

ORDINANCE NO. 2001-02-007

AN ORDINANCE OF THE CITY OF BELLINGHAM, WASHINGTON, AMENDING CHAPTERS 2.56, 15.04, 15.08, 15.12 AND 15.16 OF THE BELLINGHAM MUNICIPAL CODE, ESTABLISHING A STORM AND SURFACE WATER UTILITY SERVICE RATE, AND ESTABLISHING AN EFFECTIVE DATE THEREFORE.

WHEREAS, the City of Bellingham has an existing storm and surface water utility which imposes storm and surface water charges; and,

WHEREAS, the financial needs to manage the City's surface water resources exceed the revenue generated by the existing storm and surface water charges, resulting in the City having to fund storm and surface water utility from the City's Street funds; and,

WHEREAS, the City's Street funds are insufficient to fund the storm and surface water utility and adequately fund the necessary maintenance and improvements to the City's streets; and,

WHEREAS, a program has been identified to provide protection of the City's aquatic resources and provide a response to reduce flooding and erosion damages, reduce discharge of pollutants and improve fish habitat within the City; and,

WHEREAS, the community has been involved in developing the program through workshops and hearings and has been informed through newsletters and public presentations; and,

WHEREAS, the City Council has determined that the proposed monthly storm and surface water service rate is fair, equitable and is uniform for the same class of customers or service and facilities furnished; and,

WHEREAS, the City Council has determined that the proposed monthly storm and surface water service rate is necessary and adequate to support the proposed storm and surface water program to protect the people, property and natural resources for the benefit of present and future generations of people and to prevent substantial harm to the environment;

NOW, THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1: Chapter 15.04 of the Bellingham Municipal Code is amended to read as follows:

15.04.005 [Unchanged]

15.04.010 Definitions

Unless the context clearly requires otherwise, the definitions in this section apply throughout this title:

A. "Main" means those pipes of the water distribution system and those pipes of the sewer and surface and storm water collection system located in a street, alley or dedicated easement, owned and/or maintained by the City.

B. "Premises" means a single building site, or single lot or aggregation of lots tied together by agreement for the purposes of obtaining a building permit or utility service.

C. "Senior citizen" means a person who is sixty two (62) years of age or older and whose total income, including that of his or her spouse or cotenant, does not exceed twenty thousand dollars (\$20,000.00).

D. "Unmetered duplex" means a single premises receiving water or water and sewer services, whose water service is not metered, and on which a duplex is located. This category includes only those duplexes receiving service as of June 15, 1981, the date the ordinance originally codified in this title was adopted.

15.04.020 Responsibility for Administration and Enforcement [Unchanged]

15.04.030 Entry of Premises for Inspection [Unchanged]

15.04.040 Prohibited Acts [Unchanged]

15.04.050 Penalty for Violation

A. The commission of an act prohibited by Section 15.04.040(A), (B), (C), (D), or (H) shall be considered a misdemeanor, punishable by a fine of not more than \$500 per violation. Each and every day that such prohibited act continues shall be considered a separate violation.

B. Before any person(s) is/are charged with a violation of Section 15.04.040(E), (F), or (G), an attempt shall be made to give such person a written notice of such violation, either by personal service or by certified mail, return receipt requested, and advising that the City is contemplating a criminal complaint against that person(s) and that such person(s) shall have seven (7) days from the date of such notice to discontinue the prohibited activity. If such person(s) fails to permanently cease such activity within the foregoing time period, such person(s) shall be charged with a misdemeanor, punishable by a fine of not more than \$500 per violation. Each and every day that such prohibited activity continues beyond the notice period shall be considered a separate violation.

C. This section does not apply to specific civil penalty amounts set out for the late payment of water, sewer and storm and surface water bills as such penalties are civil debts, collected in the same manner as delinquent payments.

15.04.060 [Unchanged]

15.04.070 - Reduced Rates for Low Income Senior and Disabled Citizens

A. Single-family residence water, sewer, or storm and surface water system users who have been granted a senior citizen or disabled exemption due to low income in accordance with administrative procedures promulgated by the Finance Director are

entitled to have their rates reduced by the following amounts:

Household Income Percent Reduction

- 0-50% of the qualifying income 75%
- 51%-75% of the qualifying income 50%
- 76%-100% of the qualifying income 25%

A non-qualifying property owner may also obtain the reduction if the premises are rented to a qualified senior or disabled citizen and the owner passes on the savings to the senior or disabled citizen renter.

15.04.080 Ownership and Control [Unchanged]

15.04.090 – Payment, Temporary Discontinuance, And Delinquent Accounts, and Penalty

A. Billing shall be completed by the Finance Department on a basis as determined by the Finance Director. Failure to pay said bills in full by the due date listed on the bill shall render the account delinquent.

B. Billings shall be addressed to the occupant of a premises, unless the owner, the purchaser under a real estate contract, or the authorized agent of either requests otherwise in writing.

C. If a billing statement contains charges for more than one utility, the City will apply the monies received in the following manner: First, to pay off any outstanding sewer charges; Second, to pay off any outstanding storm and surface water charges; and, Third, to pay off any outstanding water charges.

D. If water service is temporarily discontinued as provided for in Bellingham Municipal Code 15.08.190 as currently enacted or hereafter amended, the City will not bill for either water or sewer utility service during the prior City authorized temporary discontinuance period. However, during the authorized temporary discontinuance period, storm and surface water utility fees and charges will continue to accrue at the normal rate and will continue to be regularly billed unless the customer prepays the entire amount of the storm and surface water charges that will accrue during the temporary discontinuance period before the temporary discontinuance period begins, unless provided otherwise by written agreement.

E. Delinquent accounts for sewer and storm and surface water utility charges may bear interest at a rate of up to eight percent (8%) per annum, or at such other rate as may be authorized by law, computed on a monthly basis from the date of delinquency until paid in full.

F. In addition to interest, a delinquent water, sewer and/or storm and surface water utility account may also be charged a late-payment penalty of one dollar (\$1.00) per utility or one-percent (1%) per month for each utility, whichever is greater.

15.04.100 - Delinquency

A. In the event of any nonpayment for-water, sewer, or storm and surface water utility

services for any billing cycle, the City shall have all remedies as provided in this Chapter or by any other applicable law, including, without limitation, liens and/or shutting off the service. However, prior to any service being shut off, the Finance Department shall provide written notice of nonpayment at least ten days prior to actual shut off of service. The written notice shall be mailed to the premises' occupant and owner or owner's agent, if the owner provides written instructions to the City to do so.

B. The written notice shall specify at least:

- (1) That payment for service is overdue, the total amount due, and that the statutory lien may be imposed.
- (2) That service will be shut off unless payment in full is made to the city within 10 days;
- (3) The address and telephone number of the Finance Department, stating that the owner or occupant may contact that department if a dispute exists as to the liability for the bill;
- (4) That a hearing may be requested;
- (5) That the city will charge a turn-on and turn-off fee before service is resumed following a shut off of service; and
- (6) That service will not be shut off while a hearing is pending.

15.04.105 - Lien for Delinquent Sewer or Storm and Surface Water Payments

In addition to any other remedies permitted by law, the City shall have a lien pursuant to RCW 35.67, as currently enacted or hereinafter amended, for all delinquent and unpaid sewer or storm and surface water rates and charges, including interest thereon, against any parcel or premises for which the sewer and/or storm and surface water rates and charges have been furnished. Said lien shall have the superiority, and may be foreclosed upon, as described in RCW 35.67, as currently enacted or hereinafter amended.

15.04.110 – Individuals and Premises Liable For Charges - Shut Off For Non-Payment

A. All water, sewer, and storm and surface water rates and charges will be charged against the premises to which the services are furnished as well as against the owner or the purchaser under a real estate contract of the property.

B. If for any cause any sums owing for water, sewer, and/or storm and surface water service become delinquent, the water may be shut off after providing notice of delinquency and an opportunity for a hearing as provided for in this Chapter before the city's hearing board.

C. Water may not be turned on to the same property until all delinquencies have been paid in full, together with shut-off and turn-on fees, or any other outstanding charges, fees, penalties and interest, except as otherwise provided by the City.

D. No change of ownership or occupancy of the premises shall affect the application of this section.

15.04.120 Hearings Board

A. Any person objecting to any water or sewer charge or fee imposed under this chapter may request a hearing before the City's Utility Hearing Board (the "Board") by filing a written request with the Finance Director within five (5) business days of notice of the charge. The City may make forms available for that purpose. Any persons objecting to surface and storm water utility charges or fees shall use the procedure outlined in BMC 15.16.060.

B. Services shall not be shut off while a hearing is pending. However, the Finance Director may require that payment of any outstanding balance, or a portion thereof, shall be made pending the outcome of the hearing.

C. The members of the Board shall be the Finance Director, the Director of Public Works and the Assistant Directors of Public Works, or their designees. The City Attorney or a representative of the City Attorney's Office shall serve as the Board's Legal Advisor.

D. At the hearing, the Board will consider the objections made by the applicant and will correct, revise, raise, lower, change or modify the charge or fee, or set aside the charge or fee, as deemed appropriate by the Board and as allowed by law.

E. Decisions of the Board may be appealed to the City's Hearing Examiner by filing a written request with the Office of the Hearing Examiner within five (5) business days of the date of the Board's written decision.

15.04.130 Restoration of Service by Tenant [Unchanged]

15.04.140 Cash Deposits

A. Cash deposits, or other security satisfactory to the Finance Director, may be required by the Finance Director to secure payment of charges:

- (1) When service is restored by the occupant of a premises which the occupant does not own: or
- (2) When the customer files bankruptcy; or
- (3) In such other cases where a substantial need to protect the city is found to exist.

B. The amount of a cash deposit shall be determined by the Finance Director, but shall not exceed the highest payment made for three (3) months' billing during the preceding year, recomputed at the current year's rates. If billings from the previous year are unavailable, then billings to a comparable premises elsewhere in the City shall be used.

C. Cash deposits may be used for the following:

- (1) Subsequent to making the deposit, if delinquencies in payment result in shut-off, the deposit shall be applied against the delinquencies and any resultant fees.

- (2) Upon vacation of the premises by the customer, the deposit may be reimbursed, or applied as a credit to any outstanding account, in the City's sole discretion.

15.04.150 Severability

If any provision of this chapter or its application to any person, entity or circumstance is held invalid, the remainder of this chapter or the application of the provision to other persons, entities or circumstances shall not be affected.

Section 2: Bellingham Municipal Code Section 2.56.050A.7. is amended to read as follows:

2.56.050 Powers and Jurisdiction

The Hearing Examiner shall have the power to receive and examine available information, conduct public hearings and prepare a record thereof and enter decisions as provided by ordinance.

A. [Unchanged]

1. – 6. [Unchanged]

7. Appeals of determinations of the Public Works Director or other decision making body or board provided for in Titles 13, 14 or 15 of the Bellingham Municipal Code.

8. [Unchanged]

B. through G. [Unchanged]

Section 3: Bellingham Municipal Code 15.08 is hereby amended to read as follows:

15.08.190 - Temporary Discontinuance Of Service

A. A temporary discontinuance of water service may be requested by the owner of the premises. The request shall be in writing, shall state the estimated duration of the discontinuance, and be on forms provided for that purpose in the office of the Finance Director.

B. The minimum period of time for a temporary discontinuance of water service is 30 days.

C. Resumption of water service shall be in writing on the forms provided for that purpose in the office of the Finance Director.

D. The shut-off and turn-on shall be subject to the fees for such service provided by this chapter.

15.08.250 Water Rates and Charges

A. through C. [Unchanged]

D. Water use rates are:

(1) through (4) [Unchanged]

~~(5) The late payment penalty is \$1.00 or 1% per month of the amount owing, whichever is greater.~~

E. through H. [Unchanged]

Section 4: Bellingham Municipal Code 15.12.225 is hereby amended to read as follows:

15.12.225 – Interest Penalty

There shall be imposed a late payment penalty of one-dollar (\$1.00) or one percent (1%) of any amount owing pursuant to Section 15.12.210, whichever is greater.

Section 5: Bellingham Municipal Code Section 15.16 is hereby amended to read as follows:

15.16.005 – Intent

A. The City's surface and storm water utility is necessary to further the public health, safety and welfare by promoting a comprehensive approach to surface and storm water problems, controlling storm and surface runoff and enhancing environmental protection. Developed real property within the City contributes runoff to the City's storm water drainage system while also benefiting from the system and, therefore, should share in a fair and equitable funding program. The surface and storm water utility will protect the City's aquatic resources, provide a response to reduce flooding and erosion damages, reduce the discharge of pollutants and improve fish habitat within the City.

B. The rates and charges established herein are intended to be uniform for the same class of customers and service and comply with applicable law. The rates and charges also provide a method to fund the surface and storm water utility and to secure issuance of general obligation or revenue bonds for such services, if the City Council should, in its discretion, deem necessary. Imposition of these rates and charges is also necessary to promote the public health, safety and welfare by minimizing uncontrolled surface and storm water, erosion and water pollution; to attempt to enhance water quality and environmental habitat and resources; and to provide for comprehensive management and administration of surface and storm water.

C. This chapter specifically incorporates herein by this reference Bellingham Municipal Code 15.04.005 as currently enacted or hereafter modified.

15.16.010 - Definitions

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

- A. "Building" means a structure having a roof supported by columns or walls used for supporting or sheltering a use of any kind.
- B. "Building Footprint" means the combined area of the first floor of a dwelling unit and a private garage, as obtained from the Whatcom County Assessor's office records, or other source acceptable to the Public Works Director or authorized designate.
- C. "Developed Parcel" means any parcel that has been altered from a natural state with or without a permit from the City. This includes clearing, grading or filling, whether or not that work accompanies excavation and construction.
- D. "Duplex" means a building designed and arranged exclusively for occupancy by 2 families living independently of each other in separate dwelling units.
- E. "Duplex Parcel" means a parcel that has been developed and constructed to contain one duplex, and continues to be used solely for that purpose.
- F. "Dwelling Unit" means a single unit providing complete, independent living facilities for 1 family including permanent provisions for living, sleeping, eating, cooking, and sanitation.
- G. "Garage, Private" means an accessory building or a portion of the main building other than a carport used or intended to be used for the parking or storage of motor vehicles.
- H. "Impervious surface" means a hard surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development, and/or a hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, paved 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.
- I. "Large Footprint Residential Parcel" means a single-family residential parcel with a building footprint of greater than 3,000 square feet.
- J. "Medium Footprint Residential Parcel" means a single-family residential parcel with a building footprint of greater than 1,000 square feet and less than or equal to 3,000 square feet.
- K. "Multiple Family Dwelling Unit" means a building or portion thereof, designed for or occupied by 3 or more families living independently in separate dwelling units.
- L. "Nonresidential Parcel" means a parcel which has been developed for any purpose other than a single-family dwelling unit or duplex and includes, among others, all multiple family dwelling units and all property owned by governmental and nonprofit entities.
- M. "Parcel" means any area of land within the city of Bellingham that is deemed a distinct property as identified by the Whatcom County Assessor's office, whether or not the parcel is considered taxable.
- N. "Public Works Director" means the duly appointed Director of the City of Bellingham Department of Public Works.
- O. "Right-of-way" means a strip or parcel of land dedicated to the City for public uses including street, mass transit, bicycle, and pedestrian uses as well as emergency

access, utility, drainage, vegetation management, view corridor or other necessary public uses on a portion of which a street is built.

- P. "Single-family Residential Parcel" means a parcel which has been developed and constructed to contain one dwelling unit and continues to be used solely for that purpose.
- Q. "Small Footprint Residential Parcel" means a single-family residential parcel with a building footprint of less than or equal to 1,000 square feet.

15.16.020 Utilities Charges Imposed [Unchanged]

15.16.030 Storm and Surface Water Service Rates

A. The Monthly Storm and Surface Water Utility Service rate shall be as follows:

1. Small footprint residential parcel: \$3.00 per month for the calendar years 2001 and 2002; \$5.00 per month for each year thereafter.
2. Medium footprint residential parcel: \$5.00 per month for the calendar years 2001 and 2002; \$7.00 per month for each year thereafter.
3. Large footprint residential parcel: \$0.001667 per square foot impervious surface area per month for the calendar years 2001 and 2002; \$0.00233 per square foot impervious surface area per month for each year thereafter.
4. Duplex parcel and nonresidential parcel with an impervious surface area of greater than 300 square feet and less than or equal to 1,000 square feet: \$3.00 per month for the calendar years 2001 and 2002; \$5.00 per month for each year thereafter.
5. Duplex parcel and nonresidential parcel with an impervious surface area of greater than 1,000 square feet and less than or equal to 3,000 square feet: \$5.00 per month for the calendar years 2001 and 2002; \$7.00 per month for each year thereafter.
6. Duplex parcel and nonresidential parcel with an impervious surface area of greater than 3,000 square feet: \$0.001667 per square foot impervious area per month for the calendar years 2001 and 2002; \$0.00233 per square foot impervious surface area per month for each year thereafter.
7. The City Council shall review the surface and storm water utility program and approve any rate increase before any rates listed under this Section 15.16.030A increase after the calendar year 2002.
8. Duplex parcels and nonresidential parcels with an impervious surface area of less than or equal to 300 square feet are exempt from the storm and surface water service rate.
9. The rate charged by the City of Bellingham to the Washington State Department of Transportation for state highway right-of-way shall be thirty percent of the rate for comparable real property in terms of impervious surface

coverage, or as otherwise provided by RCW 90.03.525, as now enacted or hereafter amended.

10. The rate charged to the City of Bellingham's Public Works Street Operations, Road and Street General Services Fund (user account code 111-5621113-5199) for city right-of-way shall be thirty percent of the rate for comparable real property in terms of impervious surface coverage.

B. System Development Charge

There shall be a system development charge levied on each parcel of property that is developed or redeveloped within the City of Bellingham. These Charges shall be:

1. \$400.00 for a single family residence
2. For other than a single family house, \$400.00 for up to 3000 square feet of impervious surface and \$400.00 each additional increment of 3000 square feet.

This charge shall be imposed upon all parcels to be developed and upon additions, alterations and remodels which add 3000 square feet, or more, of impervious surface. The charge shall be paid prior to the issuance of building permits or obtaining other City approvals.

C. The City Council reserves the right to supplement or alter charges from time to time to ensure the long term viability of the surface and storm water utility and to guarantee debt covenants are met. The charges are, and shall be, equitable, fair, and uniform.

15.16.040 - Exemption, Credits and Adjustments - [Unchanged]

A. Exemption. An exemption from the charge imposed in this chapter shall be granted to any low or moderate income housing project duly approved by the City Council pursuant to standards adopted therefor.

B. Credits for Qualified Existing Stormwater Facilities.

The City of Bellingham recognizes that some property owners have constructed private, on-site stormwater quality and quantity mitigation facilities ("facilities"), which may aid the City in controlling the overall effects of stormwater pollution and those other problems necessitating that the City enact this chapter. Properties or portions of properties with facilities that meet one of the criteria listed below, to the City's satisfaction, shall receive a reduction of twenty percent (20%) from the monthly fee charged under BMC 15.16.030 as currently enacted or hereafter amended .

1. Any property with a properly maintained water quantity and quality facility that meets or exceeds the design requirements of the 1992 Department of Ecology Stormwater Technical Manual.
2. Any property that has an active and valid NPDES permit. A copy of the permit and the Storm Water Pollution Prevention Plan (SWPPP) shall be provided to the City.

The property owner is responsible for providing all documentation necessary to demonstrate that the design and construction of any water quality and/or water quantity facility meets the above requirements. Documentation shall be by a licensed civil engineer with the State of Washington. In the event facilities or control measures address only a portion of the total property, the credit will be applied to only that affected portion. The property owner must maintain any water quantity and/or quality control facility in accordance with Department of Ecology maintenance guidelines and appropriate practice to ensure proper function and effectiveness of the facility. Failure to maintain the facilities within thirty (30) days after written notice may be cause for termination of the credit granted in this section.

C. Credits for Qualified Existing Stormwater Facilities with Special Discharge Limits

Properties or portions of properties that have demonstrated compliance with the criteria listed within 15.16.040(B) and that meet one of the additionally listed criteria below, to the City's satisfaction, shall be eligible for a reduction of *seventy percent (70%)* of the monthly fee (*prior to application of any reduction or credit*) charged under BMC 15.16.030 as currently enacted or hereafter amended. This credit shall replace any credit that the property may be eligible for under 15.16.040(B).

1. Discharge of stormwater is directly to marine waters or waters under tidal influence with no connection to City systems.

OR

2. Discharge of stormwater is to an infiltration facility meeting the requirements of the Department of Ecology for stormwater treatment and groundwater protection. The facility shall be capable of fully infiltrating the one-hundred year developed storm within the subject property. Infiltration of stormwater shall not adversely affect surrounding or down gradient properties. The design, performance and construction shall be certified by a licensed and qualified engineer with the State of Washington.

D. Public Education Credits

Publicly funded primary and secondary educational institutions that provide a curriculum in environmental science shall be eligible for a reduction of the monthly fee charged under BMC 15.16.030 as currently enacted or hereafter amended. The amount of the credit shall be established by contract between the educational institution(s) and the City; but in no case shall said credit exceed seventy percent (70%) of the amount of the monthly fee (prior to application of any reduction or credit) charged under BMC 15.16.030 as currently enacted or hereafter amended. The credit shall be calculated and applied after application of any other credit or adjustment from 15.16.040. The curriculum requirements shall be set forth in the contract and shall include, at a minimum, information on the cause and effects of stormwater pollution.

E. Special Credits for Partially Pervious Gravel.

Those properties that utilize gravel for parking, driving or storage surfaces will be charged the standard rate for those areas as an impervious surface. The property owner may apply to the City's Department of Public Works for a special credit for gravel-surfaced areas if the total area of gravel surfacing within the property is greater than 6,000 square feet. The credit shall take one of two forms.

1. The property owner provides a letter of request along with mapping of their site which shows the location of gravel surfacing for which a credit is desired, along with a quantified square footage of the area in question. The City will review the information provided for consistency with the original delineation of impervious area. If the information is found accurate and the total area eligible for credit is greater than 6,000 square feet a twenty percent credit will be applied to the area of the gravel surfacing. The credit will be in the form of a reduction to the square footage used for fee determination. The property owner is responsible to apprise the City of changes to property that may affect any impervious surface determination or the amount or type of special credit.
2. The property owner provides a letter of request, mapping of their site, quantification of area and can demonstrate that the gravel areas meets the following pervious performance standards:

- a. The gravel surfacing was designed and is maintained as a pervious pavement system in accordance with or exceeding the requirements contained in the 1992 Department of Ecology Stormwater Technical Manual.

OR

- b. The gravel surfacing is shown, by testing, to have a surface infiltration rate of at least one-quarter inch per hour as certified by a geo-technical engineer AND the infiltration of water will not result in a violation of any applicable federal, state or local laws, rules or regulations regarding groundwater contamination.

The special credit for demonstration of meeting pervious standards shall be a reduction to the impervious area of the site. The amount of reduction shall be one-half (1/2) of the graveled surface area(s) that meet the pervious criteria. The City may require re-certification of the gravel surfacing, for no cause, two (2) years or more after the first pervious special credit has been given. If material changes have been made to the property, the City may require re-certification at any time. Failure to re-certify within thirty (30) days of receipt of the City's letter of request to re-certify will result in the loss of the pervious special credit. The property owner is responsible to apprise the City of changes to property that may affect any impervious surface determination or the amount or type of any special credit.

15.16.050 - Deposit and Use of Utility Charges - [Unchanged]

15.16.060 – Impervious Surface Area or Rate Adjustments

- A. Any person receiving a billing statement for storm and surface water service and after making a timely payment thereof, may apply to the Public Works Department for an impervious surface area adjustment or storm and surface water rate adjustment. Applications for impervious surface area adjustments and/or storm and surface water rate adjustments shall be made to the Director of Public Works within forty-five (45) days of the billing statement being mailed by the City.
- B. The burden of proof shall be on the applicant to show that the impervious surface area and/or storm and surface water rate adjustment sought should be granted.
- C. To be effective for the current billing cycle, applications for impervious surface area or storm and surface water rate adjustment must be made within fifteen (15) calendar days of the billing date. Applications received after fifteen (15) calendar days of the billing date shall only be effective for subsequent billing cycles.
- D. The Director of Public Works, or authorized designee, shall make a determination on the application to adjust the impervious surface area and/or storm and surface water rate within thirty (30) calendar days of receiving the application. The Director of Public Works may consider, in the Director's discretion, any information submitted by the applicant or the City. The Director of Public Works shall notify the applicant in writing of the Director's decision.
- E. If the Director of Public Works, or authorized designee, grants an adjustment, which reduces the charge for the current billing cycle, the applicant's account shall be credited the amount overpaid. If the director, or authorized designee, determines that an adjustment should be made which increases the charge due, the charge increase will be effective on the next billing cycle.
- F. The Director of Public Works' determination shall be final unless the applicant appeals that decision to the City's Hearing Examiner within thirty (30) calendar days of the date the Director of Public Works' written determination was mailed to the applicant.
- G. An applicant shall only be allowed to apply for an adjustment to the impervious surface area of a parcel once unless the applicant can demonstrate to the Director of Public Works that the impervious surface area on that property has decreased .

Exception: Any application for adjustment within the calendar year 2001, that is found to be valid under the terms above, shall be eligible for reimbursement of any overcharge to March 1, 2001.

15.16.070 - Billing and Collection

All billing and collection of surface and storm water utility charges and fees shall be done in accordance with the provisions of Bellingham Municipal Code 15.04.

15.16.080 - Severability

If any provision of this chapter or its application to any person, entity or circumstance is held invalid, the remainder of this chapter or the application of the provision to other persons, entities or circumstances shall not be affected.

Section 6: This ordinance shall be effective March 1, 2001.

PASSED by the Council this 12TH day of FEBR., 2001.

Liseli P. Langdon
Council President

APPROVED by me this 27th day of Febr., 2001.

Mark Asmussen
Mayor

Attest: Christine Weinberg
for Finance Director

Approved as to form:

Jean Houston
Office of the City Attorney

Published: 2/17/2001