

ORDINANCE NO. 4214

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO STORM AND SURFACE WATER MANAGEMENT OF DEVELOPMENT ACTIVITIES.

WHEREAS, the Washington State Department of Ecology (DOE) issued the Western Washington Phase II Municipal Stormwater Permit (Phase II NPDES Permit) on February 16, 2007, under authority delegated to it by the US Environmental Protection Agency, pursuant to the Federal Clean Water Act (33 U.S.C. §1251 et seq.) (CWA); and

WHEREAS, the intent of the Phase II NPDES Permit is to compel jurisdictions of certain density and population, which includes the City of Kirkland (the City), to take steps to reduce the discharge of pollutants in stormwater; and

WHEREAS, the City must therefore seek coverage under the Phase II NPDES Permit or face third-party lawsuits, fines, or other penalties under the CWA; and

WHEREAS, the Phase II NPDES Permit requires that jurisdictions seeking coverage comply with the conditions of the permit by taking and documenting actions to reduce the discharge of pollutants in stormwater in the following five ways:

- 1) Public Education and Outreach,
- 2) Public Involvement and Participation,
- 3) Illicit Discharge Detection and Elimination,
- 4) Controlling Runoff from New Development, Redevelopment and Construction Sites, and
- 5) Pollution Prevention and Operation and Maintenance for Municipal Operations; and

WHEREAS, the Phase II NPDES Permit requires that jurisdictions adopt certain alterations to surface and stormwater portions of their ordinances and associated requirements located elsewhere relating to item 4) above by February 16, 2010, in order to maintain compliance; and

WHEREAS, in addition, the proposed Kirkland Municipal Code (KMC) changes bear a substantial relationship to, and are necessary for, the public health, safety and general welfare of the City and its residents; and will provide increased protection to the City's wetlands, streams and lakes; and

NOW, THEREFORE, the City Council of the City of Kirkland do ordain as follows:

Section 1. Kirkland Municipal Code Section 15.52.060 is hereby amended to read as follows:

15.52.060 Design and construction standards and requirements.

(a) The standard plans as defined in section 15.04.340 shall include requirements for temporary erosion control measures, storm water detention, water quality treatment and storm water conveyance facilities that must be provided by all new development and redevelopment projects. These standards shall meet or exceed the ~~storm water control requirements of Stormwater Management in Washington State (Volumes 1 through 5), thresholds, definitions, minimum requirements, and exceptions/variances criteria found in Appendix I of the Western Washington Phase II Municipal Stormwater Permit, the 2009 King County Surface Water Design Manual, and the City of Kirkland Addendum to the 2009 King County Surface Water Design Manual as presently written or hereafter amended, and as administered by the State Department of Ecology~~

(b) Unless otherwise provided, it shall be the developer's and property owner's responsibility to design, construct, and maintain a system which complies with the standards and minimum requirements as set forth in the standard plans.

(c) In addition to providing storm water quality treatment facilities as required in this section and as outlined in the standard plans, the developer and/or property owner shall provide source control BMPs as described in Volume IV of the 2005 Stormwater Management Manual for Western Washington, such as structures and/or a manual of practices designed to treat or prevent storm water pollution arising from specific activities expected to occur on the site. Examples of such specific activities include, but are not limited to, carwashing at multifamily residential sites and oil storage at auto repair businesses. ~~Criteria for development and submittal of designs and plans for such BMPs are included in the standard plans.~~

(d) The city will inspect all permanent storm water facilities prior to final approval of the relevant permit. All facilities must be clean and fully operational before the city will grant final approval of the permit. A performance bond may not be used to obtain final approval of the permit prior to completing the storm water facilities required under this chapter.

(e) ~~Exception (Adjustment) Process.~~ Any developer proposing to adjust the requirements for, or alter design of, a system required as set forth in the standard plans must follow the adjustment process as set forth in the standard plans.

(f) Other Permits and Requirements. It is recognized that other city, county, state, and federal permits may be required for the

proposed action. Further, compliance with the provisions of this chapter when developing and/or improving land may not constitute compliance with these other jurisdictions' requirements. To the extent required by law, these other requirements must be met.

Section 2. Kirkland Municipal Code Section 15.52.120 is hereby amended to read as follows:

15.52.120 Operation and maintenance of storm water facilities.

(a) Standards for maintenance of storm water facilities existing on public or private property within the city of Kirkland are contained in the standard plans Appendix A of the 2009 King County Surface Water Design Manual and the City of Kirkland Addendum to the 2009 King County Surface Water Design Manual. For facilities which do not have maintenance standards, the property owner shall develop a maintenance standard. Any maintenance agreement submitted and approved by the city through the permit process shall supersede maintenance requirements contained in the ~~standard plans~~ 2009 King County Surface Water Design Manual and the City of Kirkland Addendum to the 2009 King County Surface Water Design Manual.

(b) No person shall cause or permit any drainage facility on any public or private property to be obstructed, filled, graded, or used for disposal of debris. Any such activity constitutes a violation of this chapter.

(c) Any modification of an existing drainage facility must be approved and permitted by the city. Failure to obtain permits and approvals or to violate conditions thereof for any such alteration constitutes a violation of this chapter.

(d) The city will maintain all elements of the storm drainage system beginning at the first catch-basin within the public right-of-way, and in easements or tracts dedicated to and accepted by the city. All other facilities, including, but not limited to, nonresidential storm water facilities and roof downspout drains and driveway drains serving single-family residences, shall be maintained by the property owner.

(e) Maintenance of Nonresidential Storm Water Facilities by Owners.

(1) Any person or persons holding title to a nonresidential property for which storm water facilities have been required by the city of Kirkland shall be responsible for the continual operation, maintenance, and repair of said storm water facilities in accordance with the criteria set forth in the standard plans Appendix A of the 2009 King County Surface Water Design Manual and the City of Kirkland Addendum to the 2009 King County Surface Water Design Manual. For facilities which do not have maintenance standards, the property owner shall develop a maintenance standard.

(2) For nonresidential storm water facilities, failure to meet the maintenance requirements specified in Appendix A of the standard

plans 2009 King County Surface Water Design Manual and the City of Kirkland Addendum to the 2009 King County Surface Water Design Manual constitutes a violation of this chapter, and shall be enforced against the owner(s) of the subject property served by the storm water facility.

(f) City Acceptance of Existing Residential Storm Water Facilities. The city may accept for maintenance those storm water facilities serving residential developments existing prior to the effective date of the ordinance codified in this chapter that meet the following conditions:

(1) The storm water facilities serve more than one individual house or property;

(2) An inspection by the director has determined that the storm water facilities are functioning as designed;

(3) The storm water facilities have had at least two years of satisfactory operation and maintenance, unless otherwise waived by the director;

(4) An inspection by the director has determined that the storm water facilities are accessible for maintenance using existing city equipment;

(5) The person or persons holding title to the properties served by the storm water facilities must submit a petition containing the signatures of the title holders of more than fifty percent of the lots served by the storm water facilities requesting that the city maintain the storm water facilities;

(6) All easements entitling the city to properly access, operate and maintain the subject storm water facilities have been conveyed to the city and have been recorded with the King County office of records and elections;

(7) The person or persons holding title to the properties served by the storm water facilities show proof of the correction of any defects in the drainage facilities, including provision of maintenance access, as required by the director.

(g) Disposal of waste from maintenance activities shall be conducted in accordance with the minimum Functional Standards for Solid Waste Handling, Chapter 173-304 WAC; guidelines published by the Washington State Department of Ecology for disposal of waste materials from storm water maintenance activities; and where appropriate, the Dangerous Waste Regulations, Chapter 173-303 WAC.

Section 3. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance, or the application of the provision to other persons or circumstances is not affected.

Section 4. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication pursuant to Section 1.08.017, Kirkland Municipal Code in the summary

form attached to the original of this ordinance and by this reference approved by the City Council.

Passed by majority vote of the Kirkland City Council in open meeting this 17th day of November, 2009.

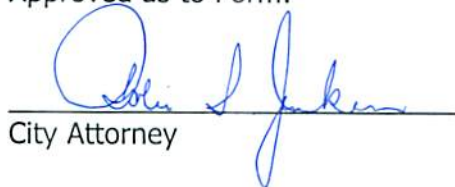
Signed in authentication thereof this 17th day of November, 2009.


MAYOR

Attest:


City Clerk

Approved as to Form:


City Attorney

PUBLICATION SUMMARY
OF ORDINANCE NO. 4214

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO STORM AND SURFACE WATER MANAGEMENT OF DEVELOPMENT ACTIVITIES.

SECTION 1. Amends Section 15.52.060 of the Kirkland Municipal Code to replace current design and construction standards and requirements with those in Appendix I of the Western Washington Phase II Municipal Stormwater Permit, the 2009 King County Surface Water Design Manual, and the City of Kirkland Addendum to the 2009 King County Surface Water Design Manual.

SECTION 2. Amends Section 15.52.120 of the Kirkland Municipal Code to replace current standards for operation and maintenance of storm water facilities with those in Appendix A of the 2009 King County Surface Water Design Manual and the City of Kirkland Addendum to the 2009 King County Surface Water Design Manual.

SECTION 3. Provides a severability clause for the ordinance.

SECTION 4. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the 17th day of November, 2009.

I certify that the foregoing is a summary of Ordinance 4214 approved by the Kirkland City Council for summary publication.



City Clerk