

CITY OF KENNEWICK  
ORDINANCE NO. 6004

AN ORDINANCE RELATING TO PUBLIC WORKS CONSTRUCTION  
STANDARDS AND AMENDING SECTIONS 5.56.030, 5.56.VIII., 5.56.600,  
5.56.610, AND 5.56.630, OF THE KENNEWICK MUNICIPAL CODE AND  
ADDING SECTION 5.56.211 TO THE KENNEWICK MUNICIPAL CODE

WHEREAS, Revised Code of Washington (RCW) 90.48.520 states that discharge of toxins to waters of the State of Washington, which would violate any water quality standard, including toxicant standards, sediment criteria, and dilution zone criteria is prohibited.

WHEREAS, The National Pollution Discharge Elimination System and State Discharge General Permit from Small Municipal Separate Storm Sewers in Eastern Washington allows the City to discharge stormwater runoff to waters of the state under the specific elements of the permit.

WHEREAS, in July 1, 2019, the current NPDES Stormwater Permit was implemented in eastern Washington, containing graduating requirements through its 5-year length.

WHEREAS, Section S5.B3 of this NPDES Stormwater Permit requires an implementation and enforce a program to prevent, detect, characterize, trace, and eliminate illicit connections and illicit discharges to the City Storm System, including on private property.

WHEREAS, Section S5.B4 of this NPDES Stormwater Permit requires an implementation and enforce a program to reduce pollutants in any stormwater runoff to the City storm system from public and private construction activities.

WHEREAS, Section S5.B5 of this NPDES Stormwater Permit requires review, inspection, and compliance for post-construction stormwater controls at new development and redevelopment projects.

WHEREAS, The NPDES Stormwater Permit requires the ordinance to be adopted by February 01, 2023.

THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, DO ORDAIN AS FOLLOWS:

**Section 1.** Section 5.56.030 of the Kennewick Municipal Code, be, and the same hereby is, amended to read as follows:

**5.56.030: - Definitions.**

- (1) All Known, Available, and Reasonable Methods of Preservation, Control, and Treatment (AKART) refers to the State Water Control Pollution Control Act, RCW 90.48.010 and 90.48.520.

- (2) City means the City of Kennewick, Washington, and its appointed or elected officials.
  - (3) Contractor is a person, firm, or corporation doing or performing work regulated by this Chapter.
  - (4) Deputy Director of Public Works is that officer or agent of the City who superintends the construction, repair or improvement of public works, his/her employees and agents.
  - (5) NPDES Stormwater Permit shall mean the Eastern Washington Phase II Municipal Stormwater permit required by State Law in order to operate a small Municipal Separate Storm Sewer System (MS4).
  - (6) Permittee is the person, firm, or corporation applying for a permit or to whom a permit has been issued for an improvement within the City.
  - (7) Property Owner is a person, firm, or corporation who has legal or equitable title to the property on which the improvement fronts or is being made, including his agents.
  - (8) Standard Specifications refers to the current edition of the City of Kennewick's Standard Specifications and details for municipal public works construction prepared by the Deputy Director of Public Works and any modifications or amendments.
  - (9) Stormwater Management Manual for Eastern Washington (SMMEW) shall mean the Stormwater Management Manual for Eastern Washington as approved and published by the Washington State Department of Ecology and dated September 2004 or the latest edition and amendments thereto.
  - (10) Traffic Engineer means the City's Traffic Engineer or his/her designee.
- (Ord. 6004 Sec. 1, 2023; Ord. 5999 Sec. 1, 2022; Ord. 5655 Sec. 1, 2016; Ord. 5203 Sec. 2, 2007; Ord. 2788 Sec. 1(part), 1983; Ord. 1295 Ch. III, Sec. 1, 1965)

**Section 2.** Section 5.56.211 of the Kennewick Municipal Code, be, and the same hereby is, added to read as follows:

**5.56.211: - Erosion and Sediment Control.**

All commercial and residential development and redevelopment construction shall, design, install, maintain and remove erosion and sediment controls in accordance with Appendix 1, (Core Element #2 of) the NPDES Stormwater Permit. Construction activities disturbing one acre or more and construction projects of less than one acre that are part of a larger common plan of development or sale, shall prepare a Construction Stormwater Pollution Prevention Plan (Construction SWPPPs) and applicable BMPs as necessary to protect water quality, reduce the discharge of pollutants to the MEP, and satisfy state AKART requirements. BMP's shall be selected, installed and maintained following the SMMEW, and City Standards. See KMC 14.28, KMC 14.29, KMC 17.20.040, and KMC 17.20.070.

(Ord. 6004 Sec. 2, 2023)

**Section 3.** Section 5.56, Title VIII of the Kennewick Municipal Code, be, and the same hereby is, amended to read as follows:

### **VIII. SANITARY SEWERS**

(Ord. 6004 Sec. 3, 2023; Ord. 2788 Sec. 1 (part))

**Section 4.** Section 5.56.600 of the Kennewick Municipal Code, be, and the same hereby is, amended to read as follows:

#### **5.56.600: - Storm Standards.**

- (1) All main lines, lateral lines, manholes, drywell, ponds ditches, catch basins and natural or manmade infiltration or conveyance structures intend to manage stormwater must be designed, registered, constructed and maintained in accord with Appendix 1 of the NPDES Stormwater Permit, the Stormwater Management Manual of Eastern Washington and the City Standard Specifications. See KMC 14.28 and 14.29.
- (2) All permits for Stormwater systems must be made through the Department of Public Works.
- (3) Stormwater shall be retained and disposed of onsite meeting the 25 year 24 hour Soil Conservation Service (SCS) Type 1A Storm. The 100 year, 24 hour design storm shall be considered per KMC 14.28. Where deemed infeasible by the Public Works Director to infiltrate on site due to surface or subsurface conditions, alternate stormwater disposal may be allowed within the same drainage basin where approved.

(Ord. 6004 Sec. 4, 2023; Ord. 5655 Sec. 28, 2016)

**Section 5.** Section 5.56.610 (1) of the Kennewick Municipal Code, be, and the same hereby is, amended to read as follows:

#### **5.56.610: - Storm Construction.**

- (1) Before a permit will be issued for the construction of any storm system, the permittees must provide all necessary surveys, grades, engineering design data, drainage report, plans, SWPPP, stormwater site plans, specifications, estimate of quantities. Subsequent to issuance of the permit, all necessary construction staking must be certified by a registered engineer or surveyor and all erosion and sediment control best management practices shall be installed and maintained to this code under the direction of a state certified erosion and sediment control lead. The City may do this work for an appropriate fee. The contractor must notify the Deputy Director of Public Works in writing at least 24 hours before commencing construction. The Deputy Director of Public Works will check the work during construction and no work may be commenced until the grades and alignment have been checked and an inspector is present. No phase of construction may be

commenced if it obscures any phase of construction before the prior has been adequately inspected, and the contractor must remove, at his own expense, any such construction if directed by the Deputy Director of Public Works. All work must be inspected prior to backfilling.

(Ord. 6004 Sec. 5, 2023; Ord. 5655 Sec. 29, 2016)

**Section 6.** Section 5.56.630 of the Kennewick Municipal Code, be, and the same hereby is, amended to read as follows:

**5.56.630: - Acceptance of Storm Systems by the City.**

No storm sewer improvement will be accepted until the Deputy Director of Public Works is satisfied that the work has been performed in accord with this Chapter. Private drainage facilities are subject to inspection and acceptance by the City.

(Ord. 6004 Sec. 6, 2023; Ord. 5655 Sec. 31, 2016)

**Section 7.** This ordinance shall be in full force and effect five (5) days from and after its approval, passage and publication as required by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, this 17<sup>th</sup> day of January, 2023, and signed in authentication of its passage this 17<sup>th</sup> day of January, 2023.

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GRETLE CRAWFORD, Mayor Pro Tem

Attest:

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TERRI L. WRIGHT, City Clerk

ORDINANCE NO. 6004 filed and  
recorded in the office of the City Clerk of  
the City of Kennewick, Washington this  
18<sup>th</sup> day of January, 2023

Approved as to Form:

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LISA BEATON, City Attorney

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TERRI L. WRIGHT, City Clerk

DATE OF PUBLICATION \_\_\_\_\_