

City of College Place, Washington

ORDINANCE NO. 18-019

AN ORDINANCE OF THE CITY OF COLLEGE PLACE, WASHINGTON, AMENDING TITLE 13 OF THE COLLEGE PLACE MUNICIPAL CODE BY ADDING A NEW CHAPTER 13.15 STORM AND SURFACE WATER UTILITY THERETO; CREATING A STORM AND SURFACE WATER UTILITY AND REGULATIONS PERTAINING THERETO; ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION.

WHEREAS, the City of College Place, Washington is a non-chartered code city governed by Title 35A Revised Code of Washington; and

WHEREAS, Article 11, section 11, of the Washington State Constitution provides that the City of College Place “may make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws;” and

WHEREAS, the College Place City Council, by Section 35A.11.020 of the Revised Code of Washington, through section 35A.13.230 of the Revised Code of Washington, has any authority ever given to any class of municipality or to all municipalities in this state, and all powers possible for a city or town to have under the Constitution of this state, and not specifically denied to code cities by law, which may be exercised in regard to the regulation or use of public ways and property of all kinds and improvements thereto; and

WHEREAS, the City of College Place received a letter State of Washington Department of Ecology dated October 25, 2017 notifying the City that the City meets the criteria for coverage under the Clean Water Act’s National Pollution Discharge Elimination System (NPDES) municipal stormwater permit program as outlined in 40 CFR 122.32 and will need to submit an application for permit coverage in 2019; and

WHEREAS, the NPDES permit requires the City to actively perform and meet requirements involving public education and outreach, public involvement and participation activities, post construction stormwater management for new development and redevelopment, construction site stormwater run-off control and enforcement, municipal operations and maintenance of city rights-of-way and properties, and Total Maximum Daily Load (TMDL) monitoring and compliance; and

WHEREAS, the Clean Water Act provides opportunity for third party lawsuits against the City for non-compliance; and

WHEREAS, the Environmental Protection Agency is empowered to levy daily fines for non-compliance of up to \$25,000 per day for non-compliance; and

WHEREAS, the College Place City Council, by Section 35A.80.010 of the Revised Code of Washington, and section 35.67.020 of the Revised Code of Washington, is authorized to provide storm and surface water utility service and to fix rates and charges for such utility service; and

WHEREAS, the College Place City Council enacted Title 13 of the College Place Municipal Code to govern Public Services; and

WHEREAS, the College Place City Council has determined that storm drainage and surface water runoff must be controlled in a manner that complies with regulatory requirements, minimizes property damage and soil erosion and protects the public health, safety, and welfare; that the current level of funding for storm drainage and surface water control is not adequate to meet current and future needs to protect public and private property within the City’s boundaries, both present and future, contributes runoff to the city’s storm and surface water drainage system; and that all property benefited from the City’s storm and surface water management efforts should contribute financially to the payment of expenses for planning, design, construction, maintenance, administration, operation, and improvement of the City’s storm and surface water drainage system; and

WHEREAS, it is the intent of the College Place City Council to create a permanent funding mechanism which is equitable for all citizens in the City of College Place;

NOW, THEREFORE, THE CITY OF COLLEGE PLACE ORDAINS AS FOLLOWS:

Section 1: Ordinance No. 18-019 hereby amends Title 13 of the College Place Municipal Code by the addition of a new Chapter 13.15 Storm and Surface Water Utility to provide in its entirety as shown in Exhibit 1 of this agenda bill and thus incorporated herein.

Section 2: Severability. That if any section, subsection, clause, or phrase of this legislation is, for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this ordinance. The City of College Place, Washington hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any on more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

Section 3: Effective Date. That this law and the rules, regulations, provisions, requirements, orders, and matters established and adopted hereby shall take effect and be in full force and effect five (5) days from and after date of its final passage and adoption.

Section 4: The City Clerk is authorized and directed to publish a summary hereof in accordance with Revised Code of Washington §§ 35A.13.200 and 35A.12.160.

ADOPTED at a regular meeting of the City Council of the City of College Place, Washington held on the 25th day of September, 2018.

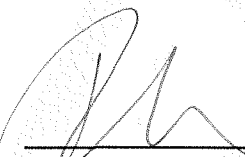
APPROVED:


HARVEY CROWDER – MAYOR

ATTEST:


LISA NEISSL – CITY CLERK

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 
Rea Culwell

FILED WITH THE CITY CLERK: 9-24-18
PASSED BY THE CITY COUNCIL: 9-25-18
PUBLISHED: 9-28-18
EFFECTIVE DATE: 10-3-18
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