

CITY OF GRANITE FALLS

ORDINANCE NO. 743-07

AN ORDINANCE OF THE CITY OF GRANITE FALLS ESTABLISHING MINIMUM STANDARDS FOR THE DESIGN AND CONSTRUCTION OF STORMWATER FACILITIES AND RATES AND CHARGES FOR STORMWATER FACILITIES WITHIN THE CITY OF GRANITE FALLS AND REPEALING ORDINANCES 414, 444 528 CODIFIED AS 13.20 OF THE GRANITE FALLS MUNICIPAL CODE AND ORDINANCE 738-07.

WHEREAS, the City has recently adopted a Unified Development Code in compliance with the Growth Management Act,

WHEREAS, the City has adopted the 2005 Stormwater Management Manual for Western Washington as developed by the Department of Ecology as part of the Unified Development Code,

WHEREAS, the City of Granite Falls is mandated to comply with the Phase 2 stormwater regulations as set forth by the Department of Ecology,

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

Section 1. Section 13.20 of the Granite Falls Municipal Code is revised as follows.

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13.20.010 Findings of Fact—Purpose.

(A) Findings of Fact. The City of Granite Falls finds that:

(1) Stormwater pollution is a problem associated with land utilization, development, redevelopment and the common occurrence of potential pollutants such as pesticides, fertilizers, petroleum products, pet wastes, and numerous others.

Land utilization, development and redevelopment is also known to increase both the volume and duration of peak flows. The resulting erosion, scouring, and deposition of sediment affect the ecological balance in the stream.

Sedimentation and stormwater pollution cause diversity of species to decrease and allow more tolerant (and usually less desirable) species to remain.

(2) Development and redevelopment of land have led to:

(a) Water quality degradation through discharge of nutrients, metals, oil and grease, toxic materials, and other detrimental substances including, without limitation, insect and weed control compounds, drainage, and storm and surface water runoff problems within the city; and

(b) Safety hazards to both lives and property posed by uncontrolled water runoff on streets and highways.

(3) Continuation of present stormwater management practices, to the extent that they exist, will lead to further water quality degradation, erosion, property damage, and endanger the health and safety of the inhabitants of the City.

(4) In the future such problems and dangers will be reduced or avoided if existing properties and future developers, both private and public, provide for stormwater quality and quantity controls.

(5) Stormwater quality and quantity controls can be achieved when land is developed or redeveloped by implementing appropriate Best Management Practices (BMPs).

(6) Best Management Practices can be expected to perform as intended only when properly designed, constructed and maintained.

(B) Need. The City finds that this chapter is necessary, to comply with state law, in order to:

(1) Minimize or eliminate water quality degradation.

(2) Prevent erosion and sedimentation in creeks, streams, ponds, lakes and other water bodies.

(3) Protect property owners adjacent to existing and developing land from increased runoff rates which could cause erosion of abutting property.

(4) Preserve and enhance the suitability of waters for contact recreation, fishing, and other beneficial uses.

(5) Preserve and enhance the aesthetic quality of the water.

(6) Promote sound development policies which respect and preserve City surface water, groundwater and sediment.

(7) Enhance the safety of roads and rights-of-way.

(8) Decrease stormwater-related damage to public and private property from existing and future runoff.

(9) Protect the health, safety and welfare of the inhabitants of the city.

(C) Purpose. The provisions of this chapter are intended to guide and advise all who conduct new development or redevelopment within the City. The provisions of this chapter establish the minimum level of compliance which must be met to permit a property to be developed or redeveloped within the city.

It is the purpose of this chapter to:

(1) Minimize water quality degradation and sedimentation in streams, ponds, lakes, wetlands and other water bodies;

(2) Minimize the impact of increased runoff, erosion and sedimentation caused by land development and maintenance practices;

(3) Minimize adverse impacts of alterations on ground and surface water quantities, locations and flow patterns

(4) Decrease potential landslide, flood and erosion damage to public and private property;

(5) Promote site planning and construction practices that are consistent with natural topographical, vegetational and hydrologic conditions;

(6) Maintain and protect the city stormwater management infrastructure and those downstream;

(7) Provide a means of regulating clearing and grading of private and public land while minimizing water quality impacts in order to protect public health and safety; and

(8) Provide minimum development regulations and construction procedures which will preserve, replace or enhance, to the maximum extent practicable, existing vegetation to preserve and enhance the natural quality of lands, wetlands, and water bodies.

Article I. Storm Sewer System

13.20.020 Connection—Collection of Fees. Applications for connection to the storm sewer system shall be made to the City clerk/treasurer who will collect fees.

13.20.030 Permit Fee for Application. A permit fee to cover the cost of administration, in the amount of \$50.00, shall be charged for each application to the storm sewer service. Such fee shall be paid into the CIF/Storm Drainage.

13.20.040 Connection Charge. Residential connection charges for each residence, or multiple housing complex, shall be charged \$300.00 based on the building valuation as computed by the building department up to and including \$60,000. Building evaluations over \$60,000 shall be charged 0.5 percent of their valuation. Such fee shall be paid into the CIF Storm Drainage Fund. Commercial connection charges in the area generally encompassed by the Central Business District, and abutting SR 92 to the east end of Lake Gardner, as shown as Basin A and B1 on the attached figure, shall be \$1.25 per square foot of new impervious area.

13.20.050 Construction Costs and Fees.

(A) The cost of construction of storm sewer lines from the public storm sewer or upgrades to the public storm sewer line shall be in all cases borne by such persons connecting thereto.

(B) Cost incurred by the City for plan review and site inspection of storm drainage facilities and consulting staff cost shall be remitted to City Hall with 30 days of receipt of bill.

(C) Cost of construction of storm sewer mains by developers and others except in the case of an LID or ULID shall be directly borne by the party extending the storm sewer main.

(D) Cost of upgrading the drainage facilities, storm sewer trunk lines, or pumping facility or the cost of a consulting engineer shall be considered part of the cost of the storm sewer extension. The work shall be completed and accepted by the city prior to the issuance of any connection permits in the area served by the storm sewer extension. The city may allow the posting of a performance bond in lieu of construction in accordance with Chapter 19.92 (GFMC).

(E) Any property connecting to a storm sewer main or open ditch constructed under an LID or ULID shall be subject to a fee based upon the assessments made on the property within the LID.

13.20.060 Billing Charges. All charges for drainage shall be due and payable to the City clerk/treasurer on the 14th day of the month the billing is made. The monthly storm drainage charge, in the interest of economical operation, shall be included on the water and sanitary sewer statements.

13.20.070 Permit Required. It is unlawful for any person to make any connection to any public or private storm sewer without approved plans and a permit issued by the City to do such work. Storm drainage plans shall be reviewed and approved by the City and or contract staff. The City shall be on file records of approved plans.

13.20.080 Permit—Application. Application for such permit shall be filed with the City clerk/treasurer stating the name of the owner, the correct address and legal description of the property to be served, dimensions and locations of any buildings or impervious surface improvements on the property and the whole course of the private storm sewer from the public storm sewer or other outlets to its connection with the building or property to be served. The application shall be submitted to the City for approval. The City may change or modify the same and designate the manner and place in which such storm sewer shall be connected with the public storm sewer. The City shall endorse its approval upon the application if the same is acceptable.

13.20.090 Permit Approval. Upon approval of the application the City shall issue a permit and storm sewer plan showing the size and location of the public storm sewer, the point of connection, the location of any buildings on the lot and any other such information as may be available and required. Plans shall be in accordance with the requirements of the City's Development Guidelines.

13.20.100 Compliance with Permit Conditions. Upon approval of the application and issuance of the permit, it is unlawful to alter or to do any other work than is provided for in the permit.

13.20.110 Recordkeeping of Work Done. The City shall prepare and keep on file all records of storm sewer connections showing the information obtained in the course of inspection of work done under the permit.

13.20.120 Compliance with Provisions. The City may issue such permit to the owner or occupant of any property to construct, extend, relay, repair or make connection to any public or private storm sewer or drainage channel provided such owner or occupant complies with the applicable provisions of this chapter.

13.20.130 Delinquent Charges—Lien Filed. When charges for drainage are delinquent for a period in excess of 6 months, a lien shall be filed against the property and an additional charge in the amount of \$50.00 shall be charged to cover the cost of processing the lien and filing fees.

All charges for drainage together with any penalties and interest that may be provided by this chapter shall be a lien upon the property superior to all other liens and encumbrances whatsoever, except those for general taxes and local and special assessments. Such liens shall be enforced by the City in the manner provided by law.

13.20.140 Development Fees. At the time of application for a subdivision, short plat, planned residential development (PRD) or binding site plan, a permit application fee and deposit shall be collected by the City in accordance with the City's "Schedule of Land Use Fees and Deposits".

13.20.150 Rates and Charges. The following rates and charges are established and shall be paid into the Storm Drainage Fund:

<u>Classification</u>	<u>Monthly Rate</u>
RESIDENTIAL USE:	
Single-Family Residence (1 unit)	\$1.00
Multifamily Residence (1 unit)	\$1.00
Additional Units.....	\$0.50
COMMERCIAL USE:	
Business Building (units established as per sewer charges) Each Unit	\$1.00

Article II. Stormwater Management

13.20.200 Definitions. For the purposes of this chapter, the following definitions, and those in Section 2.3 of the 2005 Washington State Department of Ecology Stormwater Management Manual for Western Washington shall apply:

- A. "Approval" - the proposed work or completed work conforms to this chapter in the opinion of the city engineer.
- B. "Best Management Practices" or "BMP" - physical, structural, and/or managerial practices that, when used singly or in combination, prevent or reduce pollution of water. BMPs are listed and described in the manual.
- C. "Civil Engineer" - a professional engineer licensed in the state of Washington in civil engineering.
- D. "Design Storm" - a prescribed hyetograph and total precipitation amount (for a specific duration recurrence frequency) used to estimate runoff for a hypothetical storm of interest or concern for the purposes of analyzing existing drainage, designing new drainage facilities or assessing other impacts of a proposed project on the flow of surface water. (A hyetograph is a graph of percentages of total precipitation for a series of time steps representing the total time during which the precipitation occurs).
- E. "Ecology" - the Washington State Department of Ecology.
- F. "Erosion" - the wearing away of the land surface by running water, wind, ice, or other geological agents, including such processes as gravitational creep, detachment and movement of soil rock fragments by water, wind, ice, or gravity.
- G. "Groundwater" - water in a saturated zone or stratum beneath the surface of land or a surface water body.
- H. "Impervious Surface" - a hard surface area that either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A hard surface area which causes water to run off the surface in greater quantities or

at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, rooftops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled macadam or other surfaces which similarly impede the natural infiltration of stormwater. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces for purposes of determining whether the thresholds for application of minimum requirements are exceeded. Open, uncovered retention/detention facilities shall be considered impervious surfaces for purposes of runoff modeling.

- I. "Illicit Discharge" - all non-stormwater discharges to stormwater drainage systems that cause or contribute to a violation of state water quality, sediment quality or groundwater quality standards, including but not limited to sanitary sewer connections, industrial process water, interior floor drains, car washing and gray water systems.
- J. "Land Disturbing Activity" - any activity that results in movement of earth, or a change in the existing soil topography. Land disturbing activities include but are not limited to clearing, grading, filling, and excavation. Compaction that is associated with stabilization of structures and road construction shall also be considered a land disturbing activity. Vegetation maintenance practices are not considered land-disturbing activity.
- K. "Manual" - The Stormwater Management Manual for Western Washington as developed by the Washington State Department of Ecology, February 2005.
- L. "Mitigation" - in the following order of preference:
 - Avoiding the impact altogether by not taking a certain action or part of an action;
 - Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;
 - Rectifying the impact by repairing, rehabilitating or restoring the affected environment;
 - Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; and
 - Compensation for the impact by replacing, enhancing, or providing substitute resources or environments.
- M. "Native Vegetation" - Vegetation comprised of plant species, other than noxious weeds, that are indigenous to the coastal region of the Pacific Northwest and which reasonably could have been expected to naturally occur on the site. Examples include trees such as Douglas Fir, western hemlock, western red cedar, alder, big leaf maple, and vine maple; shrubs such as willow, elderberry salmonberry, and salal; and herbaceous plants such as sword fern foam flower and fireweed.

- N. "New Development" - the following activities: land disturbing activities; structural development, including construction, installation or expansion of a building or other structure; creation of impervious surfaces; Class IV—general forest practices that are conversions from timber land to other uses; and subdivision and short subdivision of land as defined in RCW 58.17.020. Projects meeting the definition of redevelopment shall not be considered new development.
- O. "Permanent Stormwater Quality Control Plan" (PSQC) - a plan which includes permanent BMPs for the control of pollution from stormwater runoff after construction and/or land disturbing activity has been completed. For small sites, this requirement is met by implementing an erosion and sediment control plan.
- P. "Pollution" - contamination or other alteration of the physical, chemical or biological properties of waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive or other substance into any waters of the state 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.
- Q. "Redevelopment" - on a site that is already substantially developed (i.e. has 35% or more of existing impervious surface coverage), the creation or addition of impervious surfaces; the expansion of a building footprint or addition or replacement of a structure; 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 redevelopment.
- R. "Site" - the area defined by the legal boundaries of a parcel or parcels of land that is (are) subject to new development or redevelopment. For road projects, the length of the project site and the right-of-way boundaries define the site.
- S. "Soil" - the unconsolidated mineral and organic material on the immediate surface of the earth that serves as a natural medium for the growth of land plants.
- T. "Source Control BMP" means a BMP that is intended to prevent pollutants from entering stormwater. A few examples of source control BMPs are erosion control practices, maintenance of stormwater facilities, constructing roofs over storage and working areas, and directing wash water and similar discharges to the sanitary sewer or a dead-end sump.
- U. "Stormwater" - that portion of precipitation that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, channels or pipes into a defined surface water channel, or a constructed infiltration facility.
- V. "Stormwater Drainage System" - constructed and natural features which function together as a system to collect, convey, channel, hold, inhibit, retain, detain, infiltrate, divert, treat or filter stormwater.

- W. "Stormwater Facility" - a constructed component of a stormwater drainage system, designed or constructed to perform a particular function, or multiple functions. Stormwater facilities include, but are not limited to, pipes, swales, ditches, culverts, street gutters, detention basins, retention basins, constructed wetlands, infiltration devices, catch basins, oil/water separators, sediment basins and modular pavement.
- X. "Stormwater Management Manual for Western Washington" or "Manual" - that manual adopted by reference and prepared by the Washington State Department of Ecology (2005) that contains BMPs to prevent or reduce pollution.
- Y. "Stormwater Site Plan" - a plan which includes an erosion and sediment control (ESC) plan and/or a permanent stormwater quality control plan (PSQCP). For small sites, this plan is the equivalent of a small parcel erosion and sediment control plan. Guidance on preparing a stormwater site plan is contained in the manual.
- Z. "Treatment BMP" - a BMP that is intended to remove pollutants from stormwater. A few examples of treatment BMPs are: detention ponds, oil/water separators, biofiltration swales and constructed wetlands.
- AA. "Vegetation" - all organic plant life growing on the surface of the earth.
- BB. "Wetlands" - those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include: swamps, marshes, bogs, and similar areas. This includes wetlands created, restored or enhanced as part of a mitigation procedure. This does not include constructed wetlands or the following surface waters of the state intentionally constructed from sites that are not wetlands: irrigation and drainage ditches, grass-lined swales, canals, agricultural detention facilities, farm ponds, and landscape amenities.

13.20.210 General Provisions.

(A) It is not intended that this chapter repeal, abrogate, or impair any existing regulations, easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail.

(B) The provisions of this chapter shall be held to be minimum requirements in their interpretation and application and shall be liberally construed to serve the purposes of this chapter.

13.20.220 Applicability. When any provisions of any other chapter of the City conflicts with this chapter, that which provides more environmental protection shall apply unless specifically provided otherwise in this chapter. Prior to fulfilling the requirements of this chapter, the City shall not grant any approval or permission to conduct a regulated activity including, but not limited to the following: building permit, grading and clearing permit, right-of-way permit, shoreline substantial development permit, subdivision and short subdivision.

Regulated activities shall be conducted only after the City approves a stormwater site plan in accordance with the Washington State Department of Ecology 2005 Stormwater Management Manual for Western Washington.

13.20.230 Regulated Activities and Allowed Activities.

(A) Regulated Activities. Consistent with the minimum requirements contained in this chapter, the city shall approve or disapprove the following activities, unless excepted as below:

- (1) New Development.
- (2) Redevelopment.

(B) Exemptions. Development undertaken by the Washington State Department of Transportation in state highway rights-of-way is regulated by Chapter 173-270 WAC, the Puget Sound Highway Runoff Program.

13.20.240 General Requirements.

(A) The Washington State Department of Ecology 2005 Stormwater Management Manual for Western Washington is hereby adopted by reference and is hereinafter referred to as the "Manual."

(B) General. BMPs (Best Management Practices) shall be used to control pollution from stormwater. BMPs shall be used to comply with the standards in this chapter.

(C) Illicit discharges to stormwater drainage systems are prohibited.

13.20.250 Vacant.

13.20.260 Maintenance.

(A) Maintenance Agreement.

(1) Prior to the issuance of any clearing, filling or grading or building permit for which a storm drainage plan is required, the City shall require the applicant or owner to execute an inspection and maintenance agreement binding on all subsequent owners of land served by the private storm drainage system. Such agreement shall provide for access to the system at reasonable times for regular inspection by the City or its authorized representative and for regular or special assessments of property owners to ensure that the facility is maintained in proper working condition to meet design standards and any provisions established.

(2) The agreement shall be recorded by the applicant and/or owner in the land records of Snohomish County.

(3) The agreement shall also provide that, if after notice by the City to correct a violation requiring maintenance work satisfactory corrections are not made by the owner(s) within a reasonable period of time (30 days maximum), the City may perform all necessary work to place the facility in proper working condition. The owner(s) of the facility shall be assessed the cost of the work and any penalties and there shall be a lien

on the property, which may be placed on the tax bill and collected as ordinary taxes by the City.

(B) Maintenance Responsibility.

(1) The owner of the property on which work has been done pursuant to these regulations for private storm drainage systems, or any other person or agent in control of such property, shall maintain in good condition and promptly repair and restore all grade surfaces, walls, drains, dams and structures, vegetation, erosion and sediment control measures, and other protective devices. Such repairs or restorations and maintenance shall be in accordance with the approved plans.

(2) An operation and maintenance schedule shall be developed for any storm drainage system and shall state the required maintenance to be performed, the equipment and skill level necessary to perform the maintenance, and the required frequency of the maintenance. The operation and maintenance schedule shall either be printed on the stormwater management plan or submitted under separate cover.

(3) The maintenance and operation of a private storm drainage system shall be the responsibility of the property owner. Furthermore, the property owner shall, in accordance with the operation and maintenance schedule, record and log maintenance performed and dates. Operation and maintenance records shall be retained by the property owner for a minimum of 3 years and shall be available to the City for inspection at all reasonable times.

(4) The City shall be responsible for the maintenance and operation of all public storm drainage facilities located within public easements and rights-of-way following the completion of the successful maintenance period and the acceptance of such facilities by the city.

13.20.270 Administration.

(A) Director. The mayor or a designee shall administer this chapter and shall be referred to as the director. The director shall have the authority to develop and implement administrative procedures to administer and enforce this chapter.

(B) Review and Approval. The director may approve, conditionally approve or deny an application for activities regulated by this chapter.

(C) Enforcement Authority. The director shall enforce this chapter.

(D) Inspection. All activities regulated by this chapter, except those exempted, shall be inspected by the director or an authorized representative. The director shall inspect projects at various stages of the work requiring approval to determine that adequate control is being exercised. Stages of work requiring inspection include, but are not limited to, preconstruction; installation of BMPs; land disturbing activities; installation of utilities, landscaping, and retaining walls; and completion of project. When required by the director, a special inspection and/or testing shall be performed.

13.20.280 Enforcement.

(A) General. Enforcement action shall be in accordance with this chapter whenever a person has violated any provision of this chapter. The choice of enforcement

action and the severability of any penalty shall be based on the nature of the violation, the damage threat to the public or to public resources, and/or the degree of bad faith of the person subject to the enforcement action.

(B) Stop Work Order. The director shall have the authority to serve a person a stop work order if any action is being undertaken in violation of this chapter.

(1) Content of Order. The order shall contain:

(a) A description of the specific nature, extent, and time of violation and the damage or potential damage; and

(b) A notice that the violation or the potential violation cease and desist, and in appropriate cases, the specific corrective action to be taken within a given time. A civil penalty under subsection (C) of this section may be issued with the order.

(2) Notice. A stop work order shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same and by posting at the job site.

(3) Effective Date. The stop work order issued under this section shall become effective immediately upon receipt by the person to whom the order is directed.

(4) Compliance. Failure to comply with the terms of a stop work order is a misdemeanor punishable by not more than 90 days in jail and/or \$3,000.00 fine.

(C) Civil Penalty. A person who fails to comply with the requirements of this chapter, who fails to conform to the terms of an approval, or who undertakes new development without first obtaining city approval shall be subject to a civil penalty.

(1) Amount of Penalty. The penalty shall not be less than \$250.00 or exceed \$1,000.00 for each violation. Each day of continued violation or repeated violation shall constitute a separate violation.

(2) Aiding or Abetting. Any person who, through an act of commission or omission, aids or abets in the violation shall be considered to have committed a violation for the purposes of the civil penalty.

(3) Notice of Penalty. A civil penalty shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the City. The notice shall describe the violation, approximate the date(s) of violation, and shall order the acts constituting the violation to cease and desist, and in appropriate cases, require necessary corrective action within a specific time.

(4) Application for Remission or Mitigation. Any person incurring a penalty may apply in writing within 30 days of receipt of the penalty to the City for remission or mitigation of such penalty. Upon receipt of the application, the City Council may remit or mitigate the penalty only upon a demonstration of extraordinary circumstances, such as the presence of information or factors not considered in setting the original penalty. The decision may be appealed to the city council within 30 days of the decision.

(5) Appeal of Civil Penalty. Persons incurring a penalty imposed by the director may appeal in writing within 30 days of the receipt of the penalty to the City Council.

(D) Penalties Due. Penalties imposed under this section shall become due and payable 15 days after receiving the Notice of Penalty unless an application for remission

or mitigation is made or an appeal is filed. Whenever an application for remission or mitigation is made, penalties shall become due and payable 30 days after receipt of the decision regarding the remission or mitigation. Whenever an appeal of a penalty is filed, the penalty shall become due and payable after all review proceedings and a final decision has been issued confirming all or part of the penalty. If the amount of a penalty owed the City is not paid within the time specified, the City may take actions necessary to recover such penalty.

(E) Penalty Recovered. Penalties recovered shall be paid to a fund dedicated to enforcement and/or enhancement of the stormwater management program.

13.20.290 Exceptions.

(A) Board of Appeals. After a public hearing, the City Council may grant an exception from the requirements of this chapter. In granting any exception, the City Council may prescribe conditions that are deemed necessary or desirable for the public interest.

(B) Findings of Fact. Exceptions to the requirements may be granted prior to permit approval and construction. An exception may be granted following a public hearing; provided, that a written finding of fact is prepared that addresses the following:

(1) The exception provides equivalent environmental protection and is in the overriding public interest, and that the objectives of safety, function, environmental protection and facility maintenance, based upon sound engineering, are fully met;

(2) That there are special physical circumstances or conditions affecting the property such that the strict application of these provisions would deprive the applicant of all reasonable use of the parcel of land in question, and every effort to find creative ways to meet the intent of the minimum standards has been made;

(3) That the granting of the exception will not be detrimental to the public health and welfare, nor injurious to other properties in the vicinity and/or downstream, and to the quality of waters of the state; and

(4) The exception is the least possible exception that could be granted to comply with the intent of the minimum requirements.

(C) Prior Approval. Any exception shall be approved prior to permit approval and construction.

(D) Duration of Exception. Exceptions granted shall be valid for 2 years, unless granted for a shorter period of time.

(E) Rights of Appeal. All actions of the City Council shall be final and conclusive, unless within 30 days of the date of the City Council action the original applicant or an adverse party gives written notice of appeal to the City Council for review of the action.

Section 2. Conflicts. All ordinances or parts of ordinances of the City of Granite Falls in conflict herewith, be and the same are hereby repealed.

Section 3. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any section, sentence, clause or phrase of this Ordinance.

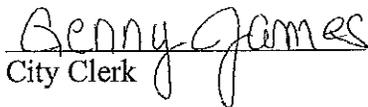
Section 4. Publication and Summary. This Ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City.

Section 5. Effective Date. This Ordinance shall be in full force and effect five (5) days after publication of a summary consisting of the title.

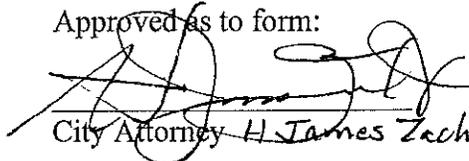
Said Ordinance was passed in open session by the City Council of the City of Granite Falls on the 6 day of JUNE, 2007, and signed in authentication of its passage this 6 day of JUNE, 2007.


MAYOR LYLE ROMACK

Attest:


City Clerk

Approved as to form:


City Attorney H. James Zachor, Jr.

DATE OF FIRST READING: May 2, 2007
DATE OF SECOND READING: May 16, 2007
DATE OF PUBLICATION: June 8, 2007
EFFECTIVE DATE: June 13, 2007