

**ORDINANCE NO. 2007-39**

**AN ORDINANCE** of the City of Bainbridge Island, Washington, increasing the City's storm and surface water utility fee; and amending Section 13.24.070, Section 13.24.084 and Section 13.24.089 of Chapter 13.24 of the Bainbridge Island Municipal Code.

**WHEREAS**, RCW Chapter 35.67 provides that cities are authorized to establish storm water ("storm sewer") utilities; and

**WHEREAS**, the City of Bainbridge Island has had a Storm and Surface Water Management (formerly "Storm Drain") utility since 1987; and

**WHEREAS**, public hearings were held to discuss the matter on November 14 and November 28, 2007; now, therefore,

**THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND, WASHINGTON, DOES ORDAIN AS FOLLOWS:**

**Section 1.** Section 13.24.070 of Chapter 13.24 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

"Single-family and duplex residential fees.  
The monthly service fee for each single-family and duplex residential dwelling shall be ~~\$7.00 through December 31, 2006, and, from January 1, 2007, through December 31, 2007, shall be \$9.62~~ \$9.62 through December 31, 2007, and, from January 1, 2008, through December 31, 2008, shall be \$14.56 ~~\$12.47~~; provided, that the ratio of impervious to pervious surface of the lot shall not exceed 50 percent. If the ratio of impervious to pervious surfaces exceeds 50 percent, the rate established in BIMC 13.24.080 shall apply."

**Section 2.** Section 13.24.084 of Chapter 13.24 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

~~Private-storm-water-retention-system~~ "On-site mitigation rate reduction.  
For any property other than a single-family residence or duplex residential dwelling, if the property owner (1) has been required by either the city or Kitsap County since January 1, 1985, to ~~install a private-storm-water-retention-system~~ construct an on-site stormwater mitigation facility as a condition of the property's development or (2) has ~~installed~~ constructed voluntarily since January 1, 1985, ~~a private-storm-water-retention-system~~ an on-site stormwater mitigation facility serving the property and ~~meeting~~ exceeding city standards at the time of ~~installation~~ construction, the city may at its sole discretion reduce by up to 50 percent the storm and surface water

service monthly fee charged for the property pursuant to BIMC 13.24.080. The rate reduction authorized by this section shall not be used in conjunction with any other rate reduction authorized by this title.”

**Section 3.** Section 13.24.089 of Chapter 13.24 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

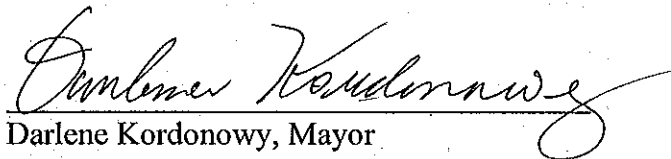
“The monthly fee for City owned right-of-way shall be ~~30~~ 100 percent of the fee provided in BIMC 13.24.080.”

**Section 4.** If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared invalid or unconstitutional for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.

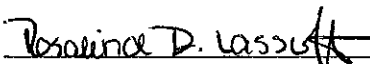
**Section 5.** This ordinance shall take effect and be in force on January 1, 2008 after its passage, approval and publication as provided by law.

PASSED by the City Council this 28<sup>th</sup> day of November 2007.

APPROVED by the Mayor this 30<sup>th</sup> day of November 2007.

  
Darlene Kordonowy, Mayor

ATTEST/AUTHENTICATE:

  
Rosalind D. Lassoff, CMC, City Clerk

FILED WITH THE CITY CLERK:	October 16, 2007
PASSED BY THE CITY COUNCIL:	November 28, 2007
PUBLISHED:	December 5, 2007
EFFECTIVE DATE:	January 1, 2008
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