

AN ORDINANCE of the City of Port Angeles, Washington, revising and adding sections of the Port Angeles Municipal Code relating to Stormwater Utility and Regulations for compliance with the City's Phase II NPDES stormwater permit.

THE CITY COUNCIL OF THE CITY OF PORT ANGELES DO HEREBY ORDAIN

AS FOLLOWS:

Section 1. Sections of Ordinance 2394, as amended, and sections of Chapter 13.61

of the Port Angeles Municipal Code are hereby amended to read as follows:

13.61.010 Purpose. The purpose of this Chapter is to establish fees for service by, and general rules and regulations for the service and extension of service from, the sewer ~~and storm~~ systems of the City of Port Angeles, and to promote the public health, safety, and general welfare of the users of the sewer system, in accordance with standards established by the City, County, State and Federal governments.

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13.61.040 Unlawful Acts Defined.

A. Any person causing damage to any property belonging to the Department shall be liable to the Department for any and all damages resulting either directly or indirectly therefrom.

B. It shall be unlawful for any person to willfully disturb, break, deface, damage or trespass upon any property belonging to or connected with the sewer ~~and storm~~ systems of the City of Port Angeles, in any manner whatsoever.

C. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City of Port Angeles, or in any area under the jurisdiction of said City, any human or animal excrement, garbage or other unsanitary waste.

D. It shall be unlawful to discharge to any natural outlet within the City of Port Angeles, or in any area under the jurisdiction of said City, any sewage or other polluted matter, except where suitable treatment has been provided in accordance with Chapter 13.06 PAMC.

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13.61.060 Administration.

A. The Director and the ~~Director of Finance~~ Director and ~~Administrative Services~~ may make such administrative determinations for the proper operation of this Chapter as are not inconsistent with its provisions.

B. The Director shall promulgate and enforce such customer service policies and related additional rules, as may be deemed necessary from time to time to encourage and facilitate the proper use of sewer ~~and storm~~ facilities, and as may be adopted by City Council resolution.

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13.61.100 Permit Required.

A. It is unlawful for any person to connect, or cause to be connected, repair, alter or cap, a building or structure sewer ~~or storm drain~~ to any public sewer ~~or public storm drain~~, without first obtaining a permit for such activity from the City of Port Angeles.

B. It is unlawful for any person to uncover, make any connection to or opening into, use, alter, or disturb, or cause any of these activities to occur concerning, any public or private sewer ~~or storm drain~~ or appurtenance, without first obtaining a permit for such activity from the City of Port Angeles.

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13.61.130 Temporary Permit. The Director may, upon receiving an application containing such information as is required by him, issue a permit for a temporary connection to a combined sewer, sanitary sewer, or side sewer, ~~storm drain, or natural outlet~~, and may include as a condition to the issuance of a permit a requirement to connect to another combined sewer, sanitary sewer, or side sewer, ~~storm drain, or natural outlet~~ at some later date. Said permit may be revoked by the Director at any time upon sixty (60) days notice posted upon the premises and directed to the owner or occupant of the premises. In the event the said side sewer or drains are not disconnected or reconstructed as required at the expiration of said sixty (60) days, the Director may disconnect the same and reconstruct it as he deems necessary and charge the cost plus 15% thereof to the owner or occupant. Such cost plus 15% shall be immediately payable to the City Treasurer following a written notice of the amount thereof given to such owner or occupant and shall be a lien against the property. Such temporary permit shall be issued only upon the applicant recording with the County Auditor an instrument to the Director in which the owner agrees to reconstruct the side sewer if required to do so and to save the City of Port Angeles harmless from all damage resulting to the City by reason of such temporary connection or disconnection, and exhibits to the Director the recording number of said instrument.

13.61.140 Performance of Permitted Work.

A. Any sewer ~~or storm drain~~ connection authorized pursuant to the terms of this Chapter shall be done in accordance with the terms and conditions of the issued permit.

B. Prior to the backfilling of any sewer ~~or storm drain~~ connection, the owner or contractor shall notify the City of Port Angeles of the completion of such work, giving 48 hours notice, and shall request an inspection. Backfilling may occur only after such inspection has occurred.

C. The owner and/or contractor is responsible for the protection of all persons and property from injury or damage as a result of the excavation or other work conducted in making such sewer ~~or storm drain~~ connection.

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13.61.170 Inoperative or Inadequate Sewer Service. Where it is determined by the Director or the Health Officer that a side sewer, ~~drain, ditch, or natural watercourse~~ or appurtenance thereof is obstructed, broken, inoperative or inadequate or is a significant threat to the public health, safety or welfare, or to public or private property, the Director shall give notice to the owner, agent or occupant of the property in which such condition exists requiring the condition to be corrected within a specified time. If the owner, agent or occupant shall refuse to maintain, reconstruct, relay, reconnect, repair, or remove the obstruction of, said side sewer ~~drain, ditch, or natural watercourse~~ within the time specified in such notice, the Director shall perform such work as may be necessary to comply with this Chapter. The cost of such work done plus 15% shall be charged to the property owner or occupant and shall become immediately payable to the City Treasurer upon written notice of such amount being given to the property owner or occupant or posted upon said premises and shall become a lien against the property.

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Section 2. Ordinance 2394, as amended, and Chapter 13.63 of the Port Angeles

Municipal Code are hereby amended to read as follows:

Chapter 13.63

STORM SEWER - REGULATIONS AND UTILITY

Sections:

- ~~13.63.010 Purpose~~
- ~~13.63.020 Definitions~~
- ~~13.63.030 Storm Water Discharge Not Permitted.~~
- ~~13.63.040 Unpolluted Discharge Shall Have Approved Outlet.~~
- ~~13.63.050 Storm Water Connection Not Permitted in Sanitary System.~~
- ~~13.63.060 Stormwater Utility Established.~~
- ~~13.63.070 Jurisdiction.~~
- ~~13.63.080 Operation and Management.~~
- ~~13.63.090 Transfer of Property.~~
- ~~13.63.100 Monthly Charge.~~
- ~~13.63.110 Rate Adjustment.~~
- ~~13.63.120 Billing and Payment.~~
- ~~13.63.130 Remedies.~~
- ~~13.63.140 Inspections - Right of Entry - Emergency.~~

~~13.63.010 Purpose.~~ The purpose of this Chapter is to establish a storm and surface water management program in order to accomplish the following goals:

~~A Establish a stormwater capital facilities plan and small project funding program for projects which will:~~

- ~~1. protect property owners adjacent to developing and developed land from increased runoff rates, which could cause erosion of abutting property;~~

- ~~2. decrease drainage-related damage to public and private property;~~
- ~~3. maintain safe City streets and rights-of-way;~~
- ~~4. minimize water quality degradation and control of sedimentation of creeks, streams, ponds, and other water bodies; and~~

~~5. preserve and enhance the aesthetic quality of waters;~~

~~B. Promote sound development policies and construction procedures, which respect and preserve the City's watercourses; and~~

~~C. Provide public education, outreach, participation, and involvement in the protection of water quality.~~

~~The storm and surface water management program shall consist of stormwater regulations and a stormwater utility, which shall be implemented and operated by the City's Department of Public Works and Utilities in accordance with standards established by the appropriate governmental entities with jurisdiction. (Ord. 3151 §1 (part), 11/28/2003)~~

~~13.63.020 Definitions. The following definitions shall apply to this Chapter:~~

~~A. "Commercial/multiple property" means all property zoned or used for multifamily, commercial, retail, public, government, non-profit, and all other non-residential uses.~~

~~B. "Impervious area" means any part of any parcel of land that has been modified by the action of persons to reduce the land's natural ability to absorb and hold rainfall. This includes areas which have been cleared, graded, paved or compacted. Excluded, however, are all vegetated areas such as lawns, agricultural areas, and landscaped areas.~~

~~C. "Single-family and duplex property" means all property used for single family and duplex residential uses. (Ord. 3151 §1 (part), 11/28/2003)~~

~~13.63.030 Storm Water Discharge Not Permitted. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters into any sanitary sewer, unless otherwise approved by the Director based on lack of feasible alternatives or other appropriate factors. (Ord. 3151 §1 (part), 11/28/2003; Ord. 2394 Ch. IV §1, 6/2/1986)~~

~~13.63.040 Unpolluted Discharge Shall Have Approved Outlet. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Director. Industrial cooling water or process waters that have been tested and are free of pollutants may be discharged on written approval of the Director to a storm sewer or natural outlet. (Ord. 3151 §1 (part), 11/28/2003; Ord. 2394 Ch. IV §2, 6/2/1986)~~

~~13.63.050 Storm Water Connection Not Permitted in Sanitary System.~~

~~A. No person shall make connection of roof downspouts, exterior foundation drains, area drains, or other sources of storm water surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer, unless such connection is otherwise approved in writing by the Director based on lack of feasible alternatives or other appropriate factors.~~

~~B. Storm drainage from hard-surfaced or graded areas, such as parking lots, service~~

station yards, and storage yards, shall enter the public storm sewer system or other outlet approved by the Director and as required by this Chapter and as such facilities are available. Such storm drainage shall not be connected to or enter a sanitary sewer, unless otherwise approved in writing by the Director based on lack of feasible alternatives or other appropriate factors. (Ord. 3151 §1 (part), 11/28/2003; Ord. 2394 Ch. IV §3, 6/2/1986)

~~13.63.060 Stormwater Utility Established.~~ There is hereby created and established a storm and surface water utility (also referred to as the "stormwater utility"). The stormwater utility shall be administered under direction of the Director of Public Works and Utilities. The stormwater utility shall perform the functions, and have the authority, as set forth in Chapter 35.67 RCW for managing, regulating, and controlling the City's stormwater management program. (Ord. 3151 §1 (part), 11/28/2003)

~~13.63.070 Jurisdiction.~~ The City shall have jurisdiction over all storm and surface water facilities within the City's boundaries. No modifications or additions shall be made to the City's storm and surface water facilities without the prior approval of the City. (Ord. 3151 §1 (part), 11/28/2003)

~~13.63.080 Operation and Management.~~

~~A. The stormwater utility shall be managed and operated in accordance with:~~

- ~~1. the Stormwater Management Plan prepared by Economic and Engineering Services Inc. dated June 1996 and adopted by the City Council on December 17, 1996, and~~
- ~~2. applicable sections of the City's Urban Services Standards and Guidelines.~~

(Ord. 3151 §1 (part),

~~13.63.090 Transfer of Property.~~ All equipment, properties, and property rights and interests owned or held by the City, however acquired, insofar as they relate to or concern storm or surface water sewage, are hereby transferred to the stormwater utility. This includes by way of example and not limitation, all properties and property rights and interests acquired by adverse possession or by prescription in and to the drainage and storage of storm or surface waters over and under lands, watercourses, streams, ponds and sloughs to the full extent of inundation caused by the largest storm or flood condition. (Ord. 3151 §1 (part), 11/28/2003)

~~13.63.100 Monthly Charge.~~

~~A. Effective January 1, 2008, the owners of all real property in the City containing impervious surfaces shall pay a monthly stormwater utility charge at the rate as set forth in this Section.~~

~~B. Single-family and duplex residential fees. The monthly stormwater utility charge for each single-family and duplex residential property shall be \$ 6.00.~~

~~C. The monthly stormwater utility charge for all commercial/multiple property shall be calculated by dividing the total impervious area in square feet by 4000 square feet, times the single family and duplex residential fee. The minimum monthly fee for a commercial/multiple property shall be not less than the monthly fee for a single-family dwelling, and the maximum monthly fee shall be not more than ten times the monthly fee for a single-family dwelling.~~

~~—— D. —— City streets, State highways, private streets with storm and surface facilities in place meeting City standards, and other public or private owned properties or portions thereof having their own NPDES permitted storm and surface water runoff facilities which do not discharge to City facilities shall be exempt from the monthly charges set forth in this Section. (Ord. 3292, 1/1/2008; Ord. 3151 §1 (part), 11/28/2003)~~

~~—— 13.63.110 Rate Adjustment.~~

~~—— A. —— A property owner may request a rate adjustment to the monthly charge set forth in PAMC 13.63.100, only if the property contains no impervious surfaces or if the property owner disagrees with the City's calculations of the rate, or the amount of impervious area used by the City in calculating the rate, under PAMC 13.63.100C. A request for an adjustment shall be submitted in writing to the Director of Public Works and Utilities. If the property contains no impervious surfaces, the rate shall be adjusted to zero. If the City's calculations or amount of impervious surfaces under PAMC 13.63.100C is incorrect, the rate shall be adjusted accordingly. Approved adjustments will be applied prospectively except that reimbursement for overcharges paid by the property owner will be made by the City for the year during which the adjustment is requested and for the prior year.~~

~~—— B. —— Any person aggrieved by a decision of the Director of Public Works and Utilities relating to a request for a rate adjustment authorized by PAMC 13.63.110 may appeal the Director's decision to the City Manager within 30 days of the date of the Director's decision. The City Manager's decision shall be final. (Ord. 3151 §1 (part), 11/28/2003)~~

~~—— 13.63.120 Billing and Payment. Stormwater utility fees shall be billed annually by Clallam County on behalf of the City in conjunction with the County's property tax bill. Discounts for low-income senior citizens and disabled citizens will be applied in accordance with Chapter 13.20 PAMC. Stormwater utility fees billed pursuant to this Section shall be due and payable semiannually on the same dates each year that the County's property tax bill is due and payable and shall be delinquent if not paid by the due date. All delinquent accounts billed pursuant to this Section will be subject to penalty charges the same as those imposed for delinquent property taxes. (Ord. 3151 §1 (part), 11/28/2003)~~

~~—— 13.63.130 Remedies:~~

~~—— A. —— Termination of water service. The Director of Public Works and Utilities or designee is authorized to terminate water service to any property owner, unless said water service is received by a residential tenant, who fails to pay the stormwater utility service fees imposed by this Chapter in the same manner as delinquent water bills. Termination of such water service shall not limit other remedies available to the City.~~

~~—— B. —— Lien for delinquent charges - Interest. Pursuant to RCW 35.67.200 et seq. the City shall have a lien for delinquent and unpaid stormwater charges. A stormwater lien shall be effective for a total not to exceed one year's delinquent service charges without the necessity of any writing or recording of the lien with the County Auditor. Enforcement and foreclosure of any stormwater lien shall be in the manner provided by state law. Interest on the unpaid balance shall be eight percent per annum or such rate as may hereafter be authorized by law.~~

~~—— C. —— Other remedies. The City shall have all other legally available remedies for~~

enforcing and collecting delinquent and unpaid stormwater charges. (Ord. 3151 §1 (part), 11/28/2003)

~~13.63.140 Inspections - Right of Entry - Emergency. The City is authorized to enter at all reasonable times in or upon any property, public or private, for the purpose of operating or maintaining the storm and surface water facilities, or to inspect or investigate any condition relating to the stormwater utility; provided, that the City shall first obtain permission to enter from the owner or person responsible for such premises. If entry is refused, the City shall have recourse to every remedy provided by law to secure entry. Notwithstanding the foregoing, whenever it appears to the City that conditions exist requiring immediate action to protect the public health or safety, the City is authorized to enter at all reasonable times in or upon any property, public or private, for the purpose of inspecting, investigating or correcting such emergency condition. (Ord. 3151 §1 (part), 11/28/2003)~~

Chapter 13.63
STORMWATER – UTILITY AND REGULATIONS

Sections:

<u>13.63.010</u>	<u>Purpose.</u>
<u>13.63.020</u>	<u>Incorporated by Reference.</u>
<u>13.63.030</u>	<u>Applicability.</u>
<u>13.63.040</u>	<u>Definitions.</u>
<u>13.63.050</u>	<u>Stormwater Utility Established.</u>
<u>13.63.060</u>	<u>Jurisdiction.</u>
<u>13.63.070</u>	<u>Operation and Management.</u>
<u>13.63.080</u>	<u>Transfer of Property.</u>
<u>13.63.090</u>	<u>Monthly Charge.</u>
<u>13.63.100</u>	<u>Rate Adjustment.</u>
<u>13.63.110</u>	<u>Billing and Payment.</u>
<u>13.63.120</u>	<u>Remedies for Failure to Pay Stormwater Service Fees.</u>
<u>13.63.130</u>	<u>Non-Stormwater, Illegal Discharges and Dumping Prohibited.</u>
<u>13.63.140</u>	<u>Illicit Connections and Uses.</u>
<u>13.63.150</u>	<u>Stormwater Discharge Into Sanitary Sewer System Prohibited.</u>
<u>13.63.160</u>	<u>Unpolluted Stormwater Discharge Shall Have Approved Outlet.</u>
<u>13.63.170</u>	<u>Review by Department of Community and Economic Development.</u>
<u>13.63.180</u>	<u>Stormwater Discharge Permits.</u>
<u>13.63.190</u>	<u>Stormwater Design and Construction Requirements.</u>
<u>13.63.200</u>	<u>Professional Engineer - When Required.</u>
<u>13.63.210</u>	<u>Off-site Analysis.</u>
<u>13.63.220</u>	<u>Geotechnical Analysis.</u>
<u>13.63.230</u>	<u>Soils Analysis.</u>
<u>13.63.240</u>	<u>Permit Modifications.</u>
<u>13.63.250</u>	<u>Erosion and Sedimentation Control.</u>
<u>13.63.260</u>	<u>Property Owner Responsible for Stormwater System Maintenance.</u>

<u>13.63.270</u>	<u>Maintenance Covenant Required for Privately Maintained Drainage Facilities.</u>
<u>13.63.280</u>	<u>City Inspections of Privately Maintained Stormwater Facilities.</u>
<u>13.63.290</u>	<u>City Acceptance of New Stormwater Facilities.</u>
<u>13.63.300</u>	<u>City Acceptance of Existing Stormwater Facilities.</u>
<u>13.63.310</u>	<u>Easements, Tracts and Covenants.</u>
<u>13.63.320</u>	<u>Extensions - When Required.</u>
<u>13.63.330</u>	<u>Extensions - Application.</u>
<u>13.63.340</u>	<u>Extensions - Preparation of Plans and Specifications.</u>
<u>13.63.350</u>	<u>Extensions - Inspection - Fee - Deposit Required.</u>
<u>13.63.360</u>	<u>Construction of Main Extensions.</u>
<u>13.63.370</u>	<u>Acceptance of Main Extensions.</u>
<u>13.63.380</u>	<u>Extensions - Construction Drawings.</u>
<u>13.63.390</u>	<u>Main Extensions Deeded to City.</u>
<u>13.63.400</u>	<u>Violations of This Chapter.</u>
<u>13.63.410</u>	<u>Inspection.</u>
<u>13.63.420</u>	<u>Inspection Procedures.</u>
<u>13.63.430</u>	<u>Test Procedures.</u>
<u>13.63.440</u>	<u>Stop Work Orders.</u>
<u>13.63.450</u>	<u>Cumulative Civil Penalty.</u>
<u>13.63.460</u>	<u>Aiding or Abetting.</u>
<u>13.63.470</u>	<u>Order to Maintain or Repair.</u>
<u>13.63.480</u>	<u>Notice of Violation - Assessment of Penalty.</u>
<u>13.63.490</u>	<u>Appeal and Disposition.</u>
<u>13.63.500</u>	<u>Liability for Costs of Investigation.</u>
<u>13.63.510</u>	<u>Collection of Civil Penalty.</u>
<u>13.63.520</u>	<u>Compromise Settlement and Disposition of Suits.</u>
<u>13.63.530</u>	<u>Hazards.</u>

13.63.010 - Purpose. The purpose of this Chapter is to establish a storm and surface water management program and utility in order to accomplish the following goals:

A. Establish a stormwater capital facilities plan and small project funding program for projects which will:

1. protect property owners adjacent to developing and developed land from increased runoff rates, which could cause erosion of abutting property;
2. decrease drainage-related damage to public and private property;
3. maintain safe City streets and rights-of-way;
4. minimize water quality degradation and control of sedimentation of creeks, streams, ponds, and other water bodies; and
5. preserve and enhance the aesthetic quality of waters;

B. Promote sound development policies and construction procedures, which respect and preserve the City's watercourses; and

C. Provide public education, outreach, participation, and involvement in the protection of water quality.

D. Establish general rules and regulations for the service and extension of service from the stormwater system.

The storm and surface water management program shall consist of stormwater regulations and a stormwater utility, which shall be implemented and operated by the City's Department of Public Works and Utilities in accordance with standards established by the appropriate governmental entities with jurisdiction.

13.63.020 - Incorporated by Reference. The City hereby incorporates the following documents into this Chapter:

A. The City of Port Angeles' Urban Services Standards and Guidelines adopted pursuant to Chapter 18.08 PAMC.

B. Chapters 3 and 4, Volume I, Appendices 1-C, 1-D and 1-E, Volume I; Chapters 3 and 4, Volume II, Volume III, Volume IV and Volume V of the Department of Ecology's 2005 Stormwater Management Manual for Western Washington, or most recent update.

C. Appendix I of the City of Port Angeles' Western Washington Phase II Municipal Stormwater Permit, issued in January of 2007, or the most recent update.

D. 2005 Low Impact Development Technical Guidance Manual for Puget Sound published by the Puget Sound Action Team, or the most recent update.

All of these documents are on file within the office of the City Engineer and can be viewed upon request.

13.63.030 - Applicability. The provisions of this chapter shall apply to all direct and indirect connections to the City's stormwater system, including direct outfalls to the City's streams or marine waters.

13.63.040 - Definitions. The following definitions shall apply to this Chapter:

A. AKART - All Known, Available, and Reasonable methods of prevention, control, and Treatment.

B. Arterial - PRINCIPAL ARTERIALS: Principal arterials provide service for principal traffic movements within the City. They serve centers of activity; intra-area travel between Port Angeles and other large communities and between principal trip generators. Principal arterials serve the longest trips and carry the principal portion of trips entering and leaving the overall area. Typically they are the highest traffic volume corridors in the City. The design year ADT is approximately 5,000 to 30,000 vehicles per day or more. They frequently carry important intra-urban as well as intercity bus routes.

The spacing of principal arterials usually varies from about 1 mile in highly developed business areas to 5 miles or more in rural areas. Service to abutting land should be subordinate to the provisions of travel service to principal traffic movements; this service should be incidental to the primary functional responsibility of the street. Desirably it is located on community and neighborhood boundaries or adjacent to but not through principal shopping centers, parks, and other homogeneous areas.

MINOR ARTERIALS: Minor arterials interconnect with and augment the principal arterial system. Minor arterials connect principal arterials to collector arterials and small generators. They provide medium size trip generators, such as less intensive commercial development, high schools and some junior high/grade schools, warehousing areas, active parks and ballfields, and other land uses with similar trip generation potential. They distribute travel to smaller geographic areas and communities than those identified with the principal arterial system. They provide service for trips of moderate length of a somewhat lower level of travel mobility than principal arterials. The design year ADT is approximately 2,500 to 15,000.

COLLECTOR ARTERIALS: Collector arterials provide both land access service and traffic circulation within residential neighborhoods and commercial and industrial areas. It differs from the arterial system in that facilities on the collector system may penetrate residential neighborhoods, distributing trips from the arterials through the areas to their ultimate destinations. The collector also collects traffic from local streets in residential neighborhoods and channels it onto minor and principal arterials. The collector arterial street may also carry local bus routes.

C. Best Management Practices (BMPs)- mean schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and structural or managerial practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

D. Certified Erosion and Sediment Control Lead (CESCL) - means an individual who has current certification through an approved erosion and sediment control training program that meets the minimum training standards established by the Washington State Department of Ecology (see BMP C160 in the Stormwater Management Manual for Western Washington (2005)). A CESCL is knowledgeable in the principles and practices of erosion and sediment control. The CESCL must have the skills to assess site conditions and construction activities that could impact the quality of stormwater and, the effectiveness of erosion and sediment control measures used to control the quality of stormwater discharges. Certification is obtained through a Washington State Department of Ecology approved erosion and sediment control course. Course listings are provided online at Ecology's web site.

E. Clean Water Act - means the federal Water Pollution Control Act (33 USC Section 1251 et seq.), and any subsequent amendments thereto.

F. Commercial/Multiple Property - means all property zoned or used for multifamily, commercial, retail, public, government, non-profit and all other non-residential uses.

G. Director - means the City of Port Angeles Director of Public Works and Utilities or his or her designee.

H. Effective Impervious Surface - those impervious surfaces that are connected via sheet flow or discrete conveyance to a drainage system. Impervious surfaces on residential development sites are considered ineffective if the runoff is dispersed through at least one hundred feet of native vegetation in accordance with BMP T5 30 - "Full Dispersion," as described in Chapter 5 of Volume V of the Stormwater Management Manual for Western Washington (2005).

I. Ground Water - means water in a saturated zone or stratum beneath the surface of the land or below a surface water body.

J. Hazardous Materials - means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

K. Highway - a main public road connecting towns and cities.

L. Hyperchlorinated - means water that contains more than 10mg/liter chlorine.

M. Illicit Discharge - means any direct or indirect non-stormwater discharge to the City's stormwater system, except as expressly allowed by this chapter.

N. Illicit Connection - means any man-made conveyance that is connected to a municipal separate storm sewer without a permit, excluding roof drains and other similar type connections. Examples include sanitary sewer connections, floor drains, channels, pipelines, conduits, inlets, or outlets that are connected directly to the municipal separate storm sewer system.

O. Impervious Surface - a hard surface area that either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A hard surface area which 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, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces for purposes of determining whether the thresholds for application of minimum requirements are exceeded. Open, uncovered retention/detention facilities shall be considered impervious surfaces for purposes of runoff modeling.

P. Land Disturbing Activity - Any activity that results in movement of earth, or a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to clearing, grading, filling, and excavation. Compaction that is associated with stabilization of structures and road construction shall also be considered a land disturbing activity. Vegetation maintenance practices are not considered land-disturbing activity.

Q. Maintenance - Repair and maintenance includes activities conducted on currently serviceable structures, facilities, and equipment that involves no expansion or use beyond that previously existing and results in no significant adverse hydrologic impact. It includes those usual activities taken to prevent a decline, lapse, or cessation in the use of structures and systems. Those usual activities may include replacement of dysfunctional facilities, including cases where environmental permits require replacing an existing structure with a different type structure, as long as the functioning characteristics of the original structure are not changed. One example is the replacement of a collapsed, fish blocking, round culvert with a new box culvert under the same span, or width, of roadway. See also Road Maintenance exemptions in Section 1 of the NPDES Appendix included in this chapter.

R. Municipal Separate Storm Sewer System (MS4) - means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): owned or operated by the City of Port Angeles:

1. Designed or used for collecting or conveying stormwater;
2. Which is not part of a Publicly Owned Treatment Works (POTW). "POTW" means any device or system used in treatment of municipal sewage or industrial wastes of a liquid nature which is publicly owned; and
3. Which is not a combined sewer. "Combined sewer" means a system that collects sanitary sewage and stormwater in a single sewer system.

S. National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit - means a permit issued by the Environmental Protection Agency (EPA) (or by the Washington Department of Ecology under authority delegated pursuant to 33 USC Section 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

T. Native Vegetation - Vegetation comprised of plant species, other than noxious weeds, that are indigenous to the coastal region of the Pacific Northwest and which reasonably could have been expected to naturally occur on the site. Examples include trees such as Douglas Fir, western hemlock, western red cedar, alder, big-leaf maple, and vine maple; shrubs such as willow, elderberry, salmonberry, and salal; and herbaceous plants such as sword fern, foam flower, and fireweed.

U. New Development - Land disturbing activities, including Class IV - general forest practices that are conversions from timber land to other uses; structural development, including construction or installation of a building or other structure; creation of impervious surfaces; and subdivision, short subdivision and binding site plans, as defined and applied in Chapter 58.17 RCW. Projects meeting the definition of redevelopment shall not be considered new development.

V. Non-stormwater discharge - means any discharge to the storm drain system that is not composed entirely of stormwater.

W. Person - means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner of a premises or as the owner's agent.

X. Pollutant - means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatables (objects or substances which float); pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Y. Pollution-Generating Impervious Surface (PGIS) - Those impervious surfaces considered to be a significant source of pollutants in stormwater runoff. Such surfaces include those which are subject to: vehicular use; industrial activities, or storage of erodible or leachable materials, wastes, or chemicals, and which receive direct rainfall or the run-on or blow-in of rainfall. Erodeable or leachable materials, wastes, or chemicals are those substances which, when exposed to rainfall, measurably alter the physical or chemical characteristics of the rainfall runoff. Examples include erodible soils that are stockpiled, uncovered process wastes, manure, fertilizers, oily substances, ashes, kiln dust, and garbage dumpster leakage. Metal roofs are also considered to be PGIS unless they are coated with an inert, non-leachable material (e.g., baked-on enamel coating).

1. A surface, whether paved or not, shall be considered subject to vehicular use if it is regularly used by motor vehicles. The following are considered regularly-used surfaces: roads, unvegetated road shoulders, bike lanes within the traveled lane of a roadway, driveways, parking lots, unfenced fire lanes, vehicular equipment storage yards, and airport runways.

2. The following are not considered regularly-used surfaces: paved bicycle pathways separated from and not subject to drainage from roads for motor vehicles, fenced fire lanes, and infrequently used maintenance access roads.

Z. Pollution-Generating Pervious Surfaces (PGPS) - Any non-impervious surface subject to use of pesticides and fertilizers or loss of soil. Typical PGPS include lawns, landscaped areas, golf courses, parks, cemeteries, and sports fields.

AA. Pre-Developed Condition - The native vegetation and soils that existed at a site prior to the influence of Euro-American settlement. The pre-developed condition shall be assumed to be a forested land cover unless reasonable, historic information is provided that indicates the site was prairie prior to settlement.

BB. Premises - means any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

CC. Project Site - That portion of a property, properties, or right-of-way subject to land disturbing activities, new impervious surfaces, or replaced impervious surfaces.

DD. Receiving Waters - Bodies of water or surface water systems to which surface runoff is discharged via a point source of stormwater or via sheet flow.

EE. Redevelopment - On a site that is already substantially developed (i.e., has 35% or more of existing impervious surface coverage), the creation or addition of impervious surfaces; the expansion of a building footprint or addition or replacement of a structure; structural development including construction, installation or expansion of a building or other structure; replacement of impervious surface that is not part of a routine maintenance activity; and land disturbing activities.

FF. Replaced Impervious Surface - For structures, the removal and replacement of any exterior impervious surfaces or foundation. For other impervious surfaces, the removal down to bare soil or base course and replacement.

GG. Single Family Property - means all property used for single family residential uses.

HH. Site - The area defined by the legal boundaries of a parcel or parcels of land that is (are) subject to new development or redevelopment. For road projects, the length of the project site and the right-of-way boundaries define the site.

II. Source Control BMP - A structure or operation that is intended to prevent pollutants from coming into contact with stormwater through physical separation of areas or careful management of activities that are sources of pollutants. The Department of Ecology's Stormwater Management Manual for Western Washington (2005) separates source control BMPs into two types. Structural Source Control BMPs are physical, structural, or mechanical devices, or facilities that are intended to prevent pollutants from entering stormwater. Operational BMPs are nonstructural practices that prevent or reduce pollutants from entering stormwater. For further examples or details, refer to the Department of Ecology's Volume IV of the Stormwater Management Manual for Western Washington (2005).

JJ. Stormwater - means runoff during and following precipitation and snowmelt events, including surface runoff and drainage.

KK. Stormwater Pollution Prevention Plan (SWPPP) - means a document which describes the best management practices and activities to be implemented by a person to identify sources of pollution or contamination at a premises and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

LL. Stormwater System - means all natural and manmade systems which function together or independently to collect, store, purify, discharge and convey stormwater. Included are all stormwater facilities as well as natural systems such as streams and creeks and all natural systems which convey, store, infiltrate or divert stormwater.

MM. Threshold Discharge Area - An onsite area draining to a single natural discharge location or multiple natural discharge locations that combine within one-quarter mile downstream (as determined by the shortest flowpath). The examples in Figure 2.1 below illustrate this definition. The purpose of this definition is to clarify how the thresholds of the stormwater requirements are applied to project sites with multiple discharge points.

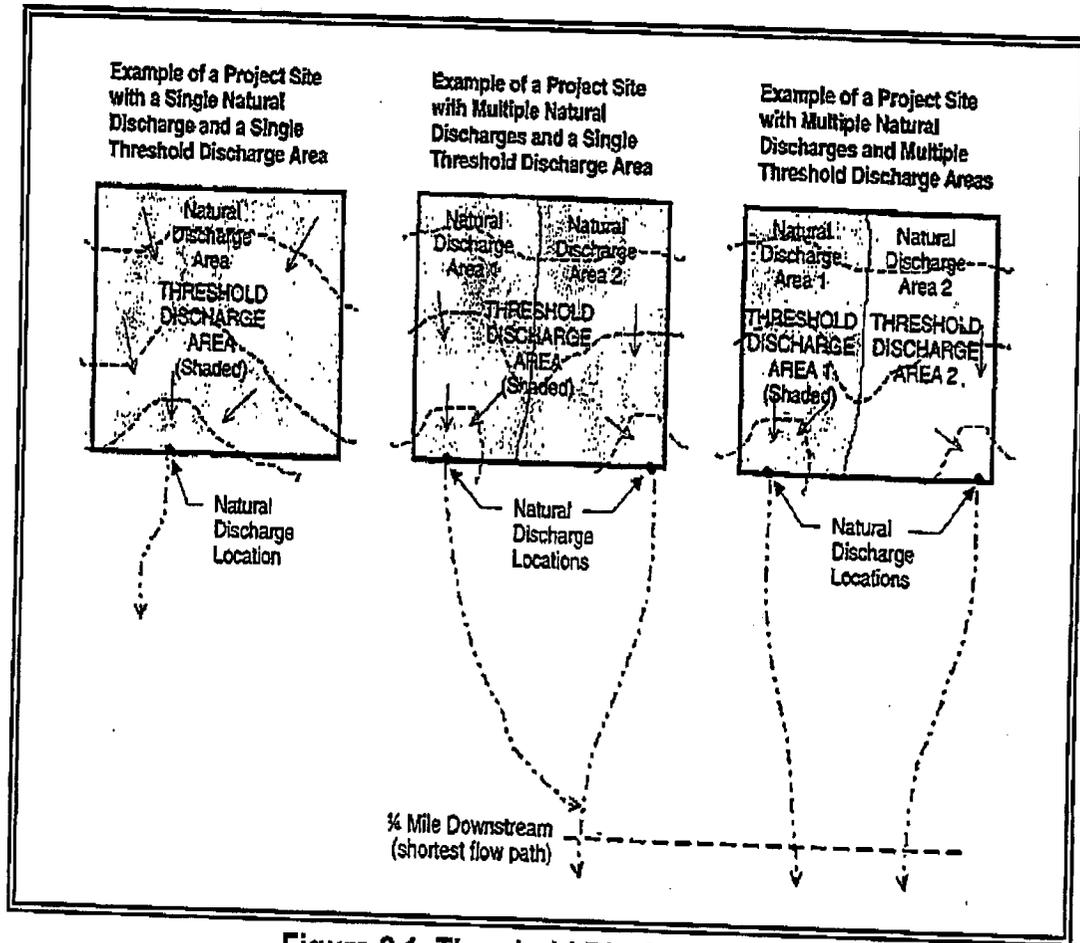


Figure 2.1 Threshold Discharge Areas

NN. Wetland - Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas to mitigate the conversion of wetlands.

13.63.050 - Stormwater Utility Established. There is hereby created and established a storm and surface water utility (also referred to as the "stormwater utility"). The stormwater utility shall be administered under direction of the Director of Public Works and Utilities. The stormwater utility shall perform the functions, and have the authority, as set forth in Chapter

35.67 RCW and in this Chapter for managing, regulating, and controlling the City's stormwater management program.

13.63.060 - Jurisdiction. The City shall have jurisdiction over all storm and surface water facilities within the City's boundaries. No modifications or additions shall be made to the City's storm and surface water facilities without the prior approval of the City.

13.63.070 - Operation and Management. The stormwater utility shall be managed and operated in accordance with applicable sections of the City's Western Washington Phase II Municipal Stormwater Permit, the City's Urban Services Standards and Guidelines and PAMC 13.63.

13.63.080 - Transfer of Property. All equipment, properties, and property rights and interests owned or held by the City, however acquired, insofar as they relate to or concern storm or surface water sewage, are hereby transferred to the stormwater utility. This includes by way of example and not limitation, all properties and property rights and interests acquired by adverse possession or by prescription in and to the drainage and storage of storm or surface waters over and under lands, watercourses, streams, ponds and sloughs to the full extent of inundation caused by the largest storm or flood condition.

13.63.090 - Monthly Charge.

A. Effective January 1, 2008, the owners of all real property in the City containing impervious surfaces shall pay a monthly stormwater utility charge at the rate as set forth in this Section.

B. Single-family and duplex residential fees. The monthly stormwater utility charge for each single-family and duplex residential property shall be \$ 6.00.

C. The monthly stormwater utility charge for all commercial/multiple property shall be calculated by dividing the total impervious area in square feet by 4000 square feet, times the single family and duplex residential fee. The minimum monthly fee for a commercial/multiple property shall be not less than the monthly fee for a single-family dwelling, and the maximum monthly fee shall be not more than ten times the monthly fee for a single-family dwelling.

D. City streets, State highways, private streets with storm and surface facilities in place meeting City standards, and other public or private owned properties or portions thereof having their own NPDES permitted storm and surface water runoff facilities which do not discharge to City facilities shall be exempt from the monthly charges set forth in this Section.

13.63.100 - Rate Adjustment.

A. Stormwater utility fees will be reduced by 25% for existing sites, new development or redevelopment projects that meet the following conditions:

1. Overall project disturbance is less than one acre.

2. Project proponent implements two of the following:

a. Roof Downspout Controls as described in Chapter 3, Volume III of the most recent edition of the Department of Ecology's Stormwater Management manual for Western Washington (DOE Manual).

b. Installation of BMPs or LID techniques to mitigate for impervious area equal to at least 10% of the site/lot. Specific BMPs and LID techniques are described in Chapter 5, Section 5.05.03 of the City's Urban Services Standards and Guidelines.

c. Amend the Soil as recommended in BMP T5.13 in the DOE manual in all disturbed areas not covered by new improvements.

3. Best Management Practices (BMPs) listed above must be designed in accordance with the DOE Manual.

4. LID Techniques must be designed in accordance with the most recent version of the Low Impact Development Technical Guidance Manual for Puget Sound.

5. BMPs and LID facilities must be maintained by the property owner and continue to function as they were designed.

B. A property owner may request a rate adjustment to the monthly charge set forth in PAMC 13.63.100, only if the property contains no impervious surfaces or if the property owner disagrees with the City's calculations of the rate, or the amount of impervious area used by the City in calculating the rate, under PAMC 13.63.100C. A request for an adjustment shall be submitted in writing to the Director of Public Works and Utilities. If the property contains no impervious surfaces, the rate shall be adjusted to zero. If the City's calculations or amount of impervious surfaces under PAMC 13.63.100C is incorrect, the rate shall be adjusted accordingly. Approved adjustments will be applied prospectively except that reimbursement for overcharges paid by the property owner will be made by the City for the year during which the adjustment is requested and for the prior year.

C. Any person aggrieved by a decision of the Director of Public Works and Utilities relating to a request for a rate adjustment authorized by PAMC 13.63.110 may appeal the Director's decision to the City Manager within 30 days of the date of the Director's decision. The City Manager's decision shall be final.

13.63.110 - Billing and Payment. Stormwater utility fees shall be billed annually by Clallam County on behalf of the City in conjunction with the County's property tax bill. Discounts for low-income senior citizens and disabled citizens will be applied in accordance with Chapter 13.20 PAMC. Stormwater utility fees billed pursuant to this Section shall be due and payable semiannually on the same dates each year that the County's property tax bill is due and payable and shall be delinquent if not paid by the due date. All delinquent accounts billed pursuant to this Section will be subject to penalty charges the same as those imposed for delinquent property taxes.

13.63.120 - Remedies for Failure to Pay Stormwater Service Fees.

A. Termination of water service. The Director of Public Works and Utilities or designee is authorized to terminate water service to any property owner, unless said water service is received by a residential tenant, who fails to pay the stormwater utility service fees imposed by this Chapter. Termination of such water service shall not limit other remedies available to the City.

B. Lien for delinquent charges - Interest. Pursuant to RCW 35.67.200 et seq. The City shall have a lien for delinquent and unpaid stormwater charges. A stormwater lien shall be effective for one year without the necessity of any writing or recording of the lien with the

County Auditor. Enforcement and foreclosure of any stormwater lien shall be in the manner provided by state law. Interest on the unpaid balance shall be eight percent per annum or such rate as may hereafter be authorized by law.

C. Other remedies. The City shall have all other legally available remedies for enforcing and collecting delinquent and unpaid stormwater charges.

13.63.130 - Non-Stormwater, Illegal Discharges and Dumping Prohibited.

A. Except as provided in subsections B and C below, no person shall throw, drain or otherwise discharge, cause or allow others under it's control to throw, drain or otherwise discharge into the stormwater system any materials other than stormwater.

B. The following discharges into the stormwater system are permitted, provided the following conditions are met:

1. Discharges from potable water sources, including waterline flushing, hyperchlorinated waterline flushing, fire hydrant system flushing and pipeline hydrostatic test water. Planned discharges shall be dechlorinated to a concentration of 0.1 ppm or less, pH adjusted, if necessary (to meet water quality standards), and volumetrically and velocity controlled to prevent resuspension of sediments in the MS4.

2. Discharges from lawn watering and other irrigation runoff shall be minimized.

3. Dechlorinated swimming pool discharges. The discharges shall be dechlorinated to a concentration of 0.1 ppm or less, pH adjusted and re-oxygenized, if necessary, and volumetrically and velocity controlled to prevent resuspension of sediments in the MS4 and the property owner has obtained a Stormwater Discharge Permit from the City. Swimming pool cleaning waste water and filter backwash shall not be discharged to the MS4.

4. Street and sidewalk wash water, water used to control dust, and routine external building wash down that does not use detergents. To avoid washing pollutants into the MS4, Permittee must minimize the amount of street wash and dust control water used. At active construction sites, street sweeping must be performed prior to washing the street.

5. Other non-stormwater discharges. The discharges shall be in compliance with the requirements of the stormwater pollution prevention plan reviewed by the City, which addresses such discharges.

6. Any discharges from a construction site. Discharges must be in conformance with the stormwater pollution prevention plan (SWPPP) reviewed by the City.

7. Combined sewer overflow (CSO) discharges. This discharge must be in conformance with a current National Pollution Discharge Elimination System Permit, approved by the Washington State Department of Ecology.

C. The following categories of non stormwater discharges are specifically allowed:

1. Diverted stream flows

2. Rising ground waters

3. Uncontaminated ground water infiltration (as defined at 40 CFR 35

2005(20)).

4. Uncontaminated pumped ground water

5. Foundation drains

6. Air conditioning condensation

- stormwater
7. Irrigation water from agricultural sources that is commingled with urban
 8. Springs
 9. Water from crawl space pumps
 10. Footing drains
 11. Flows from riparian habitats and wetlands
 12. Non-stormwater discharges covered by another NPDES permit
 13. Discharges from emergency fire fighting activities in accordance with the
- City of Port Angeles' Stormwater NPDES Permit Section S2 Authorized Discharges. The City's Stormwater NPDES Permit is available to view in the office of the City Engineer.

13.63.140 - Illicit Connections and Uses.

A. The stormwater system of the City of Port Angeles, natural and artificial, may only be used to convey stormwater runoff, and any discharge meeting the permit conditions within a current National Pollutant Discharge Elimination System Permit, approved by the Washington State Department of Ecology.

B. Except as provided in the preceding paragraph, no person shall use this system, directly or indirectly, to dispose of any solid or liquid matter other than stormwater. No person shall make or allow any connection to the stormwater system which could result in the discharge of polluting matter. Connections to the stormwater system from the interiors of structures are prohibited. Connections to the stormwater system for any purpose other than to convey stormwater or groundwater are prohibited and shall be eliminated.

13.63.150 - Stormwater Discharge Into Sanitary Sewer System Prohibited.

A. No person shall discharge or cause to be discharged any stormwater, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters into any sanitary sewer, unless otherwise approved by the Director based on lack of feasible alternatives or unless the discharge meets the condition outlined in 13.63.140 (A).

B. No person shall make connection of roof downspouts, exterior foundation drains, area drains, or other sources of stormwater surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer, unless such connection is otherwise approved in writing by the Director based on lack of feasible alternatives or other appropriate factors.

13.63.160 - Unpolluted Stormwater Discharge Shall Have Approved Outlet.

A. Stormwater shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Director.

B. Storm drainage from hard-surfaced or graded areas, such as parking lots, service station yards, and storage yards, shall enter the public storm sewer system or other outlet approved by the Director and as required by this Chapter and as such facilities are available. Such storm drainage shall not be connected to or allowed to enter a sanitary sewer, unless otherwise approved in writing by the Director based on lack of feasible alternatives or other appropriate factors.

13.63.170 - Review by Department of Community and Economic Development. Any proposed site development activities shall be reviewed by the City of Port Angeles Department of Community and Economic Development to determine the permits required.

13.63.180 - Stormwater Discharge Permits. Stormwater Discharge Permits, issued by the City of Port Angeles Department of Public Works and Utilities, shall be required for any of the following activities:

A. Draining water from a chlorinated water source such as a swimming pool or hot tub.

B. Car washing which is not permitted as a commercial or industrial use, and which drains directly or indirectly to the City's stormwater system.

C. All new development or redevelopment which does not require a Building Permit, but which discharges stormwater either directly or indirectly to the City's stormwater system.

13.63.190 - Stormwater Design and Construction Requirements.

A. All site development activities shall comply with the standards, specifications and requirements contained in the City of Port Angeles' Urban Services Standards and Guidelines.

B. For all site developments that disturb 1 acre or more, the City adopts and requires the use of the minimum requirements, thresholds and definitions defined in Appendix 1 of the City of Port Angeles' Western Washington Phase II Municipal Stormwater Permit.

C. For all site developments that disturb 1 acre or more or which require a stormwater treatment, flow control, or low impact development (LID) facility, the City adopts and requires the use of Chapters 3 and 4, Volume I, Appendices 1-C, 1-D and 1-E, Volume I, Chapters 3 and 4, Volume II, Volume III, Volume IV and Volume V of the Department of Ecology's 2005 Stormwater Management Manual for Western Washington, or most recent update.

D. Low Impact Development (LID) facilities are encouraged to improve water quality and aesthetics, as well as to reduce the size and cost of flow control and treatment facilities. LID facilities proposed in any site development shall be designed in accordance with the 2005 Low Impact Development Technical Guidance Manual for Puget Sound and shall take into account site and soil conditions, access and long term maintenance.

E. Stormwater Site Plans and Permanent Stormwater Control Plans in accordance with Chapters 3 and 4 of Volume I of the Department of Ecology's 2005 Stormwater Management Manual for Western Washington are required and will be reviewed by the City for all site development activities that disturb 1 acre or more.

F. Adjustments to the Minimum Requirements may be granted by the City provided that a written finding of fact is prepared which addresses the following issues:

1. The adjustment provides substantially equivalent environmental protection.

2. Based on sound engineering practices, the objectives of safety, function, environmental protection and facility maintenance are met.

G. Exceptions to the Minimum Requirements may be granted by the City following legal public notice of an application for an exception, legal public notice of the City's decision on the application, and written findings of fact that document the City's determination to grant an exception.

The City may grant an exception to the minimum requirements if such application imposes a severe and unexpected economic hardship. To determine whether the application imposes a severe and unexpected economic hardship on the project applicant, the exception applicant must consider and document with written findings of fact the following:

1. The current (pre-project) use of the site, and
2. How the application of the minimum requirement(s) restricts the proposed use of the site compared to the restrictions that existed prior to the adoption of the minimum requirements; and
3. The possible remaining uses of the site if the exception were not granted; and
4. The uses of the site that would have been allowed prior to the adoption of the minimum requirements; and
5. A comparison of the estimated amount and percentage of value loss as a result of the minimum requirements versus the estimated amount and percentage of value loss as a result of requirements that existed prior to adoption of the minimum requirements; and
6. The feasibility for the owner to alter the project to apply the minimum requirements. In addition, any exception must meet the following criteria:
 - a. The exception will not increase risk to the public health and welfare, nor be injurious to other properties in the vicinity or downstream of the project, or injurious to the quality of waters of the state; and
 - b. The exception is the least possible exception that could be granted to comply with the intent of the Minimum Requirements.

H. The Council shall establish fees for stormwater related inspections. Inspection fees shall be detailed in the PAMC 3.70.110

13.63.200 - Professional Engineer – When Required. Site development activities shall require the submittal of documents prepared by a qualified professional engineer when one of the following conditions exists:

- A. Any land use or building or development on real property which disturbs 1 acre or greater;
- B. Any land use or building or development on real property which requires a flow control, treatment or LID facility;
- C. Any improvements within the boundaries of the City of Port Angeles right-of-way for which the City will ultimately assume responsibility for maintenance; or
- D. Any site development activity that the Director deems to be in the public's best interest to require that certain site development activity permit application submittal documents be prepared by a professional civil engineer.

13.63.210 - Off-site Analysis. All site development activities which disturb 1 acre or more shall include, along with other required submittal documents, an off-site drainage analysis

as described in the City's Urban Services Standards and Guidelines Manual. The off-site analysis shall be prepared by a qualified professional engineer and based on a field investigation of the development's off-site contributing and receiving drainage areas.

13.63.220 - Geotechnical Analysis. All site development activities where grading or the construction of retention facilities, detention facilities, infiltration facilities or other stormwater facilities are proposed on slopes greater than 15 %, within two hundred feet of slopes steeper than thirty percent, near a landslide area, near an Environmentally Sensitive Area, or where the Director deems that the proposed construction poses a potential hazard due to its proximity to a slope, shall, when required by the Director, include a geotechnical analysis, prepared by a qualified engineer. The geotechnical analysis shall address the effects of groundwater interception and infiltration, seepage, potential slip planes and changes in soil bearing strength.

13.63.230 - Soils Analysis. All site development activities where infiltration facilities are proposed or where the soils underlying the proposed project have not been mapped, or where existing soils maps of the project site are inconsistent, or where the Director deems that existing soils maps of the project site are not of sufficient resolution to allow proper engineering analysis, shall include a soils investigation report.

13.63.240 - Permit Modifications. Proposed modifications to an approved Permit must be submitted to the Department of Community and Economic Development and be reviewed for compliance with this chapter. Substantial proposed modifications, as determined by the Director, shall require additional review fees and shall require re-issuance of the required permit. Minor proposed modifications may be accepted by the Director without requiring the re-issuance of the accepted permit or the payment of additional review fees.

13.63.250 - Erosion and Sedimentation Control.

A. All final drainage, grading, clearing or other site development activities requiring acceptance from the City of Port Angeles Department of Public Works and Utilities shall include a plan for the control of erosion and sedimentation as required in Chapter 6 of the City's Urban Service Standards and Guidelines Manual and in Chapter 15.28 of the Port Angeles Municipal Code for the period beginning with the commencement of site development activity and continuing without interruption until permanent site stabilization is achieved.

B. No clearing, grubbing, grading or other construction activity may take place on a project site until an erosion and sedimentation control plan has been approved by the Department of Public Works and Utilities.

13.63.260 - Property Owner Responsible for Stormwater System Maintenance.

A. Any person or persons holding title to a property for which stormwater facilities and BMP's have been required by the City of Port Angeles shall be responsible for the continual operation, maintenance and repair of the stormwater facilities and BMP's in accordance with the provisions of this chapter.

B. For privately maintained stormwater facilities, the maintenance requirements specified in the Washington State Department of Ecology's 2005 Stormwater management

Manual for Western Washington, Chapter 4, Volume V, shall be enforced against the owner(s) of the subject property served by the stormwater facility.

13.63.270 - Maintenance Covenant Required for Privately Maintained Drainage Facilities.

A. Prior to the beneficial use of a project constructed under a City Building Permit or a Stormwater Discharge Permit, the owner shall record a maintenance covenant which guarantees the City of Port Angeles that the stormwater facilities shall be properly operated, maintained and inspected. The restrictions set forth in such covenant shall be included in any instrument of conveyance of the subject property and shall be recorded with the Clallam County Auditor.

B. Maintenance covenants shall remain in force for the life of the development, or until the responsibility for the operation and maintenance of the subject stormwater facilities is accepted by the City of Port Angeles.

C. Maintenance covenants shall include the maintenance standards specified by the Department of Ecology's 2005 Stormwater Management Manual for Western Washington, Chapter 4, Volume V, a list of maintenance activities and proposed inspection intervals for each element of the private stormwater system, and a guarantee that any maintenance necessary for any element of the stormwater system will be performed to the standards specified by the Department of Ecology's 2005 Stormwater Management Manual for Western Washington, Chapter 4, Volume V and within the following schedule:

1. Within 1 year for wet pool facilities and retention/detention ponds;
2. Within 6 months for typical maintenance;
3. Within 9 months for maintenance requiring re-vegetation;
4. Within two years for maintenance that requires capital construction of less than \$25,000.

13.63.280 - City Inspections of Privately Maintained Stormwater Facilities. The City is authorized to enter at all reasonable times in or upon any property, public or private, for the purpose of operating or maintaining the storm and surface water facilities, or to inspect or investigate any condition relating to the stormwater utility; provided, that the City shall first obtain permission to enter from the owner or person responsible for such premises. If entry is refused, the City shall have recourse to every remedy provided by law to secure entry. Notwithstanding the foregoing, whenever it appears to the City that conditions exist requiring immediate action to protect the public health or safety, the City is authorized to enter at all reasonable times in or upon any property, public or private, for the purpose of inspecting, investigating or correcting such emergency condition.

13.63.290 - City Acceptance of New Stormwater Facilities. The City will accept for maintenance those new residential stormwater facilities constructed under an approved City Building Permit or Stormwater Discharge Permit that meet the following conditions:

A. Improvements in residential plats/PRD's have been completed on at least eighty percent of the lots, unless waived by the Director; and

B. All drainage facilities have been inspected and accepted by the Director and said drainage facilities have been in satisfactory operation for at least two years; and

C. All drainage facilities reconstructed during the maintenance period have been accepted by the Director; and

D. The stormwater facility, as designed and constructed, conforms to the provisions of this chapter; and

E. All easements and tracts required under this chapter, entitling the City to properly operate and maintain the subject drainage facility, have been conveyed to the City of Port Angeles and have been recorded with the Clallam County Auditor; and

F. For non-standard drainage facilities, an operation and maintenance manual, including a maintenance schedule, has been submitted to and accepted by the City of Port Angeles;

G. A complete and accurate set of reproducible mylar as-built drawings have been provided to the City of Port Angeles.

H. A maintenance fee will be assessed to cover the City's costs for maintenance of the stormwater facilities for the life of the development. The fee will be determined based on the complexity and maintenance requirements of the system and the City's labor and equipment costs.

13.63.300 - City Acceptance of Existing Stormwater Facilities. The City of Port Angeles will accept for maintenance those stormwater facilities for residential developments existing prior to the effective date of the ordinance codified in this chapter that meet the following conditions:

A. Improvements in residential plats/PUD's have been completed on at least eighty percent of the lots; and

B. An inspection by the Director has determined that the stormwater facilities are functioning as designed; and

C. The stormwater facilities have had at least two years of satisfactory operation and maintenance, unless otherwise waived by the Director; and

D. The person or persons holding title to the properties served by the stormwater facilities submit a petition containing the signatures of the title holders of more than fifty percent of the lots served by the stormwater facilities requesting that the City maintain the stormwater facilities; and

E. All easements required under this chapter, entitling the City to properly operate and maintain the subject stormwater facilities, have been conveyed to the City of Port Angeles and have been recorded with the Clallam County Auditor; and

F. The person or persons holding title to the properties served by the stormwater facilities shows proof of the correction of any defects in the drainage facilities, as required by the Director.

G. A maintenance fee will be assessed to cover the City's costs for maintenance of the stormwater facilities for the life of the development. The fee will be determined based on the complexity and maintenance requirements of the system and the City's labor and equipment costs.

13.63.310 - Easements, Tracts and Covenants.

A. Drainage easements shall be provided in a proposed development for all stormwater conveyance systems that are not located in public rights-of-way or tracts. The drainage easements shall be granted to the parties responsible for providing on-going maintenance of the systems.

B. Drainage easements through structures are not permitted.

C. Stormwater facilities that are to be maintained by the City of Port Angeles, together with maintenance access roads to the facilities, shall be located in a public right-of-way, separate tract dedicated to the City of Port Angeles, or drainage easement located in designated open space. The exception is for stormwater conveyance pipes that may be located within easements on private property, provided that all catch basins can be accessed without entering private property.

D. All runoff from impervious surfaces, roof drains and yard drains shall be directed so as not to adversely affect adjacent properties. Wording to this effect shall appear on the face of all final plats/PUD's, and shall be contained in any covenants required for a development.

13.63.320 - Extensions - When Required. A storm drain main extension may be required whenever more than one (1) residence or customer is provided service and either the property to be served does not abut a storm drain main or the existing storm drain main is not adequate to provide the necessary service. Main extensions shall be extended to the far side (upstream) property line of the premises being served.

13.63.330 - Extensions - Application.

A. The person desiring a storm drain main extension shall apply to the Director requesting permission to extend the City's storm system.

B. The Director shall review the application, and, if the requested extension is determined to be a proper extension of the storm system, shall provide the petitioner with the design requirements for the extension.

C. If the requested main extension is determined to be an improper extension of the storm system, the application shall be denied.

13.63.340 - Extensions - Preparation of Plans and Specifications. Upon receipt of the design requirements from the Department, the petitioner shall prepare plans and specifications for the extension to be prepared. All design and construction plans and specifications shall be in accordance with this Chapter and the City's Urban Services Standards and Guidelines Manual. The completed plans and specifications shall have a valid Washington State Professional Engineer's seal and endorsement and shall be submitted to the Department for review and approval.

13.63.350 - Extensions - Inspection - Fee - Deposit Required. After approval of the plans and specifications, the Department shall provide the petitioner with an estimate of the construction inspection fee. A permit for construction will be issued after the inspection fees and estimated main connection charges have been deposited with the City Treasurer. If the Director determines that the remaining funds are not adequate to provide necessary inspection for project

completion, the petitioner shall be notified of such and an estimate of additional inspection fee required will be provided. The additional fees shall be deposited with the City Treasurer prior to depletion of the funds on deposit. Any monies unexpended from the inspection deposit upon completion of the project shall be returned to the petitioner.

13.63.360 - Construction of Main Extensions.

A. Storm drain main extensions may be made by private contract, through local improvement district procedure, or by Department forces.

B. Any main extension built by parties other than the Department's forces shall be done by a licensed and bonded contractor of the State of Washington.

C. Extension by the Department's forces shall be at the expense of the person requesting construction of the main.

D. All main extensions must be in the City's frontage of the applicant's property and/or other public rights-of-way.

13.63.370 - Acceptance of Main Extensions.

A. The City reserves the right to reject any installation not inspected and approved by the Department.

B. Upon satisfactory completion of all required tests and acceptance of the main extension, the Department shall cause the extension to be connected to the City system. All costs incurred in such connection(s), including overhead and administrative charges, shall be the responsibility of the petitioner. Any adjustment on the actual cost of installation because of variance between the estimate and the actual cost shall be adjusted by refund upon completion of the job by the petitioner or by payment by the petitioner to the City of any additional expense above the estimate.

C. No storm drain main extension shall be put into service other than for test purposes by duly authorized personnel until the main extension has been accepted by the City and all fees and charges have been paid.

13.63.380 - Extensions - Construction Drawings.

A. Upon completion of a main extension, the petitioner shall provide the Department a drawing that accurately indicates the main extension and appurtenances as actually installed in plan and profile.

B. No main extension will be accepted until satisfactory "as built" drawings are provided.

13.63.390 - Main Extensions Deeded to City.

A. The permit holder shall provide the City with a deed of conveyance for all main extensions as a condition of acceptance of the main extension by the City.

B. The transfer of any main to the City shall be on the condition that the owner, district, company, constructor, or contributor shall transfer or provide for any necessary and proper franchise.

13.63.400 - Violations of This Chapter. The construction or installation of any structure, the connection to a public storm drainage facility, the illicit or illegal discharge to a public storm drainage facility, violations of the construction site stormwater pollution prevention plan, or the failure to operate and maintain a permitted stormwater facility which violate the provisions of this chapter shall be declared to be unlawful and a public nuisance and may be abated as such through the use of civil penalties, stop-work orders, water service shut offs, education and outreach as well as any other remedies which are set forth in this chapter, including, but not limited to, revocation of any permits. If the Director chooses to utilize Title 9 of this Code then a violation of any provision of this chapter shall constitute a Class II misdemeanor. Each violation shall constitute a separate infraction for each and every day or portion thereof during which the violation is committed, continued or permitted. The choice of enforcement action taken and the severity of any penalty shall be based on the nature of the violation, the damage or risk to the public or to public resources, and the response of the offender to less severe enforcement actions.

13.63.410 - Inspection.

A. Routine Inspections. The Director or his designee shall have access to any site for which a site development activity permit has been issued pursuant to Section 13.63.270 during regular business hours for the purpose of on-site review and to insure compliance with the terms of such permit. The applicant for any such permit shall agree in writing, as a condition of issuance thereof, that such access shall be permitted for such purposes.

B. Inspection for Cause. Whenever there is cause to believe that a violation of this title has been or is being committed, the director or his designee is authorized to inspect the project, and any part thereof reasonably related to the violation, during regular business hours, and at any other time reasonable in the circumstances. The applicant for any site development activity permit under this chapter shall, as a condition of issuance of such permit, agree in writing that such access to the project site, which inhibits the collection of information relevant to enforcement of the provisions of this chapter, shall be grounds for issuance of a stop work order by the Director or his designee.

13.63.420 - Inspection Procedures. Prior to making any inspections, the Director or his assignee shall present identification credentials, state the reason for the inspection and request entry.

A. If the property or any building or structure on the property is unoccupied, the Director or his assignee shall first make a reasonable effort to locate the owner or other person(s) having charge or control of the property or portions of the property and request entry.

B. If after reasonable effort, the Director or his assignee is unable to locate the owner or other person(s) having charge or control of the property, and has reason to believe the condition of the site or of the stormwater drainage system creates an imminent hazard to persons or property, the inspector may enter.

13.63.430 - Test Procedures. In the event that water quality testing is utilized in determining whether a violation of this chapter has occurred, the water quality test procedures shall be followed as described in the most recent edition of the Code of Federal Regulations, Part 136.

13.63.440 - Stop Work Orders. Stop work order means a written notice, signed by the Director or his assignee, that is posted on the site of a construction activity, which order states that a violation of a City of Port Angeles ordinance has occurred and that all construction-related activity, except for erosion and sedimentation control activities authorized by the Director, is to cease until further notice. The Director may cause a stop work order to be issued whenever the Director has reason to believe that there is a violation of the terms of this section. The effect of such a stop work order shall be to require the immediate cessation of such work or activity until authorization is given by the Director to proceed.

13.63.450 - Cumulative Civil Penalty. Every person who violates this chapter, or the conditions of a Building Permit or Stormwater Discharge Permit plan, may shall be liable for a civil penalty. The penalty shall not be less than one hundred dollars or exceed one thousand dollars for each violation. This penalty shall be in addition to any other penalty provided by law. Each and every such violation shall be a separate and distinct offense, and each day of continued or repeated violation shall constitute a separate violation.

13.63.460 - Aiding or Abetting. Any person who, through an act of commission or omission, aids or abets in the violation shall be considered to have committed a violation for the purposes of the civil penalty.

13.63.470 - Order to Maintain or Repair. The Director shall have the authority to issue to an owner or person an order to maintain or repair a component of a stormwater facility or BMP to bring it in compliance with this section. The order shall include:

- A. A description of the specific nature, extent and time of the violation and the damage or potential damage that reasonably might occur;
- B. A notice that the violation or the potential violation cease and desist and, in appropriate cases, the specific corrective actions to be taken; and
- C. A reasonable time to comply, depending on the circumstances.

13.63.480 - Notice of Violation - Assessment of Penalty. Whenever the Director has found that a violation of this section has occurred or is occurring, the Director is authorized to issue a notice of violation directed to the person or persons identified by the Director as the violator.

- A. The notice of violation shall contain:
 - 1. The name and address of the property owner;
 - 2. The street address, when available, or a legal description sufficient to identify the building, structure, premises or land upon or within which the violation is occurring;
 - 3. A statement of the nature of such violation(s);

4. A statement of the action that is required to be taken within twenty-one days from the date of service of the notice of violation, unless the Director has determined the violation to be hazardous and to be requiring immediate corrective action, or unless the corrective action constitutes a temporary erosion control measure;

5. A statement that a cumulative civil penalty in the amount of not less than one hundred dollars and not exceeding one thousand dollars per day shall be assessed against the person to whom the notice of violation is directed for each and every day following the date set for correction on which the violation continues; and

6. A statement that the Director's determination of violation may be appealed to the City Manager by filing written notice of appeal, in duplicate, with the City Manager's Office within twenty days of service of the notice of violation. The per diem civil penalty shall not accrue during the pendency of such administrative appeal unless the violation was determined by the Director to be hazardous and to require immediate corrective action or was determined by the Director to constitute a temporary erosion control measure.

B. The notice of violation shall be served upon the person(s) to whom it is directed either personally or by complaint in superior court proceedings or by mailing a copy of the notice of violation by certified mail.

13.63.490 - Appeal and Disposition. A notice of violation issued pursuant to this chapter shall have the following appeal options:

A. Within thirty days from the date of receipt of the notice of violation, the aggrieved person may make application for relief from penalty to the Director. Such application shall contain any information relevant to the situation that the aggrieved party believes the Director should consider. The Director may cancel, lower or affirm the penalty.

B. Within fifteen days from the date of receipt of the Director's response to said application for relief from penalty, the aggrieved party may have the appeal considered by the City Council at its next available regularly scheduled meeting date following the filing of the appeal. The City Council shall issue their decision within fifteen days of the completion of the hearing. The aggrieved party shall be notified by certified mail of the determination of the City Council.

13.63.500 - Liability for Costs of Investigation. Any person found to be in violation of this chapter shall be responsible for the costs of investigation by the City. Such cost may include the analytical services of a certified laboratory.

13.63.510 - Collection of Civil Penalty. The civil penalty constitutes a personal obligation of the person(s) to whom the notice of violation is directed. Penalties imposed under this chapter shall become due and payable thirty days after receiving notice of penalty unless an appeal is filed. The City attorney, on behalf of the City, is authorized to collect the civil penalty by use of appropriate legal remedies, the seeking or granting of which shall neither stay nor terminate the accrual of additional per diem penalties so long as the violation continues.

13.63.520 - Compromise Settlement and Disposition of Suits. The Director and the City Attorney are authorized to enter into negotiations with the parties or their legal representatives

named in a lawsuit for the collection of civil penalties to negotiate a settlement, compromise or otherwise dispose of a lawsuit when to do so will be in the best interest of the City, provided that a report shall be submitted to the City Manager in any instance when a compromise settlement is negotiated.

13.63.530 - Hazards.

A. Whenever the Director determines that any existing construction site, erosion/sedimentation problem, drainage facility, illicit discharge or illicit connection poses a hazard to public safety or substantially endangers property, or adversely affects the condition or capacity of the drainage facilities, or adversely affects the safety and operation of City right-of-way, or violates State water pollution laws, the person to whom the permit was issued, or the person or persons holding title to the property within which the construction site, erosion/sedimentation problem, drainage facility, illicit discharge or illicit connection is located, shall upon receipt of notice in writing from the Director, repair or otherwise address the cause of the hazardous situation in conformance with the requirements of this chapter.

B. Should the Director have reasonable cause to believe that the situation is so adverse as to preclude written notice, he may take the measures necessary to eliminate the hazardous situation, provided that he shall first make a reasonable effort to locate the owner before acting, in accordance with Section 13.63.270. In such instances, the person or persons holding title to the subject property shall be obligated for the payment to the City of Port Angeles of all costs incurred by the City. If costs are incurred and a bond pursuant to this chapter or other City requirement has been posted, the Director shall have the authority to collect against the bond to cover costs incurred.

Section 3. Sections of Ordinance 2734, as amended, and Sections of Chapter 15.28

of the Port Angeles Municipal Code are hereby amended to read as follows:

15.28.010 - Purpose. This Chapter is adopted for the following purposes:

~~A. To promote, protect, and preserve the public interest by establishing standards for and regulating land alteration, particularly the clearing, grading, filling, and/or drainage of land in the City without preventing the reasonable use of land;~~

~~B. To regulate land-disturbing activity for control of erosion, sedimentation, stormwater runoff, water pollution, vegetation removal, and landslide in order to minimize damage to public and private property;~~

~~C. To promote building and site planning practices that are consistent with the City's natural topography, soils, and vegetation features and which implement the Port Angeles Comprehensive Plan and the Washington State Environmental Policy Act;~~

~~D. To minimize hazards to life, health, and property;~~

~~E. To require that development of environmentally sensitive lands be accomplished in a manner which protects those areas from damage or degradation and which promotes the health, safety, and welfare of the public.~~

A. To promote the public health, safety, and general welfare of the citizens and protect public and private resources of the City without preventing the reasonable use, development, and maintenance of land;

B. To avoid or minimize impacts of clearing and grading as a component of land disturbance activities to adjacent and downstream public or private property;

C. To encourage site development on public and private property, including clearing, excavation, and filling in such a manner as to minimize hazards to life, health, and property;

D. To preserve and enhance the physical and aesthetic character of the City by preventing untimely and indiscriminate removal or destruction of trees and ground cover;

E. To preserve, replace, or enhance the natural qualities of lands, watercourses, and aquatic resources, preserve and protect priority fish and wildlife habitats, minimize water quality degradation and the sedimentation of creeks, streams, ponds, lakes, wetlands, marine waters, and other water bodies, and preserve and enhance beneficial uses;

F. To minimize surface water runoff and diversion which may contribute to flooding;

G. To reduce siltation in City streams, lakes, storm sewer systems, and public roadside improvements;

H. To reduce the risk of slides and the creation of unstable building sites;

I. To promote building and site planning practices that are consistent with the City's natural topography, soils, and vegetative features while at the same time recognizing that certain factors such as disease, danger of fallings, proximity to existing and proposed structures and improvements, interference with utility services, protection of scenic views, and the realization of a reasonable enjoyment of property may require the removal of certain trees and ground cover;

J. To ensure prompt development, restoration, and replanting and effective erosion control of property after land clearing and grading;

K. To promote site development planning and building practices that provide for managing surface water runoff on-site and are consistent with the City's natural topography, vegetation cover, and hydrology;

L. To establish a City review process for potentially impactful land disturbing projects to ensure these regulations and goals are met.

Notwithstanding the above-stated purposes, nothing in this Chapter is intended to or shall be deemed to create a duty of the City to protect or promote the interests of any particular person or class of persons. Further, the existence of these regulations or any failure, refusal, or omission of the City to enforce any provision in this Chapter is not intended to prevent, supplant, or affect the right of any person affected by the clearing, grading, filling, and/or drainage operations of another to invoke such private remedies as may be available against such other persons.

15.28.020 - Definitions. In addition to definitions contained in Chapter 15.02 and 15.20, the following definitions shall apply. Where definitions exist in both 15.02, 15.20, and 15.28.020, the definitions in 15.28.020 shall apply.

A. "Accelerated erosion" means any increase over the rate of natural erosion as a result of land-disturbing activity.

B. "Approval" means, for the purposes of this Chapter, approval by the City Engineer.

C. "Buffer zone" means a parcel or strip of land that is required to permanently remain in an undisturbed and untouched condition and within which no building, clearing, grading, or filling is permitted, except for minor maintenance necessary to protect life and property.

D. "Clearing" means the removal of timber trees, brush, grass, ground cover, or other vegetative matter from a site which exposes the earth's surface on the site or results in the loss of forested areas.

E. "Clearing and Grading Permit" means the written permission of the City to the applicant to proceed with the act of clearing, grading, filling, and/or drainage which could disturb the land surface.

F. "Director" means the Director of Public Works and Utilities or an authorized agent of the Public Works and Utilities Department.

G. "Environmentally Sensitive Land Areas" include, but are not limited to, lands identified as environmentally sensitive areas, locally unique features, or critical areas by the City in accordance with the provisions of the State Environmental Policy Act and the Growth Management Act and Section 15.20 of the Port Angeles Municipal Code.

H. "Filling" means the act of transporting or placing (by any manner or mechanism) fill material from, to, or on any soil surface, natural vegetative covering of soil surface, or fill material (including temporary stockpile of material).

I. "Grading" means any act which changes the grade or elevation of the ground surface and for the purposes of this Chapter also includes the excavation and removal of earth material.

J. "Impervious Surface" means a hard surface area that either prevents or retards the entry of water into the soil mantle under natural conditions prior to development or that 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, packed earthen materials, and oiled macadam or other surfaces which similarly impede the natural infiltration of stormwater.

K. "Sedimentation" means the process of deposition of soil and organic particles displaced, transported, and deposited by erosive processes.

L. "SWPPP" means Stormwater Pollution Protection Plan.

15.28.030 - Clearing and Grading Permit Required.

A. No person, corporation, or other legal entity shall make changes or cause changes to be made in the surface of any land by clearing, grading, filling, or drainage alteration in the City without having first obtained a valid clearing and grading permit from the City Engineer; except for those activities that are exempt as described in Section 15.28.040. A Clearing and Grading Permit is required prior to any of the following:

1. Any clearing, filling, excavation, or grading in an environmentally sensitive area, critical area, or critical area buffer.

2. Land disturbance of one (1) acre or more. See the Urban Services Standards and Guidelines, Section 6.02.1 for sites under 1 acre.

3. Fill and/or excavation of one hundred (100) cubic yards or more, even if the excavated material is used as fill on the same site. [Quantities of fill and excavation are calculated separately and then added together to determine the total quantity for the site.]

4. Clearing or grading that will likely penetrate the ground water table, including the construction of ponds and reservoirs.

5. An excavation which is more than five (5) feet in depth or which creates a cut slope greater than five (5) feet in depth or which creates a cut slope greater than five (5) feet in height and steeper than two units horizontal in one unit vertical (2:1).

6. Any re-grading or paving on an area used for stormwater retention or detention or alteration of an existing drainage course.

7. Any proposal to cut down or top by more than one quarter any tree(s) that are required to be preserved by City code, plat condition, or other requirement.

B. Permits are not transferable, unless approved in writing by the City Engineer. The transfer will only be approved when the new applicant has demonstrated that it can and has complied with the conditions of the permit.

15.28.040 - Permit Exemptions. Written permit exemptions shall be issued by the City Engineer. The following shall be exempt from the permit requirements of this Chapter, provided that the exemptions set forth in ~~Subsections G-J~~ shall below may not apply in situations where properties include environmentally sensitive areas. An exemption from a Clearing and Grading Permit does not exempt the person doing the work from meeting all applicable federal, state, and local codes, standards, guidelines, regulations, and permit requirements:

A. Land clearing, grading, filling, sandbagging, diking, ditching, or similar work during or after periods of extreme weather or other emergency conditions which have created situations such as flooding or high fire danger that present an immediate danger to life or property;

B. Land clearing necessitated by order of the City Council related to the abatement of a public nuisance, where the work is administered by the City;

~~C. The removal of dead, trees or of diseased, or damaged trees which constitute an imminent hazard to life or property as described in 15.28.090G;~~

DC. The clearing Work by a public agency or a franchised utility performed under the direction of the City Engineer within a public right-of-way or upon an easement, for the purpose of installing and maintaining water, stormwater, sanitary sewer, power, cable, or communication lines;

ED. Cemetery graves;

FE. Non-destructive vegetation trimming with proper removal and disposal of debris.

GF. Land disturbance that is less than one acre, except those sites meeting any of the conditions listed in 15.28.030 or where an adjacent area containing disturbed areas under the same ownership or chain of ownership has been similarly exempted so that the combined area is one acre or more and final site stabilization is not complete ~~Land that is one acre or less, except where an adjacent area under the same ownership or chain of ownership has been similarly exempted so that the combined area is greater than one acre and erosion control has not~~

been re-established;

HG. If a building permit is issued, no additional clearing, grading, or filling permit or associated fee will be required.; However, the standards established in the City's Urban Services Standards and Guidelines manual and by City ordinance shall be applied as a condition of said building permit, provided that the standards established in this Chapter and pursuant hereto shall be applied to the issuance of said building permit;

H. Forest practices regulated under RCW 76.09. (Activities involving conversion of land to uses other than commercial timber production are subject to clearing and grading regulations.)

I. Refuse disposal sites controlled by other regulations.

J. Mining, quarrying, excavation, processing, or stockpiling of rock, sand, gravel, aggregate, or clay where established and provided by law provided such operations do not affect the lateral support of or increase the stresses in or pressure upon any adjacent or contiguous property.

K. Agricultural crop management of existing and ongoing farmed areas as defined per RCW 84.34.020.

L. Routine landscape maintenance of existing landscaped areas on developed lots.

M. Routine drainage maintenance of existing, constructed stormwater drainage facilities located outside of an environmentally sensitive or other protected area, including, but not limited to, detention/retention ponds, wet ponds, sediment ponds, constructed drainage swales, water quality treatment facilities, such as filtration systems and regional storm facilities that are necessary to preserve the water quality treatment and flow control functions of the facility. This exemption does not apply to any expansion or modification to existing excavated and constructed stormwater drainage facilities.

N. Roadway repairs and overlays within a public street right-of-way for the purpose of maintaining the pavement, curbing, or sidewalk of existing paved roadways.

I. Developments larger than one acre in improved areas served by paved streets, curbs, gutters, storm drains, and other drainage facilities;

J. Work, when approved by the City Engineer, in an isolated, self-contained area, if there is no danger to private or public property.

15.28.050 - Permit Application. An application for a clearing and grading permit shall be submitted on a form provided by the City and identifying the property and owner. Other information may be required by the City Engineer to carry out the provisions of this Chapter.

15.28.060 - Plans and Specifications. Each application shall be accompanied by a ~~minimum of three (3) sets of plans and specifications, including calculations. The plans and specifications shall be prepared by a person familiar with the site. For more complicated sites, the~~ The City Engineer may require that the plans and specifications be prepared by an appropriate qualified professional who shall have his/her signature and stamp affixed to each set. The plans and specifications may shall include the appropriate information from the following as follows:

A. An accurate plan of the entire site as it exists at the time of the application, which includes:

1. All property lines;
2. Contours over the entire site (five-foot contour intervals are standard, but other intervals may be required in specific circumstances);
3. The date, basis, and datum of the contours;
4. A graphic representation of existing vegetation on the site designated by its common names, the amount of bare ground, and the amount and type of impervious material (rock and artificial);
5. The location of all existing drainage facilities, natural and man-made;
6. The location and estimated capacity of any areas which impound surface water;
7. The location and estimated discharge of all visible springs;
8. The location of all structures, utilities, and their appurtenances, including structures and utilities on adjacent properties when such information is reasonably available;
9. Date, north arrow, and adequate scale as approved by the City Engineer on all maps and plans;
10. Identification of and mitigation measures for on-site areas which are subject to severe erosion, and off-site areas which are especially vulnerable to damage from erosion and/or sedimentation.

B. The proposed work schedule, which details the following:

1. Sequence for clearing, grading, filling, drainage alteration, and other land-disturbing activities;
2. On-site soil or earth material storage locations and source of import materials, and location of the site where spoils will be disposed;
3. Schedule for installation and removal of all interim erosion and sediment control measures, including vegetative measures;
4. Schedule for construction of final improvements, if any;
5. Schedule for the installation of required permanent erosion and sediment control devices;
6. An outline of the methods to be used in clearing vegetation and in storing and disposing of the cleared vegetative matter.

C. An accurate finished grading plan of the entire site as it would appear after the completion of work covered by the permit, showing the following:

1. The finished contours achieved by grading (at the same intervals as the existing contours);
2. The boundaries of all areas to remain undisturbed, and identification and the location of all other vegetation shown on the plan that will remain after the completion of work;
3. Drainage and related facilities to be constructed with and as a part of the proposed work;

4. Boundaries of all areas where surface water runoff will be retained, detained, or infiltrated;
5. The method for discharging surface water off-site, including the provisions required to control the velocity and direction of discharge to protect downstream properties;
6. The location of building setback lines, and approximate limits of cuts and fills, including but not limited to foundations, retaining walls, and driveways;
7. Location and dimensions of environmentally sensitive areas and buffer zones and other areas to be maintained or established;
8. The location and description of proposed erosion and sedimentation control devices or structures and schedule of maintenance;
9. Off-site grading shall be noted on the plans, and a dated letter of permission from the property owner of the land affected shall be provided and noted on the plans.

15.28.070 - Additional Application Information. The City Engineer may require the applicant to submit additional information when he finds the submitted plans and specifications and associated information are not clear enough to allow for an adequate determination, or when special conditions are found to exist which require specific explanation. This additional information may include, but is not limited to, the following:

- A. Hydrologic and hydraulic computations of expected storm runoff entering and leaving the site for pre- and post-development conditions;
- B. Engineering geology and soils reports as needed for hydrology, hydraulics, and erosion control design;
- C. Erosion and Sediment Control Plan and supporting calculations;
- D. An engineer's cost estimate of the temporary drainage facilities and final erosion and sediment control when such information is necessary for bonding purposes;
- E. Inspection and maintenance agreement;
- F. Letters of Permission: Off-site grading shall be supported by a dated letter of permission from the affected property owner(s);
- G. A copy of the Hydraulic Permit Application Project Approval (HPA) issued by the Washington State Department of Fisheries, and Wildlife if it an HPA is required.

15.28.080 - Review Criteria. The City Engineer shall review the permit application for compliance with all City ordinances, adopted standards, requested additional data, and the City Comprehensive Plans.

15.28.090 - Standards. No land-disturbing activity subject to the control of this Chapter shall be undertaken except in accordance with the following mandatory standards:

- A. Protection of property: Persons and entities conducting land-disturbing activities shall take all reasonable measures to protect all public and private property from damage caused by such activities.

B. Vegetation protection. Vegetation that is to be retained shall be delineated on the site plan.

BC. Wetland buffers: No land-disturbing activity shall be permitted in an approved wetland buffer, except as otherwise allowed by applicable laws and permits.

CD. Graded slopes and fills: The angle for graded slopes and fills shall be no greater than the angle which can be retained by vegetative cover or other adequate erosion control devices or structures.

DE. Ground cover: No land-disturbing activity shall be undertaken until installation of sufficient erosion and sediment control devices to retain the sediment generated by the activity within the boundaries of the tract during construction ~~upon and development of said tract~~ has been completed. Plantings or a permanent ground cover shall be provided immediately after completion of grading to sufficiently restrain erosion.

EF. Use of vegetative measures: ~~Vegetation measures using~~ Native plants shall be used for erosion and sediment control wherever feasible, rather than structural measures such as pipes, structures, or other devices.

FG. ~~Environmentally sensitive~~ Critical areas: Construction within ~~environmentally sensitive Critical Areas and Critical Area buffers~~ shall be in compliance with Chapter 15.20 PAMC Environmentally Sensitive Areas Protection Ordinance and shall be subject to the review of the Director of Community and Economic Development.

GH. Removal of dead or diseased trees from environmentally sensitive areas or buffers is allowed provided that:

1. The applicant submits a report from a certified arborist, registered landscape architect, or professional forester or arborist that documents the hazard and provides a replanting schedule for the replacement of trees;

2. Tree cutting shall be limited to limbing and crown thinning, unless otherwise justified by a qualified professional. Where limbing or crown thinning is not sufficient to address the hazard, trees should be reduced in height to remove the hazard rather than cut at or near the base of the tree;

3. All cut vegetation cut (tree stems, branches, tops, etc.) shall be left within the environmentally sensitive area or buffer unless removal is warranted due to the potential for disease transmittal to other healthy vegetation, or if the environmentally sensitive area is a steep slope or marine bluff.

4. The landowner shall replace any trees that are felled or topped with new trees at a ratio of two replacement trees for each tree felled or topped (2:1) within one (1) year in accordance with an approved restoration plan. Tree species that are native and indigenous to the site and with a minimum caliper of two (2) inches shall be used for replacement;

5. If a tree to be removed provides critical habitat, such as an eagle perch, a qualified professional wildlife biologist shall be consulted to determine timing and methods or removal that will minimize impacts; and

6. Hazard trees determined to pose an imminent threat or danger to public health or safety, or to public or private property, or serious environmental degradation may be removed or pruned by the landowner prior to receiving written approval from the City of Port Angeles provided that ~~within fourteen (14) days~~ following such action, the landowner shall submit a Clearing and Grading Permit application accompanied by a restoration plan that demonstrates compliance with the provisions of this Title.

15.28.100 - Conditions. In granting any clearing and grading permit, the City Engineer may attach the conditions reasonably necessary to prevent erosion and sedimentation. Such conditions may include, but are not limited to, installing walls, swales, drains, retention facilities, or other structures,; planting appropriate vegetation,; installing erosion and sediment control measures or devices,; furnishing necessary letters of permission and/or easements,; and specifying method of performing the work. Such items must be identified on the approved grading, erosion, and sediment control or other required plans. In addition, the following shall be conditions of all permits:

A. A Construction Stormwater Pollution Prevention Plan (SWPPP) is required in conjunction with a Clearing and Grading Permit for sites that disturb one acre of land or more. A Temporary Erosion and Sediment Control Plan (TESCP) is required in conjunction with a Clearing and Grading Permit for sites that disturb less than one acre of land. The SWPPP or TESCP shall meet all requirements as set forth in Chapter 6 of the current edition of the City of Port Angeles' Urban Services Standards and Guidelines, including any amendments or revisions thereto.

~~A~~B. Notify the City forty-eight (48) hours before commencing any land-disturbing activity.

~~B~~C. Notify the City of completion of any control measures within forty-eight (48) hours after their completion.

~~C~~D. Obtain written permission in writing from the City Engineer prior to ~~modifying any modification of the any approved plans.~~

~~D~~E. Install all control measures as identified in the approved plans.

~~E~~F. Maintain all road drainage systems, stormwater drainage systems, control measures, and other facilities identified in the plans.

~~F~~G. Repair siltation or erosion damage to adjoining surfaces and drainage ways resulting from land ~~developing or~~ disturbing activities.

~~G~~H. Inspect the erosion construction control measures at least once each week during construction and after each runoff producing rain event of 0.5 inches or more (over a 24-hour period), and immediately make any needed repairs.

~~H~~I. Allow the City to enter the site for the purpose of inspecting compliance with the plans or for performing any work necessary to bring the site into compliance with the plans.

~~I~~J. Keep an up-to-date, approved copy of the plans on the site.

~~J~~K. Ensure that all workmanship and materials are in accordance with City standards and the most recent edition of the Washington State Specifications for Road, Bridge, and Municipal Construction.

15.28.110 - Maintenance Responsibilities. The Permittee may be required to provide ~~A~~ a maintenance schedule of constructed temporary private facilities shall be developed for facilities constructed and measures implemented pursuant to this Chapter. The schedule shall set forth ~~the~~ maintenance and inspection(s) to be completed, the time period for completion, and who shall perform the maintenance and inspection(s). The schedule shall be included with all required plans and permits and shall be recorded by the property owner or agent with the County Auditor so that maintenance and inspection responsibilities attach to the property and shall be the duty of the property owner(s).

15.28.120 - Permit Issuance - Expiration - Extension.

A. A clearing and grading permit shall be issued only after compliance with the requirements of this Chapter and the deposit with the City Treasurer of permit fees for plan review, inspection, and related expenses as required pursuant to PAMC 15.28.130.

B. Any permit granted under this Chapter shall expire one (1) year from the date of issuance; provided, however, that the City Engineer may set specific limits to the permit if it is advisable to do so. ~~Upon a showing of good cause,~~ With approval of the City Engineer a permit may be extended for one (1) twelve-month period.

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15.28.160 - Inspections.

A. All projects which include clearing, grading, filling, or temporary drainage facilities shall be subject to inspection by the City Engineer or his designee, who shall be granted reasonable right of entry to the work site by the permittee. When required by the City Engineer, special inspection of the grading operations and special testing shall be performed by qualified professionals employed by the permittee. Inspections in conjunction with Hydraulic Permits will be performed and enforced by the Washington State Department of Fisheries or Wildlife.

B. Each site that has approved grading, erosion and sediment control or other required plans must be inspected as necessary to ensure that the sediment control measures are installed and effectively maintained in compliance with the approved plan and permit requirements. Where applicable, the permittee must obtain inspection by the City at the following stages:

1. Following the installation of sediment control measures or practices and prior to any other land-disturbing activity;

2. Following the establishment of any tree protection zone(s) and prior to any other land disturbing activity;

23. During the construction of sediment basins or stormwater management structures;

34. During rough grading, including hauling of imported or wasted materials;

45. Prior to the removal or modification of any sediment control measure or facility; and

56. Upon completion of final grading, including establishment of ground covers and planting, installation of all vegetative measures, and all other work in accordance with an the approved plan or permit.

C. The permittee may secure the services of an engineer, subject to the approval of the City Engineer, to inspect the construction of the facilities and provide the City with a fully documented certification that all construction is done in accordance with the provisions of an the approved, ~~grading, erosion and sedimentation control or other required~~ plan, applicable rules, regulations, permit conditions, and specifications. If inspection certification is provided to the City, then the normal inspections performed by the City for the permit may be waived. In these cases, the City shall be notified at the required inspection points and may make spot inspections.

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15.28.180 - Completion of Work.

A. Construction Changes. Whenever changes must be made to the ~~original~~ approved plan, the changes shall be submitted to and approved by the City Engineer in advance of the construction of those changes.

B. Final Reports. Upon completion of the rough grading and at the final completion of the work, the City Engineer may require the following reports, drawings, and supplements thereto to be prepared and submitted by the owner and/or an appropriate qualified professional approved by the City Engineer:

1. An as-built grading plan, including original ground surface elevations, final surface elevations, lot drainage patterns, and locations and elevations of all surface and subsurface drainage facilities.

2. A soils grading and/or geologic grading report, including locations and elevations of field density tests and geologic features, summaries of field and other laboratory tests, and other substantiating data and comments or any other changes made during grading and their effect on the recommendations made in the approved grading plan.

C. Notification of Completion. The permittee or his/her agent shall notify the City Engineer when the grading operation is ready for final inspection. Final approval shall not be given until all work has been completed in accordance with the ~~final approved grading, erosion and sedimentation control~~ clearing and grading permit, including any conditions thereto, and other required all approved plans, and the any required reports have been submitted and accepted.

15.28.190 - Posting of Permit. No work shall commence until a valid permit has been posted by the applicant on the subject site at a conspicuous location. The permit shall remain posted until the project has been completed and final inspection.

15.28.200 - Administration and Enforcement. The City Engineer is authorized and directed to administer and enforce the provisions of this Chapter. For such purpose, he shall have the powers as detailed in PAMC 14.01.060 ~~of a police officer~~ and may appoint and deputize such officers, inspectors, assistants, and other employees as may be necessary to carry out the duties and functions of his office and to provide technical data for plans and on-site follow-up inspections to assure implementation of required plans and specifications; except that enforcement of Hydraulic Permits shall be performed by the Washington State Department of Fisheries and Wildlife.

15.28.210 - Appeals. Any person or persons aggrieved by any action of the City Engineer pursuant to the provisions of this Chapter may file an appeal ~~with the Construction Code Board of Appeals~~ as set forth in Chapter ~~14.01~~ 18.08.130 PAMC.

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15.28.230 - Other Laws.

A. Whenever conflicts exist between Federal, State, or local laws, ordinances, or rules, the more restrictive provision shall apply.

B. Neither this Chapter nor any administrative decision made under it:

1. Exempts the permittee from procuring other required permits or complying compliance with the requirements and conditions of such a permit; or

2. Limits the right of any person to maintain against the permittee at any time, any appropriate action, at law or in equity, for relief from damages caused by the permittee arising from the permitted activity.

15.28.240 - Removal of Dirt, Debris, or Other Material Sanctions.

A. Whenever property damage is occurring or imminent as a result of an activity inconsistent with ~~the purpose and intent of this Chapter~~, as determined by the City Engineer, the offending person, company, or firm shall, after notice ~~of clean up given~~ by the City Engineer, ~~remove such material or make take necessary revisions action~~, as instructed by the City Engineer; ~~to remove the cause of the offending activity~~ correct the situation.

B. If the person, company, or firm does not take the action ordered by the City Engineer, such offending party shall be guilty of a civil infraction ~~and shall be punished punishable~~ as set forth in Section 15.28.260. In addition, the City Engineer may cause the debris and other materials to be cleaned up and/or the activity altered. All expenses of such work, including the costs of litigation, if necessary, and administrative costs shall be chargeable to the owner or other person having charge of or having ordered the activity.

...

Section 4 - Severability. If any provisions of this Ordinance or its applications to any person or circumstances is held to be invalid, the remainder of the Ordinance or application of the provisions of the Ordinance to other persons or circumstances is not affected.

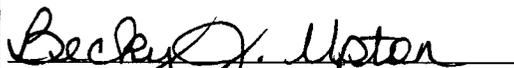
Section 5 - Corrections. The City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of the scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 6 - Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum. This ordinance shall take effect August 15, 2009.

PASSED by the City Council of the City of Port Angeles at a regular meeting of said Council held on the 16th day of June, 2009.


MAYOR

ATTEST:


Becky J. Upton, City Clerk

APPROVED AS TO FORM:


William E. Bloor, City Attorney

PUBLISHED: June 21, 2009
By Summary

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Summaries of Ordinances Adopted by the
Port Angeles City Council
on June 16, 2009

Ordinance No. 3365

This Ordinance of the City of Port Angeles, Washington, rezones approximately 21,000 square feet of property from Commercial Neighborhood (CN) to Residential High Density (RHD).

Ordinance No. 3366

This Ordinance of the City of Port Angeles, Washington, revises Chapters 11.08, 11.12 and 11.18 of the Port Angeles Municipal Code relating to construction, excavation and use of rights-of-way.

Ordinance No. 3367

This Ordinance of the City of Port Angeles, Washington, revises and adds sections of the Port Angeles Municipal Code relating to Stormwater Utility and Regulations for compliance with the City's Phase II NPDES stormwater permit. This Ordinance shall take effect August 15, 2009.

Ordinance No. 3368

This Ordinance of the City of Port Angeles, Washington, adopts amendments to the Comprehensive Plan and Land Use Map.

The full texts of the Ordinances are available at City Hall in the City Clerk's office or will be mailed upon request. Office hours are Monday through Thursday, 8:30 a.m. to 4:00 p.m., and Friday, 8:30 a.m. to 12:30 p.m. Unless otherwise stated above, these Ordinances shall take effect five days following the date of publication by summary.

Becky J. Upton, MMC
City Clerk

Publish: June 21, 2009