

## CHAPTER 15.13

### STORMWATER UTILITY

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**15.13.010 Title/Effective Date.** Effective January 1, 2005, a Stormwater Utility shall be established for the City of Snohomish. (Ord. 2060, 2004)

**15.13.020 Findings.** The City of Snohomish finds, determines, and declares that the stormwater system which provides for the collection, treatment, storage, and disposal of stormwater provides benefits and services to all property within the incorporated City limits. Such benefits include, but are not limited to: the provision of adequate systems of collection, conveyance, detention, treatment, and release of stormwater; the reduction of hazards to property and life resulting from stormwater runoff; improvements in general health and welfare through reduction of undesirable stormwater conditions; and improvements to the water quality in the

stormwater and surface water system and its receiving waters. (Ord. 2060, 2004)

**15.13.030 Purpose and Authority.** For those purposes of the Federal Clean Water Act and pursuant to authority set forth in RCW Chapters 35A.11, 35.67, and 35.92, there is created a stormwater utility which shall consist of a separate fund account and such staff as the City Council shall authorize. The stormwater utility, under the control of the City Council, shall:

1. Administer the acquisition, design, construction, maintenance, and operation of the stormwater utility system, including capital improvements designated in the capital improvement program;
2. Administer and enforce this ordinance and all regulations and procedures adopted relating to the design, construction, maintenance, operation, and alteration of the utility stormwater system, including, but not limited to, the quantity, quality, and/or velocity of the stormwater conveyed thereby;
3. Advise the City Council and other City departments on matters relating to the utility;
4. Review plans and approve or deny, inspect and accept extensions and connections to the system;
5. Enforce regulations to protect and maintain water quality and quantity within the system in compliance with water quality standards established by state, regional, and/or federal agencies as now adopted or hereafter amended;
6. Annually analyze the cost of services and benefits provided, and the system and structure of fees, charges, civil

penalties and other revenues of the utility;

7. Perform such other actions as are consistent with the Federal Clean Water Act and RCW Chapters 35A.11, 35.67, and 35.92. (Ord. 2060, 2004)

**15.13.040 Funding for the Stormwater Utility's Activities.** Funding for the stormwater utility's activities may include, but not be limited to, the following:

1. Stormwater user fees.
2. Civil penalties and damage assessments imposed for or arising from the violation of the City's stormwater management ordinance.
3. Stormwater permit and inspection fees.
4. Other funds or income obtained from federal, state, local, and private grants, or revolving funds.

To the extent that the stormwater utility fees collected are insufficient to construct needed stormwater drainage facilities, the cost of the same may be paid from such City funds as may be determined by the City Council. (Ord. 2060, 2004)

**15.13.050 Revenues Generated – Revenue Fund 404.** All revenues generated by or on behalf of the stormwater utility shall be deposited in a stormwater utility fund and used exclusively for the stormwater utility. For the purpose set forth in this Ordinance, Fund 404 is hereby established. (Ord. 2060, 2004)

**15.13.060 Stormwater Utility Operating Budget.** The City Council shall adopt an operating budget for the stormwater utility each fiscal year. The operating budget shall set forth for such fiscal year the estimated

revenues and the estimated costs for operations and maintenance, extension and replacement and debt service. (Ord. 2060, 2004)

**15.13.070 Stormwater User's Fee.** There shall be imposed on each and every developed property in the City a stormwater user's fee, which shall be set from time to time by ordinance or resolution, and in the manner and amount prescribed by this ordinance. (Ord. 2060, 2004)

**15.13.080 Equivalent Residential Unit (ERU).**

1. Establishment. There is established for purposes of calculating the stormwater user's fee the equivalent residential unit (ERU).
2. Single Family ERU. The average square footage of impervious surface of a detached single family residential property, which shall be 2,500 square feet.
3. Non-Residential ERU. 2,500 square feet of impervious surface for all property other than that developed as single family detached residential.
4. Setting the ERU. The fee or rate per ERU shall be set by the City Council from time to time by ordinance or resolution.
5. Source of ERU. The City Engineer shall have the discretion to determine the source of the data from which the ERU is established, taking into consideration the general acceptance and use of such source on the part of other stormwater systems, and the reliability and general accuracy of the source. The City Engineer shall have the discretion to determine the impervious surface area of other developed property through

property tax assessor's rolls or site examination, mapping information, aerial photographs, and other reliable information. (Ord. 2060, 2004)

**15.13.090 Property Classification for Stormwater User's Fee.**

1. Property Classifications. For purposes of determining the stormwater user's fee, all properties in the City are classified into one of the following classes:
  - a. Single family detached residential property.
  - b. Other developed property.
2. Single family residential fee. The City Council finds that the intensity of development of most parcels of real property in the City classified as single family residential, single family residential with one accessory living unit, or duplex are similar, and that it would be excessively and unnecessarily expensive to determine precisely the square footage of the improvements (such as buildings, structures, and other impervious areas) on each such parcel. Therefore, all single family residential, single family residential with one accessory living unit, or duplex properties in the City shall be one ERU (2,500 square feet of impervious surface) regardless of the size of the parcel or the improvements.
3. Other developed property fee. The fee for all other developed property (i.e. non-single family detached residential property) in the City shall be the base rate multiplied by the numerical factor obtained by dividing the total impervious area (square feet) of the property by one ERU. The impervious surface area for other developed property is the square footage for the

buildings and other improvements on the property. One ERU shall be 2,500 square feet of impervious surface. The minimum stormwater management fee for other developed property shall equal the base rate for single family residential property. (Ord. 2060, 2004; Ord. 2063, 2004)

**15.13.100 Stormwater Fees and Rates by Resolution.** The City Council shall adopt stormwater fees and rates by resolution. Said fees and rates shall be effective January 1, 2005 and may be combined in a resolution stating the fees and rates for water, sewer, and garbage. Stormwater fees and rates shall be reviewed during the annual budget process. (Ord. 2060, 2004)

**15.13.110 Discounts for Stormwater Rates.** The City may offer discounts for stormwater rates in the same manner and under the same conditions as are offered for Sewer pursuant to SMC 15.04.127. (Ord. 2060, 2004)

**15.13.120 Collection of Stormwater Utility Fees and Rates.** The City may enforce the collection of stormwater utility fees and rates under the same conditions that apply to the Sewer utility under SMC 15.05. (Ord. 2060, 2004)

**15.13.130 Severability.** If any section, subsection, sentence, clause, phrase, or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase, or word of this ordinance. (Ord. 2060, 2004)