

**CITY OF ROSLYN
WASHINGTON
ORDINANCE NO. 1124**

**AN ORDINANCE OF THE CITY OF ROSLYN, WASHINGTON,
RELATING TO SURFACE AND STORMWATER
DRAINAGE, ESTABLISHING A STORMWATER UTILITY AND
TRANSFERRING ALL RIGHTS AND INTERESTS NOW OWNED BY THE
CITY AND PERTAINING TO SURFACE AND STORMWATER DRAINAGE TO
THE UTILITY; ADOPTING A NEW CHAPTER 13.13 OF THE ROSLYN MUNICIPAL
CODE ENTITLED "STORMWATER UTILITY"; PROVIDING FOR SEVERABILITY;
AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the City is authorized pursuant to the general police powers, RCW 35.67.020 and RCW 35.92.020, to construct, condemn and purchase, acquire, add to, maintain, conduct and operate a storm drainage system; and

WHEREAS, pursuant to the Constitution of the State of Washington, Article 11, Section 11, cities have the power to enact regulations in the interest of the health, safety and welfare of its residents; and

WHEREAS, the City Council of the City of Roslyn has expressed concern regarding the control and prevention of flooding, erosion, sedimentation and surface and stormwater quality degradation pursuant to an overall management plan; and

WHEREAS, after review of the various presentations made to the City Council, the City Council finds specifically that land use and development affecting surface and stormwater should be managed, regulated and controlled under the unified management of a Stormwater Utility to reduce or control flooding, erosion, sedimentation, and particulate and other pollution of surface and stormwater, danger and damage to life and property, and to protect and encourage the use of natural and efficient man-made means to these ends and that a comprehensive stormwater plan should be adopted for such purposes; and

WHEREAS, to research and correct these problems in a cost-effective manner, acceptable to the City, requires a source of revenue to pay for the associated costs; and

WHEREAS, it is the desire of the City to incorporate into the proposed utility all surface water courses the title to which is now held or in the future will be held by the City;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ROSLYN,
WASHINGTON, DO ORDAIN AS FOLLOWS:**

Section 1. Stormwater Utility Created. There is hereby created and established a surface and stormwater utility which shall be known as the "City of Roslyn, Washington, Stormwater Utility" (the "Utility").

Section 2. New Chapter 13.13 RMC, Adopted. A new Chapter 13.13 of the Roslyn Municipal Code entitled, "Stormwater Utility," is hereby adopted to read as follows:

13.13.010 Definitions. The following words when used herein shall have the following meanings, unless the context clearly indicates otherwise:

- a. "Comprehensive Stormwater Plan" means a plan, developed for the purposes of mapping and analyzing the City's surface and stormwater drainage system, identifying problem areas, and providing recommendations for capital improvements, best management practices, policy changes, and funding.
- b. "General Facility Charge" means that fee authorized by the Council and charged by the Utility to property which is developed after the effective date of this Chapter, which charge reflects a proportionate share of the Utility's capital costs attributable to the newly developed property.
- c. "Service Charge" means the monthly fee levied by the Utility upon all developed real property within the boundaries of the Utility as authorized by Sections 13.13.020 and 13.13.030 of this Chapter.
- d. "Storm Drainage System" means constructed drainage facilities and any natural surface water drainage features that provide any combination of collecting, storing, controlling, treating or conveying surface and stormwater.
- e. "Stormwater" means water originating from rainfall and other precipitation that is found in drainage facilities, rivers, streams, springs, seeps, ponds, lakes, and wetlands, as well as shallow groundwater.
- f. "Utility" means the City of Roslyn, Washington Stormwater Utility, a utility which operates and maintains the surface and stormwater drains, channels and facilities, outfalls for storm drainage and the rights and interests in property relating to the system. The boundaries of the Utility are the corporate limits of the City.

13.13.020. Creation of Stormwater Utility.

A. There is hereby created and established a surface and stormwater utility which shall be known as the "City of Roslyn, Washington, Stormwater Utility" (the "Utility"), for the purposes set forth below.

B. The City shall exercise, through the Utility where possible, all the lawful powers necessary and appropriate to the construction, condemnation and purchase, acquisition, addition to, maintenance, conduct and operation, management, regulation and control of the surface and stormwater within the boundaries of the City, as necessary to protect the health, safety, and welfare of the citizens of the City; including, without limitation, all the lawful powers to fix, alter, regulate and control the rates, charges and conditions for the use thereof, to purchase and condemn property on behalf of the Utility, to regulate actions taken with respect to public and private property which affect the flow of surface and stormwater and the use of drainage facilities, and to adopt, alter, and amend a plan adopted as necessary to implement the policies of the City pertaining to surface and stormwater drainage.

C. It is not the purpose of this Chapter to create a duty of the City or its Utility to insure or protect individual persons or property against water drainage.

13.13.030. Administrator of Utility. The official designated by the Mayor shall be administrator of the Utility and shall report directly to the Mayor.

13.13.040. Stormwater Utility Fund.

A. There is hereby created a fund which shall be known as the "Stormwater Utility Fund". All revenues, assessments, and other charges collected by the Utility, or otherwise received for drainage purposes or attributable to the operation and maintenance of the Utility, and all loans to or grants or funds received for its construction, improvement and operation, shall be deposited in the Stormwater Utility Fund. All disbursements for costs of data collection, planning, designing, constructing, acquiring, maintaining, operating, and improving the drainage utility facilities, whether such facilities are natural, constructed or both, and administering the Utility shall be made from the Stormwater Utility Fund.

B. The City may create, at such time or times as it deems appropriate, any other funds necessary to the administration of the Stormwater Utility and may designate the revenues to be placed therein and the purpose or purposes of such funds which may be the same as one, some or all of the purposes designated in this section as the purposes of the Stormwater Utility Fund created herein, and such purposes shall then be transferred to such newly created fund.

13.13.050. Authority to Establish Rates and Charges. The City shall establish by ordinance rate classifications, service charges, general facilities charges, inspection, permitting, application, and such other fees and charges necessary and sufficient in the opinion of the City Council to pay for the following:

- a. The costs associated with the development and adoption of a comprehensive stormwater plan;
- b. The costs, including debt service and related financing expenses, for the construction, and reconstruction of storm drainage facilities necessary or useful for the handling of surface and stormwater within the City, but not presently in existence;
- c. The operation, repair, maintenance, improvement, replacement and reconstruction of storm drainage facilities within the City which presently exist;
- d. The acquisition of real property interests, which may be useful or necessary for the storm drainage system in the City including but not limited to land necessary for the installation and construction of storm drainage facilities, and all other facilities, including retention and detention facilities, which are reasonably required for proper and adequate handling of stormwater within the City;
- e. The costs of monitoring, inspection, enforcement and administration of the Utility including but not limited to water quality surveillance, private drainage facility maintenance inspection, construction inspection and other activities which are reasonably required for the proper and adequate implementation of the City's surface and stormwater policies;
- f. The construction and subsequent maintenance of those future facilities as required by the Utility; and
- g. Creation and implementation of ordinances, policies, standards, and procedures for the purposes of gaining compliance with state or federal rules and regulations. The fees and charges to be paid and collected pursuant hereto shall not be used for general or other governmental or proprietary purposes of the City, except to pay for the equitable share of the costs of accounting, management, legally levied taxes, and government thereof incurred on behalf of the Utility.

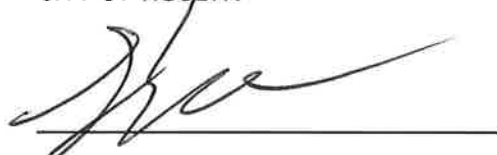
13.13.060. Limitation of Liability. This Chapter, any drainage code to be adopted by the City Council to implement this Chapter, and any guidelines, rules, standards, specifications, requirements, regulations and procedures established pursuant to any section of such code are intended to provide the authority and processes to achieve cost effective surface and stormwater management in accordance with reasonable standards for such management in the City as necessary to protect the health, safety, and welfare of the citizens and of the City. No City liability shall be inferred, implied, or interpreted by the adoption and application of this Chapter for damages to individual persons or properties which result from existing conditions or which occur subsequent to the date of this Chapter. There shall be no liability associated with the Utility's approval of any privately constructed portion of the storm drainage system and/or privately maintained portion of the storm drainage system unless the City accepts the same as part of its publicly owned and/or maintained system.

Section 3. Severability. If any portion of this ordinance as now or hereafter amended, or its application to any person or circumstances, is held invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole, or any section, provision or part thereof not adjudged to be invalid or unconstitutional, and its application to other persons or circumstances shall not be affected.

Section 4. Effective Date. This Ordinance shall take effect and be in force five (5) days after its passage, approval and publication according to law.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 14th DAY OF June, 2016.

CITY OF ROSLYN



Geoff Scherer, Mayor

ATTEST/AUTHENTICATED:



Brandi Taklo, Clerk

Approved as to form:

Ann Marie Soto, City Attorney