

ORDINANCE NO. 6851

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
AUBURN, WASHINGTON, AMENDING AUBURN CITY
CODE (ACC) SECTIONS 13.48.005, 13.48.010, 13.48.180,
13.48.240, AND 13.48.440 REGARDING THE CITY'S
STORM DRAINAGE SYSTEM

WHEREAS, RCW 35.67.020 empowers the city to maintain, conduct and operate a storm drainage utility to protect the public health, safety, and general welfare; promote sound development policies and construction procedures to preserve the city's natural resources; and prevent the creation of public nuisances. ACC 13.48 establishes the City's storm drainage utility;

WHEREAS, the city's storm drainage utility operates under a National Pollutant Discharge Elimination System (NPDES) Western Washington Phase II Municipal Stormwater Permit from the Washington Department of Ecology;

WHEREAS, in 2017 the city adopted the Washington Department of Ecology's Stormwater Management Manual for Western Washington (SWMMWW) as the basis for stormwater management and protection measures, together with supplemental requirements specific to the city, into the City of Auburn Surface Water Management Manual (SWMM), as defined in ACC 12.04.010.B.2;

WHEREAS, portions of ACC 13.48 need to be modified to clarify certain maintenance responsibilities and to codify a new inspection program required by the city's NPDES permit;

WHEREAS, the city's public storm drainage facilities include underground injection control (UIC) wells that are used to infiltrate stormwater that are required to comply with the UIC Program requirements in the SWMMWW;

WHEREAS, the city's public storm drainage facilities include channels called ditches along certain roadways that convey stormwater from the roadways and from the abutting properties;

WHEREAS, some private property owners have installed private storm drainage systems, including pipes called culverts, within portions of the public ditches to facilitate access to or use of the private property;

WHEREAS, the City requires that property owners obtain a permit from the City to modify the ditches, including the installation of private storm drainage systems;

WHEREAS, the City desires to define the responsibilities of the private property owners to maintain these private storm drainage systems serving their property, to maintain the vegetation in the public ditches abutting the private property, and to remove debris in the ditches that may hinder the flow of stormwater and cause flooding or damage to public storm conveyance facilities that operate under the City's NPDES permit;

WHEREAS, the City is required by its NPDES permit to implement a new inspection program ("Source Control Program") by January 1, 2023 to inspect public and private properties to ensure that onsite activities are using the Best Management Practices identified in the SWMM to prevent pollutants from entering the storm drainage facilities, and to enforce that such best management practices are employed.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DO ORDAIN as follows:

Section 1. Amendments to Chapter 13.48 of the Auburn City Code.

Section 13.48.005, 13.48.010, 13.48.180, 13.48.240, and 13.48.440 of the Auburn City Code shall be amended as set forth in Exhibit A to this Ordinance.

Section 2. Implementation. The Mayor is authorized to implement those administrative procedures necessary to carry out the directives of this legislation.

Section 3. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of the application of it to any person or circumstance, will not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 4. Effective date. This Ordinance will take effect and be in force five days from and after its passage, approval, and publication as provided by law.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Kendra Comeau, City Attorney

Published: _____