

**ORDINANCE NO. 1627**

**AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON** relating to surface water management, amending DMMC 11.12.020 to adjust surface water service rates.

**WHEREAS**, the City Council of the City of Des Moines first established surface water utility rates and charges in Ordinance No. 860, enacted October 11, 1990, and

**WHEREAS**, since that date the City Council has adjusted the rates to reflect cost of living and operation increases, and

**WHEREAS**, on November 13, 2008, the City Council imposed a Surface Water Management Utility Tax, and

**WHEREAS**, Ordinance No. 1608 was enacted on November 6, 2014, amending chapter 3.92 DMMC by increasing the City's SWM utility tax rate by two percent (2%), and

**WHEREAS**, Ordinance No. 1620 was enacted on April 9, 2015 to adjust surface water service charges and charges for development permits based on the findings and recommendation of the adopted City of Des Moines 2015 Surface Water Comprehensive Plan prepared by Parametrix, Inc., and

**WHEREAS**, on October 29, 2015, the City Council of the City of Des Moines considered the 2016 Preliminary Operating and Capital Budget, and

**WHEREAS**, on November 5, 2015 the City Council of the City of Des Moines considered the Surface Water Management 2015-2020 Financial Plan which included amongst other changes an increase in the SWM Utility Tax rate to 15 percent (15%), and

**WHEREAS**, the City Council finds that the rates and charges found in chapter 11.12 DMMC need to be adjusted to reflect the changes included in the Storm Water Management 2015-2020 Financial Plan, and

**WHEREAS**, the City Council finds that this Ordinance is appropriate and necessary for the preservation of the public health and welfare; now therefore,

**THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:**

**Sec. 1.** DMMC 11.12.020 and section 2 of Ordinance No. 860 as amended by section 1 of Ordinance No. 927 as amended by section 1 of Ordinance No. 990 as amended by section 1 of Ordinance No. 1065 as amended by section 1 of Ordinance 1083 as amended by section 1 of Ordinance 1173 as amended by section 1 of Ordinance No. 1220-A as amended by section 2 of Ordinance No. 1246 as amended by section 1 of Ordinance No. 1368 as amended by section 1 of Ordinance No. 1437 as amended by section 1 of Ordinance 1496 as amended by section 4 of Ordinance No. 1574 as amended by section 1 of Ordinance No. 1620 are each amended to read as follows:

**Service charge established for surface water service.** There is established a system of service charges for surface water drainage service against all developed properties in the City.

(1) Monthly surface water utility rates shall be established on the basis of whether the developed property is used for a single-family unit, multifamily units, commercial properties, or nonprofit properties. Rates for all other surface water goods and services shall be established by executive order of the City Manager and published at the office of the Planning, Building and Public Works Department.

(2) The rates for surface water drainage service shall be as reflected on Appendix "A", attached to the Ordinance codified in this section, which is incorporated herein by this reference. The baseline rates contained in Appendix "A" are effective January 1, 2016. Effective January 1, 2017 and January 1st of each succeeding year thereafter, rates for surface water drainage service shall be established by, first, taking the rate service charge for the previous year (this figure is hereinafter referenced as the "base sum"); second, multiplying the base sum by a combination index of the Engineering News Record (ENR) Construction Cost Index (CCI) for the City of Seattle on March 31st of

the current year and the Seattle Consumer Price Index (CPI-Urban Consumers), as measured for the 12-month period ending in June of the previous year as published by the U.S. Bureau of Labor and Statistics. The applicable index shall be calculated for the upcoming year as 30 percent of the ENR CCI for Seattle plus 70 percent of the Seattle CPI; and, third, adding the results to the base sum. On January 1st of each succeeding year, the rates shall be established by applying updated CCI, CPI, and the end figures in like manner to the rates of the previous year. Should the combined CCI/CPI inflation index as calculated above be less than zero, then the base sum shall remain the same as the previous year. Effective January 1, for years 2017, 2018 and 2019, the rates after applying the CCI/CPI index, shall be increased by an additional 3.70%. Effective January 1, for years 2020 and 2021, the rates after applying the CCI/CPI index, shall be increased by an additional 2.70%

(3) The monthly surface water service charge as applied to new development activity resulting in 500 square feet or more impervious area shall become effective on the date the land was cleared, graded or modified for the development as documented by the public works director. For new subdivisions, the effective date shall be approval date of the plat.

**Sec. 2. Severability - Construction.**

(1) If a section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.


(2) If the provisions of this Ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this Ordinance is deemed to control.

**Sec. 3. Effective date.** This Ordinance shall take effect and be in full force five (5) days after its final passage by the Des Moines City Council.

**PASSED BY** the City Council of the City of Des Moines this 5th day of November, 2015 and signed in authentication thereof this 5th day of November, 2015.

  
MAYOR

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

ATTEST:

  
\_\_\_\_\_  
City Clerk

Published: November 12, 2015

LEGAL NOTICE  
SUMMARY OF ADOPTED ORDINANCE  
CITY OF DES MOINES

ORDINANCE NO. 1627, Adopted November 5, 2015.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This Ordinance relates surface water management, amends DMMC 11.12.020 to adjust surface water service.

The full text of the Ordinance will be mailed without cost upon request.

Bonnie Wilkins  
City Clerk

Published: November 12, 2015

Appendix "A"

Ordinance No. 1627

Effective January 1, 2016, the following baseline rates shall be charged for goods and services provided by the utility for the City of Des Moines:

(1) Single-family Developed Properties.

(a) The monthly service charge for all single-family developed properties with impervious surface area between 500 square feet and 2,800 square feet on the property are charged \$14.16.

(b) The monthly service charge for single-family developed properties with impervious surface area between 2,800 square feet and 4,350 square feet on the property are charged \$18.65.

(c) The monthly service charge for single-family developed properties with impervious surface area between 4,350 square feet and 7,500 square feet on the property are charged \$26.60.

(d) The monthly service charge for single-family properties with impervious surface area greater than 7,500 square feet on the property is computed in accordance with the following formula:

$$\begin{array}{r} \text{Monthly Service} \\ \text{Charge} = \end{array} \qquad \begin{array}{r} \$18.65 \times \text{Square Footage of} \\ \text{Impervious Area} \\ \hline 3,450 \text{ sq. ft.} \end{array}$$

(2) Multi-family Properties. The monthly service charge for all multi-family properties is based on the impervious surface area on the property in accordance with the following formula:

$$\begin{array}{r} \text{Monthly Service} \\ \text{Charge} = \end{array} \qquad \begin{array}{r} \$18.65 \times \text{Square Footage of} \\ \text{Impervious Area} \\ \hline 3,450 \text{ sq. ft.} \end{array}$$

(3) Commercial Properties. The monthly service charge for all commercial properties is based on the impervious surface area on the property in accordance with the following formula:

$$\begin{array}{r} \text{Monthly Service} \\ \text{Charge} = \end{array} \qquad \frac{\$18.65 \times \text{Square Footage of} \\ \qquad \qquad \qquad \qquad \qquad \qquad \text{Impervious Area}}{3,450 \text{ sq. ft.}}$$

(4) Nonprofit Properties. The monthly service charge for all nonprofit properties is based on the impervious surface area on the property in accordance with the following formula:

$$\begin{array}{r} \text{Monthly Service} \\ \text{Charge} = \end{array} \qquad \frac{\$18.65 \times \text{Square Footage of} \\ \qquad \qquad \qquad \qquad \qquad \qquad \text{Impervious Area}}{3,450 \text{ sq. ft.}}$$