

POULSBO DISTRIBUTION SCHEDULE

ORDINANCE NO. 2017-13

SUBJECT: Amending PMC 13.70.110 General Facility Fee Update

CONFORM AS TO DATES & SIGNATURES

- Filed with the City Clerk: 7/13/2017
- Passed by the City Council: 7/19/2017
- Signature of Mayor
- Signature of City Clerk
- Publication: 7/28/2017
- Effective: 8/2/2017
- Recorded: _____

DISTRIBUTED COPIES AS FOLLOWS:

- NK Herald: 7/20/2017
- Code Publishing
- City Attorney
- Clerk's Department: Original
- City Council
- Finance:
- Posted to Library Drive and Website
- _____

Rhiannon Fernandez
City Clerk

6/15/17
Date

ORDINANCE NO. 2017-13

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON EXPANDING THE SCOPE OF THE CITY'S GENERAL FACILITY FEE TO INCLUDE NEW CONNECTIONS TO THE CITY'S NATURAL STORMWATER DRAINAGE SYSTEMS, AMENDING SECTION 13.70.110 OF THE POULSBO MUNICIPAL CODE, TITLED "PURPOSE OF GENERAL FACILITY FEE" AND SUBSECTION 13.70.110.A TITLED "FEE TO BE CHARGED" AND SUBSECTION 13.70.100.B TITLED "UTILITY SYSTEM DEFINED."

WHEREAS, the City of Poulsbo (the "City") finds that the quality of the City's waters is of great importance to the health, safety, and welfare of the City's residents,

WHEREAS, stormwater runoff is a substantial threat to water quality in the City,

WHEREAS, natural drainage systems can act as natural stormwater management facilities by accommodating additional water quantity from stormwater runoff and by filtering and treating some pollutants in stormwater runoff,

WHEREAS, stormwater runoff discharged into the City's natural drainage system nonetheless impairs water quality in the City's waters,

WHEREAS, the City of Poulsbo is subject to the Western Washington Phase II Stormwater General Permit ("the General Permit") issued by the Washington State Department of Ecology under the National Pollutant Discharge Elimination System,

WHEREAS, under the General Permit, the City is required to create a Stormwater Management Plan,

WHEREAS, the City has begun to take proactive steps to improve water quality in Liberty Bay and other waters within the City,

WHEREAS, added impervious surfaces associated with new development increase stormwater runoff into natural and man-made stormwater management facilities within the City and negatively impact water quality within the City,

WHEREAS, the City has the authority to assess regulatory fees to support stormwater management under RCW Chapter 35.67 and *Teter v. Clark County*, 104 Wn.2d 227, 704 P.2d 1171 (1985),

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF POULSBO, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Amendment. Section 13.70.110 of the Poulsbo Municipal Code titled "Purpose of General Facility Fee" and Subsection 13.70.110.A of that Section, titled "Fee to be Charged," and Subsection 13.70.110.B. of that section, titled "Utility System Defined," are hereby amended to read as follows:

13.70.110 Purpose of general facility fee.

A. Fee to Be Charged. A general facility fee (GFF) shall be charged on all new or expanded service connections connecting to the utility system pursuant to the utility fee and rate schedule established in Section 3.12.100(A) for utility service. For the purposes of this section, the term "new or expanded service connections" includes discharges of stormwater into the City's natural drainage systems, including but not limited to drainage swales, creeks, streams, rivers, lakes, and marine waters. The general facility fee shall be in addition to any special agreements or provisions for mitigation of impacts or requirements for expansion/upgrading to the utility system by any development or project.

B. Utility System Defined. The utility system is defined as that infrastructure designed and constructed for the ~~express~~ purpose of providing for delivery of services or natural drainage systems used for stormwater collection, conveyance, or treatment, and shall include, but not be limited to, water supply, treatment, transmission, storage and distribution facilities, wastewater collection and treatment facilities, and stormwater collection,

treatment and detention facilities, including but not limited to drainage swales, creeks, streams, rivers, lakes, and marine waters

...

Section 2. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 3. Effective Date. This Ordinance, shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title. This extension is expressly conditioned upon the City's receipt of Comcast's written acceptance as described in Section 4.

APPROVED by the Poulsbo City Council this 19th day of July, 2017.



BECKY ERICKSON, MAYOR

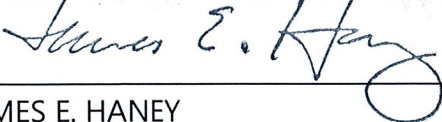
ATTEST/AUTHENTICATED:



RHIANNON FERNANDEZ, CMC, CITY CLERK

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY:



JAMES E. HANEY

FILED WITH THE CITY CLERK: 07/13/2017
PASSED BY THE CITY COUNCIL: 07/19/2017
PUBLISHED: 07/28/20107
EFFECTIVE DATE: 08/02/2017
ORDINANCE NO. 2017-13

SUMMARY OF ORDINANCE NO. 2017-13

of the City of Poulsbo, Washington

On the 19th day of July, 2017, the City Council of the City of Poulsbo passed Ordinance No. 2017-12. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON EXPANDING THE SCOPE OF THE CITY'S GENERAL FACILITY FEE TO INCLUDE NEW CONNECTIONS TO THE CITY'S NATURAL STORMWATER DRAINAGE SYSTEMS, AMENDING SECTION 13.70.110 OF THE POULSBO MUNICIPAL CODE, TITLED "PURPOSE OF GENERAL FACILITY FEE" AND SUBSECTION 13.70.110.A, TITLED "FEE TO BE CHARGED," AND SUBSECTION 13.70.100.B, TITLED "UTILITY SYSTEM DEFINED."

The full text of this ordinance will be mailed upon request.

DATED this 20th day of July, 2017.



RHIANNON FERNANDEZ, CMC, CITY CLERK