

ORDINANCE O-4538

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

The City Council of the City of Kirkland do ordain as follows:

Section 1. Kirkland Municipal Code Section 15.04.010 is amended to read as follows:

15.04.010 Definitions.

(a) The definitions contained in this chapter and in the 2016 King County Surface Water Design Manual, the 2016 King County Stormwater Pollution Prevention Manual and the pre-approved plans and policies, which includes the City of Kirkland Addendum to the 2016 King County Surface Water Design Manual Article III of Volume I of the 2005 Stormwater Management Manual for Western Washington, herein incorporated by reference, apply throughout this title, unless from context another meaning is clearly intended.

(b) These definitions include, but are not limited to, the following definitions from the 2016 King County Surface Water Design Manual:

(1) Drainage facility. "Drainage facility" means a constructed or engineered feature that collects, conveys, stores, treats, or otherwise manages storm water runoff or surface water. "Drainage facility" includes, but is not limited to, a constructed or engineered stream, lake, wetland, or closed depression, or a pipe, channel, ditch, gutter, flow control facility, flow control BMP, water quality facility, erosion and sediment control facility, and any other structure and appurtenance that provides for drainage.

(2) Flow control facility. "Flow control facility" means a drainage facility designed to mitigate the impacts of increased storm water runoff generated by site development in accordance with the drainage requirements in Kirkland Municipal Code Chapter 15.52. Flow control facilities are designed either, to hold water for a considerable length of time and then release it by evaporation, plant transpiration, or infiltration into the ground, or to hold runoff for a short period of time and then release it to the conveyance system.

(3) Flow control BMP. "Flow control BMP" means a small scale drainage facility or feature that is part of a development site strategy to use processes such as infiltration, dispersion, storage, evaporation, transpiration, forest retention, and reduced impervious surface footprint to mimic pre-developed hydrology and minimize storm water runoff.

(4) Water quality facility. "Water quality facility" means a drainage facility designed to mitigate the impacts of increased pollutants in storm water runoff generated by site development. A water quality facility uses processes that include but are not limited to settling, filtration, adsorption, and absorption to decrease pollutant concentrations and loadings in storm water runoff.

(c) In the event of conflict, the definitions in the City of Kirkland Addendum to the 2016 King County Surface Water Design Manual will control. The city engineer shall at all times keep on file with the city

47 clerk, for reference by the general public, not less than three copies of
 48 the Manual as herein adopted by reference.

49
 50 Section 2. Kirkland Municipal Code Section 15.04.176 is
 51 repealed.

52
 53 Section 3. Kirkland Municipal Code Section 15.04.178 is
 54 amended to read as follows:

55
 56 **15.04.178 Nonresidential drainage storm-water facilities.**
 57 "Nonresidential ~~drainage storm-water~~ facilities" means ~~storm-water~~
 58 ~~detention or water quality drainage~~ facilities that are located on private
 59 property and which are not contained in tracts or easements dedicated
 60 to the city. These facilities do not serve public streets, but rather serve
 61 only buildings, parking lots, and other amenities associated with the
 62 privately owned development. Multifamily developments such as
 63 condominiums and apartments are considered nonresidential for the
 64 purposes of this title.

65
 66 Section 4. Kirkland Municipal Code Chapter 15.04 is amended
 67 to include a new section 15.04.226 to read as follows:

68
 69 **15.04.226 Pre-approved plans and policies (or, pre-approved**
 70 **plans).**

71 "Pre-approved plans and policies" means those engineering plans and
 72 policies approved by the public works director for all street and utility
 73 improvements constructed within the city of Kirkland. The pre-
 74 approved plans are available for public inspection in the Public Works
 75 Department during regular business hours or online at
 76 www.kirklandwa.gov.

77
 78 Section 5. Kirkland Municipal Code Section 15.04.238 is
 79 amended to read as follows:

80
 81 **15.04.238 Residential drainage storm-water facilities.**
 82 "Residential ~~storm-water~~ facilities" means ~~storm-water detention or~~
 83 ~~water quality~~ facilities that are either in the public right-of-way or that
 84 are in a tract or easement dedicated to the city. These facilities usually
 85 serve public streets and single-family residences. Residential drainage
 86 facilities" means drainage facilities that serve single family residential
 87 development including public improvements.

88
 89 Section 6. Kirkland Municipal Code Section 15.04.340 is
 90 amended to read as follows:

91
 92 **15.04.340 Standard plans and specifications.**

93 "Standard plans and specifications" refers to pre-approved plans and
 94 policies as set forth in Kirkland Municipal Code Section 15.04.226.
 95 means those rules, regulations, policies and amendments thereto issued
 96 by the city engineer, including water systems, sewer systems, storm
 97 drainage systems, road construction and street improvements, traffic
 98 control, and erosion control pursuant to Section 15.28.290.
 99

100 Section 7. Kirkland Municipal Code Section 15.04.365 is deleted.

101

102 Section 8. Kirkland Municipal Code Section 15.52.030 is
103 amended to read as follows:

104

105 **15.52.030 Comprehensive drainage and storm sewer plan.**

106 A comprehensive drainage and storm sewer plan shall be developed by
107 the city for review and adoption by the city council. Such a plan may
108 include basin-specific or city-wide recommendations for regulations,
109 procedures, and programs. Such regulations, procedures and programs
110 may include but are not limited to capital projects, public education and
111 enforcement activities, operation and maintenance of city storm and
112 surface water facilities, and land use management regulations to be
113 recommended for adoption by ordinance for managing surface and
114 storm water management facilities. Once adopted by the city council,
115 elements of the comprehensive drainage and storm sewer plan
116 pertaining to new development and redevelopment projects shall be
117 incorporated into the standard pre-approved plans.

118

119 Section 9. Kirkland Municipal Code Section 15.52.050 is
120 amended to read as follows:

121

122 **15.52.050 Applicability—~~Storm water plan~~ Drainage review**
123 **required.**

124 (a) Drainage review is required when any proposed project is subject
125 to a City of Kirkland development permit or approval and:

126 (1) Would result in five hundred square feet or more of new impervious
127 surface, replaced impervious surface or new plus replaced
128 impervious surface; or

129 (2) Would involve seven thousand square feet or more of land disturbing
130 activity; or

131 (3) Would construct or modify a drainage pipe or ditch that is twelve
132 inches or more in size or depth or receives storm water runoff or
133 surface water from a drainage pipe or ditch that is twelve inches or
134 more in size and depth; or

135 (4) Contains or is adjacent to a frequently flooded area as defined in
136 KZC Chapter 90.100; or

137 (5) Is located within a sensitive area; or

138 (6) Is a redevelopment project proposing one hundred thousand dollars
139 or more of improvements to an existing high-use site.

140 (b) The drainage review for any proposed project shall be scaled to the
141 scope of the project's size, type of development, and potential for storm
142 water impacts to surface water and groundwater. The public works
143 director or designee will determine which one of the following drainage
144 reviews as specified in the pre-approved plans applies:

145 (1) Basic drainage review;

146 (2) Simplified drainage review;

147 (3) Targeted drainage review;

148 (4) Full drainage review.

149 ~~All developers taking any of the following actions or applying for any of~~
150 ~~the following permits and/or approvals will be required to submit for~~
151 ~~approval a storm water plan with their application and/or request,~~
152 ~~unless exempted by the city engineer or his designee. The storm water~~
153 ~~plan shall include those items designated in the public works standard~~

154 plans. Work on the site can only be allowed after approval of the storm
155 water plan.

- 156 ~~(1) Creation or alteration of new or additional impervious surfaces;~~
- 157 ~~(2) New development;~~
- 158 ~~(3) Redevelopment;~~
- 159 ~~(4) Building permit;~~
- 160 ~~(5) Subdivision approval;~~
- 161 ~~(6) Short subdivision approval;~~
- 162 ~~(7) Commercial, industrial, or multifamily site plan approval;~~
- 163 ~~(8) Planned unit development;~~
- 164 ~~(9) Development within or adjacent to critical areas;~~
- 165 ~~(10) Rezones;~~
- 166 ~~(11) Conditional use permit;~~
- 167 ~~(12) Substantial development permit required under Chapter~~
- 168 ~~90.58 RCW (Shoreline Management Act);~~
- 169 ~~(13) Land surface modification permit.~~

170
171 Section 10. Kirkland Municipal Code Section 15.52.060 is
172 amended to read as follows:

173
174 **15.52.060 Design and construction standards and**
175 **requirements.**

176 (a) ~~The standard plans as defined in Section 15.04.340 shall include~~
177 ~~requirements for temporary erosion control measures, storm water~~
178 ~~detention, water quality treatment and storm water conveyance~~
179 ~~facilities that must be provided by all new development and~~
180 ~~redevelopment projects. These The design and construction standards~~
181 ~~and requirements shall meet or exceed the thresholds, definitions,~~
182 ~~minimum requirements, and exceptions/variances criteria found in~~
183 ~~Appendix I of the Western Washington Phase II Municipal Stormwater~~
184 ~~Permit. To meet these criteria, the following are adopted:~~

- 185
- 186 ~~(1) The 2016 2009 King County Surface Water Design Manual; and;~~
- 187 ~~(2) The 2016 King County Stormwater Pollution Prevention Manual;~~
- 188 ~~(3) The ~~the city's~~ pre-approved plans and policies which include the~~
- 189 ~~City of Kirkland Addendum to the 2016 2009 King County~~
- 190 ~~Surface Water Design Manual as presently written or hereafter~~
- 191 ~~amended.~~

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

196 (c) In addition to providing ~~storm water quality treatment~~ drainage
197 facilities as required in this section and as outlined in the standard pre-
198 approved plans, the developer, ~~and/or~~ property owner, ~~and/or~~ business
199 owner/operator shall provide source control best management practices
200 as described in the 2016 King County Stormwater Pollution Prevention
201 Manual Volume IV of the 2005 Stormwater Management Manual for
202 Western Washington, such as structures and/or a manual of practices
203 designed to treat or prevent storm water pollution arising from specific
204 activities expected to occur on the site. Examples of such specific
205 activities include, but are not limited to, carwashing at multifamily
206 residential sites and oil storage at auto repair businesses.

207 ~~(d) Privately maintained storm water structures are not allowed within~~
 208 ~~the public right of way, except on a case by case basis with approval~~
 209 ~~from the public works director.~~

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

216 (e) Prior to final approval of the drainage facilities, the property owner
 217 of all drainage facilities shall submit an irrevocable license to enter the
 218 property for the purposes of inspection. The following language must
 219 be included in the irrevocable license to enter:

220 (1) A statement that the property owner is to be responsible for the
 221 maintenance of drainage facilities on the property;

222 (2) A statement granting the public works director or designee the
 223 right to enter the property for the purposes of inspecting the drainage
 224 facilities; and

225 (3) A statement that the public works director shall have the authority
 226 to order repair or cleaning of the drainage facilities if the owner does
 227 not take action to conduct this work or if the site poses a threat to public
 228 health and safety.

229 (f) Adjustment Process. Any developer proposing to adjust the
 230 requirements for, or alter design of, a system required as set forth in
 231 the ~~standard~~ pre-approved plans must follow the adjustment process as
 232 set forth in the ~~standard~~ pre-approved plans.

233 (g) Other Permits and Requirements. It is recognized that other city,
 234 county, state, and federal permits may be required for the proposed
 235 action. Further, compliance with the provisions of this chapter when
 236 developing and/or improving land may not constitute compliance with
 237 these other jurisdictions' requirements. To the extent required by law,
 238 these other requirements must be met.

239
 240 Section 11. Kirkland Municipal Code Section 15.52.070 is
 241 amended to read as follows:

242
 243 **15.52.070 City acceptance of new storm-flow control facilities,**
 244 **flow control BMPs and/or water quality facilities.**

245 (a) City Acceptance of New Residential Flow Control and/or Water
 246 Quality Facilities. The city will release the maintenance bond and accept
 247 for maintenance new residential ~~storm~~ flow control and/or water quality
 248 facilities constructed under an accepted permit as listed~~noted~~ in Section
 249 15.52.050 that meet the following conditions:

250 (1) An inspection by the public works director or designee has
 251 determined that the storm flow control and/or water quality facilities are
 252 functioning as designed;

253 (2) The storm flow control and/or water quality facilities have had at
 254 least two years of satisfactory operation and maintenance;

255 (3) The storm flow control and/or water quality facilities, as designed
 256 and constructed, conforms to the provisions of the chapter;

257 (4) All easements and tract dedications required by this chapter,
 258 entitling the city to properly access, operate and maintain the subject
 259 drainage flow control and/or water quality facility, have been recorded

260 with the King County recorder's office, and a copy has been conveyed
261 to the city;

262 (5) Agreements between the property owner and maintenance
263 contractor, if required, have been submitted to and approved by the
264 city;

265 (6) For nonstandard drainage flow control and water quality facilities,
266 an operation and maintenance manual, including a schedule detailing
267 the suggested seasonal timing and frequency of maintenance, has been
268 submitted to and accepted by the city;

269 (7) A complete and accurate set of reproducible mylar as-builts,
270 computer files of plans as described in the pre-approved plans, and
271 microfiche of plans has been received and accepted by the city.

272 (b) City Acceptance of New Residential Flow Control BMPs. The city
273 will accept for maintenance new residential flow control BMPs
274 constructed under an accepted permit as listed in Section 15.52.050 that
275 meet the following conditions:

276 (1) The flow control BMPs are located within an easement or tract
277 dedicated to the city or within a public right-of-way;

278 (2) An inspection by the public works director or designee has
279 determined that the flow control BMPs are functioning as designed;

280 (3) The flow control BMPs have had at least two years of satisfactory
281 operation and maintenance;

282 (4) The flow control BMPs, as designed and constructed, conform to the
283 provisions of this chapter;

284 (5) For nonstandard flow control BMPs, an operation and
285 maintenance manual, including a schedule detailing the suggested
286 seasonal timing and frequency of maintenance, has been submitted to
287 and accepted by the city;

288 (6) A complete and accurate set of reproducible plans as described in
289 the pre-approved plans has been received and accepted by the city;

290 (7) The city's maintenance of the flow control BMPs will be limited
291 to their functionality. All other maintenance shall remain the
292 responsibility of the adjacent owners.

293 (b) City Acceptance of New Nonresidential Storm Water Facilities. The
294 city will release the maintenance bond for new nonresidential storm
295 water facilities that meet all except items (4) and (6) in subsection (a)
296 of this section.

297
298 Section 12. Kirkland Municipal Code Section 15.04.080 is
299 amended to read as follows:

300
301 **15.52.080 Bonds and irrevocable license to enter.**

302 (a) Prior to commencing construction on any project required to
303 conduct a drainage review per Section 15.52.050 ~~disturbing greater than~~
304 ~~one thousand square feet of land area that meet conditions for a~~
305 ~~sensitive site as set forth in the standard plans,~~ the applicant must post
306 an erosion control a performance bond using the same procedures as
307 provided in Chapter 175 KZC. The nature of the bond must permit the
308 city to obtain the proceeds of the bond immediately upon request.

309 (1) The bond must be in an amount sufficient to cover the cost of
310 corrective work on or off the site performed specifically for the given
311 project. Before the city releases the bond, the applicant must do the
312 following:

313 (A) Construct drainage facilities required in per the development
 314 permit storm water plan;

315 (B) Receive final approval of the drainage facilities storm water system
 316 from the city of Kirkland; and

317 (C) Pay all required fees.

318 (2) All applicants shall post a maintenance bond using the same
 319 procedures as provided in Chapter 175 KZC to ensure maintenance of
 320 installed storm water drainage facilities for two years from the date of
 321 final approval of the storm water drainage facilities. Before the city will
 322 release the bond, the storm water drainage facilities must meet the
 323 requirements of Section 15.52.070.

324 ~~(b) Prior to final approval of the storm water facilities, the property~~
 325 ~~owner of all nonresidential storm water facilities shall submit, as~~
 326 ~~described in Chapter 175 KZC, an irrevocable license to enter the~~
 327 ~~property for the purposes of inspection. The following language must~~
 328 ~~be included in the irrevocable license to enter:~~

329 ~~(1) A statement that the property owner is to be responsible for the~~
 330 ~~maintenance of storm water facilities on the property;~~

331 ~~(2) A statement granting the director or designee the right to enter~~
 332 ~~the property for the purposes of inspecting the storm water facilities;~~
 333 ~~and~~

334 ~~(3) A statement that the director shall have the authority to order~~
 335 ~~repair or cleaning of the storm water facilities if the owner does not take~~
 336 ~~action to conduct this work or if the site poses a threat to public health~~
 337 ~~and safety.~~

338
 339 Section 13. Kirkland Municipal Code Section 15.52.090 is
 340 amended to read as follows:

341
 342 **15.52.090 Illicit discharges and connections.**

343 (a) Prohibition of Illicit Discharges. No person shall throw, drain, or
 344 otherwise discharge, cause or allow others under its control to throw,
 345 drain or otherwise discharge into the municipal storm drain system
 346 and/or surface and ground waters any materials other than storm water.
 347 Illicit discharges are prohibited and constitute a violation of this chapter.
 348 Examples of prohibited contaminants include, but are not limited to, the
 349 following:

350 (1) Trash or debris.

351 (2) Construction materials.

352 (3) Petroleum products including but not limited to oil, gasoline,
 353 grease, fuel oil and heating oil.

354 (4) Antifreeze and other automotive products.

355 (5) Metals in either particulate or dissolved form.

356 (6) Flammable or explosive materials.

357 (7) Radioactive material.

358 (8) Batteries.

359 (9) Acids, alkalis, or bases.

360 (10) Paints, stains, resins, lacquers, or varnishes.

361 (11) Degreasers and/or solvents.

362 (12) Drain cleaners.

363 (13) Pesticides, herbicides, or fertilizers.

364 (14) Steam cleaning wastes.

365 (15) Soaps, detergents, or ammonia.

366 (16) Swimming pool or spa filter backwash.

- 367 (17) Chlorine, bromine, or other disinfectants.
 368 (18) Heated water.
 369 (19) Domestic animal wastes.
 370 (20) Sewage.
 371 (21) Recreational vehicle waste.
 372 (22) Animal carcasses.
 373 (23) Food wastes.
 374 (24) Bark and other fibrous materials.
 375 (25) Lawn clippings, leaves, or branches.
 376 (26) Silt, sediment, concrete, cement or gravel.
 377 (27) Dyes.
 378 (28) Chemicals not normally found in uncontaminated water.
 379 (29) Any other process-associated discharge except as otherwise
 380 allowed in this section.
 381 (30) Any hazardous material or waste not listed above.
 382 (b) Allowable Discharges. The following types of discharges shall not
 383 be considered illicit discharges for the purposes of this chapter unless
 384 the public works director or designee determines that the type of
 385 discharge, whether singly or in combination with others, is causing or is
 386 likely to cause pollution of surface water or ground water:
 387 (1) Diverted stream flows.
 388 (2) Rising ground waters.
 389 (3) Uncontaminated ground water infiltration – as defined in 40 CFR
 390 35.2005(b)(20).
 391 (4) Uncontaminated pumped ground water.
 392 (5) Foundation drains.
 393 (6) Air conditioning condensation.
 394 (7) Irrigation water from agricultural sources that is commingled with
 395 urban storm water.
 396 (8) Springs.
 397 (9) Uncontaminated water from crawl space pumps.
 398 (10) Footing drains.
 399 (11) Flows from riparian habitats and wetlands.
 400 (12) Discharges from emergency fire fighting activities in accordance
 401 with S2 Authorized Discharges.
 402 (13) Non-storm water discharges authorized by another NPDES or
 403 state waste discharge permit.
 404 (c) Conditional Discharges. The following types of discharges shall not
 405 be considered illicit discharges for the purpose of this chapter if they
 406 meet the stated conditions, or unless the public works director or
 407 designee determines that the type of discharge, whether singly or in
 408 combination with others, is causing or is likely to cause pollution of
 409 surface water or ground water:
 410 (1) Potable water, including water from water line flushing,
 411 hyperchlorinated water line flushing, fire hydrant system flushing, and
 412 pipeline hydrostatic test water. Planned discharges shall be
 413 dechlorinated to a total residual chlorine concentration of 0.1 ppm or
 414 less, pH-adjusted, if necessary and in volumes and velocities controlled
 415 to prevent resuspension of sediments in the storm water system.
 416 (2) Lawn watering and other irrigation runoff are permitted but shall
 417 be minimized.
 418 (3) Dechlorinated swimming pool, spa and hot tub discharges. These
 419 discharges shall be dechlorinated to a total residual chlorine
 420 concentration of 0.1 ppm or less, pH-adjusted, and reoxygenized if

421 necessary and in volumes and velocities controlled to prevent
 422 resuspension of sediments in the storm water system. Discharges shall
 423 be thermally controlled to prevent an increase in temperature of the
 424 receiving water. Swimming pool cleaning wastewater and filter
 425 backwash shall not be discharged to the municipal separate storm sewer
 426 system ("MS4"), as defined in the most recent version of the Western
 427 Washington Phase II Municipal Stormwater Permit.

428 (4) Street and sidewalk wash water, water used to control dust, and
 429 routine external building wash down that does not use detergents are
 430 permitted if the amount of street wash and dust control water used is
 431 minimized. At active construction sites, street sweeping must be
 432 performed prior to washing the street.

433 (5) Non-storm water discharges covered by another NPDES permit;
 434 provided, that the discharger is in full compliance with all requirements
 435 of the permit, waiver, or order and other applicable laws and
 436 regulations; and provided, that written approval has been granted for
 437 any discharge to the storm drain system.

438 (d) Failure to Remove Pollutants from Private System. It shall be a
 439 violation of this chapter for any person who commits an illicit or
 440 conditional discharge in violation of this section to fail to remove the
 441 pollutants from a private system that enters the municipal storm system
 442 and/or surface and ground waters. In addition, it shall be a violation of
 443 this chapter for any property owner on whose property an illicit or
 444 conditional discharge occurs to fail to remove the pollutants from a
 445 private system that enters the municipal storm system.

446 (e) Prohibition of Illicit Connections.

447 (1) The construction, use, maintenance, or continued existence of
 448 illicit connections to the storm drain system are prohibited and
 449 constitute a violation of this chapter.

450 (2) This prohibition expressly includes, without limitation, illicit
 451 connections made in the past, regardless of whether the connection was
 452 permissible under law or practices applicable or prevailing at the time
 453 of connection.

454 (3) A person is considered to be in violation of this section if the
 455 person connects a line conveying sewage to the MS4, or allows such a
 456 connection to continue.

457 (f) Implementation of structural BMPs shall be required if operational
 458 BMPs are not effective at reducing or eliminating an illicit discharge.
 459 Guidance for design of structural BMPs is provided in the 2016 King
 460 County Stormwater Pollution Prevention Manual ~~Volume IV of the~~
 461 ~~Stormwater Management Manual for Western Washington~~, herein
 462 incorporated by reference.

463
 464 Section 14. Kirkland Municipal Code Section 15.52.100 is
 465 amended to read as follows:

466
 467 **15.52.100 Source control best management practices.**
 468 Any person causing or allowing discharge to a public drainage facility,
 469 natural drainage system, surface and storm water, or ground water shall
 470 control contamination in the discharge by implementing appropriate
 471 source control BMPs, as described in the 2016 King County Stormwater
 472 Pollution Prevention Manual ~~Volume IV of the 2005 Stormwater~~
 473 ~~Management Manual for Western Washington~~. Failure to implement
 474 such practices shall constitute a violation of this chapter. ~~Guidance on~~

475 ~~designing and implementing~~ Design requirements for BMPs ~~are~~
 476 provided in the pre-approved ~~standard~~ plans.

477

478 Section 15. Kirkland Municipal Code Section 15.52.120 is
 479 amended to read as follows:

480

481 **15.52.120 Operation and maintenance of storm-water drainage**
 482 **facilities.**

483 (a) Standards for maintenance of storm-water drainage facilities
 484 existing on public or private property within the city of Kirkland are
 485 contained in Appendix A of the ~~2009~~ 2016 King County Surface Water
 486 Design Manual and the City of Kirkland Addendum to the ~~2009~~ 2016
 487 King County Surface Water Design Manual. ~~For facilities which do not~~
 488 ~~have maintenance standards, the property owner shall develop a~~
 489 ~~maintenance standard.~~ Any maintenance agreement submitted and
 490 approved by the city through the permit process shall supersede
 491 maintenance requirements contained in the ~~2009~~ 2016 King County
 492 Surface Water Design Manual and the City of Kirkland Addendum to the
 493 ~~2009~~ 2016 King County Surface Water Design Manual.

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

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

501 (d) The city will maintain all ~~elements of the storm~~ drainage facilities
 502 ~~system~~ beginning at the first catch-basin within the public right-of-way,
 503 and in easements or tracts dedicated to and accepted by the city. All
 504 other drainage facilities, including, but not limited to, residential or
 505 nonresidential storm-water flow control facilities, flow control BMPs
 506 and/or water quality facilities and roof downspout drains and driveway
 507 drains serving single-family residences, shall be maintained by the
 508 property owner.

509 (e) Maintenance of Residential or Nonresidential Storm-Water
 510 Drainage Facilities by Owners.

511 (1) Any person or persons holding title to a residential or
 512 nonresidential property for which storm-water containing drainage
 513 facilities have been required by the city of Kirkland shall be responsible
 514 for the continual operation, maintenance, and repair of said storm
 515 water drainage facilities in accordance with the criteria set forth in
 516 Appendix A of the ~~2016~~~~2009~~ 2016 King County Surface Water Design Manual
 517 and the City of Kirkland Addendum to the ~~2016~~~~2009~~ 2016 King County
 518 Surface Water Design Manual. ~~For facilities which do not have~~
 519 ~~maintenance standards, the property owner shall develop a~~
 520 ~~maintenance standard.~~

521 (2) For residential or nonresidential storm-water drainage facilities,
 522 failure to meet the maintenance requirements specified in Appendix A
 523 of the ~~2016~~~~2009~~ 2016 King County Surface Water Design Manual and the City
 524 of Kirkland Addendum to the ~~2016~~~~2009~~ 2016 King County Surface Water
 525 Design Manual constitutes a violation of this chapter, and shall be
 526 enforced against the owner(s) of the subject property. ~~served by the~~
 527 ~~storm-water facility.~~

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

533 (1) The ~~drainage~~~~storm-water~~ facilities serve more than one individual
534 house or property;

535 (2) An inspection by the public works director or designee has
536 determined that the ~~storm-water~~ drainage facilities are functioning as
537 designed;

538 (3) The ~~drainage~~~~storm-water~~ facilities have had at least two years of
539 satisfactory operation and maintenance, unless otherwise waived by the
540 public works director;

541 (4) An inspection by the public works director or designee has
542 determined that the ~~storm-water~~ drainage facilities are accessible for
543 maintenance using existing city equipment;

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

549 (6) All easements entitling the city to properly access, operate and
550 maintain the subject ~~drainage~~~~storm-water~~ facilities have been conveyed
551 to the city and have been recorded with the King County recorder's
552 office;

553 (7) The person or persons holding title to the properties served by the
554 ~~drainage~~~~storm-water~~ facilities shows proof of the correction of any
555 defects in the drainage facilities, including provision of maintenance
556 access, as required by the public works director.

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

563
564 Section 16. Kirkland Municipal Code Section 15.52.130 is
565 amended to read as follows:

566
567 **15.52.130 Inspection and sampling.**

568 (a) Inspections for compliance with the provisions of this chapter shall
569 be allowed as follows:

570 (1) Construction and Development Inspection. The public works
571 director or designee shall have the right to enter onto the property
572 of access to any site for which a development permit as listed in Section
573 15.52.050 has been issued, during regular business hours, or at any
574 other time reasonable in the circumstances, for the purpose of review
575 of erosion control practices and ~~drainage~~~~storm-water~~ facilities, and to
576 insure compliance with the terms of such permit. ~~Applicants for any such~~
577 ~~permit shall agree in writing, as a condition of issuance thereof, that~~
578 ~~such access shall be permitted for such purposes.~~ Inspection procedures
579 shall be as outlined in Section 15.52.130(b).

580 (2) Inspection for Cause. Whenever there is cause to believe that a
581 violation of this chapter has been or is being committed, the public

582 works director or designee shall have the right to enter the property
 583 authorized to inspect the property during regular business hours, and at
 584 any other time reasonable in the circumstances. Inspection procedures
 585 shall be as outlined in Section 15.52.130(b).

586 (3) Inspection for Maintenance and Source Control Best Management
 587 Practices. The public works director or designee shall have the right to
 588 enter the property to ~~may inspect storm-water drainage~~ facilities in order
 589 to ensure continued functioning of the drainage facilities for the
 590 purposes for which they were constructed, and to ensure that
 591 maintenance is being performed in accordance with the standards of
 592 this chapter and any maintenance schedule adopted during the plan
 593 review process for the property. The public works director or designee
 594 also may enter the site for the purposes of observing source control best
 595 management practices. The property owner or other person in control
 596 of the site shall allow any authorized representative of the public works
 597 director or designee access during regular business hours, or at any
 598 other time reasonable in the circumstances, for the purpose of
 599 inspection, sampling, and records examination.

600 (b) Inspection Procedure. Prior to making any inspections, the public
 601 works director or designee shall present identification credentials, state
 602 the reason for the inspection and request entry of the owner or other
 603 person having charge or control of the property, if available, or as
 604 provided below.

605 (1) If the property or any building or structure on the property is
 606 unoccupied, the public works director or his designee shall first make a
 607 reasonable effort to locate the owner or other person(s) having charge
 608 or control of the property or portions of the property and request entry.

609 (2) If, after reasonable effort, the public works director or his
 610 designee is unable to locate the owner or other person(s) having charge
 611 or control of the property, and has reason to believe the condition of
 612 the site or of the storm-water drainage facilities system creates an
 613 imminent hazard to persons or property, the inspector may enter.

614 (c) Water sampling and analysis for determination of compliance with
 615 this chapter shall be allowed as follows:

616 (1) Sample Collection. When the public works director or designee has
 617 reason to believe that a violation exists or is occurring on a property,
 618 the public works director shall have the authority to set up on the site
 619 such devices as are necessary to conduct sampling, inspection,
 620 compliance monitoring, or flow measuring operations.

621 (2) Sample Analysis. Analysis of samples collected during
 622 investigation of potential violations shall be analyzed by a laboratory
 623 certified by the State Department of Ecology as competent to perform
 624 the required analysis using standard practices and procedures.

625 (3) Cost of Sample Collection and Analysis. If it is determined that a
 626 violation of this chapter exists on the site, the owner of the property
 627 shall pay the city's actual costs for collecting samples and for laboratory
 628 analysis of those samples. If it is found that a violation does not exist,
 629 the city will pay such charges.

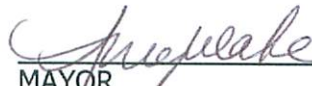
630
 631 Section 17. If any provision of this ordinance or its application
 632 to any person or circumstance is held invalid, the remainder of the
 633 ordinance or the application of the provision to other persons or
 634 circumstances is not affected.

635

636 Section 18. This ordinance shall be in force and effect on
637 January 1, 2017, after its passage by the Kirkland City Council and
638 publication pursuant to Section 1.08.017, Kirkland Municipal Code in the
639 summary form attached to the original of this ordinance and by this
640 reference approved by the City Council.

641
642 Passed by majority vote of the Kirkland City Council in open
643 meeting this 18th day of October, 2016.

644
645 Signed in authentication thereof this 18th day of October, 2016.


MAYOR

Attest:


City Clerk

Approved as to Form:


City Attorney

Publication Date: October 24, 2016

PUBLICATION SUMMARY
OF ORDINANCE O-4538

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO STORM AND SURFACE WATER MANAGEMENT OF DEVELOPMENT ACTIVITIES AND AMENDING KIRKLAND MUNICIPAL CODE CHAPTERS 15.04 AND 15.52.

SECTION 1. Amends Section 15.04.010 of the Kirkland Municipal Code ("KMC") relating definitions.

SECTION 2. Repeals Section 15.04.176 of the KMC.

SECTION 3. Amends Section 15.04.178 of the KMC relating to the definition of nonresidential drainage facilities.

SECTION 4. Adds a new Section 15.04.226 of the KMC to include a new definition for pre-approved plans and policies.

SECTION 5. Amends Section 15.04.238 of the KMC relating to the definition of residential drainage facilities.

SECTION 6. Amends Section 15.04.340 of the KMC relating to the definition of standard plans and specifications.

SECTION 7. Repeals Section 15.04.365 of the KMC.

SECTION 8. Amends Section 15.52.030 of the KMC to relating to comprehensive drainage and storm sewer plan.

SECTION 9. Amends Section 15.52.050 of the KMC to define when a drainage review is required and types of drainage review that apply.

SECTION 10. Amends Section 15.52.060 of the KMC related to design and construction standards and requirements.

SECTION 11. Amends Section 15.52.070 of the KMC related to city acceptance of new drainage facilities.

SECTION 12. Amends Section 15.52.080 of the KMC related to bonds.

SECTION 13. Amends Section 15.52.090 of the KMC related to illicit discharges and connections and replacing the current pollution prevention manual with the 2016 King County Stormwater Pollution Prevention Manual.

SECTION 14. Amends Section 15.52.100 of the KMC related to source control best management practices and replacing the current pollution prevention manual with the 2016 King County Stormwater Pollution Prevention Manual.

SECTION 15. Amends Section 15.52.120 of the KMC related to operation and maintenance of drainage facilities.

SECTION 16. Amend Section 15.52.130 of the KMC to clarify the City's inspection and sampling procedures.

SECTION 17. Provides a severability clause for the ordinance.

SECTION 18. 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 January 1, 2017.

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 18th day of October, 2016.

I certify that the foregoing is a summary of Ordinance O-4538 approved by the Kirkland City Council for summary publication.



City Clerk