

**CITY OF SULTAN
WASHINGTON
ORDINANCE NO. 1343-21**

**AN ORDINANCE OF THE CITY OF SULTAN, WASHINGTON,
REPEALING ORDINANCE NO. 1278-17; ADOPTING THE
STORMWATER UTILITY FEE; PROVIDING FOR SEVERABILITY; AND
ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the Federal Clean Water Act, 33 U.S.C. 1251 et seq., requires certain political entities, such as the City, to implement stormwater management programs within prescribed time frames, and the Environmental Protection Agency, pursuant to the Federal Clean Water Act, 33 U.S.C. 1251 et seq., has published rules for stormwater outfall permits; and

WHEREAS, pursuant to RCW Ch. 35 A.11, Ch. 35.67 and Ch. 35.92, the City has the authority to establish a Stormwater Utility and set utility rates; and

WHEREAS, the City Council endeavors to provide surface and stormwater management in a manner that is fiscally responsible; and

WHEREAS, by Ordinance No. 985-08 the City adopted a Stormwater Utility rate structure levied upon all developed real property within the boundaries of the utility; and

WHEREAS, in 2017, the Council contracted for a rate study in 2017 which concluded it is necessary to increase rates to bring the Stormwater Utility Fund into balance; and

WHEREAS, in 2017, the Council adopted Ordinance No. 1278-17 which established the Stormwater Utility Fee through the year 2022; and

WHEREAS, over the last several months of the COVI-19 pandemic, residents and businesses have struggled with their utility payments, many of them asking for assistance through a variety of public programs; and

WHEREAS, the Governor of the State of Washington has placed additional restrictions on businesses and gatherings, severely impacting the economy of Sultan and the State; and

WHEREAS, the City of Sultan each year increases the utility rates to meet with the inflationary increases in the services the City provides; and

WHEREAS, the City acknowledges that these increases during a pandemic are a challenge for many residents and business; and

WHEREAS, the Mayor declared a state of emergency on March 26, 2020 due to the outbreak of Covid-19; and

WHEREAS, the Mayor, under the authority of RCW 38.52.070(2) issued Executive Order 01-2020, postponing the rate increase scheduled for December 1, 2020 for a sixty day period; and

WHEREAS, the City Council discussed the issue at a workshop and has determined it is in the best interests of the residents and businesses of Sultan to delay the annual rate increase until June 2021 (effective for the July 1, 2021 billing);

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

Section 1. Repealing Ordinance 1278-17. City of Sultan Ordinance No. 1278-17 is hereby repealed in its entirety.

Section 2: Adopting Stormwater Utility Fee. In accordance with the rate structure established herein, there is hereby levied upon all developed real property within the boundaries of the Utility the following Stormwater Utility Fee:

MONTHLY STORMWATER RATES:

		Base Rate					
Storm Rates Inside City Boundaries	Code	Per Parcel	2018	2019	2020	6/1/2021	1/1/2022
Single Family Residence (incl duplex)	R		\$ 10.29	\$ 10.60	\$ 10.92	\$ 11.24	\$ 11.58
Low income Senior	SR		\$ 5.14	\$ 5.30	\$ 5.46	\$ 5.62	\$ 5.79
Commercial customers by Code & ERU	Code	# of ERUs	Per ERU	Per ERU	Per ERU	Per ERU	Per ERU
<i>ERU = 4,510 sq ft of impervious surface</i>	C1	Up to 1.0	\$10.29	\$10.60	\$10.92	\$11.24	\$11.58
	C2	1.01 to 5	\$20.58	\$21.20	\$21.83	\$22.49	\$23.16
	C3	5.01 to 10	\$30.87	\$31.80	\$32.75	\$33.73	\$34.74
	C4	10.01 to 15	\$41.16	\$42.39	\$43.67	\$44.98	\$46.32
	C5	15.01 to 20	\$51.45	\$52.99	\$54.58	\$56.22	\$57.91
	C6	20.01 to 25	\$61.74	\$63.59	\$65.50	\$67.46	\$69.49
	C7	25.01 to 50	\$72.03	\$74.19	\$76.41	\$78.71	\$81.07

Section 3. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 4. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 11th DAY OF FEBRUARY 2021.

CITY OF SULTAN



 Russell Wiita, Mayor

ATTEST/AUTHENTICATED:



Tamj Pevey, City Clerk

Approved as to form:



Hillary Evans, City Attorney

Date of Publication: February 16, 2021
Effective Date: February 22, 2021