

**CITY OF MILTON
ORDINANCE NO. 1902-16**

AN ORDINANCE OF THE CITY OF MILTON,
WASHINGTON; AMENDING SECTION 13.26.090 OF THE
MILTON MUNICIPAL CODE MODIFYING THE CHARGES
FOR STORM DRAINAGE FEES; PROVIDING FOR
RATIFICATION; SEVERABILITY; AN EFFECTIVE DATE;
AND FOR SUMMARY PUBLICATION BY ORDINANCE
TITLE ONLY.

WHEREAS, charging all residential properties for stormwater based on percentage of the lot that is covered with impervious area more closely captures the hydraulic impact of a parcel of land; and,

WHEREAS, the definition of undeveloped parcel needs to be established and codified; and

WHEREAS, the process and expense of collecting a monthly charge for undeveloped parcels on a monthly basis for the stormwater utility is arduous and not-cost-effective; NOW THEREFORE,

THE CITY COUNCIL OF THE CITY OF MILTON, WASHINGTON DOES
HEREBY ORDAIN AS FOLLOWS:

Section 1. That the following Section of Chapter 13.26 STORM DRAINAGE OF SURFACE WATER – UTILITY, MANAGEMENT AND MAINTENANCE is amended as follows (additions shown by underline and deletions shown by strikeout):

13.26.090 Charges.

The following utility charges are established for all parcels of real property within the city:

A. Developed Commercial and Industrial Parcels. The storm drainage utility monthly service charge shall be computed by dividing the total amount of measured impervious surface on the

property, in square feet, by 2,800 and then multiplying the quotient by the monthly unit rate of \$15.50.

B. Developed Single-Family and Two-Family Residential (Duplex). All single-family and two-family residences ("residence" is defined in MMC 17.08.720) shall be billed according to a tiered system. This system shall have three tiers that are based upon percentage of a parcel that is covered with impervious surfaces as follows:

Tier	% COVERED	Monthly Rate
1	0-40%	\$15.50
2	41-70%	\$25.50
3	71% +	\$35.50

C. Developed Multi Family Residential. All residential multifamily parcels shall be charged by impervious surface calculation according to Section 13.26.090(A).

D. Undeveloped Parcels. Undeveloped parcels (lots with less than 750 square feet of impervious surface) shall be charged \$5.10 per month and shall be invoiced annually.

E. State Highway Rights-of-Way. State of Washington highway rights-of-way shall be charged consistent with this chapter and Chapter 90.03 RCW including RCW 90.03.525.

F. Service Charge Credit.

1. Credit shall apply to all categories of land use with the exception of vacant/undeveloped, forest and timber land and city streets, roads, and public highways.

2. Low income senior citizens and low income disabled persons receiving relief under RCW 84.36.381 shall receive the following partial exemption from storm water utility charges and surcharge, as applicable:

a. All parcels for which a person qualifies for an exemption under RCW 84.36.381(5)(a) shall be exempt from 40 percent of storm water utility charges.

b. All parcels for which a person qualifies for an exemption under RCW 84.36.381(5)(b)(i) shall be exempt from 60 percent of storm water utility charges.

c. All parcels for which a person qualifies for an exemption under RCW 84.36.381(5)(b)(ii) shall be exempt from 80 percent of storm water utility charges.

G. Detention System Credits. The detention system credits defined below shall be applicable only to detention systems approved prior to February 1, 2006. No detention system credits shall be allowed for any retention or detention systems approved after January 31, 2006.

Credits shall be given to applicants upon approval by the public works director subject to rates pursuant to this chapter as follows:

1. Seventy-Five Percent Credit. Property served by a privately maintained detention system with a 100-year storage/two-year predevelopment release rate shall be given a credit in the amount of 75 percent of the full utility rate. This credit shall also apply to any eligible city-owned and maintained system.
2. Twenty-Five Percent Credit. Property owned by other than the city served by a city-maintained detention system with a 100-year storage/two-year predeveloped release rate shall be given a credit in the amount of 25 percent of the full utility rate.
3. Existing detention system credits shall only be applicable to \$8.50 per ESU of the storm drain utility monthly charge. Such credits shall not apply to any monthly charge in excess of \$8.50 per ESU.

4. If the city determines at any time that the detention system does not meet the requirements of subsection (F)(G)(1) or (2) of this section, or is not operating at the level of storage/release for which credit is being applied for or for which credit has been granted, the director shall have the authority to reduce the credit to the next applicable level, if any, or to eliminate the credit entirely if the system is determined to not comply with the requirements of subsection (F)(G)(1) or (2) of this section.

5. Appeals. A request for reconsideration of the director's decision to reduce or eliminate any existing credit may be made by providing design calculations and maintenance records that confirm the detention system does meet the design and maintenance requirements for which credit is being applied or for which credit has been granted. The decision of the director shall be final and conclusive, unless within 10 days of the date of the director's action, the applicant gives written notice of appeal to the hearing examiner for review of the action.

H. Rates shall become effective for the **October 2016** billing cycle. (Ord. 1867 § 1, 2015; Ord. 1655 § 1, 2006

13.26.140 Appeal of charges, rate adjustments, and credit determinations.

A. Any person making a timely payment of the city's total utility bill who considers the utility charges applied to a parcel to be inaccurate, or who otherwise disagrees with a utility rate determination, including any determination regarding credit pursuant to MMC 13.26.090(F), may apply to the director for a rate adjustment, stating in writing the grounds of the appeal. The director will review the case file and determine whether an adjustment is necessary to provide for reasonable and equitable application of the utility rates and charges.

B. The director of public works shall decide rate adjustments pursuant to Process Type II (Chapter 17.71 MMC, Permit Decision and Appeal Processes). (Ord. 1741 § 11, 2009).

Section 2. Ratification and Confirmation. Any previous actions by the City that fall within the scope of the subject matter of this ordinance are hereby ratified and confirmed.

Section 3. Severability. 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. Effective Date. 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 an approved summary thereof consisting of the title.

Passed by the Milton City Council the 19 day of Sept, 2016, and approved by the Mayor, the 19 day of Sept, 2016.

APPROVED:

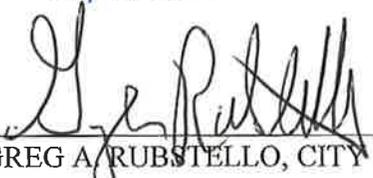


DEBRA PERRY, MAYOR

ATTEST/AUTHENTICATED:



KATIE BOLAM, CITY CLERK

BY 

GREG A. RUBSTELLO, CITY ATTORNEY

FILED WITH THE CITY CLERK: 9/20/2016
PASSED BY THE CITY COUNCIL: 9/19/2016
PUBLISHED: 9/22/2016
EFFECTIVE DATE:9/27/2016
ORDINANCE NO. 1902-16