

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

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

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

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

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

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

21 (2) Appeal Fee. The appeal fee shall be calculated
22 to provide adequate revenues to cover all costs
23 associated with the review and processing of
24 requests for adjustment to customer charges as
25 described in PCC X.XX.150 of this chapter. The
26 appeal fee shall be determined from time to time
27 by resolution of the City Council. The effective
28 date for such fees shall be established as set
29 forth in the appropriate resolution of the City
30 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.

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Mayor

ATTEST:

Finance Director

Approved as to form:

City Attorney

Summary Published: _____