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## CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3777

AN ORDINANCE relating to Storm and Surface Water Utility Code; and the regulation of environmentally sensitive lands; and amending Bellevue City Code 24.06.050, 24.06.060; and adding new Sections 24.06.081, 24.06.085, 24.06.090, 24.06.186, and 24.06.187 to Chapter 24.06 of the Bellevue City Code; and repealing Ordinances 2645 and 3503, and Chapter 23.72 of the Bellevue City Code.

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 1 (part) of Ordinance No. 3374 and Bellevue City Code (Storm and Surface Water Utility Code) 24.06.050 are amended by addition of the following new definitions:

- K. "Area of Special Flood Hazard" - The land in the floodplain subject to a one percent or greater chance of flooding in any given year as calculated in this code. This area is identified in an engineering report entitled "Flood Insurance Study - City of Bellevue, Washington" dated June 1978 and revised February 23, 1982. This area is also shown in the City of Bellevue Sensitive Area Notebook.
- L. Natural Waters - All lakes, streams, ponds, underground waters, and all other watercourses, including the storm and surface water system within the Utility service area.
- M. Pollution - The contamination or other alteration of the physical, chemical or biological properties of any natural waters of the City, including change in temperature, taste, color, turbidity, or odor of the waters, or the discharge of any liquid, gaseous, solid, radioactive, or other substance into any such waters as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.
- N. Flood Insurance Rate Map - The map delineating special flood hazard areas effective December 1, 1978, that was prepared by the Federal Insurance Administration for the City, or as subsequently amended or revised by the Federal Emergency Management Agency. This map accompanies the engineering report "Flood Insurance Study - City of Bellevue, Washington."

2365c  
04-15-87

Section 2. Section 1 (part) of Ordinance No. 3374 and Bellevue City Code 24.060 are amended to read as follows:

24.06.060 Powers of the Utility.

The Utility, under the direction of its Director, shall have the power to:

- A. Prepare regulations as needed to implement this Code, and forward the same to the City Council for consideration and adoption, and adopt such procedures as are required to implement said regulations or to carry out other responsibilities of the Utility.
- B. Administer the acquisition, design, construction, maintenance and operation of the Utility system, including capital improvements designated in the Comprehensive Drainage Plan.
- C. Administer and enforce this Code and all regulations and procedures adopted hereunder relating to the design, construction, maintenance, operation and alteration of the storm and surface water system including, but not limited to, the quantity, quality and/or velocity of the storm and surface water conveyed thereby.
- D. Inspect private systems as necessary to determine the compliance of such systems with this Code and any regulations adopted hereunder.
- E. Advise the City Council, City Manager and other City departments on matters relating to the Utility.
- F. Prepare and revise a Comprehensive Drainage Plan for adoption by the City Council at least every five years.
- G. Review plans, approve or deny, inspect and accept extensions to the system.
- H. Administer the Clearing and Grading Code, Bellevue City Code Chapter 23.76, and the Floodplain provisions of the Bellevue City Code (Land Use Code) 20.25H and Bellevue City Code, Chapter 24.06.
- I. Establish and enforce regulations to protect and maintain water quality within the storm and surface water system in compliance with water quality standards established by state and/or federal agencies as now adopted or hereafter amended. The City may adopt more stringent water quality standards than those established by federal or state law by ordinance

2365c  
04-15-87

when not precluded by law from so doing.

- J. Analyze the cost of services and benefits provided, and the system and structure of fees, charges, fines and other revenues of the Utility at least every five years to ensure an equitable, adequate and stable Utility rate and fee structure and to achieve a stable financial position for the Utility.
- K. Provide staff support to the Storm and Surface Water Advisory Commission.
- L. Carry out such other responsibilities as required by this Code or other City codes, ordinances, regulations and the Bellevue Comprehensive Plan.

Section 3. Bellevue City Code Chapter 24.06 (Storm and Surface Water Utility Code) is amended by the addition of Section 20.06.081 to read as follows:

24.06.081 Policy for Natural Waters Enunciated:

The City of Bellevue, in recognition of the State of Washington's interest in the quality of natural waters of the state, some of which lie within the jurisdictional boundaries of the City of Bellevue, proclaims a public policy of working cooperatively with the state government in a joint effort to extinguish the sources of water quality degradation, while at the same time preserving and vigorously exercising City powers to provide that high standards of water quality within the City shall be maintained.

No part of this ordinance section is intended to or shall be construed as abrogating the authority or powers of the State of Washington.

Section 4. Bellevue City Code Chapter 24.06 (Storm and Surface Water Utility Code) is amended by the addition of Section 24.06.085 to read as follows:

24.06.085 Discharge of Polluting Matter in Natural Waters Prohibited.

It is unlawful for any person to throw, drain, run, or otherwise discharge into any of the natural waters of the City, or to cause, permit or suffer to be thrown, drained, run, allow to seep or otherwise discharge into such waters any organic or inorganic matter that shall cause or tend to cause pollution of such waters, as provided for in this chapter.

2365c  
04-15-87

Pollution includes, but is not limited to the following:

- a. Petroleum products including but not limited to oil, gasoline, grease, fuel oil, heating oil
- b. Trash or debris
- c. Pet wastes
- d. Chemicals
- e. Paints
- f. Steam cleaning wastes
- g. Washing of fresh concrete for cleaning and/or finishing purposes or to expose aggregates
- h. Laundry wastes
- i. Soaps
- j. Pesticides, herbicides, or fertilizers
- k. Sanitary sewage
- l. Heated water
- m. Chlorinated water or chlorine
- n. Degreasers and/or solvents
- o. Bark and other fibrous material
- p. Antifreeze or other automotive products
- q. Lawn clippings, leaves, or branches
- r. Animal carcasses
- s. Silt
- t. Acids or alkalis
- u. Recreational vehicle wastes
- v. Dyes (without prior permission of the Drainage Utility)
- w. Construction materials

2365c  
04-15-87

Additionally, washing of public or private streets and parking areas is not permitted unless no other alternative exists to remove the undesirable material and then only with prior written Utility approval with requirements to clean the affected drainage pipelines or provide treatment of wash water runoff or other drainage facilities to prevent downstream pollution.

Section 5. Bellevue City Code Chapter 24.06 (Storm and Surface Water Utility Code) is amended by the addition of Section 24.06.090 to read as follows:

24.06.090 Area of Special Flood Hazard Boundaries

A. Adoption of Flood Insurance Study and Flood Insurance Rate Map:

The Flood Insurance Study and the Flood Insurance Rate Map, dated December 1, 1978, and as subsequently amended and revised by the Federal Emergency Management Agency, prepared for the City by the Federal Insurance Administration, are hereby adopted by reference.

B. Map Adjustment:

The Director of the Storm and Surface Water Utility shall adjust floodplain boundaries on the Flood Insurance Rate Maps if --

1. The adjustment is first approved by the Federal Insurance Administration and a new boundary is established, or
2. A Letter of Map Amendment is received from the Federal Emergency Management Agency.

C. Records:

The Director of the Storm and Surface Water Utility shall --

1. Maintain for public inspection a record of the elevations provided by the Department of Design and Development pursuant to Bellevue City Code 20.25H.110.A.3.b and
2. Maintain for public inspection a record of certification indicating the specific elevation (in relation to mean sea level) to which such structures are flood proofed; and

2365c  
04-15-87

3. Maintain a copy of the notification required by Paragraph 24.06.090.C.1 with a record of all variance actions, including justification for their issuance, and report such variances issued in the annual report submitted to the Federal Insurance Administration.
4. When base flood elevation has not been provided, obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, in order to administer the City's floodplain standards, regulations, and ordinances.
5. Review all development, redevelopment, subdivision, short subdivision, and planned unit development, applications to assure compliance with the regulations of chapter 20.25H.110.A and this chapter and to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law.

D. Watercourse Relocation Notice:

The Director of the Storm and Surface Utility shall notify, in riverine situations, adjacent communities and the Department of Ecology prior to any alteration or relocation of a watercourse, and shall submit copies of such notification to the Federal Insurance Administrator. The flood-carrying capacity within the altered or relocated portion of any watercourse shall be maintained.

Section 6. Section 1 (part) of Ordinance No. 3374 and Bellevue City Code (Storm and Surface Water Utility Code) 24.06.170 are amended to read as follows:

24.06.170 Inspections - Right-of-Entry.

The Utility is authorized to enter at all reasonable times in or upon any property, public or private, for the purpose of inspecting and investigating any conditions relating to the provisions of this chapter or any regulation adopted hereunder, provided that the Utility shall first obtain from the owner or person responsible for such premises permission to enter. If entry is refused, the Utility shall have recourse to every remedy provided by law to secure entry.

Section 7. Section 1 (part) of Ordinance No. 3374 and Bellevue City Code (Storm and Surface Water Utility Code) 24.06.185 are amended to read as follows:

2365c  
04-15-87

24.06.185 Procedures to Obtain Correction or Discontinuance of Unsafe or Nonconforming Conditions.

Whenever the Director determines to order the correction or discontinuance of any condition on any premises in accordance with Section 24.06.180, the Director shall notify the owner or other person responsible for such condition of the existence of such condition and shall direct the owner or other such responsible person to correct or discontinue the condition, as the case may be, within ten days, or such other reasonable period as the Director determines, following the giving of such notice.

Section 8. Bellevue City Code Chapter 24.06 (Storm and Surface Water Utility Code) is amended by the addition of Section 24.06.186 as follows:

24.06.186 Emergency Conditions Requiring Immediate Action.

Notwithstanding any other provisions of this chapter, whenever it appears to the Director that conditions covered by this chapter exist requiring immediate action to protect the public health or safety, the Director or his/her designee is authorized to enter at all reasonable times in or upon any property, public or private, for the purpose of inspecting and investigating such emergency conditions. The Director may without prior notice order the immediate discontinuance of any activity leading to the emergency condition. Failure to comply with such order shall constitute a civil violation as specified in Bellevue City Code 1.18.040 B2.

Section 9. Bellevue City Code Chapter 24.06 (Storm and Surface Water Utility Code) is amended by the addition of Section 24.06.187 as follows:

24.06.187 Discharge of Pollutants Into Natural Waters - Liability for Expenses Incurred by the Utility

Any person responsible for pollutant discharge into natural waters who fails to immediately collect, remove, contain, treat, or disperse such pollutant materials at the Director's request is responsible for the necessary expenses incurred by the City in carrying out said pollutant abatement procedures, including the collection, removal, containment, treatment or disposal of such materials.

Section 10. Bellevue City Code Chapter 24.06 (Storm and Surface Water Utility Code) 24.06.290 is amended to read as follows:

24.06.290 Violations.

2365c  
04-15-87

Any violation of any provision of this chapter is a civil violation as provided in Bellevue City Code Chapter 1.18 for which monetary penalties may be imposed as provided therein.

Section 12. Ordinances 2645 and 3503 and Chapter 23.72 of the Bellevue City Code are hereby repealed.

Section 13. This ordinance shall take effect and be in force thirty days after final passage by the City Council.

PASSED by the City Council this 26<sup>th</sup> day of May, 1987, and signed in authentication of its passage this 26<sup>th</sup> day of May, 1987.

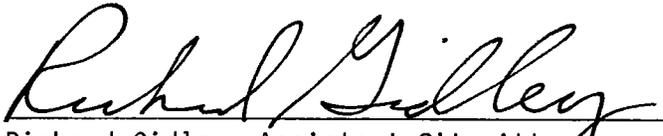
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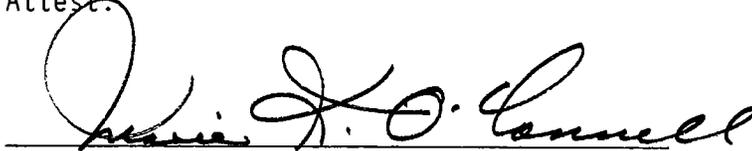
Cary E. Bozeman, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

  
Richard L. Andrews, Assistant City Attorney

Attest:

  
Marie K. O'Connell, City Clerk

Published May 30, 1987