



**ORDINANCE NO. 3026**

**AN ORDINANCE AMENDING THE RATES CHARGED FOR STORM SEWER SERVICE TO IMPLEMENT THE 2009 LYNNWOOD SURFACE WATER MANAGEMENT COMPREHENSIVE PLAN, TO PROVIDE NECESSARY REVENUES TO FUND CAPITAL PROJECTS AND ONGOING MAINTENANCE AND OPERATION OF THE SURFACE WATER SYSTEM AND TO PRESERVE THE SOLVENCY OF THE UTILITY; AMENDING STORM SEWER SERVICE REGULATIONS; AND AMENDING SECTIONS 13.35.015; 13.35.070; 13.35.080; AND REPEALING SECTION 13.35.090 OF THE LYNNWOOD MUNICIPAL CODE; PROVIDING FOR SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR SUMMARY PUBLICATION.**

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WHEREAS, the City of Lynnwood Surface Water Management Comprehensive Plan dated September 2009 defines the Operations and Maintenance and Capital needs of the water utility; and

WHEREAS, the City desires to base surface water rates on the actual cost of providing all maintenance and operations services and capital construction costs; and

WHEREAS, the new surface water rates are necessary in order to meet the requirements of the City's National Pollutant Discharge Elimination System (NPDES) Permit as well as the revenue requirements of the utility; and

WHEREAS, the surface water rate structure was last adjusted in 2010 and before that in 2007;

WHEREAS, the City has determined that it is necessary to revise the City's storm sewer service procedures and regulations;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNNWOOD DO ORDAIN AS FOLLOWS:

Section 1. Section 13.35.015 of the Lynnwood Municipal Code is hereby amended as follows:

**13.35.015 Definitions.**

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Terms used in this title shall have the meaning given to them in this chapter except where otherwise defined, and unless where used the context thereof shall clearly indicate to the contrary. Words and phrases used herein in the past, present or future tense shall include the past, present and future tenses; words and phrases used herein in the masculine, feminine and neuter genders; and words and phrases used herein in the singular or plural shall include the singular and plural; unless the context shall indicate to the contrary.

- A. "City" means the city of Lynnwood, a municipality, and its authorized employees.
- B. "Council" means the city council of Lynnwood.
- C. "Customer" means a person in whose name service is rendered as evidenced by the signature on the application or contract for that service or, in the absence of a signed instrument, by the receipt and payment of bills regularly issued in his/her/its name regardless of the identity of the actual user of the service.
- D. "Developed site" means any site which has been altered by grading or filling of the ground surface, or by construction of any improvement or other impervious surface area.
- E. "Equivalent residential unit (ERU)" means 2,900 square feet comprised of a configuration of development, or impervious surfaces on a site, estimated to contribute an amount of runoff to the city's storm and surface water drainage system which is approximately equal to that created by the average single-family residential site.
- F. "Impervious surface" means that hard surface area which either prevents or retards the entry of water into the soil mantle and/or causes water to runoff the surface in greater quantities or at an increased rate of flow from that present under natural conditions. Impervious surfaces may include, but are not limited to, rooftops, concrete or asphalt paving, walkways, patios, driveways, parking lots or storage areas, and oiled, macadam or other surfaces which similarly impede the natural infiltration or runoff of surface water.
- G. "Single-family residential site" means any site which is improved with a dwelling unit for occupancy by one or two families or similar groups of people. A single-family residential site also may be an individual dwelling, mobile home, flat or unit in a multifamily building or portion thereof for occupancy as the home, residence or sleeping place for one or more person, provided each such dwelling, mobile home, flat or unit is owned separately and is served by a separate water meter.
- H. "Site" means a geographic area which may or may not have impervious surfaces that serves a single, common use, including, but not limited to, single-family residences, multifamily residences, commercial establishments, shopping malls, condominiums, and office or industrial parks and other types of facilities. A site may include impervious area on one or more parcels and/or multiple water meters or sewer services.

I. "Surface water utility or utility" means that part of any system which collects, conveys or stores storm water runoff, surface waters or ground water or any combination thereof in which the city has an ownership interest. Surface water utility shall include, but not be limited to, streams, pipelines, channels, ditches, swamps, lakes, wetlands, infiltration systems, retention/detention facilities, and other drainage structures, both natural and manmade. The term specifically does not mean that part of any surface water system that is located on private property or easements in which the city has no ownership interest.

J. "Undeveloped site" means any site which has not been altered by grading or filling of the ground surface, or by construction of any improvements or other impervious surface area.

Section 2. Section 13.35.070 of the Lynnwood Municipal Code is hereby amended as follows:

**13.35.070 Utility charges.**

The following surface water utility rates and charges are hereby established for all sites in the city as set forth in Tables 1 and 2 of this section. These rates and charges shall be in effect and assessed in all billings beginning January 1st of each year.

A. Residential Single/Duplex Unit. One ERU bi-monthly for each single-family residential unit on a site. This uniform rate is based on each single-family residential site being equal to one equivalent residential unit (ERU). Each duplex on a site shall be charged one ERU.

B. Undeveloped Sites. Undeveloped sites shall not be charged under this system and structure of rates.

C. Other Sites. The charge for all other developed sites shall be based upon the total amount of measured impervious surface divided by one ERU, and rounded down to the nearest whole number. The actual total bi-monthly service charge shall be computed by multiplying the measured ERUs for a site by the bi-monthly rate per ERU. All sites will be charged for at least one ERU. Sites will be billed as a single-surface water account when a site contains multiple water meters and/or businesses on a site. Owners/managers will be responsible for any allocation of the surface water charge among tenants.

D. Special Surface Water Rate.

1. For qualifications, categories and other administrative rules related to Special Surface Water Rates, see 13.20.080.

**Table 1: Customer Class Calculation**

Customer Class	Rate Calculation
Residential Single/Duplex Unit	1 ERU
Residential Multiple/Commercial Industrial Sites	Measured s.f. of impervious areas = number of billed ERUs
Special Surface Water Rates	1 ERU x Special Rate

**Table 2: Surface Water Rates**

<b>Customer Class</b>	<b>2014 Bi-Monthly Rate</b>	<b>2015 Bi-Monthly Rate</b>	<b>2016 Bi-Monthly Rate</b>	<b>2017 Bi-Monthly Rate</b>	<b>2018 Bi-Monthly Rate</b>	<b>2019 Bi-Monthly Rate</b>
Residential Single/Duplex Unit	\$18.71	\$20.20	\$21.82	\$23.46	\$25.22	\$25.97
Residential Multifamily/ Commercial Industrial Sites	\$18.71	\$20.20	\$21.82	\$23.46	\$25.22	\$25.97
Special Surface Water Rate, Income Level Status A*	\$7.48	\$8.08	\$8.73	\$9.38	\$10.09	\$10.39
Special Surface Water Rate, Income Level Status B*	\$8.42	\$9.09	\$9.82	\$10.56	\$11.35	\$11.69
Special Surface Water Rate, Income Level Status C*	\$9.35	\$10.10	\$10.91	\$11.73	\$12.61	\$12.99

\* or as calculated for units in a complex.

4. Preservation Mobile Home Park Rate. For mobile home parks that are preserved pursuant to a development agreement in accordance with Chapter 1.37 LMC, as follows:

- a. Preservation for five to seven years: 0.5 ERUs.
- b. Preservation for seven years or more: 0.25 ERUs.

Section 3. Section 13.35.080 of the Lynnwood Municipal Code is hereby amended as follows:

**13.35.080 Billing and collection.**

Utility rates and charges for each site of developed real property within the city shall be computed at least every two months. The amount to be billed shall be included on the existing utilities bill as a separate line item. A "surface water only" bill will be sent to commercial property owners who are not current city water/sewer utility customers. The city shall bill the owner of the served property for the payment of utility rates and charges specified in this chapter; however, the city, in its sole discretion, may bill the tenant or his agent, if requested, and if consistent with current utilities billing practices. This shall not relieve the owner from final liability for utility rates and charges.

For utility billing procedures that also apply, see LMC 13.34.030-080.

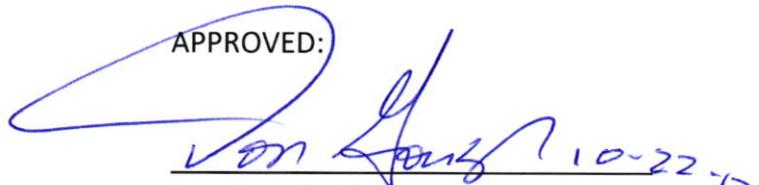
Section 4. Section 13.35.090 of the Lynnwood Municipal Code is hereby repealed in its entirety:

Section 5. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality therefore, shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

Section 6. Effective Date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

PASSED BY THE CITY COUNCIL, the 14th day of October, 2013.

APPROVED:

  
Don Gough, Mayor

ATTEST/AUTHENTICATED:

  
Lorenzo Hines, Jr., Finance Director

APPROVED AS TO FORM:

  
Rosemary Larson, City Attorney

FILED WITH ADMINISTRATIVE SERVICES: 10/15/2013  
PASSED BY THE CITY COUNCIL: 10/14/2013  
PUBLISHED: 10/18/2013  
EFFECTIVE DATE: 10/23/2013  
ORDINANCE NUMBER: 3026



On the 14<sup>th</sup> day of October, 2013 the City Council of the City of Lynnwood, Washington, passed Ordinance No. 3026. A summary of the content of said ordinance, consisting of the title, provides as follows:

**ORDINANCE NO. 3026**

**AN ORDINANCE AMENDING THE RATES CHARGED FOR STORM SEWER SERVICE TO IMPLEMENT THE 2009 LYNNWOOD SURFACE WATER MANAGEMENT COMPREHENSIVE PLAN, TO PROVIDE NECESSARY REVENUES TO FUND CAPITAL PROJECTS AND ONGOING MAINTENANCE AND OPERATION OF THE SURFACE WATER SYSTEM AND TO PRESERVE THE SOLVENCY OF THE UTILITY; AMENDING STORM SEWER SERVICE REGULATIONS; AND AMENDING SECTIONS 13.35.015; 13.35.070; 13.35.080; AND REPEALING SECTION 13.35.090 OF THE LYNNWOOD MUNICIPAL CODE; PROVIDING FOR SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR SUMMARY PUBLICATION.**

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

DATED this 18<sup>th</sup> day of October

  
\_\_\_\_\_  
Lorenzo Hines Jr., Finance Director

# Everett Daily Herald

## Affidavit of Publication

STATE OF WASHINGTON }  
COUNTY OF SNOHOMISH } ss

The undersigned, being first duly sworn on oath deposes and says that she is Principal Clerk of THE HERALD, a daily newspaper printed and published in the City of Everett, County of Snohomish, and State of Washington; that said newspaper is a newspaper of general circulation in said County and State; that said newspaper has been approved as a legal newspaper by order of the Superior Court of Snohomish County and that the notice is a true copy of - Ordinances 3024, 3025 and 3026 521216 a printed copy of which is hereunto attached, was published in said newspaper proper and not in supplement form, in the regular and entire edition of said paper on the following days and times, namely:  
2 issue(s), such publication commencing on 10/18/2013 and ending on 10/18/2013 and that said newspaper was regularly distributed to its subscribers during all of said period. The amount of the fee for such publication is \$ 78.66.

*Karen E. Zomer*

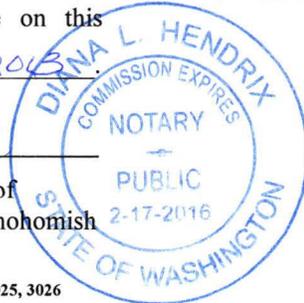
Subscribed and sworn before me on this

*21<sup>st</sup>* day of *October*, 2013

*Diana Hendrix*

Notary Public in and for the State of Washington, residing at Everett, Snohomish County.

City of Lynnwood EDH127890 - PO: ORD 3024, 3025, 3026  
ORDERED BY: DEBBIE KARBER



On the 14th day of October, 2013 the City Council of the City of Lynnwood, Washington, passed Ordinances 3024, 3025 and 3026. A summary of the content of said ordinance, consisting of the title, provides as follows:

**ORDINANCE NO. 3024**  
AN ORDINANCE AMENDING THE RATES CHARGED FOR WATER SERVICE TO IMPLEMENT THE ADOPTED 2012 LYNNWOOD WATER SYSTEM PLAN AND TO PROVIDE NECESSARY REVENUES TO FUND CAPITAL PROJECTS AND ONGOING MAINTENANCE AND OPERATION OF THE WATER SYSTEM AND TO PRESERVE THE SOLVENCY OF THE UTILITY; AMENDING WATER SERVICE REGULATIONS; AMENDING SECTIONS 13.04.100, 13.04.105, 13.20.010, 13.20.030, 13.20.040, 13.20.060, 13.20.080, 13.34.010, 13.34.020; REPEALING SECTIONS 13.20.005, 13.20.050, 13.24.005, 13.24.010, 13.24.020, 13.24.030, 13.24.040; AND ADDING NEW SECTIONS 13.20.085, 13.34.030, 13.34.040, 13.34.050, 13.34.060, 13.34.070, 13.34.080, 13.34.090 OF THE LYNNWOOD MUNICIPAL CODE; PROVIDING FOR SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR SUMMARY PUBLICATION.

**ORDINANCE NO. 3025**  
AN ORDINANCE AMENDING THE RATES CHARGED FOR SEWER SERVICE TO IMPLEMENT THE ADOPTED 2012 CITY OF LYNNWOOD WASTEWATER COMPREHENSIVE PLAN, TO PROVIDE NECESSARY REVENUES TO FUND CAPITAL PROJECTS AND ONGOING MAINTENANCE AND OPERATION OF THE SEWER SYSTEM AND TO PRESERVE THE SOLVENCY OF THE UTILITY; AMENDING SEWER SERVICE REGULATIONS; AND AMENDING SECTIONS 14.06.130; 14.06.190; 14.40.020; 14.40.025; 14.40.030; 14.40.035; 14.40.040; 14.40.050; 14.40.065; REPEALING SECTIONS 14.40.045; 14.40.055; 14.40.060; 14.40.080 OF THE LYNNWOOD MUNICIPAL CODE; PROVIDING FOR SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR SUMMARY PUBLICATION.

**ORDINANCE NO. 3026**  
AN ORDINANCE AMENDING THE RATES CHARGED FOR STORM SEWER SERVICE TO IMPLEMENT THE 2009 LYNNWOOD SURFACE WATER MANAGEMENT COMPREHENSIVE PLAN, TO PROVIDE NECESSARY REVENUES TO FUND CAPITAL PROJECTS AND ONGOING MAINTENANCE AND OPERATION OF THE SURFACE WATER SYSTEM AND TO PRESERVE THE SOLVENCY OF THE UTILITY; AMENDING STORM SEWER SERVICE REGULATIONS; AND AMENDING SECTIONS 13.35.015; 13.35.070; 13.35.080; AND REPEALING SECTION 13.35.090 OF THE LYNNWOOD MUNICIPAL CODE; PROVIDING FOR SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR SUMMARY PUBLICATION.

The full text of this ordinance will be mailed upon request.  
DATED this 18th day of October, 2013  
Lorenzo Hines Jr., Finance Director  
Published: October 18, 2013.



**LYNNWOOD**  
WASHINGTON

## **CERTIFICATE**

I, the undersigned, Lorenzo Hines Jr., the duly appointed City Clerk of the City of Lynnwood, Washington, hereby certify that the Ordinance hereto attached is a full, true and correct copy of Ordinance No. 3026 of the City of Lynnwood, Washington, entitled as follows:

### **ORDINANCE NO. 3026**

**AN ORDINANCE AMENDING THE RATES CHARGED FOR STORM SEWER SERVICE TO IMPLEMENT THE 2009 LYNNWOOD SURFACE WATER MANAGEMENT COMPREHENSIVE PLAN, TO PROVIDE NECESSARY REVENUES TO FUND CAPITAL PROJECTS AND ONGOING MAINTENANCE AND OPERATION OF THE SURFACE WATER SYSTEM AND TO PRESERVE THE SOLVENCY OF THE UTILITY; AMENDING STORM SEWER SERVICE REGULATIONS; AND AMENDING SECTIONS 13.35.015; 13.35.070; 13.35.080; AND REPEALING SECTION 13.35.090 OF THE LYNNWOOD MUNICIPAL CODE; PROVIDING FOR SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR SUMMARY PUBLICATION.**

That said ordinance was passed by the Council on October 14, 2013 of said City and was published and posted according to law; that said ordinance was duly published in the official newspaper of said City on October 18, 2013.

  
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Lorenzo Hines, Jr., City Clerk of the  
City of Lynnwood, Washington