

**ORDINANCE NO. 88
CITY OF LIBERTY LAKE
SPOKANE COUNTY, WASHINGTON**

**AN ORDINANCE OF THE CITY OF LIBERTY LAKE, WASHINGTON,
ESTABLISHING A STORM DRAINAGE AND SURFACE WATER
MANAGEMENT UTILITY AND PROVIDING FOR OTHER MATTERS
PROPERLY RELATED THERETO.**

WHEREAS, prior to the incorporation of the City of Liberty Lake, Spokane County established a stormwater utility pursuant to RCW Chapter 36.89;

WHEREAS, the County stormwater utility protected the public health and safety by requiring the development, maintenance and operation of stormwater facilities to collect storm and surface water from improvements within the drainage basins;

WHEREAS, the County also through the stormwater utility identified stormwater facilities within the public right of way, provided information to the Department of Ecology, responded to complaints for flooding, designed and constructed stormwater control facilities, and coordinated enforcement activities with the Liberty Lake Sewer and Water District;

WHEREAS, the City is desirous of continuing the program established by Spokane County including maintaining rates and fees in the same amount as those established by the County;

WHEREAS, to facilitate and assist in the efficient operation of the stormwater utility, the City desires to coordinate stormwater control activities with the Liberty Lake Sewer and Water District; and

WHEREAS, State law authorizes the City of Liberty Lake to operate a stormwater utility for the purpose of collecting and controlling the flow of storm or surface water.

NOW, THEREFORE, the City Council of the City of Liberty Lake, Washington, do ordain as follows:

Section 1. **Stormwater Utility.** The City of Liberty Lake hereby establishes a Storm and Surface Water Utility to provide for and ensure the development, maintenance and control of storm drainage and surface water within the City. The City reserves and elects to exercise all power and authority relating to the construction, acquisition, condemnation, maintenance and operation of the storm drainage and surface water systems including the right to establish rates and charges for service.

Section 2. **Purpose.** The Storm and Surface Water Utility is created to promote and protect the public health, safety and welfare by establishing a comprehensive approach to storm and surface water management recognizing that the utility will benefit the real property located within the City. Further, the Utility will assist in protecting the Liberty Lake natural environment by reducing the likelihood of flooding and erosion by controlling the discharge of storm and surface water into the ground.

Section 3. Definitions.

A. "Developed Parcel" means any parcel that has been altered from its natural state including clearing, grading or filling, whether or not that work accompanies excavation and construction.

B. "Impervious Surface" means a hard surface area, which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development, and/or a hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow different than the natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, paved parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled surfaces which similarly impede the natural infiltration of storm water. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces.

C. "Parcel" means any area of land within the City of Liberty Lake that is identified as a distinct property by the Spokane County Assessor's Office, whether or not the parcel is considered taxable.

D. "Right-of-Way" means a strip or parcel of land dedicated to the City for public uses including street, mass transit, bicycle, and pedestrian uses as well as emergency access, utility, drainage, vegetation management, view corridor or other necessary public uses.

Section 4. Utility Charge. There is hereby imposed upon every developed parcel of property within the City a storm and surface water utility charge of \$10.00 per 3,160 square feet of impervious surface. Utility charges shall be uniform for the same class of customers or service and facilities. The City hereby incorporates by reference as if fully set forth herein the rates and charges adopted by Spokane County through Resolution 93-155. The rates and charges provide a method to fund the storm and surface water utility and establish comprehensive management and administration. The City Council may by Resolution modify the rates and charges imposed by the Utility.

Section 5. Stormwater Utility Fund. There is hereby established a fund that is to be known as the "Stormwater Utility Fund" into which shall be deposited monies received by the City with expenditures authorized as are properly chargeable to the fund pursuant to this ordinance. Monies in the fund shall be budgeted and appropriated for purposes consistent with the Storm and Surface Water Utility including reasonably related administrative expenses.

Section 6. Entry of Parcel. When necessary to enforce any of the provisions of this ordinance the City's designee may enter upon a parcel at reasonable times to inspect provided efforts have been made to contact the owner or occupant prior to entry.

Section 7. Exemptions. Low income seniors and disabled persons receiving relief under RCW 84.36.381 shall receive the following partial exemptions from surface water charges:

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 the utility fee.

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 the utility fees.

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 the utility fees.

Section 8. **Billing, Payment and Collection.** The Clerk-Treasurer shall prepare and certify a roll identifying the developed parcels and the related utility charge to be paid. The City may through agreement with the Spokane County Assessor arrange for the utility charge to be placed upon the property tax bills sent to the owners of property within the City of Liberty Lake. All charges shall be due and payable on the date that the first property tax installment is due and payable to Spokane County. Thereafter, accounts shall be deemed delinquent and shall bear interest at a rate of 8 percent per annum, or at such other rates as may be authorized by law, computed on a monthly basis from the date of delinquency until paid in full.

All charges (and interest) received shall be deposited into the Stormwater Utility Fund.

Section 9. **Lien for Delinquent Charges.** In addition to any other remedies permitted by law, the City shall have a lien pursuant to RCW Chapter 35.67, as currently enacted or hereafter amended, for all delinquent and unpaid storm and surface water rates and charges, including interest, against the developed parcel which is subject to the charge. The lien may be foreclosed pursuant to RCW 35.67.

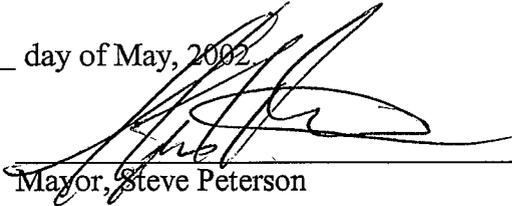
Section 10. **Administrative Adjustments.** The Mayor or designee may authorize in writing a refund, credit or adjustment for any rate or charge when it is determined that an error, miscalculation or mistake has occurred. No refund, credit or service charge adjustment may be authorized unless brought to the attention of the Mayor or designee within one year of the occurrence of the error, miscalculation or mistake. In any instance where refund or credit is authorized, interest on the outstanding amount shall be waived.

Section 11. **Management Cooperation.** Recognizing the purpose and functions of the Liberty Lake Sewer and Water District, the Mayor or designee may coordinate and jointly perform activities with the Liberty Lake Sewer and Water District that promote the maintenance, operation and development of the City storm and surface water drainage utility. The Mayor may adopt rules, policies and programs that relate to joint activities between the City and Sewer District including the review of development proposals that affect storm or surface water control.

Section 12. **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 13. **Effective Date.** This Ordinance shall be in full force and effect five (5) days after publication of this Ordinance or a summary thereof in the official newspaper of the City as provided by law.

PASSED by the City Council this 7 day of May, 2002.



Mayor, Steve Peterson

ATTEST:



City Clerk-Treasurer, Arlene Fisher

APPROVED AS TO FORM:



City Attorney, Stanley M. Schwartz
Date of Publication: 5/23/02
Effective Date: 5/28/02