

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5506

AN ORDINANCE amending the Utilities Codes, Bellevue City Code Title 24, as recommended by the Environmental Services Commission, to implement the results of the Development Services initiative and simplify, streamline, clarify and reduce the regulations relating to development of the water, sewer and storm and surface water facilities in the City and, wherever possible, improve the ease of use thereof by citizens, developers, and City staff.

WHEREAS, the City's Development Services Initiative has identified a number of changes that should be made to the City's Utilities Codes, Title 24 of the Bellevue City Code, in order to simplify, streamline, clarify and reduce the regulations relating to development of the water, sewer and storm and surface water facilities of the City; and

WHEREAS, the Environmental Services Commission has reviewed the changes and has determined that they will improve the ease of use of the Codes by citizens, developers and City staff and has recommended that they be made; and

WHEREAS, the City Council concurs in the recommendations of the Environmental Services Commission; now, therefore,

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

Section 1. Sections 24.02.020, .050, .060, .100, .120, .130, .140, .170, .175, .200, .205, and 260 of the Bellevue City Code (Water Utility Code) are hereby amended to read as follows:

24.02.020 Purpose.

The purpose of this code is to: provide for the planning, security, design, construction, use, maintenance, repair and inspection of public and private water systems; establish programs and regulations to assure the quality of the water in such systems as well as provide for the efficient and conservative use of such water; and provide for the enforcement of the provisions of this code.

24.02.050 Definitions.

The following words and phrases, when used in this code, shall have the following meanings:

A. "As-built" means a final drawing of the actual installation of structures, materials and equipment.

- B. "Backflow" means the flow of contaminated water or other liquids, gases or substances into the potable water supply.
- C. "Backflow prevention assembly" means an assembly which prohibits the backflow of water into the potable water supply.
- D. "Capital recovery charge" means a monthly charge imposed on improvements, developments, redevelopments or existing structures that place additional demand on each utility system after January 1, 1997. The capital recovery charge shall be based on an allocation of the utility plant-in-service costs plus interest and the number of single family equivalents served by each utility. (Ord. 4951 1, 2, 1996; Ord. 4751 3, 1995.)
- E. "Connection charges" means charges imposed as a condition of providing utility service so that each connecting property bears its equitable share of the costs of the public water system and the utility's share of the cost of any regional water supply system and of the costs of facilities that benefit the property. Connection charges include latecomer charges, capital recovery charges, regional water supply system charges and direct facilities charges.
- F. "Cross-connection" means any physical arrangement in a public or private water system or plumbing system where the potable water supply is connected, directly or indirectly, with a real or potential source of contamination.
- G. "Cross-connection control" means a backflow prevention assembly, air gap or other control designed to prevent backflow from a cross-connection.
- H. "Director" means the director of the Bellevue utilities department, or his/her designated representative, or other person designated by the city manager.
- I. "Emergency" means any natural or human-caused event or set of circumstances which disrupts or threatens to disrupt or endanger the operation, structural integrity or safety of the public water system; constitutes an immediate health hazard to the potability of the utility's water supply or endangers the health and safety of the public; or otherwise requires immediate action by the utility.
- J. "Engineering standards" means the city of Bellevue utility engineering standards which include minimum requirements for the design and construction of water, storm and surface water drainage and sanitary sewer facilities.
- K. "Fire hydrant assembly" means a fire hydrant and the piping and valve to connect it to a water main.
- L. "Fire sprinkler system" means a privately owned and maintained system used for fire extinguishment only, including piping and appurtenances inside and outside a building but excluding fire hydrant assemblies.

- M. "Irrigation systems" means any means of applying water to landscaped areas.
- N. "Low-volume irrigation systems" means automatic irrigation systems, such as drip systems, micro-spray bubblers and soaker hoses that apply water directly to the root zone(s) of landscape plants only, in contrast to irrigation systems, such as those with overhead or broadcast nozzles, that apply water to all surfaces within the landscape.
- O. "Potable water system" means any part of the public water system or of a private water system that carries potable water.
- P. "Private water system" means any part of the water system that is not part of the public water system.
- Q. "Property owner" means any individual, company, partnership, joint venture, corporation, association, society or group that owns or has a contractual interest in the subject property or has been authorized by the owner to act on his/her behalf.
- R. "Public water system" means all pipes, pump stations, reservoirs, valves and appurtenances that are owned by the utility for the delivery of potable water. The public water system does not include those facilities located on the customer side of meters, or the customer side of backflow prevention assemblies on meterless fire services and serving individual properties.
- S. "Service connection" see "water service".
- T. "Redevelopment" means any site improvement that requires installation of water facilities greater than two inches in diameter to meet fire and/or domestic water pressure and flow requirements, or relocation of such existing facilities, except that facilities for the sole purpose of upgrading a backflow prevention assembly or retrofitting an internal fire sprinkler system are exempt. Construction of any new building(s) or any property subdivision is defined as new development rather than redevelopment, regardless of prior use of the site.
- U. "Regional water supply system" means any existing or planned water supply facilities or other assets which are owned by a regional water supply agency and which are utilized to provide water supply to the Utility. (Ord. 5427 12, 2002)
- V. "Unsafe condition" means any condition on any premises, or in any private water system thereon, that is a hazard to public health or safety, that does or may impair or impede the operation or functioning of any portion of the public water system, or that may cause damage thereto.
- W. "Utility" means the water utility component of the waterworks utility of the city of Bellevue, administered as a part of the Bellevue utilities department, pursuant to Chapter 3.38 BCC.

X. "Utility service area" means that service area defined in the East King County Coordinated Water Supply Plan (EKCCWSP) adopted by King County in June 1990, and approved by the city council pursuant to Resolution No. 5249, and as may be expanded through subsequent interlocal agreements, annexations and special utility district assumptions.

Y. "Water emergency" means that period of time during which water is not available or its availability is limited due to shortages in supply, interruptions in the water transmission or distribution systems, contamination of water supplies, or other conditions where use restrictions or prohibitions are necessary in order to efficiently and effectively safeguard the safety and health of the general public and to provide water for essential public uses.

Z. "Water facility" means any facility for the conveyance or storage of water and related appurtenances, whether part of the public water system or a private water system that is connected to or intended to be connected to the public water system.

AA. "Water main" means a water pipe that is part of the public or private water system used for the transmission and distribution of potable water, excluding service connections, fire hydrant assemblies and fire sprinkler systems.

BB. "Water service" (also called a service, water service connection or service connection) means the pipe and appurtenances used to provide potable water to an individual building or irrigation system, including the water service line (the pipe extending from the water main to the meter setter), meter setter, meter box, meter and miscellaneous fittings.

CC. "Water system" means the entire water system within the utility service area comprised of the public water system and the private water system.

DD. "Water system plan" means the water system comprehensive plan for the utility as adopted by Resolution No. 6273, as now or hereafter amended.

24.02.060 Authority of the utility.

The utility, by and through its director, shall have the authority to:

A. Develop, adopt and carry out procedures as needed to implement this code and to carry out other responsibilities of the utility, including, but not limited to, procedures pertaining to the billing and collection of water consumption charges, water service charges and all other fees and charges imposed pursuant to this code, and procedures for periodic adjustment of fees and charges imposed pursuant to this code.

B. Prepare and update, as needed, engineering standards to establish minimum requirements for the design and construction of water facilities and requirements for protecting existing facilities during construction. The engineering standards shall be consistent with this code and adopted city policies.

- C. Administer and enforce this code and all procedures relating to the planning, acquisition, security, design, construction, inspection, maintenance, management, operation and alteration of the public water system, including capital improvements, and relating to the design, construction and inspection of private water systems.
- D. Enter into any contracts pursuant to Chapter 35.91 RCW, the Municipal Water and Sewer Facilities Act, including contracts which provide for the reimbursement of owners constructing facilities (latecomer agreements) and agreements with private property owners for the extension of the public water system (system extension agreements).
- E. Advise the city council, city manager and other city departments and commissions on matters relating to the utility.
- F. Initiate and manage programs to further the water quality requirements and objectives of the utility including inspection of public and private property to identify and eliminate potential sources of contamination of the public water system and including inspection of backflow prevention assemblies installed to separate or isolate premises from the public water system.
- G. Develop and implement programs and restrictions related to water use, including the comprehensive water conservation program, landscape water budgeting requirements, irrigation system design and performance requirements, and a water shortage contingency plan to be implemented during water shortages caused by weather or by system failure.
- H. Prepare and recommend the water system plan referenced in BCC 24.02.070, and revisions thereto, for adoption by the city council and implementation by the utility.
- I. Carry out other responsibilities as required by this code or other city codes, ordinances or regulations consistent with the Bellevue comprehensive plan.
- J. Shut off water to any utility customer who is violating any provision of this code to the extent permitted by law.
- K. Perform or direct the performance of financial review and analysis of the utility's revenues, expenses, indebtedness, rates and accounting and recommend budgets, rates and financial policy for adoption by the city council.

24.02.100 Connections or modifications to the water system.

Connections or modifications to the public water system or to a private water system, including, but not limited to, extension of water mains, new service, meter size, location and grade changes, abandonment or removal of any structure connected to the public water system, and temporary connections to a fire hydrant, shall be allowed only if:

- A. Approval has been received from the utility, see BCC 24.02.120; and
- B. All applicable requirements of this code and utility procedures have been met; and
- C. All applicable engineering standards have been met or alternate standards have been approved by the utility as substantially equal; and
- D. The property owner has paid all applicable fees and charges; and
- E. The water is delivered from the utility to the user via a meter owned by the utility, except for fire sprinkler systems over two inches in diameter and except for authorized temporary use of fire hydrants through adapters under two inches in diameter; and
- F. Any private wells serving the property are disconnected from the potable water supply; and
- G. Any existing nonreusable water services are abandoned; and
- H. The property is within the utility service area or within an area served by the utility through agreement with another jurisdiction.

24.02.120 Permits – Approvals.

- A. General. The utility shall administratively determine submittal requirements for all utility permits and approvals.
- B. Application for Water Service. An application for water service is required to initiate a new or upgraded connection to the public water system or a meter set that is two inches in diameter or smaller.
- C. Water System Extension Agreement.
 - 1. The property owner and the utility shall enter into a water system extension agreement whenever any of the water facilities that must be installed to serve the property are greater than two inches in diameter. The water system extension agreement shall provide for the property owner to build all the water facilities needed to serve the property. These facilities may include meters and water services of any size, fire hydrant assemblies, fire sprinkler systems, water main extensions and/or other system components.
 - 2. The utility shall approve constructed facilities as complete once the facilities have been built according to the approved plans and specifications, as confirmed by utility inspectors; as-built drawings have been completed as specified in the engineering standards; and all applicable fees and charges have been paid.

3. The property owner shall be required to provide surety devices, in a form approved by the city: for water system extensions in city right-of-way; for connections to the water main during construction and for a one-year warranty period following acceptance by the city.

4. When a water system extension agreement is required to serve a proposed commercial or multi-family building, the utility will not sign off on the building permit until the system extension agreement has been initiated. When a water system extension agreement is required to relocate a water main from under a proposed building, the utility will not sign off on the building permit until the system extension has been completed and has been accepted by the utility, unless the building permit is conditioned to require relocation prior to site construction.

D. Approval for Single Fire Hydrant Installation. The utility may allow relocation or upgrade of a single fire hydrant through an administrative process rather than through a water system extension agreement, provided that proof of insurance and a surety device acceptable to the utility are furnished to the utility and all review and inspection fees are paid. A one-year warranty period shall be required.

E. Fire Hydrant Use Permit. A fire hydrant use permit is required to use water provided through fire hydrants. Each fire hydrant use permit expires at the end of the calendar year and must be renewed annually. A fire hydrant use permit will be issued only if the applicant demonstrates need and agrees in writing to the following conditions:

1. Water may be drawn from the fire hydrant only through hydrant meters or adapters owned by the utility, except the customer may supply his/her own hydrant adapter for tank lot sales.

2. Truck or tank backflow assemblies for tank lot sales are subject to utility approval. The customer must pass a utility cross-connection inspection prior to permit issuance.

3. Persons issued fire hydrant use permits must:

a. Return utility-owned equipment in good condition by the date specified and compensate the utility for any loss or damage.

b. For tank lot sales, the customer must report the number of tank lots purchased.

4. Tank trucks may only draw water from fire hydrants designated by the Utility for this purpose.

5. The utility may suspend fire hydrant use permits during water emergencies or if the customer violates any of the conditions listed under 24.02.120 E.

F. Approvals for Landscape Water Budgets and Irrigation System Design. When required by BCC 24.02.200 and/or 24.02.205, the owner's landscape and/or irrigation designer shall submit calculations and certification statements for utility review and approval.

G. Other Permits. It is the property owner's responsibility to identify and obtain all permits/approvals required for any proposed work.

H. Temporary Water Service Agreement. Any single-family residential property owner may request temporary water service if permanent facilities, that is, facilities that meet all code requirements (such as for system gridding) are not available. The utility may provide temporary single-family residential water service through a temporary water service agreement, which shall:

1. Calculate and collect the property owner's "fair share" costs for installing permanent water facilities. When the property is not fully developed and therefore is subject to redevelopment, the city shall collect only the developed portion's fair share cost at that time. When the property redevelops, the property owner must build the permanent water facilities, or if they are already built, must pay the remaining fair share costs. If a private property owner builds the permanent facilities, he/she will be paid the fair share costs that were collected under the temporary water service agreement plus accrued interest. Interest will be at a rate set by the city treasurer consistent with how interest rates are set for connection charges. Total interest may not exceed the principal amount of the charge.

2. Establish a time limit for connecting to the permanent service once it is available.

3. Indicate that the temporary water service agreement does not guarantee the availability of water for fire protection.

4. Specify that the agreement is a covenant which runs with the land and is binding on the owners and their successors.

5. Be recorded with King County against the property on which the facilities are located.

24.02.130 Engineering and design requirements.

A. General.

1. The property owner is responsible for water system design.

2. The water system designer must be a civil engineer licensed in the state of Washington and qualified by both experience and educational background in the design of water facilities.

3. Engineering and design shall conform to the engineering standards.

4. Water facilities in a designated coal mine area are subject to additional design requirements; see the coal mine area subdivision, development and building permit regulations adopted by Resolution No. 5712.

B. Water Facility Requirements.

1. Whenever property is developed or redeveloped in any way such that water demand or use is altered, new water facilities are required whenever necessary to:

a. Meet fire flow and other fire protection requirements, including the number and location of fire hydrants and fire sprinkler components, as determined by the fire marshal's office of the jurisdiction in which the project is located.

b. Meet domestic and irrigation flow requirements. See the engineering standards.

c. Meet pressure requirements. See the engineering standards.

d. Replace or relocate existing facilities as required or authorized by the utility.

2. Whenever property is developed or redeveloped, water mains shall be extended through and to the extremes of the property being developed as required by the utility when needed for the orderly extension or efficient gridding of the public water system.

C. Water Service Design.

1. Water services shall be designed in accordance with the engineering standards.

2. Each separate building is required to have its own water service, except detached garages, sheds and guest houses on the same single-family residential parcel.

D. Cross-Connection Control. All connections to the public water system shall comply with the backflow prevention requirements of BCC 24.02.190.

24.02.140 Installation responsibility.

A. Utility Installation.

1. The utility shall install meters two inches or less in diameter provided the owner pays all applicable costs, fees and charges pursuant to BCC 24.02.250.

2. The utility may install water services two inches and smaller in diameter,

where services are not provided through a water system extension agreement pursuant to BCC 24.02.120(C), provided the owner agrees to pay all costs, fees and charges pursuant to BCC 24.02.250.

B. Property Owner Installation. The property owner shall install all water facilities required by this code to serve the property when any of the required facilities are larger than two inches in diameter. The property owner may install water services two inches and smaller in diameter upon approval by the Utility. Installation shall be through a water system extension agreement. See BCC 24.02.120(C).

C. Costs. The property owner shall be responsible for all installation costs regardless of whether the work is done by the utility or by the owner, provided that:

1. If the utility requires a property owner to oversize a water facility for reasons other than fire protection purposes or to adequately serve the owner's property, the utility will compensate the property owner for the difference in cost between the normally-sized water facility and the oversized water facility, based on the lowest of three bids from reputable licensed contractors furnished by the property owner.

2. An owner who constructs a water system extension that directly benefits a property in addition to the owner's may request a latecomer agreement in order to be reimbursed from benefiting properties that connect to the extension during the agreement's duration. See BCC 24.02.150 regarding latecomer agreements.

3. If the city chooses to install water facilities to facilitate development, coordinate with other city projects, or for other utility purposes, it may recover its costs, including interest, through a connection charge. (Ord. 4751 3, 1995.)

24.02.170 Construction requirements.

A. General. When constructing or modifying water facilities, compliance is required with this code, the engineering standards, the approved permit, plans and specifications, the terms of any water system extension agreement, the recommendations of the manufacturer of the materials or equipment used and any applicable local, state or federal requirements.

B. Safety Requirements. Utility staff will perform inspections only if shoring and other site conditions conforms with WISHA safety standards and other safety requirements, as applicable.

C. Failure to Complete Work or Meet Requirements.

1. The utility may complete water facility construction begun by a property owner or contractor, or take steps to restore the site (such as backfilling trenches and restoring the public way) if the work does not meet the requirements of this code, the engineering standard and other applicable utility requirements, the contractor or person doing the work fails to rectify the problem following notification

by the utility; and the work, in the opinion of the utility, constitutes a hazard to public safety, health or the public water system.

2. Utility costs incurred pursuant to the preceding BCC 24.02.170(C)(1) shall be calculated pursuant to BCC 24.02.250(B) and charged to the owner or contractor in charge of such work. The permittee shall pay the utility immediately after written notification is delivered to the responsible parties or posted at the location of the work. Such costs shall constitute a civil debt owing to the utility jointly and severally by such persons who have been given notice as herein provided. The debt shall be collectable in the same manner as any other civil debt owing the utility.

3. If in the opinion of the Director, the work being performed is not in accordance with these codes or Engineering Standards and the permittee is unwilling to change or correct the deficiencies, the Director may issue a stop work order until the deficiencies are corrected.

24.02.175 Construction and warranty inspections and tests.

A. Construction/Installation Inspection.

1. All projects permitted or approved by the Utility under a Water System Extension Agreement or other permit are subject to utility inspection to ensure compliance with the code and permit/approval conditions. As a condition of permit issuance or extension agreement, the applicant shall consent to inspection and testing.

2. Newly installed water facilities shall be inspected, tested, and documentation completed according to the engineering standards and procedures.

3. Newly installed or relocated backflow prevention assemblies shall be inspected, tested, and certified pursuant to the requirements of BCC 24.02.190(D).

4. The quality, taste and odor of water drawn from new water mains shall be the same as the quality, taste and odor of water in the existing facility classed as acceptable for use by the utility. Should the water not be acceptable in quality, taste or odor, required steps as approved by the utility shall be taken to attain acceptable water quality standards.

B. Warranty Inspections and Tests. Facilities and equipment accepted by the utility under specific warranties may be reinspected at the utility's discretion and, if necessary, retested prior to the expiration of the warranty period.

24.02.200 Water conservation.

Waste of Water. The waste of water supplied by the utility is prohibited at all times. Waste of water includes, but is not limited to: continuous application of water to lawns or landscaping which results in excessive puddling or runoff of water, failure to repair leaking water service lines and irrigation systems, application of water to

impervious surfaces other than for cleaning purposes, and all other applications of domestic water which do not result in a beneficial use of the city's public water supply.

24.02.205 Landscape and irrigation water budgeting requirements.

A. Applicability. The water budgeting requirements of this section shall apply to new or modified landscaping whenever new or modified landscaping is required by the Land Use Code or proposed by the property owner except that the following shall be exempt from such requirements.

1. Single-family residential lots; provided, that community area landscaping installed by the developer is not exempt.

2. Any project with a total landscape area of less than 500 square feet. If a project is constructed in phases, the total landscape area shall include the total area of all phases.

3. Those portions of a site irrigated with water that is not supplied by the utility.

4. Turf portions of public athletic facilities where turf provides a playing surface and turf portions of public access land used for purposes of public recreation and activities, such as but not limited to outdoor assemblies, picnicking, unstructured sports fields and sunbathing. However, this exemption applies only if the applicant submits a statement designating such turf areas and specifying additional water needs above the irrigation water budget. The additional irrigation water needs shall be based upon the evapotranspiration information for the turf-grass species or species mix designated for the turf area.

5. Those portions of privately owned properties where athletic and recreation facilities, as identified by BCC 24.02.205(A)(4), are installed for use by the general public. However, this exemption applies only if the applicant submits a statement designating such area(s) as open to the public.

B. Water Budget Requirements. For each proposed landscape design not exempted by BCC 24.02.205(A), a state-registered landscape architect, Washington certified nurseryman (WCN) or Washington certified landscaper (WCL) shall certify that the estimated annual water use will not exceed the irrigation water budget, as calculated pursuant to the methodology contained in the engineering standards. Copies of the supporting calculations shall be submitted to the utility.

C. Landscape Management. All landscaped areas designed to meet water budget requirements shall be installed, operated and maintained such that the allowed annual water use is not exceeded.

D. All proposed new irrigation systems that will be connected to the public water system shall be designed in accordance with the engineering standards.

24.02.260 Connection charges.

A. General.

1. The utility shall collect connection charges in order that each connecting property shall bear its equitable share of the cost of the public water system and the Utility's share of the cost of any regional water supply system providing water supply to the utility.

2. Connection charges shall be paid:

a. Before a property is allowed to connect to the public water system.

b. At the time of re-development of the property, if connection charges apply that have not yet been paid such as charges for new facilities that directly benefit the property.

3. Connection charges that have been paid as a result of prior development activities or through participation in an LID or ULID will not be reassessed.

4. The utility may enter into contracts with the owners of existing single-family residences and with the owners of redevelopment projects that meet criteria specified by the utility for payment of connection charges over time instead of as a lump sum. The utility will charge interest at a rate set by the city treasurer on any outstanding debt covered by a payment contract. A contract shall be payable in full at the time of closing upon sale of the property.

B. Direct Facilities Charges.

1. The utility shall collect direct facilities charges from property owners that directly benefit from utility-built or privately-built water service facilities, except property owners who previously paid their fair share through an LID or ULID. Facilities that may be covered in a direct facilities charge include, but are not limited to, lines built from the water main to the property line, fire hydrant assemblies, pump stations, reservoirs and distribution and transmission mains.

2. The direct facilities charge is the property owner's equitable share of the established costs of the facilities he/she benefits from. The equitable share shall include interest charges applied from the date of construction acceptance of the facility until the property connects, or for a period not to exceed 10 years, whichever is less, at a rate commensurate with the rate of interest applicable at the time of construction of the facility to which the property owner is seeking to connect but not to exceed 10 percent per year; provided, that the aggregate amount of interest shall not exceed the equitable share of the cost of the facility allocated to such property owner.

3. The facilities' costs shall be allocated to benefitting property owners based on the number of single family equivalents. The director may, however, make such allocation based on front footage or other reasonably based methodology if the director determines that such alternate basis or methodology better assures equitable sharing of cost by all properties benefitting from the facilities.

C. Administrative Procedures; Adjustment of Charges. The director is authorized to adopt administrative procedures for the purpose of administering the provisions of this section, and to adjust the charges established by subsections A and B, above, from time to time to reflect the actual cost of the facilities for which the charges are made.

Section 2. Sections 24.02.125 and 24.02.210 of the Bellevue City Code (Water Utility Code) are hereby repealed.

Section 3. Sections 24.04.020, .050, .100, .120, .130, .140, .160 and .170 of the Bellevue City Code (Sewer Utility Code) are hereby amended to read as follows:

24.04.020 Purpose.

The purpose of this code is to: provide for the planning, security design, construction, use, maintenance, repair and inspection of public and private sanitary sewer systems; establish programs and regulations to provide for the appropriate use of such systems; and provide for the enforcement of the provisions of this code.

24.04.050 Definitions.

The following words and phrases, when used in this code, shall have the following meanings:

- A. "As-built" means a final drawing of the actual installation of the structures, materials and equipment.
- B. "Connection charges" means charges imposed as a condition of providing utility service so that each connecting property bears its equitable share of the costs of the public sewer system and of the costs of facilities that benefit the property. Connection charges include latecomer charges, capital recovery charges and direct facilities charges.
- C. "Director" means the director of the Bellevue utilities department, or his/her designated representative or other person designated by the city manager.
- D. "Emergency" means any natural or human-caused event or set of circumstances which disrupts or threatens to disrupt or endanger the operation, structural integrity, or safety of the public sewer system; endangers the health and safety of the public; or otherwise requires immediate action by the utility.

- E. "Engineering standards" means the city of Bellevue utility engineering standards which include minimum requirements for the design and construction of water, storm and surface water drainage and sanitary sewer facilities.
- F. "FOG" means fats, oils and grease.
- G. "Industrial waste" means any liquid, solid or gaseous substance or combination thereof, resulting from any process of industry, manufacturing, commercial food processing, business, trade or research, including development, recovering or processing of natural resources.
- H. "Licensed side sewer contractor" means any person, partnership, corporation or association duly qualified and competent to do work incident to the construction or repair of side sewers under permits issued under this code and who shall have been duly licensed by the utility.
- I. "Nonpolar fats" means fats, oils or grease of animal or vegetable origin.
- J. "Polar fats" means fats, oils or grease of mineral origin.
- K. "Pretreatment device" means any approved device, structure, system or method used and maintained for the purpose of bringing a waste stream within acceptable limits and standards of quality prior to its discharge to the public sewer system.
- L. "Private sewer system" means any part of the sewer system that is not part of the public sewer system as defined in the code.
- M. "Property owner" means any individual, company, partnership, joint venture, corporation, association, society or group that owns or has a contractual interest in the subject property or has been authorized by the owner to act on his/her behalf.
- N. "Public sewer system" means the sanitary sewer system owned and operated by the utility.
- O. "Residential structure" means a single-family or duplex structure.
- P. "Sewage" means waste discharged from the sanitary facilities of buildings and including industrial wastes.
- Q. "Sewer facility" means any facility for the conveyance or storage of sewage, whether part of the public sewer system or a private sewer system, that is connected to or intended to be connected to the public sewer system.
- R. "Sewer main" means a pipe designed or used to transport sewage, excluding side sewers.

S. "Sewer pretreatment" means the treatment of industrial waste before discharge to the public sewer system.

T. "Sewer service" means providing for the disposal of sewage from a structure into the public sewer system.

U. "Sewer system plan" means the sewer system comprehensive plan for the utility, as adopted by Resolution No. 5827, as now or hereafter amended.

V. "Side sewer" means a conduit extending from the public sewer main to the connection with a building's plumbing system.

W. "Side sewer stub" means that portion of the side sewer in the right-of-way or easement dedicated to the utility.

X. "Structure" means any building that contains facilities for the disposal of sewage.

Y. "Unsafe condition" means any condition on any premises, or in any private sewer system thereon, that is a hazard to public health or safety, that does or may impair or impede the operation or functioning of any portion of the public sewer system or that may cause damage thereto.

Z. "Utility" means the sewer utility component of the waterworks utility of the city of Bellevue, administered as a part of the Bellevue utilities department, as provided by Chapter 3.38 BCC.

AA. "Utility service area" means that service area defined on the map filed with the city clerk under Clerk's Receiving No. 8893, and as may be expanded through subsequent interlocal agreements, annexations and special utility district assumptions.

BB. "Capital recovery charge" means a monthly charge imposed on improvements, developments, redevelopments or existing structures that place additional demand on each utility system after January 1, 1997. The capital recovery charge shall be based on an allocation of the utility plant-in-service costs plus interest and the number of single family equivalents served by each utility.

24.04.100 Connections or modifications to the sewer system.

A. Connection to the Sewer System Required.

1. All structures which contain facilities for the disposal of sewage shall connect to the public sewer system unless a variance is granted pursuant to BCC 24.04.100(B). Where sanitary sewer service is not available and is required, the utility may require the property owner to install a sewer main extension.

2. Connections or modifications to the sewer system, including, but not limited to, the installation or repair of sewer mains or side sewers, and abandonment or removal of any structure connected to the public sewer system shall occur only if:

a. Approval has been received from the utility (see BCC 24.04.120);

and

b. All applicable requirements of this code and utility procedures have been met; and

c. All applicable engineering standards have been met or alternative standards have been approved by the utility as substantially equal; and

d. The property owner has paid all applicable fees and charges; and

e. Any existing on-site sewage disposal facilities are disconnected in accordance with health department requirements; and

f. The property is within the utility service area or within an area served by the utility through agreement with an adjacent jurisdiction.

B. Variance from the Sewer Connection Requirement.

1. Any property owner may apply for a variance from the sewer connection requirement to allow for an on-site septic disposal system.

2. The director shall approve a variance only if all of the following decision criteria are met:

a. The property is more than 200 feet or such other distance as may be required by King County Board of Health On-Site Sewage Regulations, via dedicated easements and/or right-of-way from the existing public sewer system or, in the case of subdivisions, the exterior boundary of the subdivision is more than 660 feet, measured in the same manner, from the existing public sewer system; and

b. The proposed septic system will not have an adverse environmental effect on potable water wells, ground water, streams or other surface bodies of water; and

c. The proposed septic system is in compliance with all applicable federal, state and local health and environmental regulations; and

d. The cost of providing sewer service to the structure will result in an economic hardship. Economic hardship is defined as an unrecoverable cost equal to or exceeding 20 percent of the fair market value of a building site with utilities in place on which the structure is to be located.

3. Any variance issued by the director shall be subject to the following conditions:

a. The applicant must obtain King County health department approval of the septic tank system and must obtain any other permits which may be required by law for such system; and

b. The applicant shall record an agreement, in a form approved by the city and referred to herein as "agreement to connect," with the King County department of records and elections. Such agreement shall require payment of all connection charges at the time of actual connection to the system. The agreement shall be a covenant which runs with the land and is binding on the owners and successors in interest of the property. The agreement shall provide that the structure shall be connected to the public sewer system at such time as the system is available and that the property owner will not protest the formation of any future LID or ULID for extension of a sewer system that would serve the property. The sewer system shall be deemed available for purposes of this requirement whenever the structure can be connected to the system by an extension of 330 feet or less or, in the case of a subdivision, the boundary of the subdivision can be reached by an extension of 660 feet or less from the system.

4. The applicant may appeal a decision of the director denying a variance application pursuant to the Process II appeal procedures of LUC 20.35.250.

24.04.120 Permits – Approvals.

A. General. The utility shall administratively determine submittal requirements for all utility permits and approvals.

B. Side Sewer Permit.

1. A side sewer permit is required to construct a side sewer and/or to make any additions, repairs or connections to an existing side sewer.

2. A side sewer permit application must be made by the property owner or his/her licensed sewer contractor.

3. Side sewer permits for commercial projects, including multifamily structures, may be issued as part of the sewer system extension agreement, if one is required, pursuant to BCC 24.04.120 (C)(1). The side sewer can be installed as part of the sewer system extension agreement and shall be put in use only after acceptance by the utility of the system extension.

4. Side sewer permits for lots in subdivisions and short plats will be issued only after sewer main extensions have been accepted by the city.

5. Side sewer permits shall expire 12 months from date of issuance.

C. Sewer System Extension Agreement.

1. The property owner and the utility shall enter into a sewer system extension agreement whenever an extension to an existing sewer main is required pursuant to BCC 24.04.100(A)(1) or 24.04.130(B)(2).

2. The utility shall approve constructed facilities as complete once the facilities have been built according to the approved plans and specifications, as confirmed by utility inspectors, as-built drawings have been completed as specified in the engineering standards and all applicable fees and charges have been paid.

3. The property owner shall be required to provide surety devices, in a form approved by the city, for sewer system extensions in city right-of-way, for connections to the sewer main during construction and for a one-year warranty period following acceptance by the city.

4. When a sewer system extension agreement is required to serve a proposed commercial or multi-family building, the utility will not sign off on the building permit until the system extension agreement has been initiated. When a sewer system extension agreement is required to relocate a sewer main from under a proposed building, the utility will not sign off on the building permit until the system extension has been completed and accepted by the utility, unless the building permit is conditioned to require relocation prior to site construction.

D. Temporary Sewer Service Agreement. Any single-family residential property owner may request temporary sewer service if permanent facilities, that is, facilities that meet all code requirements such as for system extension, are not available. The utility may provide temporary single-family residential service through a temporary sewer service agreement which shall:

1. Calculate and collect the property owner's fair share costs for installing permanent sewer facilities. When the property is not fully developed and therefore is subject to redevelopment, the city shall collect only the fair share cost for the developed portion at that time. When the property is redeveloped, the property owner shall build the permanent sewer facilities, or if they are already built, shall pay the remaining fair share costs. If a private property owner builds the permanent facilities, he/she will be paid the fair share costs that were collected under the temporary sewer service agreement plus accrued interest. Interest will be at a rate set by the city treasurer consistent with how interest rates are set for connection charges. Total interest may not exceed the principal amount of the charge.

2. Establish a time limit for connecting to the permanent service once it is available.

3. Specify that the agreement runs with the land and is binding on the owners and their successors.

4. Be recorded with King County against the property on which the facilities are located.

E. Pump Station Agreement. Prior to construction of a privately owned sewer pump station other than for a single-family residence or serving a single-family lot, the property owner shall enter into a pump station agreement with the utility that sets forth the owner's maintenance and emergency responsibilities.

F. Agreement to Connect. When a variance to allow a septic system is granted, an "agreement to connect" must be recorded pursuant to BCC 24.04.100(B)(3).

G. Contractors shall be licensed in accordance with Washington State requirements and shall be registered with the City of Bellevue Tax Office.

H. Other Permits. It is the property owner's responsibility to identify and obtain all permits/approvals required for any proposed work.

24.04.130 Engineering and design requirements.

A. General.

1. The property owner is responsible for sewer system design.
2. The sewer system designer must be a civil engineer licensed in the state of Washington and qualified by both experience and educational background in the design of sewer facilities.
3. Engineering and design shall conform to the engineering standards.
4. Sewer facilities in a designated coal mine area are subject to additional design requirements. See the coal mine area subdivision, development, and building permit regulations adopted by Resolution No. 5712.

B. Sewer Facility Requirements.

1. Whenever property is developed or redeveloped in any way such that sewage discharge is changed in content or volume, new sewer facilities are required whenever necessary to:

- a. Meet hydraulic capacity requirements. See the engineering standards; or
- b. Replace existing facilities that need to be relocated; or
- c. Meet industrial waste pretreatment requirements pursuant to BCC

24.04.213.

2. Whenever property is developed or redeveloped, sewer mains shall be extended through and to the extremes of the property being developed, as required by the utility, when needed for the orderly extension of the public sewer system.

C. Side Sewer Design.

1. A maximum of four residential structures may be connected to a single side sewer.

2. Where physical conditions render compliance with utility side sewer requirements impracticable, the utility may require compliance insofar as is reasonably possible provided that the property owner execute and deliver to the utility an instrument, in a form furnished by the utility, agreeing to hold harmless and indemnify the utility and the city of Bellevue for any damage or injury resulting from such installation. The utility may require that such instrument be recorded against the property with the King County office of records and elections.

D. Pump Stations and Lifts.

1. Pump stations shall be permitted only for service to those properties which the director determines cannot reasonably be served by conventional gravity sewers.

2. In any structure in which the plumbing is too low to permit gravity flow to the designated connection point, the sewage shall be lifted by artificial means. When only the lower floor of a structure is too low for gravity flow, the sewage from the upper floors must flow by gravity.

24.04.140 Installation responsibility.

A. Property Owner Installation. The property owner shall be responsible for the installation of all sewer facilities required by this code. Installation shall be through a sewer system extension agreement or side sewer permit. See BCC 24.04.120.

B. Costs. The property owner shall be responsible for all installation costs regardless of whether the work is done by the utility or by the owner, provided that:

1. If the utility requires a property owner to oversize a sewer facility for reasons other than to adequately serve the owner's property, the utility will compensate the property owner for the difference in cost between the normally sized sewer facility and the oversized sewer facility, based on the lowest of three bids from reputable licensed contractors furnished by the property owner.

2. A property owner who constructs a sewer system extension that directly benefits property in addition to the owner's may request a latecomer agreement in order to be reimbursed by benefiting properties that connect to the extension during the agreement's duration. See BCC 24.04.150 regarding latecomer agreements.

3. The city may choose to install sewer facilities to facilitate development, coordinate with other city projects or for other utility purposes and may recover its costs, including interest, through a connection charge.

24.04.160 Sewer easement requirements.

A. When Required. An easement is required whenever:

1. A public sewer facility will be built on private property; or
2. A private sewer facility will be built on property owned by a different private party; or
3. A side sewer will serve two or more properties.

B. Requirements. All of the following requirements shall be met before the city will accept and/or approve any easement:

1. Clear title in the grantor shall be demonstrated; and
2. The easement shall be consistent with utility clearance standards and setback standards and with other utilities or easements. The utility may require the easement to exclude other utilities and uses if necessary to protect the public sewer system; and
3. The easement shall provide access to the facility for repair and maintenance. When deemed necessary by the utility, the easement shall contain provisions for long-term maintenance. Easements for side sewers serving more than one property must specify responsibility for costs of maintenance, repair and access; and
4. The easement shall prohibit all structures except those which can readily be removed by the structure's owner at the owner's expense when access to the sewer facility is required by the utility. If such structures are in the easement, an agreement with the utility to remove the structure on request shall be recorded; and
5. The easement dimensions and other requirements shall be in accordance with the engineering standards.

C. Costs. The property owner shall pay all costs of providing or obtaining and recording the easement.

D. Relinquishment of Easement. An easement granted to the utility may be relinquished only if the utility determines it is no longer needed and the city council authorizes the relinquishment.

24.04.170 Construction requirements.

A. General. When constructing or modifying sewer facilities, compliance is required with this code, the engineering standards, the approved permit, plans and specifications, the terms of any sewer system extension agreement, the recommendations of the manufacturer of the materials or equipment used and any applicable local, state or federal requirements.

B. Safety Requirements. Utility staff will perform inspections or hole-cuts only if shoring and other site conditions conforms with WISHA safety standards and other safety requirements, as applicable.

C. Failure to Complete Work or Meet Requirements.

1. The utility may complete sewer facility construction begun by a property owner or contractor, or take steps to restore the site (such as backfilling trenches and restoring the public way) if the work does not meet the requirements of this code, the engineering standard and other applicable utility requirements, the contractor or person doing the work fails to rectify the problem following notification by the utility; and the work, in the opinion of the utility, constitutes a hazard to public safety, health or the public sewer system.

2. Utility costs incurred pursuant to the preceding BCC 24.04.170(C)(1) shall be calculated pursuant to BCC 24.04.250(B) and charged to the owner or contractor in charge of such work. The permittee shall pay the utility immediately after written notification is delivered to the responsible parties or posted at the location of the work. Such costs shall constitute a civil debt owing to the utility jointly and severally by such persons who have been given notice as herein provided. The debt shall be collectable in the same manner as any other civil debt owing the utility.

3. If in the opinion of the Director, the work being performed is not in accordance with these codes or engineering standards and the permittee is unwilling to change or correct the deficiencies, the Director may issue a stop work order until the deficiencies are corrected.

D. Additional Side Sewer Construction Requirements.

1. Side sewers may be constructed only by the following:

- a. Contractors licensed in accordance with BCC 24.04.120(G);
- b. Property owners working on their own property;

2. The side sewer permit shall be readily available at the job site at all times. No inspections will be completed if the permit is not available.

3. Connection shall be made to the wye or tee or side sewer stub designated at the time the side sewer permit is issued unless written permission to

do otherwise is obtained from the utility. If the designated stub cannot be found, the utility will install one at the utility's expense. The utility shall not be responsible for costs incurred by the owner/contractor when looking for the stub.

24.04.260 Connection charges.

A. General.

1. The utility shall collect connection charges, in order that each connecting property shall bear its equitable share of the cost of the public sewer system.

2. Connection charges shall be paid before a property is allowed to connect to the public sewer system. Connection charges not previously paid, such as charges for new facilities that directly benefit the property, shall be paid when the property undergoes, either at one time or cumulatively through more than one project, a substantial remodeling as defined in Land Use Code Section 20.50.040 or more substantial improvement or if an improvement or cumulative improvements significantly impact downstream system capacity.

3. Connection charges that have been paid as a result of development activities on the property or through participation in an LID or ULID will not be reassessed.

4. The utility may enter into contracts with the owners of existing single-family residences and with the owners of redevelopment projects that meet criteria specified by the utility for payment of connection charges over time instead of as a lump sum. The utility will charge interest, at a rate set by the city treasurer on any outstanding debt covered by a payment contract. A contract shall be payable in full at the time of closing upon sale of the property.

B. Direct Facilities Charges.

1. The utility shall assess and collect direct facilities charges from property owners that directly benefit from utility-built or privately-built sewer facilities, except property owners who previously paid their fair share through an LID or ULID. Facilities that may be covered in a direct facilities charge include, but are not limited to, stubs built from the sewer main to the property line, pump stations and mains.

2. The direct facilities charge is the property owner's equitable share of the established costs of the facilities he/she benefits from. The equitable share shall include interest charges applied from the date of construction acceptance of the facility until the property connects, or for a period not to exceed 10 years, whichever is less, at a rate commensurate with the rate of interest applicable at the time of construction of the facility to which the property owner is seeking to connect but not to exceed 10 percent per year; provided, that the aggregate amount of interest shall not exceed the equitable share of the cost of the facility allocated to such property owner.

3. The facilities' costs shall be allocated to benefitting property owners based on the number of single family equivalents. The director may, however, make such allocation based on front footage or other reasonably based methodology if the director determines that such alternate basis or methodology better assures equitable sharing of cost by all properties benefitting from the facilities.

C. Administrative Procedures; Adjustment of Charges. The director is authorized to adopt administrative procedures for the purpose of administering the provisions of this section, and to adjust the charges established by subsections A and B, above, from time to time to reflect the actual cost of the facilities for which the charges are made.

Section 4. Section 24.04.125 of the Bellevue City Code (Sewer Utility Code) is hereby repealed.

Section 5. Sections 24.06.020, .050, .060, .075, .090, .100, .115, .120, .130, .140, .160, .170, .175, .185, .195, .220, .260 and .280 of the Bellevue City Code (Storm and Surface Water Utility Code) are hereby amended to read as follows:

24.06.020 Purpose.

The purpose of this code is: to provide for the planning, security, design, construction, use, maintenance, repair and inspection of the public and private storm and surface water system; to establish programs and regulations to assure the quality of the water in such system, to preserve the integrity of the system, and to minimize the chance of flooding; and to provide for the enforcement of the provisions of this code. This code supplements other city ordinances and regulations regarding protection of the storm and surface water system, including but not limited to the wetland and riparian corridor regulations included in Land Use Code Part 20.25H, the Sensitive Area Overlay District.

24.06.050 Definitions.

The following words and phrases, when used in this code shall have the following meanings:

A. Area of Special Flood Hazard means the land in the Floodplain subject to a one percent or greater chance of flooding in any given year as calculated in the Storm and Surface Water Utility Code, Chapter 24.06 BCC.

B. "As-built" means a final drawing of the actual installation of structures, materials and equipment.

C. "Best management practice" (BMP) means those physical, structural and/or managerial practices that, when used individually or in combination, prevent or reduce pollution of water. BMPs include, but are not limited to, structural solutions covered by the terms "best available technology" (BAT) and "all known available and reasonable methods of treatment" (AKART).

D. "Capital recovery charge" means a monthly charge imposed on improvements, developments, redevelopments or existing structures that place additional demand on each utility system after January 1, 1997. The capital recovery charge shall be based on an allocation of the utility plant-in-service costs plus interest and the number of single family equivalents served by each utility.

E. "Comprehensive drainage plan" means the latest version of the city of Bellevue comprehensive drainage plan as adopted by the city council.

F. "Connection charges" means charges imposed as a condition of connecting to the utility system so that each connecting property bears its equitable share of the costs of the public drainage system and of the costs of facilities that benefit the property. Connection charges include latecomer charges, capital recovery charges and direct facilities charges.

G. "Conveyance System" means that part of the storm and surface water system that conveys runoff from any portion of public right-of-way.

H. "Detention facility" means an above or below ground facility, such as a pond or vault, that temporarily stores storm water runoff and subsequently releases it at a slower rate than it is collected by the drainage facility. There is little or no infiltration of stored storm water.

I. "Director" means the director of the Bellevue utilities department, or his/her designated representative, or other person designated by the city manager.

J. "Drainage system" see "storm and surface water system."

K. "Emergency" means any natural or human-caused event or set of circumstances that disrupts or threatens to disrupt or endanger the operation, structural integrity or safety of the drainage system; or endangers the health and safety of the public; or otherwise requires immediate action by the utility.

L. "Engineering Standards" means the city of Bellevue utility engineering standards which include minimum requirements for the design and construction of water, storm and surface water drainage and sanitary sewer facilities.

M. "Flood insurance rate map" (FIRM) means the Flood Insurance Study map delineating the Area of Special Flood Hazard 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. The map accompanies the engineering report "Flood Insurance Study – City of Bellevue, Washington."

N. "Hydroperiod" means the seasonal occurrence of flooding and/or soil saturation; encompasses the depth, frequency, duration and seasonal pattern of inundation.

O. "Land disturbing activity" means any activity that results in a change in the existing soil cover (both vegetative and nonvegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to, demolition, construction, clearing, grading, filling and excavation.

P. "Large parcel new development" means new development that includes the creation or addition of 5,000 square feet or more of new impervious surface and/or land disturbing activity of one acre or more within a 12-month period, except for the following:

1. Individual, detached single-family residences;
2. Individual, detached duplex residences;
3. Commercial agriculture;
4. Forest practices regulated under WAC Title 222 other than Class IV general forest practices that are conversions from timber land to other uses.

Q. "Maintenance standards" means city of Bellevue utility maintenance standards which include minimum requirements for maintaining drainage facilities so they function as intended and provide water quality protection and flood control.

R. Maximum Extent Practicable, or "MEP" means the use of best management practices that are technically and financially achievable and is the technically sound and financially responsible, non-numeric criteria (standard of compliance) applicable to all municipal stormwater discharges through the implementation of "best management practices."

S. "One hundred-year, 24-hour storm" (100-year, 24-hour storm) means a storm with a 24-hour duration with a 0.01 probability of exceedance in any one year.

T. "Pollution" means the contamination or other alteration of the physical, chemical, or biological properties of any natural waters 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, *per RCW 90.48.20*.

U. "Procedure" means a procedure adopted by the utility, by and through the director, to implement this code, or to carry out other responsibilities as may be required by this code or other codes, ordinances, or resolutions of the city or other agencies.

V. "Property owner" means any individual, company, partnership, joint venture, corporation, association, society or group that owns or has a contractual interest in the subject property or has been authorized by the owner to act on his/her behalf.

W. "Private system or private drainage facility" means any element of the storm and surface water system which is not a part of the public drainage system as defined in this code.

X. "Public storm and surface water system, or public drainage system" means those elements of the storm and surface water system maintained and operated by the city:

1. Located on property owned by the city or in public right-of-way; or
2. Located on property on which the city has an easement, license or other right of use for utility purposes.

Y. "Redevelopment" means, on an already developed site, the creation or addition of impervious surfaces; structural development including construction, installation, or expansion of a building or other structure; and/or replacement of impervious surface that is not part of a routine maintenance activity; and land disturbing activities associated with structural or impervious development.

Z. "Runoff control BMPs" means BMPs that are intended to control or manage the rate and/or quantity of storm water runoff.

AA. "Source control BMPs" means BMPs that are intended to prevent pollutants from entering storm and surface water.

BB. "Storm and surface water system," also referred to as the drainage system, means the entire system within the city, both public and private, naturally existing and manmade, for the drainage, conveyance, detention, treatment or storage of storm and surface waters. However, facilities directly associated with buildings or structures such as foundation drains, rockery/retaining wall drains, gutters and downspouts or groundwater are not considered parts of the storm and surface water system.

CC. "Stream" means any and all surface water routes generally consisting of a channel having a bed, banks, and/or sides in which surface waters flow in draining from higher to lower land, both perennial and intermittent; and including intervening artificial components.

DD. "Unsafe condition" means any condition on any premises which is a hazard to public health or safety that does or may impair or impede the operation or functioning of any portion of the public drainage system or which may cause damage thereto.

EE. "Utility" means the storm and surface water utility component of the waterworks utility of the city of Bellevue, administered as part of the Bellevue utilities department, as provided by Chapter 3.38 BCC.

FF. "Water quality design storm" means a six-month return period, 24-hour duration storm.

GG. "Zone A" means the Area of Special Flood Hazard (ASFH), except coastal V Zones, shown on a community's Flood Insurance Rate Map (FIRM). There are five types of A Zones:

A: ASFJ where no base flood elevation is provided.

A#: Numbered A Zones (e.g., A7 or A14), ASFH where the FIRM shows a base flood elevation in relation to NGVD.

AE: ASFH where base flood elevations are provided. AE Zone delineations are now used on new FIRMS instead of A# Zones.

AO: ASFH with sheet flow, ponding, or shallow flooding. Base flood depths (feet above grade) are provided.

AH: Shallow flooding ASFH . Base flood elevations in relation to NGVD are provided.

HH. "Zone V" means the special flood hazard area subject to coastal high hazard flooding. There are three types of V Zones: V, V#, and VE and they correspond to the A Zone designations.

24.06.060 Authority of the utility.

The utility, by and through its director, shall have the authority to:

A. Develop, adopt and carry out procedures as needed to implement this code and to carry out other responsibilities of the utility, including, but not limited to, procedures pertaining to the billing and collection of monthly drainage charges and procedures for periodic adjustment of fees and charges imposed pursuant to this code.

B. Prepare and update as needed engineering standards to establish minimum requirements for the design and construction of drainage facilities and requirements for protecting existing facilities during construction. The engineering standards shall be consistent with this code and adopted city policies.

C. Administer and enforce this code and all procedures relating to the planning, acquisition, security, design, construction and inspection of new storm and surface water facilities and relating to the regulation of storm and surface water system alterations.

- D. Enter into any contract pursuant to Chapter 35.91 RCW, the Municipal Water and Sewer Facilities Act, including contracts which provide for the reimbursement of owners constructing facilities (latecomer agreements) and agreements with private property owners for the extension of the drainage system (system extension agreements).
- E. Prepare, update, administer and enforce as needed maintenance standards to establish minimum requirements for the maintenance of drainage facilities so they function as intended, protect water quality and provide flood control.
- F. Develop and implement a program that includes administration, inspection and enforcement of private drainage facilities to ensure continued compliance of drainage facilities with this code.
- G. Advise the city council, city manager and other city departments and commissions on matters relating to the utility.
- H. Prepare, revise as needed, recommend and implement a comprehensive drainage plan for adoption by the city council. Prepare basin plans and other studies that are approved in the utility's adopted budget.
- I. Administer the Area of Special Flood Hazard area provisions of this code.
- J. Develop a storm water management program, as required by state and/or federal agencies for review and adoption by the city council.
- K. Establish and implement programs to protect and maintain water quality and to manage storm water runoff within the storm and surface water system in order to maintain compliance to the maximum extent practicable with applicable water quality standards established by state and/or federal agencies as now or hereafter adopted.
- L. Perform or direct the performance of financial review and analysis of the utility's revenues, expenses, indebtedness, rates and accounting and recommend budgets, rates and financial policy for adoption by the city council.
- M. Carry out such other responsibilities as required by this code or other city codes, ordinances or regulations consistent with the Bellevue comprehensive plan.
- N. Conduct public education programs related to protection and enhancement of the drainage system.
- O. Develop and implement a program that includes administration, inspection and enforcement of new or modifications to public or private drainage facilities for activities listed under BCC 24.06.120 and BCC 24.06.130A to ensure continued compliance of drainage facilities with this code. Repair or replacement of private drainage facilities in kind are exempt from this program unless applicable under other portions of the code.

24.06.075 Studies and basin plans.

The utility may conduct studies and may develop basin plans. Plan recommendations which impact development or land use regulations shall be reviewed and adopted by the city council. Upon adoption, such plan recommendations shall supersede the requirements of this code, provided that the basin specific requirements provide an equal or greater level of water-quality and runoff control protection.

24.06.090 Area of Special Flood Hazard

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 utility shall adjust special flood hazard area boundaries on the flood insurance rate map 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 utility shall:

1. Maintain for public inspection a record of the elevations provided by the department of community development pursuant to Land Use Code Section 20.25H.110(A)(3)(b); and

2. Maintain for public inspection a record of certification indicating the specific elevation (datum as defined in Engineering Standards) to which such structures are flood proofed; and

3. Maintain a copy of the notification required by BCC 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; and

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 special flood hazard area standards, regulations and ordinances; and

D. Compliance. All development, redevelopment, subdivision, short subdivision and planned unit development applications shall comply with this code and with the requirements of Land Use Code Section 20.25H.110(A).

E. Watercourse Relocation Notice. The 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.

24.06.100 Connections or modifications to the drainage system.

Connections or modifications to the public drainage system or modifications to a private drainage system that are applicable under BCC 24.06.130 A., and abandonment or removal of any structure connected to the public storm system shall be allowed only if:

- A. Approval has been received from the utility (see BCC 24.06.120); and
- B. All applicable requirements of this code and utility procedures have been met; and
- C. All applicable engineering standards have been met or alternative standards have been approved by the utility as substantially equal; and
- D. The property owner has paid all applicable fees and charges.

24.06.115 Facility ownership.

A. The utility owns all elements of the storm drainage system in public right-of-way and in easements or tracts dedicated to and accepted by the utility, except to the extent private ownership is indicated as a matter of record.

B. The utility may accept ownership (or other property rights) and responsibility for privately built drainage facilities when all of the following conditions are met:

- 1. Ownership of the facility by the utility would provide a public benefit; and
- 2. Necessary and appropriate property rights are offered by the property owner at no cost; and
- 3. The facility substantially meets current engineering standards, as determined by the utility, or is brought up to current engineering standards by the owner; and

4. There is access for utility maintenance in accordance with criteria provided in the engineering standards; and
5. The utility has adequate resources to maintain the facility; and
6. In the case of runoff control facilities, the facility serves a residential subdivision or short plat (rather than a commercial property); and
7. The facility is transferred to the utility by bill of sale at no cost to the city.

24.06.120 Permits – Approvals.

A. General.

1. The utility shall administratively determine submittal requirements for the various utility permits/approvals.
2. When a drainage connection permit or drainage system extension agreement is required, it shall require the property owner to build all the drainage facilities needed to serve the property including, but not limited to, conveyance systems, runoff treatment best management practices, detention facilities and other system components.
3. When a drainage connection permit or drainage system extension agreement is required to provide drainage facilities for a commercial or multi-family proposed building, the utility will not sign off on the building permit until the drainage connection permit has been issued or the drainage system extension agreement has been initiated. When a drainage connection permit or drainage system extension agreement is required to relocate a drainage facility from under a proposed building, the utility will not sign off on the building permit until the replacement drainage work has been completed and accepted by the utility, unless the building permit is conditioned to require relocation prior to site construction.

B. Drainage Connection Permit.

1. A drainage connection permit is required to connect to or modify the public drainage system or modify a private drainage system for activities listed under BCC 24.06.130 A, unless a drainage system extension agreement is required pursuant to BCC 24.06.120(C)(1) or unless the work is specifically covered under another permit such as a Clearing and Grading or Right-of-Way Use Permit.
2. A drainage connection permit application must be made by the property owner or his/her licensed and bonded contractor.
3. Drainage connection permits for lots in subdivisions and short plats will be issued only after the drainage extension, if one is required, is accepted by the city.
4. Drainage connection permits expire 12 months from the date of issuance.

C. Drainage System Extension Agreement.

1. The property owner and the utility shall enter into a drainage system extension agreement whenever new development or redevelopment involves any of the following:

- a. Detention or other runoff control facilities; or
- b. Runoff treatment facilities, other than spill control structures; or
- c. Work on the public drainage system or within the right-of-way except for the following:
 - lateral connections to the public drainage system
 - limited conveyance system modifications such as catchbasins, manholes
 - culverts for new driveways that can be covered under a drainage connection permit or another permit such as a Clearing and Grading or Right-of-Way Use Permit.
- d. Work on private drainage systems that could be covered under another permit such as a Building or Clear and Grade Permit.

2. The utility will accept constructed facilities as complete once the facilities have been built according to the approved plans and specifications, as confirmed by utility inspectors; as-built drawings have been completed as specified in the engineering standards; and all applicable fees and charges have been paid.

3. The property owner shall be required to provide surety devices, in a form approved by the city, for drainage system extensions during construction and for a one-year warranty period following acceptance.

D. Contractors. Contractors shall be licensed in accordance with Washington State requirements and shall be registered with the City of Bellevue Tax Office.

E. Other Permits. It is the property owner's responsibility to identify and obtain all permits/approvals required for any proposed work, such as any approvals required by the Washington State Department of Fish and Wildlife, the Washington State Department of Ecology and the Army Corps of Engineers.

24.06.130 Engineering and design requirements.

A. Applicability. The engineering and design requirements of this section shall apply to the following:

1. All new development and redevelopment is subject to the engineering and design requirements of BCC 24.06.130(B), (C), (D) and (J).

2. Large parcel new development, as defined in BCC 24.06.050, is subject to all of the engineering and design requirements of this section, except that wetland discharge and recharge requirements (BCC 24.06.130(H)) apply only if the site discharges directly to a wetland. The requirements apply to the entire tax lot or lots being developed.

3. Redevelopment of 5,000 square feet or greater within a 12-month period is subject to all of the engineering and design requirements of this section, except that wetland discharge and recharge requirements (BCC 24.06.130(H)) apply only if the site drains directly to a wetland. The requirements apply only to the portion of the site being developed except that source controls (BCC 24.06.130(F)) shall be applied to the entire site, including adjoining parcels if they are part of the project.

4. Redevelopment on a site that is larger than one acre and has 50 percent or more impervious surface or that discharges to a receiving water with a water quality problem that is documented in a basin plan or other study or plan adopted by the city council shall also submit a schedule to implement the following for the entire site, including adjoining parcels if they are part of the project, to the maximum extent practicable:

- a. Runoff control (BCC 24.06.130(E)); provided the site drains to a stream, either directly or indirectly;
- b. Runoff treatment BMPs (BCC 24.06.130(G));
- c. Wetland discharge and recharge requirements (BCC 24.06.130(H)); provided the site drains to a wetland;
- d. Off-site analysis and mitigation (BCC 24.06.130(I));
- e. An operation and maintenance plan (BCC 24.06.130(K)).

5. Source control BMPs and runoff treatment BMPs shall be required whenever changes to the use of property occur that could generate significant pollutants as identified in the engineering standards and are subject to the engineering and design requirements of BCC 24.06.130 (B), (C) and (D).

6. Any modifications to existing runoff control or treatment systems or the Conveyance System shall be subject to the engineering and design requirements of BCC 24.06.130 (B), (C) and (D). Repair and replacement of private drainage facilities in kind are exempt.

B. General.

1. The property owner is responsible for drainage design and performance of their private drainage facilities.

2. The drainage designer must be a civil engineer licensed in the state of Washington, unless this requirement is waived in writing by the utility.

3. Engineering and design shall conform to the engineering standards.

4. The utility may impose, on any development or redevelopment, requirements that differ from the requirements of this section based on adopted basin plans or other studies adopted by the city council, provided that such alternative requirements provide an equal or greater level of protection than the requirements of this section.

5. Subject to approval by the utility, the property owner may contribute to runoff-control or runoff-treatment facilities that serve multiple sites in lieu of providing such facility(s) on-site.

C. Site Drainage.

1. General. All development and redevelopment shall provide for the control of storm water runoff so as to minimize impact to downstream properties.

2. Discharge Locations.

a. The property owner shall maintain natural drainage patterns and discharge drainage in a manner and location that existed prior to undertaking land/runoff altering activities, to the maximum extent practicable, unless the utility determines alterations would be beneficial and would not cause adverse impacts.

b. Drainage that originates within a structure, as defined by the Uniform Building Code, must be discharged to the sanitary sewer.

3. Energy Dissipation. Adequate energy dissipation is required at all drainage discharge points to prevent erosion and shall be designed per the Utility's Engineering Standards.

4. Conveyance requirements for public or private drainage systems . The property owner shall:

a. Accommodate existing storm water runoff from upstream properties. Downstream property owners are obligated according to Washington State case law, to receive and convey waters that are historically tributary to their property.

b. Use gravity conveyance, unless downslope conditions make gravity systems not feasible according to criteria in the engineering standards.

c. For large parcel new development and for redevelopment of 5,000 square feet or greater, extend drainage conveyance to the extremes of the property being developed or redeveloped when the utility determines such extension is needed for the orderly extension of the drainage system.

d. Design conveyance that, in conjunction with runoff control pursuant to BCC 24.06.130(E), accommodate runoff from a 100-year, 24-hour storm, using methods contained in the engineering standards.

e. Ensure that improvements do not reduce or constrict the conveyance capacity or storage volume of existing drainage systems, including natural streams.

5. Drainage Pipe Setbacks. Pipes shall be set back from other utilities and buildings, and buildings shall be set back from existing pipes, as required by the engineering standards.

D. Sensitive Area Protection and Work in Streams.

1. The property owner shall:

a. Protect open channel conveyance that are within riparian corridors, as defined in the Land Use Code.

b. Comply with Land Use Code requirements related to the protection of sensitive areas, including riparian corridors, wetlands, coal mine areas, steep slopes and special flood hazard areas. See Land Use Code Part 20.25H.

c. Where stream bridging is allowed by the Land Use Code, design the bridge to ensure hydraulic capacity and to protect water quality as specified in the engineering standards.

d. Where relocation or piping of a Type C riparian corridor is allowed, provide hydraulic capacity pursuant to BCC 24.06.130(C)(4) and provide the same or better water quality protection.

2. If a developing or redeveloping property is contributing to an existing water quality or capacity problem within an on-site stream which could be improved through planting riparian vegetation, adding energy dissipation at outfalls, extending roof and footing drains to protect sensitive slopes, or removing yard debris and rubbish from stream banks, such measures shall be required.

E. Runoff Control.

1. Applicability. Runoff control is required as specified in BCC 24.06.130(A), except that properties within the Meydenbauer Drainage Basin are exempt from this requirement to the extent provided pursuant to Ordinance No. 3372.

2. Runoff Control for Sites That Drain to a Stream. When runoff control is required for a site that drains either directly or indirectly to a stream, such control shall be provided by detention or infiltration, as specified below:

a. Detention is an approved method of providing runoff control for all sites that drain to a stream. Such detention facilities shall be designed in accordance with the following (refer to the engineering standards for design details):

i. The post-development peak runoff rate from a two-year, 24-hour storm shall not exceed 50 percent of the existing peak runoff rate from a two-year, 24-hour storm.

ii. The post-development peak runoff rate from a 100-year, 24-hour storm shall not exceed the existing peak runoff rate from a 100-year, 24-hour storm.

iii. The post-development peak runoff rate from a 10-year, 24-hour storm shall not exceed the existing peak runoff rate from a 10-year, 24-hour storm.

iv. When calculating runoff control, the correction factor contained in Figure III-1.1 in the 1992 state Stormwater Management Manual for the Puget Sound Basin shall be used.

b. Infiltration systems shall be permitted for runoff control only if:

i. All of the site's drainage facilities are privately owned and maintained; and

ii. The site meets criteria in the engineering standards; and

iii. The facility is designed in accordance with the engineering standards.

3. Runoff Control for Sites That Do Not Drain to a Stream. When runoff control is required for a site that does not drain directly or indirectly to a stream, such control shall be provided as specified below:

a. Detention is an approved method of providing runoff control for all sites that do not drain to a stream. Such detention facilities shall be designed pursuant to BCC 24.06.130(E)(2)(a), except that it is not necessary to limit the post-development peak runoff rate from a two-year, 24-hour storm to 50 percent of the existing peak runoff rate from a two-year, 24-hour storm.

b. Infiltration may be used for runoff control on sites that do not drain to a stream only if there is no reasonable alternative and can meet criteria in the engineering standards. If an infiltration facility is used, the requirements in BCC 24.06.130 (E)(2)(b) shall apply.

c. Runoff control may be provided by conveying the runoff from a 100-year storm from the site directly to Lake Washington or Lake Sammamish. If this approach is used, conveyance shall be designed to carry the runoff from a 100-year,

24-hour design storm from the entire basin that drains to the system, considering full development potential of that basin, providing such capacity is not considered oversizing pursuant to BCC 24.06.140(B)(1).

F. Source Control BMPs. When required by BCC 24.06.130(A), source controls shall be applied in accordance with the engineering standards to the maximum extent practicable.

G. Runoff Treatment BMPs. When runoff treatment is required by BCC 24.06.130(A) the property owner shall:

1. Provide runoff treatment BMPs to treat pollutants anticipated from the proposed land use.

2. Provide runoff treatment BMPs to treat nutrients, in addition to other pollutants, if the site drains to Phantom Lake, Larsen Lake or Lake Sammamish or the proposed land use otherwise warrants nutrient treatment.

3. Design runoff treatment BMPs to capture and treat the water quality design storm.

4. Select and design runoff treatment BMPs in accordance with the engineering standards. Infiltration BMPs shall be allowed only if the site conditions are appropriate and ground water quality is protected based on criteria in the engineering standards. All infiltration facilities and systems draining to them shall be privately owned and maintained.

H. Wetland Discharge and Recharge Requirements.

1. When wetland discharge and recharge requirements apply pursuant to BCC 24.06.130(A) the property owner shall, in addition to meeting the Land Use Code wetland protection requirements:

a. Maintain the hydroperiod and flows of existing site conditions to the extent necessary to protect the characteristic uses of the wetland. Methodology to determine existing hydroperiod is in the Utilities engineering standards.

b. Evaluate alternative discharge locations and maximize natural water storage and infiltration opportunities outside the wetland.

c. Apply BMPs to treat pollutants anticipated from the proposed land use.

2. Wetlands can be used to treat storm water only if the wetlands are constructed and managed for that purpose and only if constructed on sites that are not already wetlands.

3. Created wetlands that are intended to mitigate for loss of acreage, function and value shall not be designed to also treat storm water.

I. Off-Site Water Quality Analysis and Mitigation.

1. When an off-site analysis is required by BCC 24.06.130(A), the property owner shall conduct an analysis of the project's expected off-site water quality impacts. The analysis shall extend at least one quarter mile downstream from the project, and shall at a minimum, evaluate the following:

- a. Excessive sedimentation.
- b. Stream bank erosion.
- c. Discharges to ground water contributing to recharge zones.
- d. Violations of water quality standards.
- e. Spills and discharges of priority pollutants.

2. In addition to meeting the requirements of this section, the property owner shall mitigate project impacts that are identified in the off-site analysis.

J. Off-Site Capacity Analysis. Where the rate or location of discharge will be changed by a proposed development, the utility may require the property owner to analyze the capacity of the receiving system. Analysis shall be in accordance with the requirements of the engineering standards. The property owner shall mitigate insufficient capacity impacts caused by the proposed development.

K. Operation and Maintenance. When required by BCC 24.06.130(A), the property owner shall provide an operation and maintenance plan for all proposed storm and surface water facilities and BMPs and identify the responsible party. The operation and maintenance plan must be consistent with the maintenance standards, where applicable, and must address facilities and conditions unique to the site.

24.06.140 Installation responsibility.

A. Property Owner Installation. The property owner shall install all drainage facilities as required by this code. Installation shall be through a drainage connection permit or a drainage system extension agreement as required in BCC 24.06.120.

B. Costs. All installation costs are the property owner's responsibility, except that:

1. If the utility requires a property owner to oversize a drainage facility, the utility will compensate the property owner for the difference in cost between the normally sized facility and the oversized facility, based on the lowest of three bids

furnished by the property owner from reputable licensed contractors.

2. An owner who constructs a public drainage system extension that directly benefits a property in addition to the owner's may request a latecomer agreement in order to be reimbursed from benefitting properties that connect to the extension during the agreement's duration. See BCC 24.06.150 regarding latecomer agreements.

3. The city may choose to install drainage facilities to facilitate development, coordinate with other city projects, or for other utility purposes, and may recover its costs, including interest, through a connection charge.

24.06.160 Drainage easement requirements.

A. **When Required.** An easement is required whenever a private drainage facility will be built on property owned by a different private party and whenever a private drainage facility will serve two or more properties that are not in common ownership or that will no longer be in common ownership following the sale of lots in a subdivision. In addition, public drainage facilities, including any drainage facilities that will be publicly maintained, shall be located in public right-of-way or drainage easements or tracts deeded to the utility.

B. **Requirements.** All of the following requirements shall be met before the utility will accept and/or approve any easement:

1. Clear title in the grantor shall be demonstrated; and

2. The proposed easement shall be compatible with utility clearance standards and setback standards and with other utilities or easements; and

3. The easement shall provide for access to the facility for repair and maintenance. When deemed necessary by the utility, the easement shall contain provisions for long-term maintenance; and

4. The easement shall prohibit all structures within the easement except those which can readily be removed by the structure's owner at the owner's expense when access to the drainage facility is required by the utility. If such structures are within the easement area, an agreement to remove the structures on request by the utility, approved by the city, shall be recorded; and

5. The easement dimensions and other requirements shall conform with the engineering standards.

C. **Costs.** The property owner shall pay all costs of providing or obtaining and recording the easement.

D. Relinquishment of Easement. An easement granted to the utility may be relinquished only if the utility determines it is no longer needed and the city council authorizes the relinquishment.

24.06.170 Construction requirements.

A. General. When constructing or modifying drainage facilities, compliance is required with this code, the engineering standards, the approved permit, plans and specifications, the terms of any drainage system extension agreement, the recommendations of the manufacturer of the materials or equipment used and any applicable local, state or federal requirements.

B. Safety Requirements. Utility staff will perform inspections only if shoring and other site conditions conform with WISHA safety standards and other safety requirements, as applicable.

C. Failure to Complete Work or Meet Requirements.

1. The utility may complete drainage facility construction begun by a property owner or contractor, or take steps to restore the site (such as backfilling trenches and restoring the public way) if the work does not meet utility requirements, the contractor or person doing the work fails to rectify the problem following notification by the utility, and the work, in the opinion of the utility, constitutes a hazard to public safety, health or the drainage system.

2. Utility costs incurred pursuant to subsection C1 of this section shall be calculated pursuant to BCC 24.06.250 (B) and charged to the owner or contractor in charge of such work. The permittee shall pay the utility immediately after written notification is delivered to the responsible parties or is posted at the location of the work. Such costs shall constitute a civil debt owed to the utility jointly and severally by such persons who have been given notice as herein provided. The debt shall be collectable in the same manner as any other civil debt owing the utility. In addition, if an assurance device was collected for the project, the city may collect the debt from the assurance device.

3. If in the opinion of the Director, the work being performed is not in accordance with these codes or the engineering standards and the permittee is unwilling to change or correct the deficiencies, the Director may issue a stop work order until the deficiencies are corrected.

C. Authorized Drainage Construction. Only the following persons are authorized to install drainage facilities:

1. Contractors licensed in accordance with BCC 24.06.120(D).
2. Property owners working on their own property.

D. Posting of Drainage Connection Permit. If a drainage connection permit is

required for the work, the permit shall be readily available at the job site to utility inspectors.

E. Location of Connection. Connection to the drainage system shall be made at a point approved by the utility.

F. As-Builts. An as-built plan of the site's drainage facilities shall be completed according to the requirements in the engineering standards prior to the city's acceptance of the improvements, issuance of a certificate of occupancy or final sign-off by utility inspectors.

24.06.175 Construction and warranty inspections and tests.

A. Construction/Installation Inspection. All projects permitted or approved by the Utility under a Drainage System Extension Agreement or a drainage connection permit are subject to utility inspection to ensure compliance with the code and permit/approval conditions. As a condition of permit issuance or extension agreement, the applicant shall consent to inspection and testing.

B. Warranty Inspections and Tests. Facilities and equipment accepted by the utility under specific warranties may be reinspected at the utility's discretion and, if necessary, retested prior to the expiration of the warranty period.

24.06.185 Maintenance of drainage facilities.

A. Maintenance Responsibility

1. The utility is responsible for maintaining public drainage facilities.
2. Owners of private drainage facilities, including but not limited to detention facilities, runoff treatment facilities and conveyance facilities, are responsible for the operation and maintenance of those facilities.
3. In new subdivisions and short plats, maintenance responsibility for private drainage facilities shall be specified on the recorded subdivision or short plat.
4. If a private drainage facility serves multiple lots and the responsibility for maintenance has not been specified on the subdivision plat, short plat or other legal document, maintenance responsibility shall rest with the homeowners association, if one exists, or otherwise with the properties served by the facility, or finally, with the owners of the property on which the facilities are located.

B. Maintenance Standards. Drainage facilities shall be maintained so that they operate as intended. Maintenance shall be in accordance with the utility's maintenance standards and in accordance with the project operation and maintenance plan, if one is developed pursuant to BCC 24.06.130(K).

24.06.195 Discharge of polluting matter.

A. Discharge of Polluting Matter Prohibited. No person shall discharge, either directly or indirectly, any organic or inorganic matter into the storm and surface water system that may cause or tend to cause water pollution, including but not limited to the following:

1. Petroleum products including but not limited to oil, gasoline, grease, fuel oil and heating oil;
2. Trash or debris;
3. Pet wastes;
4. Chemicals;
5. Paints;
6. Steam cleaning wastes;
7. Washing of fresh concrete for cleaning and/or finishing purposes or to expose aggregates;
8. Laundry wastes;
9. Soaps;
10. Pesticides, herbicides, or fertilizers;
11. Sanitary sewage;
12. Heated water;
13. Chlorinated water or chlorine;
14. Degreasers and/or solvents;
15. Bark and other fibrous material;
16. Antifreeze or other automotive products;
17. Lawn clippings, leaves, or branches;
18. Animal carcasses;
19. Sediment;

20. Acids or alkalis;
21. Recreational vehicle wastes;
22. Dyes (without prior permission of the drainage utility);
23. Construction materials;
24. Food waste.

B. **Pavement Washing Prohibited.** In addition to the prohibitions of BCC 24.06.195(A), washing of public or private streets and parking areas is not permitted unless all of the following conditions are met:

1. No other feasible alternative exists to remove the undesirable material;
and
2. Prior written utility approval is obtained from the director; and
3. Facilities are provided to treat the wash water runoff and affected drainage facilities are cleaned.

C. **Discharge of Pollutants – Liability for Expenses Incurred by the Utility.** Any person responsible for pollutant discharge into the storm and surface water system who fails to immediately collect, remove, contain, treat or disperse such pollutant materials at the director's request shall be responsible for the necessary expenses incurred by the city in carrying out any pollutant abatement procedures, including the collection, removal, containment, treatment or disposal of such materials.

D. **Source Control BMPs.** To prevent discharge of polluting matter into the storm and surface water system, source controls shall be applied in accordance with the Surface Water Operation and Maintenance Standards for Public and Private Systems.

24.06.220 Existing private facility inspections.

A. **Inspection Program.** The director is authorized to develop and implement an inspection program for private drainage facilities within the city.

B. **Right of Entry.** An authorized representative of the utility may enter private property at all reasonable times to conduct inspections, tests or to carry out other duties imposed by the code, provided the utility shall first notify the property owner or person responsible for the premises. If entry is refused or cannot be obtained, the director shall have recourse to every remedy provided by law to secure entry.

24.06.260 Connection charges.

A. General.

1. The utility shall collect connection charges so that each developed property bears its equitable share of the cost of the public drainage system.
2. Connection charges shall be paid:
 - a. When property is changed from an undeveloped to a developed condition.
 - b. At the time of redevelopment of the property, if a direct facilities charge applies that has not yet been paid, such as a charge for a new facility that directly benefits the property.
3. Connection charges that have been paid as a result of prior development activities on the property or through participation in an LID or ULID will not be re-assessed.
4. The utility may enter into contracts with the owners of existing single-family homes and with the owners of redevelopment projects that meet criteria specified by the utility for payment of connection charges over time instead of as a lump sum. The utility will charge interest, at a rate set by the city treasurer, on any outstanding debt covered by a payment contract. A contract shall be payable in full at the time of closing upon sale of the property.

B. Direct Facilities Charges.

1. The utility shall collect direct facilities charges from property owners that directly benefit from utility-built or privately-built public drainage facilities, except property owners who previously paid their fair share through an LID or ULID.
2. The direct facilities charge is the property owner's equitable share of the established costs of the facilities he/she benefits from. The equitable share shall include interest charges applied from the date of construction acceptance of the facility until the property connects, or for a period not to exceed 10 years, whichever is less, at a rate commensurate with the rate of interest applicable at the time of construction of the facility to which the property owner is seeking to connect but not to exceed 10 percent per year; provided, that the aggregate amount of interest shall not exceed the equitable share of the cost of the facility allocated to such property owner.
3. The facilities' costs shall be allocated to benefitting property owners based on the number of single family equivalents. The director may, however, make such allocation based on front footage or other reasonably based methodology if the director determines that such alternate basis or methodology better assures equitable sharing of cost by all properties benefiting from the facilities.

4. Properties within the Meydenbauer Drainage Basin and properties within the Central Business District (CBD), lying between N.E. 2nd Street and N.E. 12th Street, are subject to a facilities charge in an amount and to the extent provided in Sections 4 and 5 of Ordinance No. 3372, as now or hereafter amended.

C. Administrative Procedures, Adjustment of Charges. The director is authorized to adopt administrative procedures for the purpose of administering the provisions of this section, and to adjust the charges established by subsections A and B, above, from time to time to reflect the actual cost of the facilities for which the charges are made.

24.06.280 Violations/Penalties

A. Civil violation: Any violation of any of the provisions of this code constitutes a civil violation as provided for in Bellevue City Code Chapter 1.18, for which a monetary penalty may be assessed and abatement may be required as provided therein. The City shall seek compliance through the civil violations code if compliance is not achieved through this code.

1. Pursuant to Bellevue City Code Chapter 1.18 and Section 24.06.195 (Discharge of Polluting Matter) of this Code, the Utility will issue a notice of civil violation without having attempted to secure voluntary correction as provided in BCC 1.18.030 under the following circumstances:

- a. When an emergency exists;
- b. When a repeat violation occurs;

(i) For discharge of polluting matter per this code, a repeat violation is defined as a violation of this regulation in any location by a "person responsible for the violation" (as defined in BCC 1.18.020) for which voluntary compliance previously has been sought two times within two years of the current violation or a notice of civil violation has been issued within two years of the current violation. This includes, but is not limited to, identification of discharge of polluting matter in response to pollutant spill reports, during routine inspection of privately maintained drainage facilities, visual observation of violations during routine work assignments, etc. Corrective action, in addition to ceasing discharge of polluting matter, can include, but is not limited to, implementing "housekeeping" or business practice changes that prevents the violation from occurring again, constructing or installing a structural facility or structural modifications to prevent the pollutant from entering the storm drainage system or surface water system, etc.

c. When the violation creates a situation or condition which cannot be corrected;

d. When the person knows or reasonably should have known that the action is in violation of a city regulation.

2. For repeat violations as defined in 24.06.280.A.1.b.(i.), a monetary penalty for the (3rd) violation (within 2 years) will be assessed per BCC 1.18.040 E (Monetary Penalty) and the "person responsible for the violation" can either pursue relief of the monetary penalty and required corrective actions pursuant to BCC 1.18 or the hearing will be cancelled if the monetary penalty is paid not less than 10 calendar days after the notice of civil violation is issued and the corrective actions are complete.

B. Destruction of Notice: It shall be unlawful for any person to remove, mutilate, destroy, or conceal any notice issued and posted by the director pursuant to this code.

Section 6. Section 24.06.125 of the Bellevue City Code (Strom and Surface Water Utility Code) is hereby repealed.

Section 7. This ordinance shall take effect and be in force five days after its passage and legal publication.

Passed by the City Council this 5th day of December, 2003, and signed in authentication of its passage this 5th day of December, 2003.

(SEAL)

Connie B. Marshall
Connie B. Marshall, Mayor

Approved as to form:

Richard L. Andrews
Richard L. Andrews, City Attorney

Attest:

Myrna L. Basich
Myrna L. Basich, City Clerk

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