

ORDINANCE NO. 14-3833

**AN ORDINANCE OF THE CITY OF KELSO, WASHINGTON
AMENDING SECTIONS 13.10.050, 13.10.110 AND ADDING SECTION
13.10.115 OF THE KELSO MUNICIPAL CODE RELATING TO THE
STORMWATER MANAGEMENT UTILITY AND ESTABLISHING A
CAPITAL RECOVERY CHARGE FOR CONNECTION TO THE
INFRASTRUCTURE AND SERVICES PROVIDED BY THE UTILITY.**

WHEREAS, the City Council authorized the establishment of a stormwater management utility and has periodically adopted and adjusted rates and fees to fund the operations and maintenance of the facility; and

WHEREAS, RCW 35.92.025 authorizes cities and towns to establish charges for connecting to the utility, and the City Council has determined the necessity of establishing a capital recovery charge to be levied on each parcel of property that changes from an undeveloped state to a developed state and becomes joined to and commences to use the facilities of the stormwater management system in order to bear its equitable share of the cost of the utility; and

WHEREAS, an equivalent service unit has been established and defined to be used as the basis of measurement for calculating the capital recovery charge;

NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF KELSO DO ORDAIN AS FOLLOWS:

SECTION 1. KMC Section 13.10.050 Amended. Kelso Municipal Code Section 13.10.050 is hereby amended as follows:

13.10.050 Rates and charges – Definitions.

As used in this chapter, the following terms have the meanings set forth below:

A. “Customer” means a person in whose name service is rendered as evidenced by the signature on the application or contract for that service or, in the absence of a signed instrument, by the receipt and payment of bills regularly issued in his/her/its name regardless of the identity of the actual user of the service.

B. “Equivalent service unit” for the purpose of the stormwater utility means a measure equal to two thousand five hundred square feet of impervious groundcover or a portion thereof, and is the measure of impervious groundcover to be used by the utility in assessing capital recovery charges against each parcel of property. All detached single-

family residences and manufactured homes are deemed to contain one equivalent service unit.

C. B. “Impervious surface” means those hard-surfaced areas which either prevent or retard the entry of water into the soil in the manner that such water entered the soil under natural conditions preexisting any development on the property, and/or those hard-surfaced areas which cause water to run off the surface in greater quantities or at an increased rate of flow from that present under natural conditions preexisting any development on the property, including, but not limited to, such surfaces as rooftops, asphalt or concrete sidewalks, paving, driveways, parking lots, walkways, patio areas, storage areas, and gravel-oiled macadam or other surfaces which similarly affect the natural infiltration or runoff patterns existing prior to the development.

D. C. “Parcel” means the smallest separately segregated unit or plot of land having an identified owner, boundaries, and surface area which is documented for tax purposes and given a tax account (lot) number by the Cowlitz County assessor.

E. D. “Developed parcel” means a parcel of real property which has been altered by grading or filling of the ground surface, or by construction of any improvement or other impervious surface area which affects the hydraulic properties of the parcel.

F. E. “Single-duplex parcel” means a parcel which has been actually developed with a single-family residence or duplex.

G. F. “Multifamily parcel” means a parcel which has been developed with an improvement with three or more residential units.

H. G. “Undeveloped parcel” means any parcel of real property which has not been altered by grading or filling of the ground surface, or by construction of any improvement or other impervious surface area which affects the hydraulic properties of the parcel.

SECTION 2. KMC Section 13.10.110 Amended. Kelso Municipal Code Section 13.10.110 is hereby amended as follows:

13.10.110 Charges for use of the storm drainage system.

~~A. Any and all use of the storm drainage system shall be subject to the payment of all fees, costs, and charges specified in Section 2 of Ordinance 3225.~~

~~B. Residential and nonresidential developed parcels that are vacant shall be subject to full payment of all fees, costs, and charges for use of the storm drainage system as specified in Section 2 of Ordinance 3225.~~

Any and all use of the storm drainage system, including residential and nonresidential developed parcels that are vacant, shall be subject to the payment of all fees, costs, and

charges established by the current stormwater management utility rate ordinance as adopted or hereafter amended.

SECTION 3. KMC Section 13.10.115 Added. A new Section 13.10.115 of the Kelso Municipal Code is hereby added as follows:

13.10.115 Capital recovery charges.

A. A capital recovery charge shall be levied against and shall be collected from the owners of each parcel of real property or portion thereof which is changed from an undeveloped to a developed state, or is a developed parcel that adds two thousand five hundred (2,500) square feet or more of impervious surface(s), subsequent to the effective date of the ordinance codified in this chapter. Such capital recovery charge shall be levied for the purposes of assessing against such previously undeveloped property or portion of real property, at the time such property or portion becomes joined to and commences to use the facilities of the system, in order that such property may bear its fair share of the cost of the utility.

B. The capital recovery charge shall be levied in an amount determined by multiplying the base equivalent service unit charge as established by the current stormwater management utility rate ordinance, as adopted or hereafter amended, by the total number of equivalent service units contained on that property or portion of property being altered from an undeveloped to a developed condition, which number shall not be less than one and will be rounded to the nearest whole number representing the equivalent service units contained on such property. The number of equivalent service units shall be determined by the utility at the time in which application for a building or construction permit is made by the owner of the property or its agent. The capital recovery charge shall be assessed and must be paid before a building or construction permit may be issued by the city.

SECTION 4. Corrections. Upon approval of the City Attorney, the City Clerk and code reviser are authorized to make necessary corrections to this ordinance, including without limitation the correction of clerical errors, references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

SECTION 5. Severability. The provisions of this Ordinance are declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

SECTION 6. Effective Date. This Ordinance shall be in full force and effect 5 days after its passage and publication of summary as required by law.

ADOPTED by the City Council and SIGNED by the Mayor this 21st day of _____

October, 2014.



MAYOR

ATTEST/AUTHENTICATION:



CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY

PUBLISHED: Oct. 25, 2014