

ORDINANCE NO. 3680

AN ORDINANCE of the City of Port Angeles, Washington amending sections of Chapter 13.63 of the Port Angeles Municipal Code relating to stormwater-utility and regulations.

THE CITY COUNCIL OF THE CITY OF PORT ANGELES DO HEREBY ORDAIN
AS FOLLOWS:

Section 1. Ordinance 3367 as amended, and Chapter 13.63 of the Port Angeles Municipal Code relating to stormwater-utility and regulations are hereby amended by amending sections of Chapter 13.63 as follows:

CHAPTER 13.63 - STORMWATER—UTILITY AND REGULATIONS

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13.63.090 Annual charge.

- A. The owners of all real property in the City containing impervious surfaces shall pay a monthly stormwater utility charge at the rate as set forth in this section.
- B. *Single-family and duplex residential fees.*
 - 1. Effective January 1, 202~~02~~, the annual stormwater utility charge for each non-discounted single-family and duplex residential property shall be ~~\$204.14~~ 204.06.
 - 2. Effective January 1, 202~~02~~, the annual stormwater utility charge for single-family and duplex residential property for those qualifying for discounts per section 13.20 PAMC shall be ~~\$153.11~~ 153.05 for 25% discount eligible and ~~\$132.69~~ 132.64 for 35% discount eligible.
- C. The annual stormwater utility charge for all commercial/multiple property shall be calculated by dividing the total impervious area in square feet by 3,000 square feet, times the rate of ~~\$200.85~~ 203.03. The minimum annual fee for a commercial/multiple property shall be not less than the annual fee rate of ~~\$200.85~~ 203.03 and the maximum annual fee shall be not more than ~~15~~ 25 times that rate.
- D. The annual stormwater utility charge for all non-taxable federal property shall be calculated by dividing the total impervious area in square feet by 3,000 square feet, times the rate of ~~\$190.58~~ 193.55. The minimum annual fee for a non-taxable federal property shall not be less than the annual fee rate of ~~\$190.58~~ 193.55 and the maximum monthly fee shall be not more than ~~15~~ 25 times that rate.
- E. City streets, State highways, private streets with storm and surface facilities in place meeting City standards, and other public or private owned properties or portions thereof having their

own NPDES permitted storm and surface water runoff facilities which do not discharge to City facilities shall be exempt from the monthly charges set forth in this section.

Editor's note(s)—Formerly entitled "Monthly charge", which was rename as herein set out above by Ord. 3635 .

13.63.100 Rate adjustment.

- A. Stormwater rebates may be issued for retrofit, new development or redevelopment projects that meet the following conditions:
1. Overall project with less than 5,000 square feet of new or replaced hard surfaces, and implements two or more of the following:
 - a. Permeable pavement;
 - b. Compost amended soils per BMP T5.13 in all disturbed area not covered by new improvements;
 - c. Rain gardens.
 2. LID facilities and best management practices (BMPs) listed in subsection A.1 above, must be designed and maintained in accordance with the Department of Ecology's SWMMWW (2014).
 3. Stormwater rebates as available funding allows include the following:
 - a. Permeable pavement - \$1.00 per square foot towards materials, up to a maximum rebate of \$1,000.00 per household or business.
 - b. Compost amended soils - Voucher for ten cubic yards of Garden Glory compost.
 - c. Rain gardens - Rebate for materials to install a rain garden, up to a maximum rebate of \$1,000.00, per household or business.
- B. Stormwater rebates may be issued for retrofit, new development, or redevelopment project that meet the following conditions:
1. Overall project is less than the minimum requirement #5 threshold (see Chapter 5 of the City of Port Angeles Urban Service Standards and Guidelines) or is a retrofit project that implements a rain garden.
 2. Rain gardens must be designed and maintained in accordance with the Department of Ecology's SWMMWW (2014).
 3. Stormwater rebates as available funding allows include a rebate for materials to install a rain garden, up to a maximum rebate of \$1,000.00, per household or business.
- C. A property owner may request a rate adjustment to the monthly charge set forth in PAMC 13.63.100, only if the property contains no hard surfaces or if the property owner disagrees with the City's calculations of the rate, or the amount of hard surface area used by the City in calculating the rate, under PAMC 13.63.100.C. A request for an adjustment shall be submitted in writing to the Director of Public Works and Utilities. If the property contains no

hard surfaces, the rate shall be adjusted to zero. If the City's calculations or amount of hard surfaces under PAMC 13.63.100.C is incorrect, the rate shall be adjusted accordingly. Approved adjustments will be applied prospectively except that reimbursement for overcharges paid by the property owner will be made by the City for the year during which the adjustment is requested and for the prior year.

- D. Any person aggrieved by a decision of the Director of Public Works and Utilities relating to a request for a rate adjustment authorized by PAMC 13.63.110 may appeal the Director's decision to the City Manager within 30 days of the date of the Director's decision. The City Manager's decision shall be final.

13.63.110 Billing and payment.

Stormwater utility fees shall be billed annually by Clallam County on behalf of the City in conjunction with the County's property tax bill. Discounts for low-income senior citizens and disabled citizens will be applied in accordance with Chapter 13.20 PAMC. Stormwater utility fees billed pursuant to this section shall be due and payable semi-annually on the same dates each year that the County's property tax bill is due and payable and shall be delinquent if not paid by the due date. All delinquent accounts billed pursuant to this section will be subject to penalty charges the same as those imposed for delinquent property taxes.

13.63.120 Remedies for failure to pay stormwater service fees.

- A. *Termination of water service.* The Director of Public Works and Utilities or designee is authorized to terminate water service to any property owner, unless said water service is received by a residential tenant, who fails to pay the stormwater utility service fees imposed by this chapter. Termination of such water service shall not limit other remedies available to the City.
- B. *Lien for delinquent charges—Interest.* Pursuant to RCW 35.67.200 et seq. The City shall have a lien for delinquent and unpaid stormwater charges. A stormwater lien shall be effective for one year without the necessity of any writing or recording of the lien with the County Auditor. Enforcement and foreclosure of any stormwater lien shall be in the manner provided by state law. Interest on the unpaid balance shall be eight percent per annum or such rate as may hereafter be authorized by law.
- C. *Other remedies.* The City shall have all other legally available remedies for enforcing and collecting delinquent and unpaid stormwater charges.

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Section 2. - Corrections. The City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to,

the correction of the scrivener's/clerical errors, references to other local, state, or federal laws, codes, rules or regulations, or ordinance numbering, section/subsection numbers and any references thereto.


Section 3. - Severability. If any provisions of this Ordinance, or its application to any person or circumstances, are held invalid, the remainder of the Ordinance, or application of the provisions of the Ordinance to other persons or circumstances, is not affected.

Section 4. - Effective Date. This Ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum. This ordinance shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

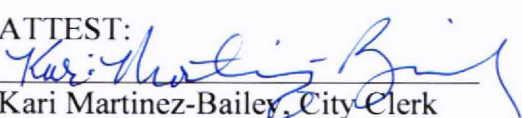
PASSED by the City Council of the City of Port Angeles at a regular meeting of said Council held on the 5th day of October, 2021.



Kate Dexter, Mayor

APPROVED AS TO FORM:


William E. Bloor, City Attorney

ATTEST:


Kari Martinez-Bailey, City Clerk

Summary of Ordinances Adopted by the Port Angeles City Council on October 5, 2021

ORDINANCE NO. 3679

AN ORDINANCE of the City of Port Angeles, Washington amending sections of Chapter 13.12 of the Port Angeles Municipal Code relating to electric utility rates.

ORDINANCE NO. 3680

AN ORDINANCE of the City of Port Angeles, Washington amending sections of Chapter 13.63 of the Port Angeles Municipal Code relating to stormwater-utility and regulations.

These Ordinances exercise authority granted exclusively to the City Council and is not subject to referendum. It shall be in force and take effect 5 (five) days after publication according to law.

The full texts of Ordinances are available at City Hall in the Clerk's office, on the City's website at www.cityofpa.us or will be mailed upon request.

Kari Martinez-Bailey
City Clerk

Published by summary: Sunday, October 10, 2021