

**Notes for Reviewers:**

Proposed new code Language is in **Red**. Existing code language proposed for removal has been ~~stricken through~~.

Applicable codes that are part of this update are: Chapter 13.63 and Chapter 3.70.110. Chapter 13.63 is provided in its entirety here-in, while only a subset of Chapter 3.70.110 have been included due to its long length and small proposed impact. If there are other sections of code that are relevant and should be updated with this effort, please bring those sections to our attention.

Link to PAMC in its entirety: [https://library.municode.com/wa/port\\_angeles/codes/code\\_of\\_ordinances](https://library.municode.com/wa/port_angeles/codes/code_of_ordinances)

## TITLE 13 - PUBLIC UTILITIES

### CHAPTER 13.63 STORMWATER—UTILITY AND REGULATIONS

#### 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;
- C. Provide public education, outreach, participation, and involvement in the protection of water quality; and
- D. Establish general rules and regulations for the service and extension of service from the stormwater system.
- E. **Define and implement regulatory programs intended to identify sources of pollution and reduce or prevent adverse impacts from urban stormwater on receiving waters and the environment.**

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. 3367 § 2, 8/15/2009)

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### 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 2, 3, and 4, and Appendices 1-C, 1-D and 1-E, Volume I; Chapters 3 and 4, Volume II; the entirety of Volume III; the entirety of Volume IV, and the entirety of Volume V of the Department of Ecology's 2014 Stormwater Management Manual for Western Washington (SWMMWW [2014]), or the most recent update.~~
- B. Ecology's 2019 Stormwater Management Manual for Western Washington (SWMMWW), or the most recent update or version.
- ~~C. Appendix I of the City of Port Angeles' Western Washington Phase II Municipal Stormwater Permit, issued in August 2012, effective August 2013, and revised in January 2014; or the most recent update.~~
- C. Appendix I, VII, & VIII of Ecology's 19-24 Western Washington Phase II Municipal Stormwater Permit, or the most recent update or version.
- D. 2012 Low Impact Development Technical Guidance Manual for Puget Sound, published by Washington State University and the Puget Sound Partnership, or the most recent update.
- E. The City of Port Angeles' Illicit Discharge Detection and Elimination (IDDE) Response Policy and Procedures; most recent version.

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

(Ord. 3568 § 1, 12/20/2016; Ord. 3367 § 2, 8/15/2009)

### 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.

(Ord. 3367 § 2, 8/15/2009)

### 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 one mile in highly developed business areas to five 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

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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, maintenance procedures, and structural and/or managerial practices, that when used singly or in combination, prevent or reduce the release of pollutants and other adverse impacts to waters of Washington State (as per the Department of Ecology's SWMMWW [2014]).
- 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 Department of Ecology's SWMMWW (2014)). 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 (as per the Department of Ecology's SWMMWW [2014]).
- 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 multi-family, commercial, retail, public, government, non-profit and all other non-residential uses.
- G. *Compost-amended soil* - means establishment of a minimum soil quality and depth to regain stormwater functions in the post development landscape, provide increased treatment of pollutants and sediments that result from development and habitation, and minimize the need for some landscaping chemicals.
- H. *Director* - means the City of Port Angeles Director of Public Works and Utilities or his or her designee.
- I. *Effective impervious surface* - means those impervious surfaces that are connected via sheet flow or discrete conveyance to a drainage system. Impervious surfaces are considered ineffective if: 1) the runoff is dispersed through at least 100 feet of native vegetation in accordance with BMP T5 30 - "Full Dispersion," as described in Chapter 5 of Volume V of the Department of Ecology's SWMMWW (2014); 2) residential roof runoff is infiltrated in accordance with downspout full infiltration systems, per BMP 5.10A in Volume III of the Department of Ecology's SWMMWW (2014); or 3) approved continuous runoff modeling methods indicate that the entire runoff file is infiltrated (as per the Department of Ecology's SWMMWW [2014]).

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- J. *Feasibility* - Low impact development best management practices (BMP) are required where feasible. A BMP is determined feasible when infeasibility criteria are not triggered as defined in the Department of Ecology SWMMWW and City of Port Angeles Urban Service Standards and Guidelines Chapter 5, Appendix D.
- K. *Groundwater* - means water in a saturated zone or stratum beneath the surface of the land or below a surface water body.
- L. *Hard surface* - means an impervious surface, a permeable pavement, or a vegetated roof.
- M. *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.
- N. *Highway* - means a main public road connecting towns and cities.
- O. *Hyperchlorinated* - means water that contains more than ten mg/liter chlorine.
- P. *Illicit discharge* - means any direct or indirect non-stormwater discharge to the City's stormwater system, except as expressly allowed by this chapter.
- Q. *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.
- R. *Impaired capacity system* - means the flow volume or rate is greater than what a facility (e.g., pipe, pond, vault, swale, ditch, drywell, etc.) is designed to safely contain, receive, convey, reduce pollutants from, or infiltrate to meet a specific performance standard. System capacity shall be evaluated using a qualitative analysis and/or a quantitative analysis that shall include continuous runoff modeling of the 25-year recurrence interval flow. A system is considered to be impaired when it is not able to convey the 25-year recurrence interval flow without surcharging.
- S. *Impervious surface* - means a non-vegetated surface area that either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A non-vegetated surface area 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. 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 (as per the Department of Ecology's SWMMWW [2014]).
- T. *Land disturbing activity* - means 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.
- U. *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

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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.

- V. *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.
- W. *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.
- X. *Native vegetation* - means 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.
- Y. *New development* - means 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.
- Z. *Non-impaired capacity system* - means the flow volume or rate that a facility (e.g., pipe, pond, vault, swale, ditch, drywell, etc.) is designed to safely contain, receive, convey, reduce pollutants from, or infiltrate to meet a specific performance standard. System capacity shall be evaluated using a qualitative analysis and/or a quantitative analysis which shall include continuous runoff modeling of the 25-year recurrence interval flow. System capacity is considered to be non-impaired if it conveys a 25-year recurrence interval flow without surcharging.
- AA. *Non-stormwater discharge* - means any discharge to the storm drain system that is not composed entirely of stormwater.
- BB. *Permeable pavement* - Pervious concrete, porous asphalt, permeable pavers or other forms of pervious or porous paving material intended to allow passage of water through the pavement section. It often includes an aggregate base that provides structural support and acts as a stormwater reservoir.
- CC. *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.
- DD. *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

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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.

- EE. *Pollution-generating impervious surface (PGIS)* - means 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 (as further defined in the Department of Ecology's SWMMWW [2014]), or storage of erodible or leachable materials, wastes, or chemicals, and which receive direct rainfall or the run-on or blow-in of rainfall; metal roofs unless they are coated with an inert, non-leachable material (e.g., baked-on enamel coating); or roofs that are subject to venting significant amounts of dusts, mists, or fumes from manufacturing, commercial, or other indoor activities (as per the Department of Ecology's SWMMWW [2014]).
- FF. *Pollution-generating pervious surfaces (PGPS)* - means any non-impervious surface subject to vehicular use, industrial activities (as further defined in the Department of Ecology's SWMMWW [2014]); or storage of erodible or leachable materials, wastes or chemicals, and that receive direct rainfall or run-on or blow-in of rainfall, use of pesticides and fertilizers or loss of soil. Typical PGPS include permeable pavement subject to vehicular use, lawns and landscaped areas, including golf courses parks, cemeteries, and sports fields (natural and artificial turf) (as per the Department of Ecology's SWMMWW [2014]).
- GG. *Pre-developed condition* - means 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.
- HH. *Premises* - means any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.
- II. *Project site* - means that portion of a property, properties, or right-of-way subject to land disturbing activities, new impervious surfaces, or replaced impervious surfaces.
- JJ. *Rain garden* - means a non-engineered shallow, landscaped depression, with compost-amended native soils and adapted plants. The depression is designed to pond and temporarily store stormwater runoff from adjacent areas, and to allow stormwater to pass through the amended soil profile.
- KK. *Receiving waters* - means bodies of water or surface water systems to which surface runoff is discharged via a point source of stormwater or via sheet flow.
- LL. *Redevelopment* - On a site that is already substantially developed (i.e., has 35 percent 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.
- MM. *Replaced impervious surface* - means, 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.
- NN. *Single-family property* - means all property used for single-family residential uses.

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- OO. *Site* - means 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.
- PP. *Source control BMP* - means 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 SWMMWW (2014) 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 Volume IV of the Department of Ecology's SWMMWW (2014).
- QQ. *Stormwater* - means runoff during and following precipitation and snowmelt events, including surface runoff and drainage.
- RR. *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.
- SS. *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.
- TT. *Threshold discharge area* - means an on-site 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 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.
- UU. *Wetland* - means those areas that are inundated or saturated by surface or groundwater 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.

(Ord. 3568 § 1, 12/20/2016; Ord. 3367 § 2, 8/15/2009)

### **13.63.045 Exceptions, variances and adjustments.**

Exceptions, variances and adjustments to the stormwater development minimum requirements may be granted by the Director of Community and Economic Development. See section 17.94.190 of this Code.

(Ord. 3568 § 1, 12/20/2016)

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### **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.

(Ord. 3367 § 2, 8/15/2009)

### **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.

(Ord. 3367 § 2, 8/15/2009)

### **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.

(Ord. 3367 § 2, 8/15/2009)

### **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.

(Ord. 3367 § 2, 8/15/2009)

### **13.63.090 Annual charge.**

- A. 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.*
  - 1. Effective January 1, 2020, the annual stormwater utility charge for each non-discounted single-family and duplex residential property shall be \$204.14.
  - 2. Effective January 1, 2020, the annual stormwater utility charge for single-family and duplex residential property for those qualifying for discounts per section 13.20 PAMC shall be \$153.11 for 25% discount eligible and \$132.69 for 35% discount eligible.
- C. The annual stormwater utility charge for all commercial/multiple property shall be calculated by dividing the total impervious area in square feet by 3,000 square feet, times the rate of \$200.85. The minimum annual

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fee for a commercial/multiple property shall be not less than the annual fee rate of \$200.85 and the maximum annual fee shall be not more than 15 times that rate.

- D. The annual stormwater utility charge for all non-taxable federal property shall be calculated by dividing the total impervious area in square feet by 3,000 square feet, times the rate of \$190.58. The minimum annual fee for a non-taxable federal property shall not be less than the annual fee rate of \$190.58 and the maximum monthly fee shall be not more than 15 times that rate. E. 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. 3635 § 1, 10/15/2019; Ord. 3601 § 4, 12/19/2017; Ord. 3538 § 2, 9/1/2015; Ord. 3464 § 4, 10/16/2012, eff. 1/7/2013; Ord. 3367 § 2, 8/15/2009)

Editor's note(s)—Formerly entitled "Monthly charge", which was rename as herein set out above by Ord. 3635 .

### **13.63.095 Stormwater Program Charge.**

Each property or businesses subject to routine Stormwater Programmatic Inspections, such as: Annual Stormwater Facility Inspections, Source Control Inspections for existing Development, etc., shall be charged a fixed-rate fee of \$260.00 to accommodate staff time, equipment, tracking software, and other associated costs. This rate will be applied annually per PAMC 13.63.110. The City's inventory of applicable businesses or properties will be updated annually.

### **13.63.100 Rate adjustment.**

- A. Stormwater rebates may be issued for retrofit, new development or redevelopment projects that meet the following conditions:
1. Overall project with less than 5,000 square feet of new or replaced hard surfaces, and implements two or more of the following:
    - a. Permeable pavement;
    - b. Compost amended soils per BMP T5.13 in all disturbed area not covered by new improvements;
    - c. Rain gardens.
  2. LID facilities and best management practices (BMPs) listed in subsection A.1 above, must be designed and maintained in accordance with the Department of Ecology's SWMMWW (2014).
  3. Stormwater rebates as available funding allows include the following:
    - a. Permeable pavement - \$1.00 per square foot towards materials, up to a maximum rebate of \$1,000.00 per household or business.
    - b. Compost amended soils - Voucher for ten cubic yards of Garden Glory compost.
    - c. Rain gardens - Rebate for materials to install a rain garden, up to a maximum rebate of \$1,000.00, per household or business.
- B. Stormwater rebates may be issued for retrofit, new development, or redevelopment project that meet the following conditions:
1. Overall project is less than the minimum requirement #5 threshold (see Chapter 5 of the City of Port Angeles Urban Service Standards and Guidelines) or is a retrofit project that implements a rain garden.

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2. Rain gardens must be designed and maintained in accordance with the Department of Ecology's SWMMWW (2014).
  3. Stormwater rebates as available funding allows include a rebate for materials to install a rain garden, up to a maximum rebate of \$1,000.00, per household or business.
- C. 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 hard surfaces or if the property owner disagrees with the City's calculations of the rate, or the amount of hard surface area used by the City in calculating the rate, under PAMC 13.63.100.C. A request for an adjustment shall be submitted in writing to the Director of Public Works and Utilities. If the property contains no hard surfaces, the rate shall be adjusted to zero. If the City's calculations or amount of hard surfaces under PAMC 13.63.100.C 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.
- D. 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. 3568 § 1, 12/20/2016; Ord. 3367 § 2, 8/15/2009)

### **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 semi-annually 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. 3367 § 2, 8/15/2009)

### **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.

(Ord. 3367 § 2, 8/15/2009)

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### **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 prohibited, unless the stated 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, spa and hot tub 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. Discharges shall be thermally controlled to prevent an increase in temperature of the receiving water. Swimming pool cleaning wastewater and filter backwash shall not be discharged to the MS4.
  - 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 permittee.
  - 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 groundwaters.
  - 3. Uncontaminated groundwater infiltration (as defined at 40 CFR 35 2005(20)).
  - 4. Uncontaminated pumped groundwater.
  - 5. Foundation drains.
  - 6. Air conditioning condensation.
  - 7. Irrigation water from agricultural sources that is commingled with urban stormwater.
  - 8. Springs.
  - 9. Uncontaminated water from crawl space pumps.
  - 10. Footing drains.

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11. Flows from riparian habitats and wetlands.
  12. Non-stormwater discharges covered by another NPDES or State waste discharge permit.
  13. Discharges from emergency firefighting 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.

(Ord. 3568 § 1, 12/20/2016; Ord. 3367 § 2, 8/15/2009)

#### **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.

(Ord. 3367 § 2, 8/15/2009)

#### **13.63.150 Stormwater discharge into sanitary sewer system prohibited.**

- A. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, 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 subsection 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.

(Ord. 3367 § 2, 8/15/2009)

#### **13.63.160 Unpolluted stormwater discharge shall have approved outlet.**

- A. Stormwater shall be discharged to such sewers as are specifically designated as 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.

(Ord. 3568 § 1, 12/20/2016; Ord. 3367 § 2, 8/15/2009)

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### **13.63.170 Reserved.**

Editor's note(s)—Ord. 3568 § 1, adopted Dec. 20, 2016, deleted § 13.63.170 entitled "Review by Department of Community and Economic Development," which derived from Ord. 3367 § 2, adopted Aug. 15, 2009.

### **13.63.180 Stormwater permitting.**

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 if they drain into a City stormwater facility:

- 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. Building and sidewalk washing.
- D. All new development or redevelopment which does not require a building permit or clearing and grading permit, but which discharges stormwater either directly or indirectly to the City's stormwater system. Building and clearing and grading permits shall apply all standards and requirements established in the City's Urban Service Standards and Guidelines Manual, by City ordinances, and the Department of Ecology's SWMMWW (2014). Stormwater inspection and storm drain connections fees shall be charged on the building permit or clearing and grading permit.

(Ord. 3568 § 1, 12/20/2016; Ord. 3367 § 2, 8/15/2009)

### **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, 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 require a stormwater treatment, flow control, or on-site stormwater management BMP/facility, the City adopts and requires the use of Chapters 2, 3 and 4 and Appendices 1-C, 1-D and 1-E, Volume I, Chapters 3 and 4, Volume II; the entirety of Volume III; the entirety of Volume IV, and the entirety of Volume V of the Department of Ecology's 2014 Stormwater Management Manual for Western Washington (SWMMWW [2014]), 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 Department of Ecology's SWMMWW (2014) 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 SWMMWW [2014] are required and will be reviewed by the City for all site development activities that disturb one acre or more.
- F. Beneficial use of roof runoff harvested for non-potable uses is allowed as expressly permitted and conditioned by the Director.

(Ord. 3568 § 1, 12/20/2016; Ord. 3367 § 2, 8/15/2009)

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### **13.63.200 Professional Engineer—When required.**

Site development activities shall require the submittal of documents prepared by a qualified professional engineer or under the direction of a licensed engineer when one of the following conditions exists:

- A. Any land use or building or development on real property that involves the construction of structural source control BMPs or drainage conveyance systems;
- B. Any land use or building or development on real property that requires a flow control or treatment or LID facility;
- C. Any land use of building development on real property that involves engineering calculations as part of a Construction Stormwater Pollution Prevention Plan (SWPPP);
- D. 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

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 licensed engineer.

(Ord. 3568 § 1, 12/20/2016; Ord. 3367 § 2, 8/15/2009)

### **13.63.210 Off-site analysis.**

All site development activities that discharge stormwater off-site which adds 10,000 square feet or more of new or replaced impervious surface, or that convert three-quarters of an acre of pervious surfaces to lawn or landscaped areas, or that convert 2.5 acres or more forested area to pasture 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.

(Ord. 3568 § 1, 12/20/2016; Ord. 3367 § 2, 8/15/2009)

### **13.63.220 Geotechnical analysis.**

All site development activities where grading or the construction of retention facilities, detention facilities, dispersion facilities, infiltration BMPs/facilities or other stormwater facilities are proposed on slopes greater than 15 percent, within 200 feet of slopes steeper than 30 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.

(Ord. 3568 § 1, 12/20/2016; Ord. 3367 § 2, 8/15/2009)

### **13.63.230 Soils analysis.**

All site development activities where infiltration BMPs/facilities (including infiltration basins, trenches, ponds, bioretention, permeable pavement, rain gardens, and downspout infiltration BMPs) 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

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resolution to allow proper engineering analysis, shall include a soils investigation report, by a qualified professional. Exemptions may be granted for rain garden retrofit projects.

(Ord. 3568 § 1, 12/20/2016; Ord. 3367 § 2, 8/15/2009)

### **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.

(Ord. 3367 § 2, 8/15/2009)

### **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.

(Ord. 3367 § 2, 8/15/2009)

### **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 BMPs have been required by the City of Port Angeles shall be responsible for the continual operation, maintenance and repair of the stormwater facilities and BMPs in accordance with the provisions of this chapter.
- B. For privately maintained stormwater facilities, the maintenance requirements specified in the Department of Ecology's SWMMWW (2014), Chapter 4, Volume V, shall be required of the owner(s) of the subject property served by the stormwater facility.

(Ord. 3568 § 1, 12/20/2016; Ord. 3367 § 2, 8/15/2009)

### **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.

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- C. Maintenance covenants shall include the maintenance standards specified by the Department of Ecology's SWMMWW (2014), 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 SWMMWW (2014), Chapter 4, Volume V and within the following schedule:
1. Within one year for wet pool facilities and retention/detention ponds;
  2. Within six months for typical maintenance;
  3. Within nine months for maintenance requiring re-vegetation;
  4. Within two years for maintenance that requires capital construction of less than \$25,000.00.
- D. After satisfactory completion of a stormwater treatment and/or flow control facility meeting minimum requirements #6 and/or #7 or final plat approval, a stormwater facility maintenance bond or other surety acceptable to the City must be posted that warrants the satisfactory performance and maintenance of the stormwater facility for a period of two years. If the City assumes maintenance of the facility, the stormwater facility maintenance bond shall be posted for a period of two years from the date the City assumes maintenance responsibilities.

(Ord. 3568 § 1, 12/20/2016; Ord. 3367 § 2, 8/15/2009)

### **13.63.275 Source Control Program for Existing Development.**

- A. The City's regulatory source control program has been initiated to satisfy Ecology's minimum requirements described in the 2019-2024 Phase II Municipal Stormwater Permit and developed to serve the community and future generations by working to protect human and environmental health from contaminated stormwater runoff. The purpose of this program is to prevent and reduce pollutants in runoff from businesses and operations occurring within City limits.
- B. Local business owners, identified by the City as having the potential to pollute, are required to participate in the program. Business owner participation in the program consists of:
1. Engaging with the City in all necessary communications, scheduling, information gathering, documentation, and records requests in a timely and professional manner.
  2. Utilize the City's Source Control Program digital tracking and reporting platform, as it becomes available.
  3. Provide access to the site and all applicable parameters of the site for inspections or re-inspections.
  4. The business owner, or qualified designee, shall attend each inspection or re-inspection.
  5. Implement operational and structural stormwater best management practices (BMPs) that apply to the site and are required by the City.
  6. Document applicable source control policies and procedures.
  7. Provide business specific stormwater management and source control trainings to staff.
  8. Under the umbrella of AKART, comply with City issued directives deemed necessary to reduce pollution or risk of pollution being generated in stormwater runoff from their site.
- C. Stormwater Best Management Practices (BMPs) for source control are described in Volume IV of the SWMMWW. All business owners are required to implement or apply BMPs listed as *Applicable to All Sites*. Activity specific BMPs that are applicable to a site shall be implemented and applied appropriately. Structural source control BMPs, or treatment BMPs/facilities, or both, shall be required for pollutant generating sources if operational source control BMPs do not prevent illicit discharges or violations of surface water, groundwater, or sediment management standards because of inadequate stormwater controls.

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- D. All structural or operational BMPs that apply to a business site or activity shall be documented and maintained in the business owner’s policies and procedures and used to train staff and perform self-inspections, maintenance, and updates. In cases where the SWMMWW lacks guidance for a specific source of pollutants, the business owner/operator shall work with the City to implement or adapt BMPs based on the best professional judgement of the City.
  - E. After an inspection, the City will communicate inspection results with the business owner in writing. Items or deficiencies identified by the City as requiring improvement, upgrade, or maintenance will be listed along with a reasonable timeframe for the work to be completed.
  - F. In situations where deficiencies are found or elevated risk should be reduced using AKART, the City will attempt to provide or connect the responsible party with relevant education, technical expertise, and resources.
  - G. A business maintains compliance with the Source Control program by:
    - 1. participating in the program, as described in section B above,
    - 2. implementing the required BMPs applicable to the site, and by
    - 3. satisfying post-inspection directives necessary to reduce or eliminate contaminated runoff or risk of pollution given by the City and within the timeframes specified.

If the City determines, through inspections or otherwise, that a business is noncompliant with program requirements, the City will implement a progressive enforcement policy against the business owner until compliance is regained.

- H. Progressive enforcement is intended to encourage the business owner to address the issues of non-compliance resulting in reducing or eliminating pollution or risk of pollution by incrementally applying adverse consequences to continued non-compliance. The City’s progressive enforcement policy, applicable to the Source Control Program, as well as the overall Stormwater Management Program, is as follows:
  - 1. Issuance of a Notice of Noncompliance (NoNC) to the business and/or property owner(s), defining:
    - i. the specific issue(s) of non-compliance
    - ii. specific corrective actions to be taken, if applicable
    - iii. a pathway for the responsible party to regain compliance, if applicable
    - iv. a reasonable time for the responsible party to comply that is appropriate to the situation and as determined solely by the City.
    - v. contact information for a person or department at the City capable of providing assistance to the responsible party regarding the NoNC
  - 2. Issuance of an Order to Maintain or Repair, if applicable, and as defined in PAMC 13.63.470. If appropriate, an Order to Maintain or Repair may be issued in conjunction with a Notice of Violation.
  - 3. Issue a Notice of Violation (NOV), as defined in PAMC 13.63.480. Progressive enforcement after issuance of a NOV is described in multiple subsections of this chapter, depending on circumstances, may include: assessment of civil penalty and initiation of a lawsuit.
  - 4. Assessment of Civil Penalties and other costs associated, as described in PAMC 13.63.480 and 13.63.500.
  - 5. Initiate appropriate legal remedies to collect civil penalties, as described in PAMC 13.63.510.

The City’s progressive enforcement policy may be applied by the City in any order and to an extent deemed appropriate by the City and as determined to be in the best interest of the City. Recourse to any single remedy shall not preclude recourse to any other remedies available to the City.

- I. Resolution to a hazardous or potentially hazardous situation is described in PAMC 13.63.530.

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### **13.63.280 City inspections of privately maintained stormwater facilities.**

- A. 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.
- B. Alternatively, a private property owner can choose to hire, at the owner's expense, a qualified third party contractor to conduct stormwater system and facility inspections and submit the inspection results to the City. The contractor shall require pre-approval from the City.

(Ord. 3568 § 1, 12/20/2016; Ord. 3367 § 2, 8/15/2009)

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

(Ord. 3367 § 2, 8/15/2009)

### **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 80 percent of the lots; and

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- 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 50 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; and
  - 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.

(Ord. 3367 § 2, 8/15/2009)

### **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.

(Ord. 3367 § 2, 8/15/2009)

### **13.63.320 Extensions—When required.**

A storm drain main extension may be required whenever there is the potential to service more than one residence or customer 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.

(Ord. 3568 § 1, 12/20/2016; Ord. 3367 § 2, 8/15/2009)

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### **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.

(Ord. 3367 § 2, 8/15/2009)

### **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.

(Ord. 3367 § 2, 8/15/2009)

### **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.

(Ord. 3367 § 2, 8/15/2009)

### **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.

(Ord. 3367 § 2, 8/15/2009)

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### **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.

(Ord. 3367 § 2, 8/15/2009)

### **13.63.380 Extensions—Construction drawings.**

- A. Upon completion of a main extension, the petitioner shall provide the Department a reproducible mylar 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.

(Ord. 3367 § 2, 8/15/2009)

### **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.

(Ord. 3367 § 2, 8/15/2009)

### **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.

(Ord. 3367 § 2, 8/15/2009)

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### 13.63.410 Inspection.

- A. *Routine Permit-related 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.
- C. *Programmatic inspections.* During normal business hours, the Director or their designee shall have access to any property, facility, or business required to participate in the City's Source Control Program for Existing Developments, Operations and Maintenance Program for Stormwater Facilities regulated by the City, or other programs developed under the City's Stormwater Management Program and necessary to satisfy requirements of Ecology's Phase II Permit. Programmatic inspections require a qualified representative from the business, property, or organization to provide access, attend, and, where able, participate in the inspection with City staff. The City will attempt to schedule the inspection or re-inspection with the responsible party in advance of the inspection. During the inspection, the City has the right to take photos or video documentation of conditions relevant to the inspection.
- €D. The Council shall establish fees for stormwater related inspections. Inspection fees shall be detailed in the PAMC 3.70.110.

(Ord. 3568 § 1, 12/20/2016; Ord. 3367 § 2, 8/15/2009)

### 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.

(Ord. 3367 § 2, 8/15/2009)

### 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.

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(Ord. 3367 § 2, 8/15/2009)

### **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.

(Ord. 3367 § 2, 8/15/2009)

### **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 \$100.00 or exceed \$1,000.00 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.

(Ord. 3367 § 2, 8/15/2009)

### **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.

(Ord. 3367 § 2, 8/15/2009)

### **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.

(Ord. 3367 § 2, 8/15/2009)

### **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:

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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 21 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 \$100.00 and not exceeding \$1,000.00 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 20 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.

(Ord. 3367 § 2, 8/15/2009)

### **13.63.490 Appeal and disposition.**

A notice of violation issued pursuant to this chapter shall have the following appeal options:

- A. Within 30 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 15 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 15 days of the completion of the hearing. The aggrieved party shall be notified by certified mail of the determination of the City Council.

(Ord. 3367 § 2, 8/15/2009)

### **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.

(Ord. 3367 § 2, 8/15/2009)

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### **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 30 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.

(Ord. 3367 § 2, 8/15/2009)

### **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.

(Ord. 3367 § 2, 8/15/2009)

### **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.

(Ord. 3367 § 2, 8/15/2009)

## TITLE 3 - REVENUE AND FINANCE

### CHAPTER 3.70 - FEES

#### 3.70.110 – Public Works and Utilities Department Fees and Deposits

A. ...

B. ...

C. ...

D. Plan review and permit fees for grading, filling, clearing and drainage activities:

1. Grading and filling. The permit fee for grading and filling activities shall be as follows:

Table D.1

Additional plan review required for changes, additions or revisions to the approved plans shall be at the rate of ~~\$55.00~~ **\$100.00** per hour, provided that the minimum charge shall be ~~\$55.00~~ **\$100.00**. The hourly cost to the City shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

2. Clearing and drainage. The permit fee shall be as follows:

Table D.2

Additional plan review required for changes, additions or revisions to the approved plans shall be at the rate of ~~\$55.00~~ **\$100.00** per hour or the total hourly cost to the City, whichever is the greatest, provided that the minimum charge shall be ~~\$55.00~~ **\$100.00**. The hourly cost to the City shall include supervision, overhead, equipment, hourly wages, and benefits of the employees involved.

E. Construction inspection & Stormwater Inspection.

1. Inspections during normal business hours, per hour .....~~\$55.00~~ **\$100.00**

2. Inspections outside normal business hours (the minimum charge shall be two hours), per hour .....  
~~\$55.00~~ **\$100.00**

F. Industrial wastewater pretreatment fees.

G. ...

H. ...

END