Ordinance No. 3042
(Amending or Repealing Ordinances)

CFN=648 - Storm Drainage Utility/Interim Controls
Passed - 5/5/1992
Storm & Surface Water Utility Drainage Basin Map
(Amending former Secs. 7.20.010, 7.20.030, 7.20.160, 7.20.210)

Amended by Ord. 3488 (Sec. 7.05.090 {formerly Sec. 7.20.210})
Amended by Ord 3527 (Sec. 7.05.090)

Section 7.05.090 of Ord. 3534 readopting, re-enacting, ratifying
and confirming rates and fees;

Amended by Ord. 3656 (Secs. 7.05.020, 7.05.130)
Amended by Ord. 3819 (Sec. 7.05.090)
Amended by Ord. 3864 (Sec. 7.05.090)
Amended by Ord. 3901 (Sec. 7.05.090)
Amended by Ord. 3981 (Sec. 7.05.090)
Amended by Ord. 4021 (Sec. 7.05.090)
Amended by Ord. 4060 (Sec. 7.05.090)

The date ["Beginning July 1, 1998"] has led to confusion. This date will be deleted from cover sheets of ordinance/resolution revision pages. This cover sheet will be deleted on electronic pages only, no other deletions or changes have been made to the document – 6/21/2012
ORDINANCE NO. 3042

AN ORDINANCE of the City of Kent, Washington, relating to the storm and surface water utility, adopting a new Drainage Basins Map and changing the rate charged by the City storm and surface water utility to its customers for service, amending Kent City Code (KCC) Sections 7.20.010, .030, .160 and .210; (Ordinances 2325 and 2547).

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FollowS:

Section 1. The Drainage Basins Map, attached to this Ordinance as Exhibit A, is hereby adopted by the City of Kent for use in conjunction with the administration of the Kent Storm and Surface Water Utility Code, Kent City Code Chapter 7.20.

Section 2. Kent City Code Section 7.20.010 (Ordinance 2325) is amended to read as follows:

7.20.010. POTENTIAL HAZARD DECLARED. The City Council finds and declares that absent effective regulation and control, existing storm and surface water drainage conditions in all drainage basin(s) within the City generally described in the ((a)) map filed with the City Clerk as the Drainage Basins Map ((as—EXHIBIT A—to Ordinance—2325,)) constitute a potential hazard to health, safety and property of City inhabitants. The City Council finds further that natural and man-made
storm and surface water drainage or sewerage facilities together constitute a storm and surface water drainage facility and that effective regulation and control of storm and surface water in all stream basins and financing of the facilities requires joint regulations, control and financing with some or all of the cities of Auburn, Renton, Tukwila and Des Moines and King County, Washington (the "County") pursuant to Chapters 35.67 and 39.34 RCW, and Article 11, Section 11, of the Washington State Constitution, and that the best interests of the City require the formation by the City of a storm and surface water utility and the transfer to the utility of all storm and surface water courses and related rights belonging to the City.

Section 3. K.C.C. Section 7.20.030 (Ordinance 2325) is amended to read as follows:

7.20.030. STORM AND SURFACE WATER SYSTEM. There is hereby specified and adopted the original system or plan of the storm and surface water facilities described as set forth on the map filed with the City Clerk as the Drainage Basins Map. (EXHIBIT A to Ordinance 2325) and which shall include all properties, interest, physical and intangible rights of every kind or nature owned or held by the City, however acquired, insofar as they relate to or concern storm or surface water sewerage, further including without limitation, all such properties, interest and rights acquired by adverse possession or by prescription, directly or through another, in and to the drainage or storage, or both, or storm or surface waters, or both, through, under or over lands, landforms, watercourses, sloughs, streams, ponds, rivers, lakes and swamps, all beginning, in each case or instance at a point where storm or surface waters first enter the storm or surface water system of the City and
ending in each case or instance at a point where such storm or surface waters exit from the storm or surface water system of the City, and in width to the full extent of inundation caused by storm or flood conditions.

Section 4. K.C.C. Section 7.20.160 (Ordinance 2325) is amended to read as follows:

7.20.160. DEFINITION - Storm and Surface Water System. The total system of storm and surface water facilities as described in KCC 7.20.030 (the Drainage Basins Map (map attached to Ordinance 2325 as "Exhibit A").

Section 5. K.C.C. 7.20.210 (Ordinance 2547) is amended to read as follows:

7.20.210. CHARGES. The following charges are hereby established for all parcels of real property in the City of Kent:

A. Residential Parcels: The single-family residential charge rate shall be one dollar and seventy-five cents ($1.75) ($0.92) per month for each parcel having one residential dwelling plus the basin-specific charge of KCC 7.20.210(D).

D. Basin-Specific Charges: The City shall have all lawful powers and authorities to fix, alter, regulate and control charges within specific basins and sub-basins. The purpose of the power and authority granted herein is to provide for charging
parcels of one basin or sub-basin for improvements, studies, or extraordinary maintenance which specifically and solely benefit the property owners thereof. The basin-specific charges are as follows:

<table>
<thead>
<tr>
<th>Basin</th>
<th>Charge $/ESU/Month</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Westside</strong></td>
<td></td>
</tr>
<tr>
<td>(K,M,D,E &amp; Lake Fenwick (L))</td>
<td>0.01</td>
</tr>
<tr>
<td><strong>Eastside</strong></td>
<td></td>
</tr>
<tr>
<td>Mill Creek</td>
<td></td>
</tr>
<tr>
<td>Upper (G)</td>
<td>($1.533)</td>
</tr>
<tr>
<td>Lower (A)</td>
<td>($1.582)</td>
</tr>
<tr>
<td>LID #306 ((A+)) Q</td>
<td>($0.146)</td>
</tr>
<tr>
<td>Garrison Creek</td>
<td></td>
</tr>
<tr>
<td>Lower (B)</td>
<td>($1.191)</td>
</tr>
<tr>
<td>Upper (J &amp; I)</td>
<td>($1.142)</td>
</tr>
<tr>
<td>Direct (C)</td>
<td>($0.049)</td>
</tr>
<tr>
<td>All Other</td>
<td></td>
</tr>
</tbody>
</table>

* * *

Section 6. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.
Section 7. Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after its passage, approval and publication as provided by law. The rates authorized by this ordinance shall be effective as to the utility customers as of July 1, 1992.

DAN KELLEHER, MAYOR

ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

ROGER A. LUBOVICH, CITY ATTORNEY

PASSED the 5th day of May, 1992.
APPROVED the 6th day of May, 1992.
PUBLISHED the 8th day of May, 1992.

I hereby certify that this is a true and correct copy of Ordinance No. 3042, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

BRENDA JACOBER, CITY CLERK
(SEAL)