provide an in-kind  
28 service or contribution that offsets a portion  
29 of the burdens on the stormwater system imposed  
30 by the credited parcel.

- 1       (4) "Developed Property" means real property that  
2       has been altered from its undeveloped state by  
3       the creation or addition of impervious surface  
4       areas, such as buildings, structures, pavement  
5       or other improvements.
- 6       (5) "Duplex, Tri-plex, and Four-plex" mean buildings  
7       designed and arranged exclusively for occupancy  
8       in two (2), three (3), and four (4) separate  
9       dwelling units respectfully.
- 10      (6) "Dwelling Unit" means a single unit providing  
11      complete, independent living facilities for one  
12      (1) family including permanent provisions for  
13      living, sleeping, eating, cooking, and  
14      sanitation.
- 15      (7) "Equivalent Residential Unit" or "ERU" means,  
16      and is equal to, 3,500 square feet of impervious  
17      groundcover, which approximates the average  
18      impervious surface area contained on single-  
19      family residential parcels within the City. An  
20      ERU is the unit of impervious groundcover to be  
21      used by the utility in calculating service  
22      charges for each parcel of property.
- 23      (8) "Family" means either a "traditional" or  
24      "functional" household unit as defined in the  
25      Zoning Code in Chapter 17 of the Pullman City  
26      Code.
- 27      (9) "Fee" or "Stormwater Fee" means the charge  
28      established under this ordinance for parcels or  
29      pieces of real property to fund the costs of  
30      stormwater management and of operating,



1 maintaining, and improving the stormwater system  
2 in the City.

3 (10) "Finance Director" means the duly appointed  
4 Director of the City of Pullman Finance  
5 Department or his or her designee. The Finance  
6 Director may utilize the services of the Public  
7 Works Department as necessary to make decisions.

8 (11) "Impervious Surface" means a surface which is  
9 covered with material that is resistant to  
10 infiltration by water, including, but not  
11 limited to, most conventionally surfaced  
12 streets, roofs, sidewalks, patios, driveways,  
13 parking lots, and any other oiled, graveled,  
14 graded, compacted, or any other surface which  
15 impedes the natural infiltration of surface  
16 water.

17 (12) "Impervious Surface Area" means the number of  
18 square feet of horizontal surface covered by  
19 buildings and other impervious surfaces.

20 (13) "Multiple Family Dwelling Unit" means a building  
21 or portion thereof, containing five (5) or more  
22 separate dwelling units.

23 (14) "National Pollutant Discharge Elimination  
24 System" or "NPDES" refers to the federal permit  
25 system under the Clean Water Act for discharges  
26 of pollutants to surface waters of the United  
27 States. Congress amended the Clean Water Act in  
28 1987 to regulate stormwater. Under the  
29 revisions, NPDES Phase II permits are required

1           for municipal stormwater discharges to surface  
2           waters.

3           (15) "Nonresidential Parcel" means a parcel which has  
4           been developed for any purpose other than a  
5           single-family residence, duplex, tri-plex, or  
6           four-plex and includes, but is not limited to,  
7           commercial parcels, industrial parcels, parking  
8           lots, hospitals, schools, hotels, offices,  
9           churches, governmental parcels and multiple  
10          family dwelling units.

11          (16) "Public Works Director" means the duly appointed  
12          Director of the City of Pullman Department of  
13          Public Works or his or her designee.

14          (17) "Residential Parcel" means a parcel which has  
15          been developed as a single-family residence, a  
16          mobile home on a separate parcel, and other  
17          parcels where the primary use is residential,  
18          excluding apartment complexes.

19          (18) "Single-Family Residence" means a parcel which  
20          has been developed with a residential structure  
21          designated for occupancy by one (1) family or  
22          household unit, including mobile homes and  
23          manufactured homes on a separate parcel.

24          (19) "Stormwater" means that portion of precipitation  
25          that does not naturally percolate into the  
26          ground or evaporate, but flows via overland  
27          flow, interflow, pipes and other features of a  
28          stormwater drainage system into a defined  
29          surface waterbody.

1 (20) "Stormwater Control Facility" means the streams,  
2 rivers, ponds, waterways, groundwater, and  
3 functionally related natural and manmade  
4 stormwater control facilities that combined  
5 constitute the City stormwater control facility.

6 (21) "Stormwater Management Fund" or "Fund" means the  
7 fund created by this ordinance to operate,  
8 maintain, and improve the City's stormwater  
9 system.

10 (22) "Storm Drainage and Surface Water Management"  
11 means the planning, design, construction,  
12 regulation, improvement, repair, maintenance,  
13 and operation of facilities and programs  
14 relating to stormwater.

15 (23) "Stormwater and Surface Water System" or  
16 "Stormwater System" means all properties,  
17 interest, physical and intangible rights of  
18 every kind or nature owned, held or operated by  
19 the City, however acquired, insofar as they  
20 contribute to the management of storm or surface  
21 water. It shall further include without  
22 limitation, all such properties, interests and  
23 rights acquired by adverse possession or by  
24 prescription, directly or through another; in  
25 and to the drainage or storage, or both of storm  
26 or surface waters, or both; and through, under,  
27 or over lands, landforms, watercourses, streams,  
28 ponds and swamps. In each case or instance,  
29 their inclusion begins at a point where storm or  
30 surface waters first enter the stormwater

1 control facility of the City within the City  
2 limits, and ends where storm or surface waters  
3 exit from the stormwater control facility of the  
4 City within the City limits, and in width to the  
5 full extent of inundation caused by the largest  
6 storm or flood condition.

7 (24) "Storm Drainage and Surface Water Management  
8 Utility" or "Stormwater Utility" or "Utility"  
9 means the Storm Drainage and Surface Water  
10 Management Utility created by this ordinance as  
11 it may be amended from time to time.

12 (25) "Undeveloped Property" is property that has no  
13 improvements, generates little to no traffic,  
14 and generally exists in a natural state, thereby  
15 imposing little burden upon the system and  
16 receiving no benefit from the utility's  
17 services. This includes property previously used  
18 for agricultural crop production.

19 (26) "Waiver" means that determination by the Finance  
20 Director that a utility customer's property has  
21 met the criteria specified in PCC XX.XX.120 of  
22 this chapter to receive a waiver from paying  
23 stormwater fees. Any waiver will require a  
24 showing that parcels that meet the specified  
25 criteria provide an in-kind service or  
26 contribution that offsets the burdens on the  
27 stormwater system imposed by the parcels subject  
28 to the waiver.

29 Section 5: There is hereby added a new section X.XX.040  
30 to the Pullman City Code to read as follows:

1        X.XX.040 Funding of Storm Drainage and Surface Water  
2 Management Utility. Funding for the Storm Drainage and  
3 Surface Water Management Utility's services and facilities  
4 may include, but not be limited to, the following:

- 5        (1) Stormwater user's fees;  
6        (2) Civil penalties and damage assessments imposed  
7            for or arising from the violation of this  
8            ordinance;  
9        (3) Stormwater permit, development and/or inspection  
10           fees;  
11        (4) Revenue bonds and/or general obligation bonds;  
12           and  
13        (5) Other funds or income obtained from federal,  
14           state, local or private grants and/or loans.

15        Section 6: There is hereby added a new section X.XX.050  
16 to the Pullman City Code to read as follows:

17        X.XX.050 Stormwater Funds. All revenues generated by,  
18 or on behalf of the stormwater utility shall be deposited  
19 in the Storm Drainage and Surface Water Management Utility  
20 fund as established and maintained by the Finance  
21 Director. The revenue deposited into this account shall be  
22 used in accordance with state law and used only for the  
23 purposes of constructing, acquiring, adding to,  
24 maintaining, replacing, conducting, operating, managing,  
25 regulating, and controlling the stormwater system, or to  
26 secure the payment of all or any portion of any issue of  
27 general obligation bond or revenue bond issued for such  
28 purposes, or for other legal purposes consistent with this  
29 ordinance.

30        Section 7: There is hereby added a new section X.XX.060

1 to the Pullman City Code to read as follows:

2 X.XX.060 Operating Budget. The City Council shall  
3 adopt an operating budget for the stormwater utility each  
4 fiscal year. The operating budget shall set forth for  
5 such fiscal year the estimated revenues and the  
6 established costs for operations and maintenance, capital  
7 improvement projects, and debt service.

8 Section 8: There is hereby added a new section X.XX.070  
9 to the Pullman City Code to read as follows:

10 X.XX.070 Reserve Account. An operating and emergency  
11 reserve account shall be maintained with the designated funds  
12 to provide for cash flow, emergencies and capital improvement  
13 project needs.

14 Section 9: There is hereby added a new section X.XX.080  
15 to the Pullman City Code to read as follows:

16 X.XX.080 Stormwater Users' Fees Established. Except  
17 with respect to those parcels that are waived from paying  
18 fees as described in PCC X.XX.120 of this chapter, the  
19 City shall charge and collect from the owner of each and  
20 every developed property in the City a stormwater user's  
21 fee, which shall be set in the manner and amount as  
22 determined from time to time by resolution of the City  
23 Council. The purpose of this fee is to fund the Storm  
24 Drainage and Surface Water Management Utility.

25 Prior to establishing or amending user's fees, the  
26 City shall advertise its intent to do so by publishing  
27 notice in a newspaper of general circulation in the City.  
28 The publication date of such advertisement shall meet  
29 public notice requirements of local and state laws.

30 Section 10: There is hereby added a new section X.XX.090

1 to the Pullman City Code to read as follows:

2 X.XX.090 Equivalent Residential Unit.

3 (1) Establishment. The equivalent residential unit  
4 (ERU) is hereby established for purposes of  
5 calculating the stormwater user's fee.

6 The ERU is the approximate average square  
7 footage of impervious surface area on a single-  
8 family residential parcel.

9 (2) Setting the ERU. The ERU shall be set by the  
10 City Council from time to time by ordinance. The  
11 ERU is hereby set as 3,500 square feet. This  
12 value was determined through the measurement of  
13 impervious surface on a random sampling  
14 (average) of single-family residential parcels.

15 (3) Source of ERU. The impervious surface area of  
16 developed property shall be determined through  
17 property tax assessor's rolls or site  
18 examination, mapping information, aerial  
19 photographs, and other reliable information.

20 (4) Minimum Service Charge. Unless otherwise waived,  
21 the minimum charge for a developed property  
22 shall be based on 1.0 ERU.

23 Section 11: There is hereby added a new section X.XX.100  
24 to the Pullman City Code to read as follows:

25 X.XX.100 Property Classification for Stormwater  
26 User's Fee. As authorized by RCW Chapters 35.67 and 35.92,  
27 the City Council finds that variations in land use and  
28 impervious surface results in differences in the burdens  
29 imposed upon the stormwater system and the costs to serve  
30 such parcels. City parcels shall be differentiated from

1 one another based upon the stormwater burdens imposed and  
2 the costs of City stormwater services.

3 (1) Customer Classification. For purposes of  
4 determining the stormwater user's fees, owners  
5 of all developed parcels in the City are  
6 classified into one of the following general  
7 classes:

8 (a) Residential;

9 (b) Duplex, Tri-plex and Four-plex; and

10 (c) Non-residential.

11 To reflect the burdens imposed upon the City  
12 stormwater system, parcels with facilities  
13 deemed to be more industrial or commercial in  
14 nature will have fees determined in the same  
15 manner as the non-residential class regardless  
16 of the land use codes assigned by the City.

17 (2) Residential Fee. The stormwater fee for  
18 residential parcels shall equal the base rate.  
19 The fee for commercial mobile/manufactured home  
20 parks and condominiums shall be determined using  
21 the same methodology as used for non-residential  
22 parcels.

23 (3) Duplex, Tri-plex, and Four-plex Fee. The  
24 stormwater fee for a duplex, tri-plex and four-  
25 plex shall equal one half the base rate  
26 multiplied by the number of dwelling units.

27  
28 (4) Non-residential Fee. Owners of developed non-  
29 residential parcels shall pay a stormwater fee  
30 equal to the base rate multiplied by the



numerical factor obtained by dividing the estimated total impervious surface area of the parcel by one ERU. The minimum stormwater fee for developed non-residential parcels shall equal the base rate for residential parcels.

Section 12: There is hereby added a new section X.XX.110 to the Pullman City Code to read as follows:

X.XX.110 Base Rate and Appeal Fee Establishment and Review.

(1) Base Rate. The base rate for services to utility customers shall be determined from time to time by resolution of the City Council. The effective date for such rates shall be established as set forth in the appropriate resolution of the City Council.

The utility base rate schedule and fees set by resolution of the City Council shall be reviewed periodically and revised as necessary to reflect any changes in operation and capital costs and to ensure fair funding of the program.

(2) Appeal Fee. The appeal fee shall be calculated to provide adequate revenues to cover all costs associated with the review and processing of requests for adjustment to customer charges as described in PCC X.XX.150 of this chapter. The appeal fee shall be determined from time to time by resolution of the City Council. The effective date for such fees shall be established as set forth in the appropriate resolution of the City Council.

1           The appeal fee set by resolution of the City  
2           Council shall be reviewed periodically and  
3           revised as necessary to ensure fair and full  
4           recovery of costs for review and processing of  
5           appeals.

6           Section 13: There is hereby added a new section X.XX.120  
7           to the Pullman City Code to read as follows:

8           X.XX.120 Adjustments to Stormwater User's Fees.

9           Credits allowed under this section shall not be  
10          cumulative. Credits or waivers granted by the Finance  
11          Director will become effective the billing month or cycle  
12          following the approval of the credit or waiver. Credits or  
13          waivers are not retroactive to current or prior billings  
14          and are only in effect beginning with the next billing  
15          cycle. Credits or waivers may be in effect for multiple  
16          future billing cycles provided that ongoing qualifying  
17          criteria are met. The Finance Director will take such time  
18          as necessary to process requests for credits or waivers in  
19          an orderly fashion.

20          (1) Credits for Properties Covered by Industrial or  
21          Municipal Stormwater Permits. The City Council  
22          recognizes that some parcel owners have been  
23          required or will be required to obtain coverage  
24          under a separate NPDES stormwater permit, which  
25          authorizes stormwater discharges associated with  
26          certain industrial or municipal activities. The  
27          City Council further recognizes that such permit  
28          holders are required to develop extensive  
29          stormwater management programs, which, when  
30          properly implemented, can reduce the discharge

1 of pollutants into the public stormwater and  
2 surface water system and aid the City in  
3 controlling the overall effects of stormwater  
4 pollution. Parcels or portions of parcels that  
5 meet one of the criteria listed below, to the  
6 Finance Director's satisfaction, shall receive a  
7 reduction of 20% from the annual fee charged  
8 under PCC X.XX.110 as currently enacted or  
9 hereafter amended for that portion of the  
10 parcels covered under an applicable NPDES  
11 stormwater permit.

12 (a) Any parcel that has an active and valid  
13 NPDES Industrial Stormwater Permit. A copy  
14 of the permit and the Stormwater Pollution  
15 Prevention Plan (SWPPP) shall be provided to  
16 the Finance Director.

17 (b) Any parcel that has an active and valid  
18 NPDES Municipal Stormwater Permit. A copy of  
19 the permit and current version of the  
20 Stormwater Management Plan (SWMP) shall be  
21 provided to the Finance Director.

22 The property owner is responsible for providing  
23 all documentation necessary to demonstrate  
24 compliance with the above requirements. In the  
25 event that an applicable NPDES stormwater permit  
26 addresses only a portion of the total parcel,  
27 the credit will be applied to only that affected  
28 portion. Non-residential category property  
29 owners receiving credits shall agree to allow  
30 the City to periodically inspect/review any

1 applicable on-site stormwater facilities and/or  
2 stormwater management activities conducted by  
3 permit holders. Failure to comply with these  
4 provisions may be cause for termination of the  
5 adjustment authorized by this section.

6 (2) Credit for Rainwater Harvesting Systems. Per  
7 RCW 35.67.020 (3), upon review and approval by  
8 the Finance Director, owners of new or remodeled  
9 commercial/industrial/institutional class  
10 buildings that utilize a properly constructed  
11 and maintained permissive rainwater harvesting  
12 system shall be eligible for a 10% credit  
13 applied toward that portion of their stormwater  
14 charge arising from the building upon which the  
15 system is used. Customers desiring this credit  
16 shall apply to the Finance Director and shall  
17 submit engineering design and operational  
18 information as deemed necessary by the Finance  
19 Director to make their evaluation and decision.  
20 The Finance Director will consider additional  
21 credit in excess of 10%, up to a maximum of 20%,  
22 based upon the amount of rainwater harvested.  
23 Rainwater harvesting and beneficial reuse of the  
24 runoff is found by the City Council to both  
25 reduce the burden imposed upon the system by the  
26 building by reducing runoff and to also have  
27 other beneficial water quality effects such as  
28 reduced consumption of potable water.

29 (3) Credits for Schools Participating in Stormwater  
30 and Surface Water Education. The City Council

1 finds that many of the concerns about stormwater  
2 quality are created by a general lack of  
3 knowledge about the relationship between human  
4 activities and the health of the environment.  
5 The City Council also finds that Public and  
6 Private schools can provide regional benefits to  
7 the City's Stormwater and Surface Water  
8 Management Program by carrying out certain types  
9 of educational and community activities related  
10 to protection and enhancement of surface water,  
11 groundwater, and stormwater quality.  
12 Kindergarten through grade 12 schools that are  
13 in compliance with all requirements for their  
14 own stormwater facilities, and that are carrying  
15 out surface water, groundwater, and stormwater  
16 quality educational and community activities in  
17 cooperation with the City may apply to the  
18 Finance Director for a credit, up to a maximum  
19 of 20%, towards their stormwater fees. The  
20 amount of an approved credit shall depend upon  
21 the nature and extent of the programs and  
22 activities being performed. Schools shall pay  
23 the full charge under PCC X.XX.110 as currently  
24 enacted or hereafter amended until such time as  
25 a discount is granted by the Finance Director.

26 (4) Waiver of Utility Fees for Certain Property. The  
27 Finance Director shall waive stormwater and  
28 surface water utility fees for a parcel falling  
29 within the following special categories of  
30 property upon a showing that the parcel meets

1 the following applicable criteria for so long as  
2 the criteria are met:

3 (a) Fees shall be waived for City streets and  
4 street rights-of-way provided that the City  
5 road system continues to be an integral  
6 component of the City stormwater control  
7 facility.

8 (b) Fees shall be waived for municipal parks,  
9 public trails and bike paths so long as  
10 their owners cooperate with the utility in  
11 the provisions of educational services and  
12 water quality control efforts. Parks, trails  
13 and bike paths have minimal intensity of  
14 impervious development and provide  
15 opportunities for natural resource education  
16 and development of an appreciation for water  
17 quality.

18 (c) Fees shall be waived for all undeveloped  
19 parcels. The City Council finds that such  
20 parcels generally have no improvements built  
21 on them, generate little to no traffic,  
22 generate less runoff, and generally are in a  
23 natural state, thereby imposing no burden  
24 upon the system and receiving no benefit  
25 from the utility's services and facilities.  
26 Information that a property categorized as  
27 undeveloped is being used otherwise may  
28 result in a loss of this waiver.

29 Section 14: There is hereby added a new section X.XX.130  
30 to the Pullman City Code to read as follows:

1        X.XX.130 Property Owners to Pay Fees. The owner of  
2 each non-waived parcel within the boundaries of the City, as  
3 they now exist or as they may be hereafter amended, shall pay  
4 the stormwater user's fee and charges as provided in this  
5 chapter. Property owners seeking credits or waivers shall pay  
6 the full fee until such time that the credit or waiver is  
7 granted by the Finance Director, after which reduced fees will  
8 be applied.

9        Section 15: There is hereby added a new section X.XX.140  
10 to the Pullman City Code to read as follows:

11        X.XX.140 Billing Procedures and Penalties for Late or  
12 Non-Payment. The charges as herein provided for shall be  
13 computed and billed on a monthly basis. All parcels which  
14 are currently served by any City utility services and are  
15 within the City shall be charged each month per utility  
16 account. Parcels not being served by any City utility  
17 service (i.e. no water meter) will have new accounts  
18 created for stormwater service as needed. If one piece of  
19 property is served by more than one account, only one  
20 account will be charged stormwater rates for each piece of  
21 property, on a case-by-case basis. Any piece of property  
22 or parcel in use for any commercial, business, or other  
23 purpose with space that meets the definition of impervious  
24 surface shall be charged stormwater rates, regardless of  
25 use of other City utility services. The charges shall be  
26 due on or before the date of billing and shall become  
27 delinquent thereafter if not paid by the thirtieth day  
28 following the date of billing.

29        Collection of delinquencies, interest, penalty, and  
30 costs of collection for delinquent utility service charges

1 provided for herein shall be charged interest on the  
2 delinquent balance at the rate of eight percent (8%) per  
3 annum, computed on a monthly basis. The Finance Director  
4 may excuse delinquencies of less than thirty (30) days.

5 For parcels without City water service, if payment  
6 has not been made before delinquency, as set forth above  
7 in this Section, the City may submit the delinquent amount  
8 to a collection agency per the City's standard collection  
9 procedures as determined by the Finance Director and at  
10 the Finance Director's discretion.

11 For parcels with City water service, if payment has  
12 not been made before delinquency, as set forth above in  
13 this Section, the city shall take the following steps to  
14 notify the user and if necessary terminate stormwater  
15 service by shutting off water service to any delinquent  
16 user:

17 (1) On or about the tenth day following the date of  
18 delinquency, the finance department shall give notice  
19 reasonably calculated under all the circumstances to  
20 apprise the user that:

21 (a) the user is delinquent in payments;

22 (b) water service will be shut off if the user is  
23 still delinquent in payment of stormwater charges thirty  
24 days after the date of delinquency;

25 (c) the user has the right to protest the billing and  
26 appeal the amount due to the Finance Director;

27 (d) if the user does not request a hearing with the  
28 Finance Director, or his/her designee, within thirty days  
29 following the date of delinquency and does not pay the  
30 delinquent amount or amounts due in full within this same



1 period or any extensions thereof resulting pursuant to the  
2 provisions of X.XX.140(3), the stormwater service will be  
3 terminated by shutting off water service to that user.

4 (2) If the user requests a hearing on the amount  
5 due, a hearing must be held, and the user given an  
6 opportunity to be heard. The Finance Director must  
7 thereafter determine the amount due and owing and inform  
8 the user.

9 (3) The user shall be given ten days to pay the  
10 amount determined by the Finance Director to be owing. If  
11 the amount owing has not been paid within ten days,  
12 stormwater service may be shut off by shutting off water  
13 service.

14 (4) Water service shall be restored if full payment  
15 of all amounts owing plus a turn-on charge as authorized  
16 in the City Water Utility Code, Section 10A.35.040(1) is  
17 made.

18 (5) If water service is to be cut off from a known  
19 rental unit where the tenant is not the person or entity  
20 responsible for paying for stormwater use or stormwater  
21 charges as shown on the records of the city finance  
22 department then, prior to termination of service for  
23 nonpayment and after the city has satisfied the procedures  
24 of this Section X.XX.140, the city shall place upon the  
25 premises at least five days prior to the scheduled cutoff  
26 of service such notice as is reasonably calculated to  
27 inform the tenant or tenants of the proposed cutoff of  
28 service.

29 (6) The city of Pullman or any of its officers or  
30 employees shall not be liable for any damages that may

1 occur because of water service being cut off pursuant to  
2 the provisions of this Chapter.

3 (7) "Notice reasonably calculated under all the  
4 circumstances to apprise the user," as used in Pullman  
5 City Code Section X.XX.140(1), includes at the minimum,  
6 written notice to the user and the owner, if the owner is  
7 not the user, and the owner has so informed the city  
8 finance department. In addition, the city shall place  
9 upon the premises at least five days prior to the  
10 scheduled cutoff of service, notice which informs the user  
11 of the proposed cutoff of service, and the opportunity to  
12 protest the proposed cutoff in a meaningful manner.

13 (8) If termination of water service proves  
14 ineffective at securing the delinquent amount, then the  
15 City may pursue collection procedures in a manner  
16 consistent with delinquent parcels with no water service.

17 Section 16: There is hereby added a new section X.XX.150  
18 to the Pullman City Code to read as follows:

19 X.XX.150 Appeals of ERU Determination. If an owner of  
20 a non-residential parcel subject to this chapter, or other  
21 responsible party, believes the ERU applied to their  
22 property is incorrect or otherwise disagrees with the  
23 utility rate determination, the owner may appeal the  
24 correctness of the ERU to the Finance Director, or his/her  
25 designee, within thirty (30) calendar days of the initial  
26 mailing of the billing for the fee. Such appeals shall be  
27 in writing and shall specify the grounds of the appeal and  
28 the requested remedy and shall include a non-refundable  
29 appeal fee. The Public Works Director, or his/her  
30 designee, shall work with the Finance Director to resolve

1 appeals. Upon resolution of the appeal, an appropriate  
2 adjustment to the ERU will be made accordingly. Decisions  
3 of the Finance Director regarding such appeals shall be  
4 final.

5 Section 17: There is hereby added a new section X.XX.160  
6 to the Pullman City Code to read as follows:

7 X.XX.160 Severability. If any section, subsection,  
8 paragraph, sentence, clause or phrase of this chapter is  
9 declared invalid or unconstitutional for any reason, such  
10 decision shall not affect the validity of the remaining  
11 portions of this chapter.

12 Section 18: This ordinance shall be in full force and  
13 take effect five (5) days from and after its publication, or a  
14 summary thereof is published, in the official newspaper of the  
15 city of Pullman.

16 PASSED by the City Council of the city of Pullman at a  
17 regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_,  
18 2008.

19 SIGNED by the Mayor in Authentication and Approval  
20 Thereof on the \_\_\_\_\_ day of \_\_\_\_\_, 2008.

21  
22  
23 \_\_\_\_\_  
Mayor

24 ATTEST:

25  
26  
27 \_\_\_\_\_  
Finance Director

28 Approved as to form:

29  
30 \_\_\_\_\_  
City Attorney

31  
32  
33 Summary Published: \_\_\_\_\_