

CITY OF MAPLE VALLEY, WASHINGTON

ORDINANCE NO. O-97-22

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLE VALLEY, WASHINGTON, ESTABLISHING A STORM DRAINAGE AND SURFACE WATER MANAGEMENT UTILITY WITHIN THE BOUNDARIES OF THE CITY OF MAPLE VALLEY, AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH KING COUNTY PROVIDING FOR THE TRANSFER OF DRAINAGE FACILITIES TO THE CITY AND AUTHORIZING THE COUNTY TO COLLECT AND DISTRIBUTE TO THE CITY SURFACE WATER MANAGEMENT FEES

WHEREAS, the City of Maple Valley will incorporate on August 31, 1997; and

WHEREAS, pursuant to RCW 85.06.230, a City may exercise the functions of a drainage district; and

WHEREAS, it is the desire of the City of Maple Valley to provide for the future control and operation of storm drainage and surface water management within the corporate limits of the City of Maple Valley; and

WHEREAS, creation of a surface water management utility will enable the City to so provide for storm drainage and surface water management; and

WHEREAS, the City, by and through this ordinance, desires to authorize the City Manager to enter into an interlocal agreement with King County which shall provide for the transfer to the City of those drainage facilities, with certain exceptions, located within the City limits, for the collection by the County of the fees related to storm drainage and surface water management services, and for the distribution of those fees to the City; and

WHEREAS, the City shall manage and operate those drainage facilities transferred by the County pursuant to storm drainage and surface water management regulations adopted by the City; and

WHEREAS, the City shall by resolution establish those fees related to storm drainage and surface water management services; NOW, THEREFORE,

THE CITY OF MAPLE VALLEY, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Utility Created. The City of Maple Valley hereby establishes a storm drainage and surface water management utility to provide for the future operation and control of storm drainage and surface water management within the City and hereby exercises jurisdiction and control thereof.

Section 2. Powers Authorized. The City of Maple Valley is hereby authorized to exercise all lawful powers related to the construction, acquisition, and condemnation of property rights, maintenance, management, operations and regulation of storm drainage and surface water runoff systems including, without limitation, all lawful powers to fix, alter, regulate, and control the charges and conditions of the use thereof.

Section 3. System Plan. To the extent provided in the interlocal agreement referenced in Section 7 herein, the City shall operate and maintain those drainage facilities transferred to the City by the County in accordance with the surface water management regulations adopted and imposed by the City.

Section 4. Fees. Fees related to storm drainage and surface water management services contemplated herein shall be set forth by resolution.

Section 5. Surface Water Management Fund Created. The City of Maple Valley hereby establishes a surface water management fund and hereby exercises the authority to receive all those fees relating to the operation of said storm drainage and surface water management utility which are due or are being collected or are to be collected.

Section 6. Limitation of Liability. The City does not assume responsibility or control over past actions for loss or damages which have occurred or may occur as a result of the operation of the existing storm drainage and surface water management system by King County.

Section 7. City Manager Authorized. The City Manager is hereby authorized to enter into an interlocal agreement with King County for the transfer of drainage facilities and for the collection by the County for distribution to the City of storm drainage and surface water management fees.

Section 8. Severability. If any section, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 9. Effective Date. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect and be in full force on August 31, 1997, at 12:01 a.m.

PASSED BY THE CITY COUNCIL ON August 11, 1997.

Laure Iddings, Mayor

ATTEST:

Irvalene Moni, Interim City Clerk

APPROVED AS TO FORM:

Lisa Marshall, Interim City Attorney

Date of Publication: August 20, 1997

Effective Date: August 31, 1997