

CITY OF DUVALL
WASHINGTON
ORDINANCE NO.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF DUVALL, WASHINGTON, REPEALING AND
REPLACING TITLE 9.06 “STORM DRAINAGE UTILITY”
OF THE DUVALL MUNICIPAL CODE.**

WHEREAS, updates to the City of Duvall Municipal Code are required to comply with National Pollution Discharge Elimination System (NPDES) Phase II permit requirements; and

WHEREAS, the NPDES Phase II permit requires adoption of stormwater code to make Low Impact Development the preferred and commonly-used approach for site development and stormwater management; and

WHEREAS, NPDES Phase II permit requires adoption of the minimum requirements, thresholds, and definitions in Appendix 1 of the NPDES Phase II permit; and

WHEREAS, the NPDES Phase II permit requires adoption of stormwater maintenance standards that are as protective, or more protective, than those specified in Chapter 4 of Volume V of the Stormwater Management Manual for Western Washington; and

WHEREAS, City Staff have completed a thorough review of Duvall Municipal Code and have identified revisions to Title 9.06 “Storm Drainage Utility” to ensure compliance with the aforementioned NPDES requirements; and

WHEREAS, the City Council desires to repeal and replace Title 9.06 “Storm Drainage Utility” to comply with the aforementioned NPDES requirements;

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

Section 1. Title 9.06 “Storm Drainage Utility” is hereby repealed and replaced with the updated version of Title 9.06, as set forth in the attached Exhibit A.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

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

CITY OF DUVALL

Will Ibershof, Mayor

Approved as to form:

ATTEST/AUTHENTICATED:

Rachel B. Turpin, City Attorney

Jodi Wycoff, City Clerk

Passed by the City Council:
Ordinance No.
Date of Publication:

EXHIBIT A, DRAFT CHAPTER 9.06 STORM DRAINAGE UTILITY REVISIONS

Chapter 9.06 - STORM DRAINAGE UTILITY*

[Chapter 9.06](#) was revised in Ord. No. 1098, [§ 1](#), adopted Aug. 26, 2010. [Chapter 9.06](#) was adopted in Ord. No. 730, adopted in 1994; Ord. No. 739, adopted in 1994; Ord. No. 751, adopted in 1995; Ord. No. 837, adopted in 1997; Ord. No. 852, [§ 1](#) adopted in 1997; Ord. No. 853, [§ 1](#), adopted in 1997; Ord. No. 1044, [§ 2](#), adopted in 2007; and Ord. No. 1090, [§ 1](#), adopted Aug. 13, 2009, unless otherwise noted, and replaced the prior [9.06](#) which was adopted in Ord. No. 298, adopted in 1981.

Sections:

9.06.010 - 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 ensure the safety of City roads and rights-of-way; to comply with federal and state requirements; and to decrease drainage-related ages to public and private property. It is the purpose of this chapter to achieve the following:

1. Utilize Low Impact Development (LID), where feasible, to approximate pre-developed (forested) hydrologic conditions including discharge quality, amount, rate, and location.
2. Minimize degradation of stormwater quality.
3. Minimize impacts associated with increased runoff including erosion, sedimentation, and downstream impacts to property, facilities, and sensitive areas.
4. Limit impacts associated with development and redevelopment by retaining trees, native vegetation, and soil while limiting overall site disturbance as possible.
5. Design, construct, and maintain stormwater infrastructure using efficient, cost-effective and sustainable approaches.

(Ord. No. 1098, § 1, 8-26-2010)

9.06.020 - Definitions.

~~"AKART" means All Known, Available, and Reasonable methods of prevention, control, and Treatment. See also the State Water Pollution Control Act, sections 90.48.010 RCW and 90.48.520 RCW.~~

~~"Best Management Practices (BMPs)" means schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and~~

~~other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.~~

~~"Biofiltration Facility" means the simultaneous processes of filtration, infiltration, absorption, and biological uptake of pollutants in stormwater that take place when runoff flows over and through vegetated treatment facilities.~~

~~"City Engineer" means the city engineer, public works director, or a designee of the city engineer or public works director, who shall administer this chapter and shall be referred to as the city engineer.~~

~~"Clean Water Act" means the federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.~~

~~"Computations" means calculations, including coefficients and other pertinent data, made to determine the rates of flow for stormwater plans, with units given in cubic feet per second.~~

~~"Current conditions" means the state, status, or conditions (land use, impervious surfaces, topography, soils, and surface water flows) present on the subject property at the time the analysis is conducted.~~

~~"Design storm" means a rainfall (or other precipitation) event or pattern of events for use in analyzing and designing drainage facilities, specifying both the return period in years and the duration in hours.~~

~~"Detention Facilities" means facilities designed to hold runoff while gradually releasing it at a predetermined maximum rate.~~

~~"Developed Conditions" means the state, status, or condition of the subject property at the time the proposed project has been completed, which may include existing buildings, impervious areas, and topography as is.~~

"Developer" means the individual(s), firm, government agency, or corporation applying for the permits or approvals of projects subject to this chapter.

"Development" means any artificial change to property, including but not limited to, building of structures, mining, dredging, filling, all land-disturbing activities, clearing, grading, landscaping, paving, excavation, or drilling operations, and any activity that requires a permit or approval, including but not limited to a building permit, clearing and grading permit, shoreline substantial development permit, conditional use permit, unclassified use permit, zoning variance or reclassification, planned unit development, subdivision, master plan development, building site plan, or right-of-way use permit.

~~"Developmental Coverage" means all developed surface areas within the subject property including but not limited to rooftops, driveways, carports, accessory buildings, parking areas, and any other impervious surfaces. During construction, "developmental coverage" includes the above in addition to the~~

~~full extent of any alteration of previously occurring soils, slopes, or vegetation due to grading, temporary storage, or other short term causes.~~

"Drainage Area" means area draining to a location not bounded by property lines.

~~"Drainage Facility" means the system of collecting, conveying, and storing surface and stormwater runoff. Drainage facilities shall include, but not be limited to, all surface and stormwater runoff conveyance and containment facilities, including streams, pipelines, channels, ditches, swamps, lakes, wetlands, closed depressions, infiltration facilities, retention/detention facilities, erosion/sedimentation control facilities, and other drainage structures and appurtenances, both natural and man-made.~~

~~"Drainage site" means a geographical area that serves a common or combined use including but not limited to shopping malls and strips, condominiums, apartment complexes, office parks, and housing tracts. A site may include one or more parcels and/or include one or more buildings. See also "Development."~~

~~"Drainage system" see "Drainage Facility."~~

"Engineer" means the City of Duvall Engineer.

"Environmentally Sensitive Areas" means those areas defined as environmentally sensitive in DMC Chapters ~~12.20~~14.42 ~~through 12.22~~ as now existing or hereafter amended.

~~"Equivalent Area" means the tributary area tributary to the receiving water body equal to or less than the shortest straight line distance from the receiving water body (or regional facility) to the furthest point of the proposed project.~~

~~"Groundwater" means water in a saturated zone or stratum beneath the surface of the land or below a surface water body.~~

~~"Hazardous Materials" means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.~~

~~"Hyperchlorinated" means water that contains more than 10 mg/Liter chlorine.~~

"Illicit Discharge" means any direct or indirect non-stormwater discharge to the stormwater drainage system, except as exempted in section of the chapter titled "Allowed Discharges" and "Conditional Discharges".

"Illicit Connections" means any manmade conveyance that is connected to a stormwater drainage system without a permit excluding roof drains or other similar type connections. Examples include sanitary sewer connections, floor drains, channels, pipelines, conduits, inlets, or outlets that are connected directly to the stormwater drainage system.

~~"Impervious Areas" means that hard surface area which either prevents or retards the entry of water into the soil mantle and/or causes water to run off the surface in greater quantities or at an increased rate of flow from that present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of surface and stormwater runoff. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces for the purposes of this Chapter. (See also "New Impervious Surface.")~~

~~"Industrial Activity" means activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).~~

"King County Manual" refers to King County Surface Water Design Manual.

"Land-disturbing Activities" means any activity that disturbs or alters land surface including clearing and grading.

~~"Large Parcel Stormwater Plan (LPSP)" means a plan to implement BMPs to control pollution generated during land-disturbing activity pursuant to § 9.06.050.~~

~~"Lowest Floor" means the lowest enclosed area (including basement) of a structure. An area used solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that the enclosed area meets all of the structural requirements of the flood hazard standards.~~

"Low Impact Development" or "LID" is a stormwater and land use management strategy that strives to mimic pre-disturbance hydrologic processes by emphasizing conservation, the use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into project design.

"National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit" means a permit issued by Washington Department of Ecology under authority delegated pursuant to 33 USC § 1342(b) (Clean Water Act) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

~~"Natural Location" of drainage systems refers to the location of those channels, swales, and other natural conveyance systems as defined by the first documented topographic contours existing for the subject property, either from maps, or photographs, or such other means as appropriate.~~

~~"New Development" means the following activities: land-disturbing activities; structural development, including construction, installation, or expansion of building or other structures; installation of impervious surfaces, and subdivisions.~~

~~"New Impervious Surface" means any impervious surface proposed by a project that will increase the runoff curve number of that surface for existing site conditions (e.g. gravel to asphalt). See "Impervious Areas."~~

~~"Non-Stormwater Discharge" means any discharge to the stormwater drainage system that is not composed entirely of stormwater.~~

~~"Permanent Stormwater Quality Control Plan (PSQCP)" means a plan which includes permanent BMPs for the control of pollution from stormwater runoff after construction and/or land-disturbing activity has been completed.~~

~~"Person" means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.~~

~~"Planned Unit Development" refers to residential developments which are planned and/or developed in several stages but submitted together for approvals, and which typically consist of clusters of structures interspersed with areas of common open spaces.~~

"Planner" means City of Duvall Planning Director or designee.

"Pollutant" means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

~~"Predeveloped" means the land cover or land use existing as of the effective date of this ordinance.~~

~~"Premises" means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.~~

"Private Drainage System" means drainage systems located on private property and designed to discharge directly as through pipes, channels, etc., or indirectly as sheet flow, subsurface flow, etc., into the City's drainage system.

"Public Drainage System" means that portion of the drainage system of the City located on public right-of-way or other property owned by the City, and those portion of private drainage systems assumed by the City.

"Receiving Waters" means bodies of water or surface water systems receiving water from upstream manmade (or natural) systems. For the purpose of this document "receiving waters" are the Snoqualmie River.

~~"Redevelopment" means the creation and/or addition of impervious surfaces, structural development including construction, installation, or expansion of a building or other structure, and/or replacement of impervious surface that is not part of a routine maintenance activity, and land disturbing activities associated with structural or impervious redevelopment on an already developed site.~~

~~"Retention/detention facility (R/D)" means a type of drainage facility designed either to hold water for a considerable length of time and then release it by evaporation, plant transpiration and/or infiltration into the ground; or to hold surface and stormwater runoff for short periods of time and then release it to the surface and stormwater management system.~~

~~"Small Parcel Stormwater Plan (SPSP)" means a plan to implement BMPs to control pollution generated during land clearing activity pursuant to § 9.06.040.~~

"Stormwater" means that portion of precipitation that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, channels or pipes into a defined surface water channel, or a constructed infiltration facility.

~~"Stormwater Drainage System" means constructed and natural features which function together as a system to collect, convey, channel, hold, inhibit, retain, detain, divert, treat or filter stormwater.~~

~~"Stormwater Plan" means a plan approved by the City of Duvall for the purpose of controlling the quantity and quality of stormwater from the subject property, consisting of a TIR and site improvement plans.~~

"Stormwater Pollution Prevention Plan" or "SWPPP" means a document which describes the best management practices and activities to be implemented by a person to identify sources of pollution or contamination at premises and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

~~"Subject Property" means the tract of land which is the subject of the permit and/or approved action, as defined by the full legal description of all parcels involved in the proposed development.~~

"Technical Information Report (TIR)" means a comprehensive supplemental report containing all technical information and analysis necessary to develop a stormwater plan. This report should contain all calculations, conceptual design analysis, LID reports and studies required and used to construct a complete stormwater plan based on sound engineering practices and careful geotechnical and hydrological design.

~~"Undeveloped Conditions" means the state, status, or condition of the subject property prior to any development of the property that has occurred, which may include trees, pastures, meadows, or native features.~~

~~"Uncontaminated" means water that has not come into contact with illicit discharges.~~

9.06.030 - Incorporation of King County Surface Water Design -manual and NPDES Permit Requirements.

The ~~current-2016~~ edition of the King County Surface Water Design Manual, including any subsequent amendments thereto, and as amended by Sections 1 through 6 of Appendix 1 of the NPDES Permit, is hereby adopted by reference and is hereinafter referred to as the "Manual." All new development and redevelopment activities shall be subject to the applicable thresholds and requirements within the Manual and Sections 1 through 6 of Appendix 1 of the NPDES Permit.

(Ord. No. 1098, § 1, 8-26-2010)

9.06.035 - Illicit discharge detection and elimination.

A. Purpose. The purpose of this chapter is to provide for the health, safety, and general welfare of the citizens of Duvall, Washington through the regulation of non-stormwater discharges to the stormwater drainage system to the maximum extent practicable as required by federal and state law. This chapter establishes guidelines for Illicit Discharge Detection and Elimination (IDDE) and methods for controlling the introduction of pollutants into the stormwater drainage system in order to comply with requirements of the ~~National Pollutant Discharge Elimination System (NPDES) Phase II~~ Permit ~~process~~. The objectives of this chapter are:

1. To regulate the contribution of pollutants to the stormwater drainage system by stormwater discharges by any person.
2. To prohibit illicit connections and illicit discharges to the stormwater drainage systems.
3. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this chapter.

B. Applicability. This chapter shall apply to all water entering the stormwater drainage system generated on any developed and undeveloped lands lying within the city of Duvall. The city engineer is authorized to adopt written procedures for the purpose of carrying out the provisions of this chapter.

C. Responsibility for Administration.

1. The city engineer is directed and authorized to develop an inspection program for illicit discharge and illicit connection investigation in the city of Duvall.
2. Inspection Authority. The city engineer is authorized to implement the inspection program for the investigation of suspected illicit discharges and illicit connections.
3. Enforcement Authority. The city engineer shall enforce the requirements of this chapter.

D. Discharge Prohibitions.

1. Prohibition of illicit discharges.
 - a. No person shall throw, drain, or otherwise discharge, cause or allow others under its control to throw, drain or otherwise discharge directly or indirectly into the stormwater drainage system and/or surface and groundwaters any materials other than stormwater.
 - b. Examples of prohibited contaminants include but are not limited to the following:
 - trash or debris;
 - construction materials;
 - petroleum products including but not limited to oil, gasoline, grease, fuel oil and heating oil;

- antifreeze and other automotive products;
- metals in either particulate or dissolved form;
- flammable or explosive materials;
- radioactive material;
- batteries;
- acids, alkalis, or bases;
- paints, stains, resins, lacquers, or varnishes;
- degreasers and/or solvents; drain cleaners;
- pesticides, herbicides, or fertilizers;
- steam cleaning wastes;
- soaps, detergents, or ammonia;
- swimming pool or spa filter backwash;
- chlorine, bromine, or other disinfectants;
- heated water;
- domestic animal wastes;
- sewage;
- recreational vehicle waste;
- animal carcasses;
- food wastes;
- bark and other fibrous materials;
- lawn clippings, leaves, or branches;
- silt, sediment, concrete, cement or gravel;
- dyes;
- chemicals not normally found in uncontaminated water;
- any other process-associated discharge except as otherwise allowed in this section;
- and any hazardous material or waste not listed above.

2. Prohibition of illicit discharges.

- a. The construction, use, maintenance, or continued existence of illicit connections to the stormwater drainage system is prohibited.
- b. This prohibition expressly includes, without limitation, illicit connections made in the past.
- c. A person is considered to be in violation of this chapter if the person connects a line conveying sewage to the stormwater drainage system, or allows such a connection to continue.

E. Allowable Discharges. The following types of discharges shall not be considered illicit discharges for the purposes of this chapter unless the city engineer determines that the type of discharge, whether singly or in combination with others, is causing or is likely to cause pollution of surface water or groundwater:

1. Diverted stream flows.
2. Rising groundwaters.
3. Uncontaminated groundwater infiltration - as defined in 40 CFR 35.2005(20).
4. Uncontaminated pumped groundwater.
5. Foundation drains.
6. Air conditioning condensation.
7. Irrigation water from agricultural sources that is commingled with urban stormwater.
8. Springs.
9. Water from crawl space pumps.
10. Footing drains.
11. Flows from riparian habitats and wetlands.
12. Discharges from emergency fire fighting activities.

F. Conditional Discharges. The following types of discharges shall not be considered illicit discharges for the purposes of this chapter if they meet the stated conditions, or unless the city engineer determines that the type of discharge, whether singly or in combination with others, is causing or is likely to cause pollution of surface water or groundwater:

1. Potable water, including water from water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges shall be de-chlorinated to a concentration of 0.1 ppm or less, pH-adjusted to a level within the range of 6.5 and 8.5, if necessary and in volumes and velocities controlled to prevent re-suspension of sediments in the stormwater system;
2. Lawn watering and other irrigation runoff are permitted but shall be minimized;
3. De-chlorinated swimming pool discharges. These discharges shall be de-chlorinated to a concentration of 0.1 ppm or less, pH-adjusted to a level within the range of 6.5 and 8.5, if necessary and in volumes and velocities controlled to prevent re-suspension of sediments in the stormwater system;
4. ~~Street and sidewalk wash water, W~~water used to control dust, and routine external building wash down that does not use detergents are permitted if the amount of ~~street~~ wash and dust control water used is minimized. ~~At active construction sites, street sweeping must be performed prior to washing the street;~~
5. Non-stormwater discharges covered by another NPDES permit, provided, that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations; and provided, that written approval has been granted from the city engineer for any discharge to the stormwater drainage system;

6. Other non-stormwater discharges. The discharges shall be in compliance with the requirements of a stormwater pollution prevention plan (SWPPP) reviewed and approved by the city, ~~which addresses control of such discharges by applying AKART to prevent contaminants from entering surface or groundwater.~~

G. Enforcement. Compliance with the requirements of this code shall be mandatory under the authority of the city engineer as established in [Chapter 9.06.070](#) of the DMC. The general penalties and remedies established in [Chapter 9.06.130](#) of the DMC for such violations shall apply to any violation of this code.

H. Severability. If any provision of this chapter or its application to any person, entity, or circumstance is held invalid, the remainder of this chapter or the application of the provision to other persons, entities, or circumstances shall not be affected.

(Ord. No. 1098, § 1, 8-26-2010)

~~9.06.040—Requirements for small parcels.~~

~~A. Applicability. The requirements of this section shall apply to new development as follows:~~

~~1) individual, detached, single family residences and duplexes; 2) creation or addition of less than 2,000 square feet of impervious area; or 3) grading, clearing, or land disturbing activities of less than 7,000 square feet. Provided, however, that small parcel development not requiring machinery for construction or excavation and that are not subject to SEPA, shall be exempt from this section and that Drainage Review is not required by the criteria in the King County Surface Water Design manual~~

~~B. Compliance. Compliance shall be demonstrated through the implementation of an approved Stormwater Plan prepared by a registered professional engineer. The City Engineer may waive the requirement for preparation by an engineer if he determines that the expertise of a professional engineer is not required for preparation of the plan.~~

~~C. Minimum Requirements for Small Parcels.~~

~~1. Construction vehicle access shall be limited to one route. The access point shall be stabilized with quarry rock and/or crushed rock to minimize the tracking of sediment onto public roads. Any sediment tracked onto public roads shall be removed by the end of the day.~~

~~2. All exposed soils shall be prevented from moving offsite or into natural or artificial drainage systems through suitable application of BMPs, including, but not limited to, sod or other vegetation, plastic covering, mulching, or application of ground base on areas to be paved. All BMPs shall be selected, designed and maintained in accordance with the Manual.~~

~~3. Adjacent properties shall be protected from sediment deposition by appropriate use of vegetative buffer strips, sediment barrier or filters, dikes, berms, or mulching, or by a combination of these measures and other appropriate BMPs.~~

~~4. All erosion and sediment control BMPs shall be inspected and maintained regularly, to ensure continued performance of their intended function.~~

~~5. As required by the Engineer, other appropriate BMPs to mitigate the effects of increased runoff shall be applied.~~

(Ord. No. 1098, § 1, 8-26-2010)

~~9.06.050—Requirements for large parcels.~~

~~A. Applicability. The requirements of this section shall apply to new development as follows:~~

~~1) creation or addition of more than 2,000 square feet of impervious area; and/or 2) land-disturbing activity of 7,000 square feet or greater; and/or as required or exempted by criteria in the King County Surface Water Design manual. Provided, however, that new development falling under this section only because it includes the creation or addition of less than 2,000 square feet of new impervious surface area, and land-disturbing activity of less than 7,000 square feet, shall comply with the requirements of § 9.06.040 and requirements [subsections] 2. through 11. of subsection (c) herein. Where redevelopment greater than 2,000 square feet occurs, the requirements of this section shall apply to that portion of the site that is being redeveloped, and source control BMPs shall be applied to the entire site, including adjoining parcels if they are part of the project. Provided, however, that at the discretion of the City Engineer, redevelopment activities which have physical site constraints that significantly hamper retrofitting of the site and that are judged to have no significant impact to stormwater quality, may be exempted in whole or part from the provisions of this section. For sites where the need for additional stormwater control measures have been identified through a basin plan, the watershed ranking process under Chapter 400-12 WAC, or through Growth Management Act Planning, additional stormwater control measures shall be required unless a variance is granted.~~

~~B. Compliance. Compliance shall be demonstrated through the implementation of an approved Stormwater Plan prepared by a registered professional engineer. The Plan shall consist of a Technical Information Report (TIR) and a Site Improvement Plan, as appropriate.~~

~~C. Minimum Requirements for Large Parcels.~~

~~1. A Large Parcel Stormwater Plan shall be prepared showing how the following requirements will be accomplished:~~

- ~~a. Stabilization and sediment trapping. All exposed and unworked soils shall be stabilized according to a timetable established by the Engineer using suitable application to BMPs. Prior to leaving the site, stormwater runoff shall pass through a sediment pond or sediment trap, or other appropriate BMPs.~~
- ~~b. Delineate clearing and easement limits. In the field, mark clearing limits, and/or any easements, setbacks, sensitive/critical areas and their buffers, trees, and drainage courses.~~
- ~~c. Protect adjacent properties. Properties adjacent to the project site shall be protected from sediment deposition.~~
- ~~d. Timing and stabilization of sediment trapping measures. Sediment ponds and traps, perimeter dikes, sediment barriers, and other BMPs intended to trap sediment onsite shall be constructed as a first step in grading. These BMPs shall be functional before land-disturbing activities take place. Earthen structures such as dams, dikes, and diversions shall be seeded and mulched in accordance with the Erosion and Sediment Control Requirements in this section.~~
- ~~e. Cut and fill slopes. Cut and fill slopes shall be designed and constructed in a manner that will minimize erosion. In addition, slopes shall be stabilized in accordance with Erosion and Sediment Control requirements in this section.~~
- ~~f. Controlling offsite erosion. Properties and waterways downstream from development sites shall be protected from erosion due to increases in the volumes, velocity, and peak flow rate of stormwater runoff from the project site.~~
- ~~g. Stabilization of temporary conveyance systems. All temporary onsite conveyance channels shall be designed, constructed, and stabilized to prevent erosion from the expected velocity of flow from a two-year, 24-hour frequency storm for the developed condition. Stabilization~~

- ~~adequate to prevent erosion of outlets, adjacent stream banks, slopes and downstream reaches shall be provided at the outlets of conveyance systems.~~
- ~~h. Storm drain inlet protection. All storm drain inlets made operable during construction shall be protected so that stormwater runoff shall not enter the conveyance system without first being filtered or otherwise treated to remove sediment.~~
- ~~i. Underground utility construction. The construction of underground utilities shall be subject to the following:~~
- ~~i. No more than five hundred (500) feet of trench shall be opened at one time. The trenches shall be closed up at the end of the day.~~
 - ~~ii. Where consistent with safety and space considerations, excavated material shall be placed on the uphill side of trenches.~~
 - ~~iii. Trench and foundation dewatering devices shall discharge into a sediment trap or sediment pond, where practicable. For dewatering from well points producing non-sediment laden water, sediment ponds or traps are not required.~~
- ~~j. Construction access routes. Wherever construction vehicle access routes intersect paved roads, provisions must be made to minimize the transport of sediment (mud and dirt) on the paved road. If sediment is transported onto a road surface, the roads shall be cleaned thoroughly at the end of the day. Sediment shall be removed from roads by shoveling or sweeping and be transported to a controlled sediment disposal area. Street washing shall be allowed only after sediment is removed in this manner.~~
- ~~k. Removal of temporary BMPs. All temporary erosion and sediment control BMPs shall be removed within thirty (30) days after final site stabilization is achieved or after the temporary BMPs are no longer needed. Trapped sediment shall be removed or stabilized on site. Disturbed soil areas resulting from removal shall be permanently stabilized.~~
- ~~l. Dewatering construction sites. Dewatering devices shall discharge into a sediment trap or sediment pond. For dewatering from well points producing non-sediment laden water, sediment ponds or traps are not required.~~
- ~~m. Control of pollutants. Illicit discharges other than sediment that occur on site during construction shall be handled and disposed of in a manner that does not cause contact with stormwater or surface waters.~~
- ~~n. Maintenance. All temporary and permanent erosion and sediment control BMPs shall be maintained and repaired as needed to assure continued performance of their intended function. All maintenance and repair shall be conducted in accordance with the Manual.~~
- ~~o. Financial liability. Performance bonding, or other appropriate instrument, may be required for all projects to ensure compliance with the approved erosion and sediment control plan.~~
- ~~2. Unless otherwise directed by the Engineer, natural drainage patterns shall be maintained, and discharged from the site shall occur at the natural location, to the maximum extent practicable.~~
- ~~3. Source control BMPs shall be applied to all projects to the maximum extent practicable. Source control BMPs shall be selected, designed, and maintained according to the Manual.~~
- ~~4. All projects shall provide treatment of stormwater. Treatment BMPs shall be sized to capture and treat the water quality design storm, defined as the two-year 24-hour return period storm. For Duvall, this is 2.1 inches of rain in a 24-hour period. The first priority for treatment shall be to infiltrate as much as possible of the water quality design storm, only if site conditions are appropriate and groundwater quality will not be impaired. Direct discharge of untreated stormwater~~

~~to groundwater is prohibited except for roof drains. All treatment BMPs shall be selected, designed and maintained according to the Manual. Stormwater treatment BMPs shall not be built within sensitive area buffers, except for necessary conveyance to systems to transport runoff to receiving waters as approved by the Engineer.~~

~~5. Stream Bank Erosion Control—Detention:~~

~~a. This subsection applies only to situations where stormwater runoff is discharged directly or indirectly to a stream, and must be met in addition to meeting the requirements of subsection (4).~~

~~b. Stormwater discharges leaving a site shall be detained by designing a pond that will limit the peak rate of runoff from individual development sites to the predeveloped condition peak runoff rate for the two year, 24 hour, and ten year 24 hour design storms. Upon sizing the pond according to this criteria, a 30 percent increase in storage volume must be added at each depth. The post developed runoff for the 100 year, 24 hour storm event shall be routed through the conveyance system and the runoff control facilities to evaluate any significant adverse impacts downstream. For Duvall, the ten year and 100 year, 24 hour design storms are 3.0 and 3.9 inches of rain in 24 hours, respectively. As the first priority, stream bank erosion control BMPs shall utilize infiltration to the fullest extent practicable, only if site conditions are appropriate and groundwater quality is protected. These control BMPs shall be selected, designed, and maintained in accordance with the Manual.~~

~~e. Stormwater systems that discharge directly or indirectly to a stream may also be subject to Hydraulic Project Approval and the requirements of the State Department of Fish and Wildlife. If a Department of Fish and Wildlife HPA is required then the stricter of the runoff control design standards (those of the Manual or the Dept. of Fish and Wildlife) will apply.~~

~~d. Stormwater treatment BMPs shall not be built within vegetated buffers, except for necessary conveyance systems as approved by the Engineer.~~

~~e. A future adopted City Stormwater Management Plan may establish additional detention requirements that supersede the requirements contained within this section.~~

~~6. Wetlands:~~

~~a. Where stormwater discharges to a wetland, in addition to the requirements of subsection (4), the following apply:~~

~~i. Prior to discharge to wetlands, stormwater will be treated with all reasonable best management practices for water quality protection.~~

~~ii. Discharges to wetlands shall maintain water level fluctuations similar to those which would be present under natural conditions.~~

~~iii. The developer shall obtain all necessary state and federal wetlands permits prior to commencing any work on the site.~~

~~iv. Stormwater treatment BMPs shall not be built within natural vegetated sensitive area buffers, except for necessary conveyance systems as approved by the Engineer.~~

~~v. In order for constructed wetlands to be considered treatment systems, they must be constructed on sites that are not wetlands and they must be managed for stormwater treatment. If these systems are not managed and maintained in accordance with an approved manual for a period exceeding three years these systems may no longer be considered constructed wetlands. Discharges from constructed wetlands to waters of the state (including discharged to natural wetlands) are regulated under Chapter 90.48 RCW, Chapter 173-201 WAC, Chapter 173-200 WAC, and DMC Chapters 12.20—12.22.~~

~~7. Where the Engineer determines that the minimum requirements do not provide adequate protection for water quality sensitive area, whether on-site or within the drainage basin, more stringent controls shall be required to protect water quality. Stormwater treatment BMPs shall not be built within natural vegetated sensitive area buffers except for necessary conveyance systems as approved by the Engineer.~~

~~8. All development projects shall conduct a Level 1 analysis of offsite water quantity impacts resulting from the project and shall mitigate these impacts. The analysis shall extend a minimum of one-fourth of a mile downstream from the project, or to the extent that is required by the Engineer. The existing or potential impacts to be evaluated and mitigated shall include, but not be limited to:~~

- ~~a. excessive sedimentation and deposition;~~
- ~~b. stream bank and stream bed erosion;~~
- ~~c. discharges to groundwater contributing to recharge zone;~~
- ~~d. violations of water quality standards;~~
- ~~e. spills and discharges of illicit discharges;~~
- ~~f. inadequate stormwater conveyance system capacities;~~
- ~~g. excessive stormwater velocities;~~
- ~~h. existing problems;~~
- ~~i. fish habitat and fish passage.~~

~~9. An operation and maintenance schedule shall be provided for all proposed stormwater facilities and BMPs, and the party (or parties) responsible for maintenance and operation shall be identified.~~

~~10. Performance bonding and/or other appropriate corporate financial instruments may be required for all projects to ensure compliance with these standards.~~

~~11. Adopted and implemented watershed-based plans may be used to modify any or all of the minimum requirements of this section 9.06.050(c), provided that the level of protection for surface or ground water achieved by the basin plan will equal or exceed that which would be achieved by the minimum requirements in the absence of a basin plan. Basin plans shall evaluate and include, as necessary, retrofitting of BMPs for existing development and/or redevelopment in order to achieve watershed-wide pollutant reduction goals. Standards developed from basin plans shall not modify any of the requirements until the basin plan is formally adopted and fully implemented by local government. Basin plans shall be developed according to an approved manual.~~

~~(Ord. No. 1098, § 1, 8-26-2010)~~

9.06.060 - Operation and maintenance requirements.

A. Maintenance Required. All stormwater facilities shall be maintained in accordance with this Chapter, ~~and the Manual as amended with s-~~Systematic, routine preventative maintenance ~~is preferred~~.

B. Minimum Standards. The following are the minimum standards for the maintenance of stormwater facilities:

1. It shall be the duty of the owner to maintain, repair and restore, at the owner's expense, all private stormwater systems located on the owner's property. Maintenance shall be performed in accordance with the minimum requirements of this Chapter and in accordance with any maintenance schedule adopted during the plan review process for constructing the facilities.
2. No person shall cause or permit any drainage system located on the owner's property to be obstructed, filled, graded, or used for disposal of debris.

3. Minimum requirements for the maintenance of stormwater facilities shall include, but not be limited to, the following:
 - a. annual inspection, maintenance, and reporting in accordance with city, state, and federal standards;
 - b. removing brush, vegetation, debris and other blockage;
 - c. removing sediment, silts, sands and gravels;
 - d. removing oils, grease, tars and other pollutants;
 - e. repairing and replacing damaged facilities as required; and
 - f. all other activities necessary to ensure the facilities are operating as designed.
4. Vegetated stormwater facilities, such as grassed swales and biofilters, shall be inspected semi-annually and mowed or replanted as necessary.
5. 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.

C. City Maintenance. The City may assume the operation and maintenance responsibility of retention/detention or other drainage treatment/abatement facilities according to City policy after the expiration of the two-year operation and maintenance period if:

1. All of the requirements of this chapter have been fully complied with;
2. The facilities have been inspected and approved by the Engineer after two years of operation;
3. All necessary easements entitling the City to properly operate and maintain the facility have been conveyed to the City and recorded with the King County Department of Records.

(Ord. No. 1098, § 1, 8-26-2010)

9.06.070 - Authority of the city engineer.

The City Engineer shall have the authority to enforce this Chapter. The City Engineer is directed and authorized to develop an inspection program for stormwater facilities in the City of Duvall. Persons or occupants of the site shall allow the Engineer or his designee access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, and record examinations. The Engineer shall have the authority to issue a developer and/or property owner an order to maintain or repair a component of the stormwater facility or BMP to bring it in compliance with this chapter, and/or other applicable City regulations. The order shall include: 1) A description of the specific nature, extent and time of the violation and the damage or potential damage that reasonably might occur; 2) a notice that the violations or potential violations cease and desist and, in appropriate cases, the specific corrective actions to be take; 3) a reasonable time to comply, as determined by the City Engineer depending upon the circumstances; and 4) a penalty for non-compliance as outlined in [section 9.06.130](#).

(Ord. No. 1098, § 1, 8-26-2010)

9.06.080 - Inspections.

A. Construction Inspections. The holder of any permit that requires a drainage plan shall arrange with the Engineer or Utilities Superintendent for scheduling the following inspections:

- (1) Initial Inspection—Whenever work on the grading, excavations, or fill is ready to commence.
- (2) Rough Grading—Whenever all rough grading has been completed.
- (3) Bury Inspection—Prior to burial of any underground drainage structure.
- (4) Finish Grading—When all work including installation of all drainage structures and other protective devices has been completed.
- (5) Planting—When erosion control planting shows active growth.
- (6) The site may be inspected for compliance with requirements upon receiving such notice, the Engineer or Utilities Superintendent shall inspect the work and shall either approve the same or notify the applicant in what respects there has been failure to comply with the requirements of this ordinance. Any portion of the work which does not comply shall be promptly corrected by the applicant. In addition, the City may make unscheduled site inspections to ensure compliance with any permit, approval, or bond reduction or release.

B. Maintenance and Investigatory Inspections.

1. Authority and Procedure. Whenever implementing the provisions of the inspection program or whenever there is cause to believe that a violation of this chapter has been or is being committed, the ~~City, City Engineer, or City inspector (Inspector)~~ ~~inspector~~ is authorized to inspect during regular working hours and at other reasonable times all stormwater drainage systems within the City to determine compliance with the terms of this chapter. Prior to making any inspections, the ~~I~~nspector shall present identification credentials, state the reason for the inspection, and request entry. If the property or any building or structure on the property is unoccupied, the ~~I~~nspector shall first make a reasonable effort to locate the owner or other person(s) having charge or control of the property or portions of the property and request entry. If after reasonable effort, the ~~I~~nspector is unable to locate the owner or other person(s) having charge or control of the property, and has reason to believe the condition of the stormwater drainage system creates an imminent hazard to persons or property, the ~~I~~nspector may enter. Unless entry is consented to by the owner, person or persons in control of the property, by some person authorized by the owner, or unless conditions are reasonably believed to exist which create an imminent hazard to persons or property, the ~~I~~nspector shall obtain a search warrant prior to the entry, as authorized by the laws of the State of Washington. Provided, however, that the ~~I~~nspector may inspect the stormwater drainage system without obtaining a search warrant if the inspection can be conducted while remaining on public property or other property when permission to enter said property has been obtained.

2. Inspection Schedule. The Engineer shall establish a master inspection and maintenance schedule to inspect appropriate stormwater facilities ~~that are not owned by the City~~. Inspections and inspection reports shall be annual. Critical stormwater facilities may require a more frequent inspection schedule.

3. Inspection and Maintenance Records. Existing stormwater facilities shall be added to the master inspection and maintenance schedule. Records of new stormwater facilities shall include the following:

- a. As-built plans and locations.
- b. Findings of fact from any exemption granted by local government.
- c. Operation and maintenance requirements and records of inspection, maintenance actions, and frequencies.
- d. Engineering reports, as appropriate.

(Ord. No. 1098, § 1, 8-26-2010)

9.06.090 - Exemptions.

A. Stormwater facilities owned and maintained by the Washington State Department of Transportation in state highway rights-of-way which are regulated by and meet the requirements of Chapter 173-270 WAS, the Puget Sound Highway Runoff Program, are exempted from the requirements of this chapter.

~~B. Stormwater facilities located in City of Duvall rights-of-way shall be maintained by the city and are exempted from the requirements of this chapter.~~

(Ord. No. 1098, § 1, 8-26-2010)

~~9.06.100 - Variances.~~

~~A. A person requesting a variance from the standards of this chapter shall file an application with the City Engineer setting forth the location of the development, the owner of the property, the nature of the variance request, and the reason for the variance. A filing fee of \$300.00, unless otherwise established by resolution of the City Council, shall accompany the application. The filing fee shall be applied to all the costs and expenses incurred by the City in processing the application. In the event the filing fee is inadequate the City shall bill any additional costs to the applicant which shall be paid within 30 days and prior to the granting of any variance herein.~~

~~B. In considering an application for variance, the City Engineer shall consider the following factors:~~

- ~~1. Whether or not the variance would have an adverse effect upon the goals and policies of the City as outlined in this chapter.~~
- ~~2. Whether or not the proposed variance is consistent with the City's Comprehensive Plan.~~
- ~~3. Whether or not there would be adverse effects upon adjoining properties or neighboring properties.~~
- ~~4. Any positive benefits to the City resulting from the proposed variance.~~
- ~~5. That such variance is necessary because of special circumstances relating to the subject property to provide it with the use, rights, and privileges permitted other properties in the vicinity and in the zone in which the subject property is located.~~
- ~~6. The capacity of downstream facilities, the acceptability of receiving bodies of water, possibility or adverse effects or retention, utilization of regional retention facilities, and capability of maintaining the system.~~

~~C. The City Engineer may place any conditions on the variance denied necessary to achieve the goals of this chapter.~~

~~D. Upon reaching a decision, the City Engineer shall notify the applicant, the City Council, and the Mayor. The notice shall be in writing.~~

~~E. The applicant, any aggrieved party, any member of the City Council, or the Mayor, may appeal a decision of the City Engineer to grant or deny a variance to the full City Council. A notice of appeal must be filed with the City Clerk within 10 days of the issuance of the City Engineer's decision. The City Council shall consider the appeal within 30 days and may affirm, reverse, or modify the decision of the City Engineer in accordance with the standards set forth herein.~~

(Ord. No. 1098, § 1, 8-26-2010)

~~9.06.110 - Bonds and liability insurance.~~

~~The City is authorized to require persons constructing retention/detention facilities to post with the City surety and cash bonds as determined necessary by the Engineer. Where such persons have previously posted or are required to post, other such bonds with the City, either on the facility itself or on other construction related to the facility, such person may with the permission of the Engineer and to the extent allowable by law, combine all such bonds into a single bond provided that at no time shall the amount thus bonded be less than the total amount which would have been required in the form of separate bonds and provided further that such a bond shall on its face clearly delineate those separate bonds which it is intended to replace.~~

- ~~(a) Construction Bond. Prior to commencing construction the person constructing the facility shall post a construction bond in an amount sufficient to cover the cost of conforming said construction with the approved drainage plans. After determination by the Engineer that all facilities are constructed in compliance with the approved plan, the construction bond may be released.~~
- ~~(b) Maintenance Bond. After satisfactory completion of the facilities and release of the construction bond by the City, the person constructing the facility shall commence a two-year period of satisfactory maintenance of the facility. A cash bond to be used at the discretion of the City to correct deficiencies in said maintenance affecting stormwater facility performance, public health, safety and welfare must be posted and maintained throughout the two-year maintenance period. The amount of the cash bond shall be determined by the City. In addition to the cash maintenance bond a surety bond to cover the cost of defects or failures of the facilities may be required by the City to be posted and maintained through the two-year maintenance period.~~
- ~~(c) Liability Bond. At the discretion of the Engineer the person constructing the facility shall maintain a liability policy in an amount as determined by the City but in no instance less than three hundred thousand dollars per individual, five hundred thousand dollars per occurrence and three hundred thousand property damage, which shall name the City of Duvall from any liability up to those amounts for any accident, negligence, failure of the facility, or any other liability whatsoever relating to the construction or maintenance of the facility. Said liability policy shall be maintained for the duration of the maintenance by the owner of the facility, provided that in the case of facilities assumed by the City of Duvall for maintenance said liability policy shall be terminated when said City maintenance responsibility commences.~~
- ~~(d) City Assumption of Maintenance. The City may assume the maintenance of retention/detention facilities after the expiration of the two-year maintenance period in connection with the subdivision of land if:
 - ~~(1) All of the requirements of this chapter have been fully complied with;~~
 - ~~(2) The facilities have been inspected and approved by the City after their second year of operation; and~~
 - ~~(3) All necessary easements entitling the City to properly maintain the facility have been conveyed to the City.~~~~

~~(Ord. No. 1098, § 1, 8-26-2010)~~

9.06.120 - Fees.

~~A. Plan Checking Fees. The application shall be accompanied by a filing fee of two hundred fifty dollars (\$250.00). The total fee for field and office checking by city personnel shall be the actual cost of the work at prevailing wage rates for personnel under the supervision of a registered professional engineer and any other cost that the city may incur in checking the drainage plan. Wage rates shall be made available to the developer upon request prior to submission of the application. The balance of the~~

~~application fee, if any shall be paid prior to its approval by the city. If the city's costs do not equal or exceed the application fee, the remainder of the fee will be returned to the applicant following approval by the city.~~

~~B. Field Inspection Fees. Before construction starts on any approved plans an inspection fee of two hundred fifty dollars (\$250.00) shall be filed with the city. The total fee for field inspection by city personnel shall be the actual cost of the work at prevailing wage rates for personnel under the supervision of a registered professional engineer and any other cost that the city may incur in inspecting for drainage improvements. Wage rates shall be made available to the developer upon request prior to submission of the application. The balance of the inspection fee, if any shall be paid to the project's final acceptance by the city. If the city's costs do not equal or exceed the inspection fee paid, the remainder of the fee will be returned to the applicant following acceptance by the city.~~

~~A~~C. Storm Drainage Construction Fund. There is established a storm drainage construction fund into which shall be paid all acreage charges collected under this chapter, together with contributions made by the city from other sources. This fund shall be used to pay the cost and expense of constructing and installing general facilities for storm drainage and flood control.

~~B~~D. Acreage Charge.

1. No building permit shall be issued on any property within the city unless the owner pays to the city an acreage charge ~~of one thousand dollars (\$1,000.00) per acre or fraction thereof. The acreage charge shall increase to one thousand one hundred dollars (\$1,100.00) beginning with applications received on or after January 1, 1998; to one thousand two hundred dollars (\$1,200.00) beginning with applications received on or after January 1, 1999; to one thousand three hundred dollars (\$1,300.00) beginning with applications received on or after January 1, 2000; and to one thousand four hundred dollars (\$1,400.00) beginning with applications received on or after January 1, 2001.~~ Minor construction of accessory buildings, fences, and the like, and remodeling of existing structures shall not trigger payment of this charge. This charge shall constitute a proportionate share of the property's contribution to the capital costs of storm drainage and flood control throughout the city. This capital improvement charge for storm drainage and flood control shall be collected only once for any property; provided, however, that this limitation shall not affect any other charges the city may assess relative to storm drainage, flood control, or other matters. All properties assessed at the time of subdivision approval shall not be required to pay a second charge for each individual lot at the time a building permit is requested.

2. No short or long subdivision shall receive final approval by the planning commission or city council until the owner pays to the city an acreage charge ~~of one thousand dollars (\$1,000.00) per acre or fraction thereof. The acreage charge shall increase to one thousand one hundred dollars (\$1,100.00) beginning with applications received on or after January 1, 1998; to one thousand two hundred dollars (\$1,200.00) beginning with applications received on or after January 1, 1999; to one thousand three hundred dollars (\$1,300.00) beginning with applications received on or after January 1, 2000; and to one thousand four hundred dollars (\$1,400.00) beginning with applications received on or after January 1, 2001.~~ This charge shall constitute a proportionate share of the property's contribution to the capital costs of storm drainage and flood control throughout the city. Such fee shall only be collected once from any property; provided, however, that this limitation shall not affect any other charges the city may assess relative to storm drainage, flood control, or other matters.

3. ~~Subsequent~~S storm drainage utility acreage charges shall be set by resolution of the city council.

(Ord. No. 1152, § 1, 6-27-2013; Ord. No. 1098, § 1, 8-26-2010)

9.06.125 - Service charges.

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

1. "City" means the City of Duvall, Washington.
2. "Developed" means the state, status, or condition of the subject property at the time the proposed project has been completed, which may include existing buildings, impervious areas, and topography as is affected.
3. "Equivalent residential unit" means and is equal to three thousand (3,000) square feet of impervious area and is the measure of impervious area to be used by the utility in assessing service charges against each parcel of property.
4. "Impervious area" means that hard surface area which either prevents or retards the entry of water into the soil mantle and/or causes water to run off the surface in greater quantities or at an increased rate of flow from that present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled or compacted earthen materials or other surfaces which similarly impede the natural infiltration of surface and stormwater runoff. Open retention/detention facilities shall not be considered as impervious surfaces for the purposes of this section.
5. "Plan" means the storm drainage utility plan created by Ordinance No. 730 and codified in DMC Chapter 9.06.6.
6. "Service charge" means the monthly fee levied by the utility upon all developed real property within the boundary of the utility as authorized herein.
7. "System" means the entire system of storm drainage facilities within the utility, for the movement and retention of storm and surface waters, including both naturally occurring and manmade facilities.
8. "Undeveloped conditions" means the state, status, or condition of the subject property prior to any development of the property that has occurred, which may include trees, pastures, or native features.
9. "Utility" means the City of Duvall storm drainage utility created by Ordinance No. 730, which includes all properties within the entire existing City limits and all future additions thereto.

B. Rate Policy. It shall be the policy of the city that the rate structure to be applied in establishing the amount of service charges assessed against each parcel of developed real property within the boundaries of the utility shall be based upon the amount of impervious area contained within each parcel of property as measured by subsection C herein, except for those properties set forth in subsection F herein.

C. Classification of Property. The utility shall measure the impervious area of each parcel of developed real property within the boundaries of the utility to determine the number of equivalent residential units contained therein; three thousand (3,000) square feet of impervious area shall equal one equivalent residential unit. All detached single-family residences are deemed to contain one equivalent residential unit. For all other developed real properties, including mobile home parks, the utility shall determine the number of equivalent residential units contained thereon by dividing the number of square feet of impervious area on each property by three thousand (3,000); the total thus obtained will be rounded to the nearest whole number representing the equivalent residential units contained on such property. The equivalent residential unit measurement shall adhere to the following:

1. For non-single-family residential facilities constructed using Low Impact Development Components, each square foot of permeable surfacing shall be considered as half ($\frac{1}{2}$) of a square foot of impervious area. Areas eligible for this reduction include permeable pavement, green roofs, and other permeable surfaces as described in [Chapter 5](#) of the King County Surface Water Design Manual.

2. Each developed parcel of property shall be deemed to contain a minimum of one equivalent residential unit.

D. Undeveloped Real Property. In accordance with the policy established in subsection B of this section, the service charge shall be determined by the amount of impervious area contained on each parcel of real property. Those properties remaining in an undeveloped condition are deemed not to make use of the services of the utility or of the facilities of the system beyond that use by such property in the natural state. Therefore, no service charge shall be imposed upon that real property within the boundaries of the utility which is undeveloped.

E. Service Charge Rates. In accordance with the rate structure established herein, there is levied upon all developed real property within the boundaries of the utility the following service charges which shall be collected as provided in subsection G of this section:

1. For all detached single-family residences (one equivalent residential unit) the monthly service charge shall be sixteen dollars ninety-two cents (\$16.92) in 2011. The rate shall be adjusted each January based on the 12-month average (July—June) percent change of the preceding two years of Seattle-Tacoma-Bremerton CPI-U.

2. For all other developed property and mobile home parks within the boundaries of the utility, except as set forth in subsection F of this section, the monthly service charge shall be multiplied by the number of equivalent residential units determined by the utility to be contained in such parcel pursuant to subsection C of this section.

3. The charges and fees established by this section shall be reviewed annually in conjunction with the adoption of the City budget. Fees shall be set by the city council to enable the utility to meet all costs incurred. Subsequent Service Charge Rates shall be set by the city council by resolution.

4. Stormwater Facility Discount: For privately owned, non-single-family residential water quality and detention facilities owned and maintained at the expense of the property owner the Service Charge Rate will be reduced by twenty-five-percent (25%) provided all of the following conditions are met:

a. The facility was installed as part of a City of Duvall Development Permit.

b. All components of the flow control and/or water quality facility are maintained in accordance with the approved operations and maintenance plan submitted as part of the development process, City of Duvall standards, and Appendix A of the King County Surface Water Design Manual.

c. The property owner must complete annual required facility maintenance and reporting as verified by a City inspection. Reporting shall be completed by the property owner using City of Duvall reporting forms and shall be submitted to the City for review and approval by September 1 of each year.

d. The twenty-five-percent (25%) Service Charge Rate reduction will be valid for one year following City-approved maintenance and review of annual report. The twenty-five-percent (25%) Service Charge Rate reduction will be discontinued if the property owner does not correct stormwater facility deficiencies within 30 days of written notice from the City.

- e. The Service Charge Rate reduction will be valid for one year following City-approved maintenance and review of annual report. The Service Charge Rate reduction will be discontinued if the property owner does not correct dispersion system deficiencies within 30 days of written notice from the City.
 - f. A "Declaration of Covenant and grant of Access Easement" is provided to grant the City of Duvall right of access to the property and facility for inspection purposes. The Declaration of Covenant must be recorded at the King County Office of Records.
 - g. This discount may not be combined with any other discount described in this chapter.
5. On-site Discharge Discount: For privately owned, non-single-family residential water quality and detention facilities owned and maintained at the expense of the property owner, the Service Charge Rate will be reduced provided all of the following conditions are met:
- a. The dispersion system includes splash blocks, rock pads, dispersion trenches, infiltration, rainwater harvesting, or sheet flow in accordance with the King County Surface Water Design Manual.
 - b. All flow from the dispersion system is completely dispersed, absorbed, or discharged on-site or directly to an adjacent floodplain.
 - c. Flow from the facility does not enter into any off-site conveyance, water quality, flow control, or outfall components at any time.
 - d. The dispersion system was installed as part of a City of Duvall Development Permit.
 - e. All components of the dispersion system are maintained in accordance with the approved operations and maintenance plan submitted as part of the development process, City of Duvall standards, and Appendix A of the King County Surface Water Design Manual.
 - f. The property owner must complete annual required facility maintenance and reporting as verified by a City inspection. Reporting shall be completed by the property owner using City of Duvall reporting forms and shall be submitted to the City for review and approval by September 1 of each year.
 - g. The Service Charge Rate reduction will be valid for one year following City-approved maintenance and review of annual report. The Service Charge Rate reduction will be discontinued if the property owner does not correct dispersion system deficiencies within 30 days of written notice from the City.
 - h. A "Declaration of Covenant and grant of Access Easement" is provided to grant the City of Duvall right of access to the property and dispersion system for inspection purposes. The Declaration of Covenant must be recorded at the King County Office of Records.
 - i. Reductions shall be as follows:

Percentage of Total Impervious Area served by On-site Discharge System	Rate Discount
≥ 90%	50%
≥ 70% and <90%	40%
≥ 50% and <70%	30%
≥ 30% and >50%	20%
≥ 10% and <30%	10%
< 10%	0%

j. The On-site Discharge Discount will be based on a calculation completed by the City of Duvall based on information included in the stormwater report submitted for the project as part of a City of Duvall Development Permit. A new stormwater evaluation and development permit will be required for any alteration to a previously permitted stormwater facility that results in a change to the percentage of Total Impervious Area served by On-Site Discharge System.

k. This discount may not be combined with any other discount described in this chapter.

F. Property Exempt from Service Charges. The following special categories of property are exempt from service charges:

1. City street rights-of-way, all of which are a part of the system pursuant to the plan;
2. State of Washington highway rights-of-way and King County road rights-of-way so long as the state of Washington and King County shall agree to maintain, construct and improve all drainage facilities contained within such rights-of-way as required by the utility in conformance with all utility standards for maintenance, construction and improvement hereafter established by the utility and so far as such maintenance, construction and improvements shall be achieved at no cost to the utility or to the City;
3. Municipal facilities.

G. Billing.

1. All properties within the Utility burden the System either directly from discharge of on-site stormwater to the utility or indirectly from overland flow or system impacts associated with vehicles accessing the property. The charges imposed by this chapter shall be billed against all properties within the utility in conjunction with the property's customary water, garbage, and sanitary sewer bill issued by the City. Such charges shall be due and payable as provided in DMC [Section 9.04.100](#).

2. Charges for storm drainage services remaining unpaid at the close of business on the twentieth day of the month in which billed (or the close of the next regular business day if the twentieth should fall on a Saturday, Sunday, or a legal holiday) shall be considered delinquent and shall call for a delinquent charge of ten (10) percent of the total combined utility amount due. Any checks returned due to insufficient funds shall incur a penalty in an amount to be fixed from time to time by resolution of the city council. Said delinquent charges and penalties shall become a lien upon the real property so furnished as provided by Washington state law, and shall be enforced as a real property lien and shall be superior to all other liens and encumbrances whatsoever, except those for general taxes and local and special assessments, and concurrently enforced by discontinuing and shutting off City water services as provided herein and as provided by Washington state law. If the delinquent charges and penalties remain unpaid at the close of business on the fourteenth day of the succeeding month (or the close of the next regular business day if the fourteenth day of the month should fall on a Saturday, Sunday, or a legal holiday), a notice shall be mailed to the property owner setting forth the lien described-above and further informing the property owner ~~that water service will be discontinued and shut off following five working days from the date of the notice unless all delinquent [BB1] charges and penalties are paid prior to the discontinuance of water service as provided herein. Water service will not be resumed until all delinquencies and penalties, together with a water turn on fee of thirty five dollars (\$35.00), have been paid.~~

3. It shall be the obligation of the owner of a building, property, or premises within the storm drainage utility service to provide to the City of Duvall a mailing address for the purpose of billing

for storm drainage utility charges and for the notice above-described. No water service shall be provided to any premises unless such a billing address is provided.

4. Billings may be made in the name of a tenant or other occupants of the premises which are provided storm drainage utility services at the mailing address provided above, but such billings shall not relieve the owner of the property from liability for the payment of the charges for furnishing of such storm drainage services nor in any way affect the lien rights of the City against the premises to which said storm drainage services are furnished. Failure to receive mail properly addressed to the mailing address provided above shall not be a valid defense for failure to pay the delinquent charges and penalties. Any change in the mailing address provided above must be properly filed in writing with the office of the city clerk before it will become effective.

5. In the event the City must bring legal action to collect storm drainage service charges and/or penalties, the City shall, in addition to such charges and penalties, recover its attorney's fees and other costs incurred in connection with such collection.

(Ord. No. 1118, § 1(Exh. A), 10-13-2011; Ord. No. 1098, § 1, 8-26-2010)

9.06.130 - Enforcement and penalty.

A. Criminal Penalty. Any person, firm, corporation or other entity who violates any of the provisions of this chapter, any lawful order issued by the City Engineer under this chapter, or any permit conditions established by this chapter, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for a term not to exceed ninety (90) days or by both fine and imprisonment. Each separate day of violation shall be a separate crime. Any person, firm, corporation or other entity who violates any of the provisions of this chapter, any lawful order issued by the City Engineer under this chapter, or any permit conditions established by this chapter, shall repair, mitigate, or replace the violation at their cost. The individual, firm, corporation and/or other entity responsible for the violations shall be required to pay the entire City's repair, mitigation, or replacement cost incurred as a result of the violation.

B. Infraction. Any person, firm or corporation or other entity that violates any of the provisions of this chapter, any lawful order issued by the City Engineer under this chapter, or any permit conditions established by this chapter, shall also commit a civil infraction. Civil infractions under this section shall be processed as set forth in [Chapter 2.24](#). It shall not be necessary for the code enforcement officer to issue a notice of violation prior to issuing a notice of civil infraction for violations of [Chapter 9.06](#).

C. Civil Relief. The City shall also have the right to abate any violations of this chapter, or orders or conditions set forth pursuant to this chapter, by seeking injunctive relief in the King County Superior Court. The individual, firm, corporation and/or other entity responsible for the violations shall be required to pay all the City's legal costs including reasonable attorney's fees.

(Ord. No. 1098, § 1, 8-26-2010)

9.06.140 - Adoption of comprehensive plan.

The 1997 Duvall stormwater management plan prepared by Gardner Consultants, Public Works Division of ESM, Inc., as amended by the 2015 City of Duvall Comprehensive Plan, is adopted as the official Duvall stormwater management plan ~~and is incorporated into the Duvall comprehensive plan~~. A copy of the plan has been filed with the office of the city clerk for examination by the public prior to adoption. A copy of the plan, as adopted in this section, shall be filed with the city clerk for use and examination by the public. The 1997 Duvall stormwater management plan shall be considered under DMC Section 14.30.070 in application of the State Environmental Policy Act. In the event of inconsistencies

between the Plan, the City's adopted storm drainage manual, and the storm drainage ordinance, the more restrictive provision shall apply.

(Ord. No. 1098, § 1, 8-26-2010)