

Repealed by 3711

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ESTABLISHMENT OF A STORMWATER DRAINAGE UTILITY AND CREATING A NEW CHAPTER 15.52 OF THE KIRKLAND MUNICIPAL CODE.

Be it ordained by the City Council of the City of Kirkland as follows:

Section 1. There is hereby added to the Kirkland Municipal Code a new Chapter 15.52 entitled "Stormwater Drainage" to read as follows:

Chapter 15.52

STORMWATER DRAINAGE

15.52.010 STORMWATER UTILITY CREATED - RESPONSIBILITIES.

There is hereby created and established, pursuant to RCW Chapters 35A.80 and 35.67, a storm and surface water utility to be known as the "Kirkland Stormwater Utility." All references to "the Utility" in this Chapter refer to the Kirkland Stormwater Utility. The Utility will have primary authority and responsibility for carrying out the City's comprehensive drainage and storm sewer plan, including responsibilities for planning, design, construction, maintenance, administration, and operation of all City storm and surface water facilities, as well as establishing standards for design, construction, and maintenance of improvements on private property where these may affect storm and surface water management. The Director of Public Works shall be the administrator of the Utility. The administrator of the Utility shall formulate and propose to the City Council for adoption by ordinance a system of rates and charges for services of the Utility. To the extent required by law, rates charged shall be uniform for the same class of customers or services.

15.52.020 PURPOSE

The City Council finds that this chapter is necessary to promote sound development policies and construction procedures which respect and preserve the City's watercourses; to minimize water quality degradation and control of sedimentation of creeks, streams, ponds, lakes, and other water bodies; to protect the life, health, and property of the general public; to preserve and enhance the suitability of waters for contact recreation and fish habitat; to preserve and enhance the aesthetic quality of the waters; to maintain and protect valuable groundwater quantities, locations, and flow patterns; to insure the safety of city roads and rights-of-way; and to decrease drainage-related damages to public and private property.

15.52.030 APPLICABILITY

All developers taking any of the following actions or applying for any of the following permits and/or approvals will be required to submit for approval a Stormwater Plan with their application and/or request, unless exempted by the City Engineer or his designee. The Stormwater Plan shall include those items designated in the Public Works Standard Plans.

1. Creation or alteration of new or additional impervious surfaces;
2. New development;
3. Redevelopment;
4. Building permit;
5. Subdivision approval;
6. Short subdivision approval;
7. Commercial, industrial, or multi-family site plan approval;
8. Planned unit development;
9. Development within or adjacent to critical areas;
10. Rezones;
11. Conditional use permits;
12. Substantial development permit required under RCW 90.58 (Shoreline Management Act).

15.52.040 ILLICIT DISCHARGES

All illicit discharges, as set forth in the Standard Plans, made either directly or indirectly to a public drainage control system, are prohibited and constitute a violation of this Subtitle.

15.52.050 GENERAL DESIGN AND CONSTRUCTION STANDARDS

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.

15.52.060 WORK CONTRACTED OUT

The Director of Public Works may arrange to have work that would be done by the Utility performed by a private party or contracted out when it is determined that it would be economically beneficial to do so.

15.52.070 ENFORCEMENT, VIOLATIONS AND PENALTIES

The provisions set forth in this section shall apply to all violations of this chapter and as set forth in the provisions of the Standard Plans. Penalty and enforcement provided herein are cumulative and shall not be deemed exclusive, and the City may pursue any appropriate remedy or relief.

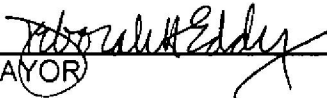
- A. **Damages.** Any person, firm, corporation, or association or any agent thereof who violates any of the provisions of this chapter shall be liable for all damages to public or private property arising from such violation. If the City repairs or replaces the damaged property, the actual cost to the City for such repair or replacement shall be assessed against the responsible party and shall be due and payable within 10 days of the date of written notice of the same. Delinquent bills may be collected by a civil action in the Kirkland municipal court. If the City obtains judgment, it shall also be entitled to reimbursement for court costs and reasonable attorney's fees expended in the litigation.
- B. **Stop Work Orders.** The City shall stop work on any existing permits and halt the issuance of any or all future permits or approvals for any activity which violates the provisions of this chapter until there is compliance with this chapter and all penalties paid in full.
- C. **Nuisance.** Any structure or condition which violates any provision of this chapter shall be, and the same is declared to be, unlawful and a public nuisance, and may be abated as such.

Section 2. 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 3. This Ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in regular, open meeting this 17th day of December, 1996

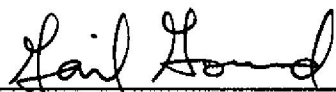
Signed in authentication thereof this 17th day of December, 1996


MAYOR

Attest:


Deputy City Clerk

Approved as to Form:


City Attorney

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