

Ordinance No. _____

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, AMENDING CHAPTER 13.16 OF THE OLYMPIA MUNICIPAL CODE RELATED TO THE STORM AND SURFACE WATER UTILITY.

WHEREAS, the City of Olympia owns and operates a municipal separate storm sewer system (MS4); and

WHEREAS, the City is covered under a Western Washington Phase II Municipal Stormwater Permit (Permit) administered by the state of Washington Department of Ecology; and

WHEREAS, the Permit requires that the City implement an ordinance or other regulatory mechanism including escalating enforcement procedures and actions to effectively prohibit non-stormwater, illicit discharges into the City's MS4; and

WHEREAS, the Permit requires that the City implement an ordinance or other enforceable mechanism that addresses runoff from new development, redevelopment, and construction site projects; and

WHEREAS, the Permit requires that the City implement an ordinance or other enforceable mechanism that clearly identifies the party responsible for maintenance, requires inspection of facilities, and establishes enforcement procedures to provide for adequate long-term operation and maintenance of stormwater treatment and flow control facilities; and

WHEREAS, this Ordinance is consistent with the City of Olympia Comprehensive Plan policy to require prevention and treatment practices for businesses and land uses that have the potential to contaminate stormwater; and

WHEREAS, this Ordinance is consistent with the City of Olympia Comprehensive Plan policy to improve programs and management strategies designed to prevent and reduce contamination of street runoff and other sources of stormwater; and

WHEREAS, this Ordinance is consistent with the City of Olympia Comprehensive Plan policy to inspect private and public stormwater systems to identify required maintenance and repairs; and

WHEREAS, this Ordinance meets the goals and requirements of the Growth Management Act; and

WHEREAS, RCW Chapters 35A.63 and 36.70A and Article 11, Section 11 of the Washington State Constitution authorize and permit the City to adopt this Ordinance;

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL ORDAINS AS FOLLOWS:

Section 1. Amendment of OMC 13.16. Olympia Municipal Code Chapter 13.16 is hereby amended to read as follows:

Chapter 13.16 STORM AND SURFACE WATER UTILITY MANAGEMENT

13.16.000 Chapter Contents

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13.16.005 Purpose

Stormwater runoff poses a potential hazard to the health, safety, and welfare of the residents of Olympia, their property, and the environment. The purpose of the City of Olympia’s Storm and Surface Water Utility is to protect public and environmental health by collecting stormwater runoff and either infiltrating or conveying it to streams, rivers, and Puget Sound with the aim of reducing the frequency and severity of flooding, improving water quality, and protecting, enhancing, and restoring aquatic habitat. The Storm and Surface Water Utility operates a municipal separate storm sewer system that is regulated under the federal Clean Water Act, 33 U.S.C. §1251 et seq. and the state Water Pollution Control Act, RCW 90.48. As required by those laws, the city holds coverage under the Western Washington Phase II Municipal Stormwater Permit (MS4 Permit). The Storm and Surface Water Utility also conducts a number of programs and activities required by the MS4 Permit, including a Stormwater Management Program. The purpose of this chapter is to regulate and control stormwater runoff and to ensure compliance with the MS4 Permit, including the Stormwater Management Program. Storm drainage service charges are assessed to fund the work of the Utility, including the operation, maintenance, and improvement of the MS4, and the Stormwater Management Program.

13.16.007 Stormwater Management Program

The Director of Public Works, or the Director of Public Works' designee, is authorized and directed to prepare a Stormwater Management Program Plan, in accordance with the MS4 Permit. The Stormwater Management Program Plan provides a set of actions and activities designed to reduce the discharge of pollutants from the MS4 to the maximum extent practicable, and comprising the components required by the MS4 Permit, and any additional actions necessary to meet the requirements of applicable Total Maximum Daily Load requirements. A copy of the Stormwater Management Program Plan shall be kept on file in the offices of the City Clerk and the Public Works Department and made available on the City's website.

13.16.010 Definitions

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

A. "Best management practice" means a schedule of activities, prohibition of practices, maintenance procedure, managerial practice, or structural features that when used singly or in combination prevents or reduces the release of pollutants and other adverse impacts to waters of Washington State.

AB. "Billing unit" means the same as "equivalent residential unit", two thousand five hundred twenty-eight feet of impervious surface development on a parcel.

BC. "Combined sewer" means a system that collects sanitary sewage and stormwater in a single sewer system.

CD. "Conveyance" means any catch basin, pipe, culvert, curb, gutter, ditch, humanmade~~swale~~, human-made channel, storm drain, or road with a Storm Drainage System that conveys or collects stormwater.

DE. "Developed parcel" means, with respect to a parcel, any parcel which has been altered from a natural state with or without a permit from the city. This includes clearing, grading or filling, whether or not that work accompanies excavation and construction.

EF. "Drainage Design and Erosion Control Manual," or "the Manual" means the 2016 Edition of the Olympia Drainage Design and Erosion Control Manual, as the same may be amended from time to time document adopted in Section 13.16.017.

FG. "Duplex parcel" means a parcel which has been developed and constructed for the purpose of providing habitat for two-family dwelling units on a single property parcel and has been and continues to be used solely for that purpose.

H. "Flow control" means a facility designed to mitigate the impacts of increased stormwater runoff flow rates generated by development. Flow control facilities are best management practices specified in Volume III of the Manual that are engineered to meet the flow control standards of Core Requirement #7 specified in Volume I of the Manual.

GI. "Illicit connection" means any humanmade~~human-made~~ conveyance that is connected to a municipal separate storm sewer without a permit, excluding roof drains and other similar type connections. Examples

include but are not limited to sanitary sewer connections, floor drains, channels, pipelines, conduits, inlets, or outlets that are connected directly to the municipal separate storm sewer system.

~~H~~J. "Illicit discharge" means any direct or indirect non-stormwater discharge to the city's storm ~~drain~~drainage system, except as expressly allowed by this chapter.

~~I~~K. "Impervious surface" means a non-vegetated surface area which (1) either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. ~~A non-vegetated surface area which, or (2)~~ causes water to run off the surface in greater quantities or at an increased rate of flow from the flow 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 and parking areas, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater.

~~J~~L. "Municipal separate storm sewer system" or "MS4" means a conveyance or system of conveyances: (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

- a. Owned or operated by the City; and
- b. Designed or used for collecting or conveying stormwater.

~~A~~The municipal separate storm sewer system does not include combined sewers or a publicly owned treatment works used in treatment of municipal sewage or industrial wastes of a liquid nature.

M. "MS4 Permit" means the National Pollutant Discharge Elimination System and State Waste Discharge General Permit, commonly known as the Western Washington Phase II Municipal Stormwater Permit, issued by the Department of Ecology and periodically re-issued.

~~K~~N. "Nonresidential parcel" means a parcel which has been developed for any purpose other than a single-family dwelling unit or duplex and includes, among others, all multifamily apartments and condominiums with three or more units and all property owned by governmental and nonprofit entities.

~~L~~O. "Non-stormwater discharge" means any discharge, to athe storm ~~drain~~drainage system; that is not composed entirely of stormwater.

~~P~~. "Owner" has the meaning given in OMC 1.04.010.K. In addition, for purposes of this chapter, "owner" includes a person that controls a parcel on behalf of a parcel's owner.

~~M~~Q. "Parcel" means any area of land within the city/City of Olympia which is deemed a distinct property as identified by the county assessor, whether or not the parcel is considered taxable.

~~N~~. "Publicly Owned Treatment Works" or "POTW" means any device or system used in treatment of municipal sewage or industrial wastes of a liquid nature which is publicly owned.

ØR. "Single-family residential parcel" means a parcel which has been developed and constructed for the purpose of providing a habitat for a single-family dwelling unit with or without an accessory dwelling unit, and has and continues to be used solely for that purpose.

PS. "Storm drainage system" means all ~~humanmade~~~~manmade~~ and natural systems that are used for the collection, conveyance, and disposal of ~~rainfall, from the land~~stormwater. The storm drainage system may include lands outside of the city, but such lands will only be subject to this code when they are annexed to the city or by interlocal agreement with the governmental entity in which the property is located. The storm drainage system includes the MS4; all streets, ditches, pipes, and stormwater facilities; appurtenances; wetlands; streams, whether intermittent or perennial; ponds; lakes; creeks; rivers; tidelands; or outfalls subject to stormwater runoff flows from the land area of the city or from property covered by an interlocal agreement.

T. "Stormwater" means that portion of precipitation, including snowmelt, that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, pipes, or other conveyance into a receiving water or storm drainage system.

U. "Stormwater facility" means one or more constructed or natural features, other than the MS4, that collect, convey, channel, hold, inhibit, retain, detain, infiltrate, divert, treat, or filter stormwater. Stormwater facilities include, but are not limited to, conveyances, detention ponds, retention ponds, constructed wetlands, infiltration devices, catch basins, oil/water separators, and biofiltration swales.

V. "Stormwater treatment" means one or more best management practices or facilities that are specified in Volume V of the Manual to remove pollutants from stormwater and engineered to meet the treatment standards in Core Requirement #6 specified in Volume I of the Manual.

QW. "Undeveloped parcel" means any parcel which has not been altered from ~~ait~~ natural state by logging, clearing or grading ~~within twenty-five years since 1996~~, or by filling, excavation, or construction at any act as defined under "developed parcel" above time.

RX. "Utility" means the ~~city~~City of Olympia's storm and surface water utility, which operates and maintains storm or surface water ~~drains, channels~~conveyances and facilities or outfalls for such waters and the rights and interests in other properties relating to the system.

13.16.017 Drainage ~~d~~Design and ~~e~~Erosion ~~c~~Control ~~m~~Manual – Adopted

A certain document entitled Drainage Design and Erosion Control Manual for Olympia, 2016 Edition ("the Manual"), as amended, is adopted by reference as though fully set forth herein. One copy of the Manual is to be placed and held in the office of the director of administrative services for the city and be available to the public.

13.16.018 Drainage Design and ~~e~~Erosion ~~c~~Control ~~m~~Manual – Provisions to prevail in event of conflict

The provisions of the ~~m~~Manual adopted in Section 13.16.017 shall control and prevail over any provisions of current ordinances, development standards and/or policies insofar as a conflict may occur.

13.16.020 Permit required

Before ~~storm drainage runoff~~stormwater may be discharged to any part of the storm drainage system the owner of the parcel on which the runoffstormwater is generated shall apply to the city department of community planning and development for an engineering permit to do the same. The issuance of and terms and conditions to be attached to said ~~permits~~permit shall be governed by the Manual.

13.16.030 ~~Nonpermitted~~ Prohibited uses of the storm drainage system

No one may discharge or cause to be discharged any materials of any kind into the ~~storm drainage system~~MS4, except ~~natural rainfall~~stormwater, clean groundwater, ~~or~~and clean city potable water. ~~This prohibition includes water with chlorine concentrations of less than 0.1 ppm or greater, soil products of erosion and contaminants in runoff from impervious areas on a parcel unless such discharge is through an approved treatment device.~~

~~This prohibition does not include discharges from emergency fire fighting activities or non-stormwater discharges covered by another National Pollutant Discharge Elimination System (NPDES) permit, provided the discharger is in full compliance with all requirements of the permit.~~

This prohibition does not include:

1. Water from emergency fire fighting activities.
2. Non-stormwater discharges covered by a National Pollutant Discharge Elimination System (NPDES) permit, provided the discharger is in full compliance with all requirements of the permit.
3. Air conditioning condensation.
4. Irrigation water from agricultural sources that is commingled with urban stormwater.
5. Springs.
6. Uncontaminated water from crawl space and basement pumps.
7. Discharges from lawn watering and other irrigation runoff, unless the discharges or other runoff are of water from the city's water supply system that has been wasted in violation of OMC 13.04.080.
8. Dechlorinated swimming pool, spa, and hot tub discharges. The discharges must be dechlorinated to a total residual chlorine concentration of 0.1 ppm or less, pH-adjusted and reoxygenized if necessary, volumetrically and velocity controlled to prevent resuspension of sediments in the MS4. Discharges shall be thermally controlled to prevent an increase in temperature of the receiving water. Swimming pool cleaning wastewater and filter backwash shall not be discharged to the MS4.
9. Uncontaminated pumped groundwater.

10. Street and sidewalk wash water when the surfaces are swept prior to washing, detergents are not used, and water use is minimized.
11. External building wash water when detergents are not used and water use is minimized.
12. Water used to control dust when water use is minimized.
13. Other non-stormwater discharges that are in compliance with the requirements of a pollution prevention plan that addresses control of such discharges and is approved by the Director.

13.16.040 ~~Connection~~ Discharge or connection to the storm drainage system

~~No work shall be performed which results in runoff from a parcel to the storm drainage system except under the conditions specified in the required storm drainage permit or as provided in the Manual or herein.~~

~~Where the connection involves construction of physical facilities such as pipes, inlets, channels, ditches, or other similar improvements, all work shall be approved and inspected by the department of public works prior to acceptance of the work and prior to any occupancy of development on a parcel.~~

~~The construction, use, maintenance, or continued existence of illicit connections to the municipal separate storm sewer system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. A person is in violation of this chapter when a person connects a line conveying sewage to the municipal separate storm sewer system, or allows such a connection to continue.~~

A. All stormwater facilities that discharge to the storm drainage system shall be inspected by the department of public works prior to final approval or occupancy to ensure proper installation of such stormwater facilities.

B. The construction, use, maintenance, or continued existence of illicit connections to the MS4, is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. A person is in violation of this chapter when that person connects a line conveying sewage to the MS4, or allows such a connection to continue.

C. If, after notice and opportunity to cure as provided in OMC 4.44.030, the owner does not abate the illicit connection(s) as directed by the city, the city shall have the authority to abate such connection(s) and bill the owner for all reasonable costs. Any delinquent payments shall constitute a lien on the parcel.

13.16.050 ~~Charges for use of the storm drainage system~~ Storm drainage service charges

~~A. Any and all use of the storm drainage system shall be subject to the payment of all fees, costs and charges specified herein.~~

~~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 herein, in accordance with the schedule in Section 4.24.010.~~

A. A storm drainage service charge is imposed on every parcel, including vacant parcels, within the city and the owner(s) thereof, except for the following:

1. Undeveloped parcels.

2. City streets, roads, alleys, and rights-of-way. All such streets, roads, alleys, and rights-of-way collect and convey stormwater to the storm drainage system, the value of which is equal to the storm drainage service charge that would otherwise be imposed.

3. State of Washington highways, so long as the State of Washington maintains, constructs, and improves all conveyances associated with such highways in conformance with all city standards, including standards hereafter established, at no cost to the city.

4. Other streets (excluding driveways and parking areas) not dedicated to the city, but established with a separate right-of-way tract, so long as the owner(s) constructs, maintains, and improves all conveyances and stormwater facilities associated with such streets (except for the streets themselves) in conformance with all city standards in effect as of 2017, at no cost to the city.

B. The storm drainage service charges are set forth in the schedule in OMC Section 4.24.010.

13.16.060 Provision of abutting storm drainage system facilities

Whenever a parcel is developed, the applicable development permit shall require the owner(s) to construct that portion of the ~~storm drainage system~~ MS4 abutting said parcel in accordance with the city's comprehensive plan and applicable development policies and standards for ~~storm drainage~~ stormwater. Provided that the department of public works shall establish policies and procedures for applying ~~LIDs~~ local improvement districts, latecomers agreements ~~and~~, city participation, ~~and other exceptions as promulgated for the city's other utility services.~~

13.16.070 Payment for connection to the ~~storm drainage system~~ MS4

The owner(s) of a parcel shall pay all costs of connecting ~~and discharging runoff from its parcel to the storm drainage system~~ MS4. This obligation shall be assumed in addition to any permit fee or other ~~stormwater~~ storm drainage service charges assessed pursuant to this chapter.

13.16.080 ~~Storm drainage system~~ Stormwater general facilities charges

A. In recognition of the city's investment in the ~~storm drainage system~~ MS4, each applicant for a development permit ~~who will discharge into the MS4~~ shall pay a ~~storm drainage system~~ MS4 general facilities charge ("~~Storm Drainage~~ MS4 GFC") in an amount as set forth in Title 4 of this code at the time of issuance of a building/ ~~or engineering permit~~, ~~except as provided below.~~

B. ~~The Storm Drainage System GFC may be deferred for residential developments in the Downtown Deferred General Facility Charge Payment Option Area. An unpaid Storm Drainage GFC deferred under this section shall constitute a lien against the property for which it is payable. Payment of the Storm Drainage GFC need not be~~

made prior to the time of connection if the payer provides the Community Planning and Development Department with proof that a Voluntary General Facility Charge Lien Agreement, in a form approved by the City Attorney, has been executed by all legal owners of the property upon which the development activity allowed by the building permit is to occur, and the agreement has been recorded in the office of the Thurston County Auditor. When such deferral is sought for a portion of the development activity, the City, at its sole discretion, shall determine the portions of the Storm Drainage GFC to be applied to the portions of the development activity. If a Voluntary General Facility Charge Lien Agreement has been recorded, payment of the general facility charge shall be deferred under the following conditions:

1. — The Storm Drainage GFC will be assessed at the rate in effect at the time of issuance of the building permit for the project, and
2. — Payment of the Storm Drainage GFC will be made at the earlier of the closing of sale of the property or any portion of the property, or three (3) years from the date of the City's issuance of a Certificate of Occupancy for the property against which the Storm Drainage GFC is assessed, and
3. — A GFC payment made within one (1) year of issuance of the Certificate of Occupancy for the development shall pay the fees assessed at the time of issuance of the building permit, or
4. — A GFC payment made within the second year from issuance of the Certificate of Occupancy for the development shall pay the Storm Drainage GFC plus interest, for a total of 105% of the fees assessed at the time of issuance of the building permit, or
5. — A GFC payment made within the third year from issuance of the Certificate of Occupancy for the development shall pay the Storm Drainage GFC plus interest, for a total of 110% of the fees assessed at the time of issuance of the building permit.

In the event that the Storm Drainage GFC and/or interest (if any) is not paid within the time provided in this subsection, all such unpaid charges, fees and interest shall constitute a lien against the property for which they were assessed. The lien may be enforced either by foreclosure pursuant to RCW 61.12 or by termination of water service pursuant to Section 13.04.430 of this Code. The City may use other collection methods at its option. In the event of foreclosure, the owner at the time of foreclosure shall also pay the City's reasonable attorney fees and costs incurred in the foreclosure process. Notwithstanding the foregoing, the City shall not commence foreclosure proceedings less than thirty (30) calendar days prior to providing written notification to the then-present owner of the property via certified mail with return receipt requested advising of its intent to commence foreclosure proceedings. If the then-present owner cures the default within the thirty-day cure period, no attorney fees and/or costs will be owed.

The deferred payment option set forth in this subsection shall terminate on August 1, 2009, unless otherwise re-authorized by the City Council.

C. — All monies collected from the general facilities charge will be deposited in an account to be used for the capital improvements program of this utility.

B. In recognition of the city's investment in stormwater water quality treatment, each applicant for a development permit who will connect to city streets shall pay a water quality general facilities charge ("Water

Quality GFC") in an amount as set forth in Title 4 of this code at the time of issuance of a building or engineering permit.

C. All monies collected from the MS4 GFC will be deposited in an account to be used for the capital improvements program of this utility.

13.16.090 Credit for additional Reduction in storm drainage detention/retention service charge for impervious surface, flow control or water quality stormwater treatment

A. Nonresidential Parcels. Upon application An owner may submit to the department of public works and submittal of an application for reduction in the storm drainage service charge that includes proof of the quantity of impervious surface or proof that an a stormwater facility approved stormwater system by the city is providing detention/retention flow control or water quality stormwater treatment in excess of the policies and standards that existed at the time of development ("Application"). The owner must execute an approved agreement to maintain the stormwater facility prior to approval of a reduction. After reviewing an Application and inspecting the stormwater facility, if deemed appropriate, the director may approve a reduction in the applicable service charges indicated storm drainage service charge for the parcel or parcels receiving flow control or stormwater treatment as provided in Section 4.24.010(4) of this code. That reduction will be accomplished by adjusting reducing the development category of the affected parcel to the next highest by one category (e.g., from Category III to Category II) and calculating stormwater storm drainage service charges accordingly.

B. If the city approves a reduction in the storm drainage service charge for a parcel or parcels and later determines that the stormwater facility for such parcel or parcels is not providing flow control or stormwater treatment, the city may reduce or revoke the reduction.

BC. Residential Plats. Upon application to the department of public works, the director may approve a reduction in the storm drainage service charge assessed under OMC 4.24.010.D (4), for parcels in a plat approved prior to 1990, to that rate provided for plats approved after 1990 if it can be shown that said plat has a stormwater system facility that meets or exceeds the city flow control and stormwater treatment standards enacted in 1990 and the entity/person responsible therefor executes an approved maintenance agreement with the city to maintain the stormwater facility.

13.16.120 Billing date

The monthly or bimonthly billing date for the storm and surface water utility drainage service charges shall coincide with the billing date for the other city utilities, except that those users who the owner(s) of parcels that do not receive only the services of this utility from other city utilities shall be billed on the date established by the director of administrative services as set forth in Chapter 4.24 of this code.

Except as otherwise provided herein, all monies collected from by the storm and surface water utility shall be deposited in the storm and surface water utility fund which was established under Section 3.22.030 of the Olympia Municipal Code.

13.16.130 Adjustment of charges and appeals

Any person who considers that the charges established for their parcel are in error may apply in writing to the public works department for an adjustment. The grounds of the complaint shall be explicitly stated in the

written complaint. The public works department shall review each complaint and respond to it in writing. A copy of the response shall be forwarded to the complainant and the department of administrative services.

13.16.140 ~~Collection of Lien for delinquent charges~~

The city shall have a lien against parcels to which storm drainage service ~~has charges have~~ been furnished ~~assessed~~, which lien shall be in the amount of the charges due and owing.

13.16.150 Right of entry for inspection, code enforcement and repair

Whenever necessary to make an inspection to enforce any provision of this chapter, or whenever there is reasonable cause to believe there exists a violation of this chapter upon a parcel within the jurisdiction of the city, any authorized official of the city may, upon presentation of proper credentials and consent of any owner or occupant, enter such parcel at all reasonable times to inspect the same or to perform any duty imposed upon him or her by this chapter. If no owner or occupant consents to entry, the official may apply to any court of competent jurisdiction for an order allowing such entry.

13.16.160 Authority to maintain, operate, maintain-regulate and modify-control the utility

The city elects to exercise all lawful powers necessary to maintain, operate, regulate, and control a storm and surface water utility as it exists and may be modified in the future.

13.16.170 Stormwater facility maintenance

Parcel owners shall inspect all stormwater facilities located on their parcels and maintain the facilities in accordance with the Manual so they function as designed.

If the city determines that maintenance or repair is required for a stormwater facility on a parcel not owned by the city, the city shall notify the owner of the parcel of the specific maintenance or repair required. The city shall set a reasonable time in which such work is to be completed by the person given notice. If the required maintenance or repair is not completed within the time set, the city will notify the owner that the city intends to perform the maintenance or repair and to bill the owner for the expenses incurred. The expenses charged to the owner shall become a charge on the owner's storm drainage service charge bill and may be collected by the city in the manner authorized for collection of such bills.

If at any time the city determines that a stormwater facility on private property creates an imminent threat to public health or welfare, the city may take immediate measures to remedy such threat, without providing notice to the owner.

13.16.180 Enforcement – Civil and criminal penalties – Public nuisance

A. The Code Enforcement Officer shall enforce the provisions of this chapter.

B. ~~Any person, firm, or corporation who knowingly violates or fails to comply with the following sections of this chapter: 13.16.017, 13.16.020, 13.16.030 and 13.16.040 shall be deemed to have committed a misdemeanor, and if found guilty, shall be subject to a fine not to exceed One Thousand Dollars (\$1,000) and/or imprisonment not to exceed ninety (90) days or both such fine and imprisonment. Each day shall be a~~

~~separate violation. Each day of such violation or noncompliance shall constitute a separate offense. In the event of continuing violation or failure to comply, the second and subsequent days shall constitute a gross misdemeanor, punishable by a fine not to exceed Five Thousand Dollars (\$5,000) and/or imprisonment for not more than three hundred and sixty five (365) days or both such fine and imprisonment.~~

~~EB. As an additional and concurrent remedy, it~~ It shall be a civil infraction for any person, firm, or corporation to violate or fail to comply with the provisions of Olympia Municipal Code Sections 13.16.017, 13.16.020, 13.16.030, and 13.16.040, and 13.16.170. Each day shall be a separate infraction. A person found to have committed a civil infraction shall be assessed a monetary penalty as follows:

1. First offense: Class 3 (\$50), not including statutory assessments.
2. Second offense arising out of the same facts as the first offense: Class 2 (\$125), not including statutory assessments.
3. Third offense arising out of the same facts as the first offense: Class 1 (\$250), not including statutory assessments.

~~D. See also OMC Chapter 4.44, Uniform Code Enforcement.~~

~~C. As a separate and concurrent remedy, any person who violates or fails to comply with the following sections of this chapter~~ Section 13.17.170 shall be liable to the City for the actual expense of cleanup or required maintenance or repair.

~~ED. It shall be a public nuisance to violate or fail to comply with any of the following sections of this chapter: 13.16.017, 13.16.020, 13.16.030 and 13.16.040.~~

~~See also OMC Chapter 4.44, Uniform Code Enforcement.~~

Section 2. Corrections. The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 3. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or application of the provisions to other persons or circumstances shall remain unaffected.

Section 4. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 5. Effective Date. This Ordinance shall take effect thirty (30) days after publication, as provided by law.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED: