ORDINANCE NO. 86

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, AMENDING ORDINANCE NO. 12, THE CITY'S INTERIM LAND DEDICATIONS, LEASE FOR RECREATION USE POLICY, AND REPEALING ANY AMENDMENTS WHICH HAVE BEEN AUTOMATICALLY ADOPTED SINCE THE DATE OF INITIAL ADOPTION

WHEREAS, City of Shoreline Ordinance No. 12 adopted by reference Chapter 7.16.010 of the King County Code as the City's Interim Land Dedications and Lease for Recreation Use Policy; and

WHEREAS, Ordinance No. 12 currently contains language which operates to automatically adopt amendments to Chapter 7.16.010 made by King County; and

WHEREAS, the City has found that there is no manageable method to monitor amendments made to Chapter 7.16.010 by King County and, therefore, City staff and the public may be unaware of amendments which have automatically occurred to Ordinance 12; and

WHEREAS, the City desires to maintain clarity in its ordinances and prevent possible confusion regarding City regulations; NOW, THEREFORE,

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

Section 1. Amendment of Ordinance No. 12. Section 1 of City Ordinance No. 12 is hereby amended to read as follows:

Authority to Adopt Interim Land Dedications, Lease for Recreation Use Policy.

Pursuant to RCW 35.21.180, 35A.11.020, and 35A.21.160, the City adopts by reference Chapter 7.16.010, Land Dedications, Lease for Recreation Use Policy of the King County Code (Exhibit A, hereto), as presently constituted ((~~or hereinafter amended,~~)) as the Interim Land Dedications, Lease for Recreation Use Policy. Exhibit A is hereby incorporated by reference as if fully set forth herein.

Section 2. Repeal of Amendments. Any amendments to King County Chapter 7.16.010 which have occurred since the date Ordinance No. 12 was adopted by the City are hereby repealed.

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 preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 4. Effective Date and Publication. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect and be in full force five (5) days after the date of publication.

PASSED BY THE CITY COUNCIL ON JUNE 24, 1996.

Mayor Connie King

ATTEST:

Sharon Mattioli, CMC
City Clerk

APPROVED AS TO FORM:

Janet E. Garrow
Interim City Attorney

Date of Publication: June 27, 1996
Effective Date: July 2, 1996

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Exhibit A
Ordinance No. 86
Chapter 7.16.010
King County Code

Title 7
PARKS AND RECREATION[1]

Chapters:

7.08 Facilities Use Charges
7.12 Rules for Use of Facilities
7.16 Land Dedications
7.20 Park and Recreation Districts
7.24 Earthworks

1. [For the statutory provisions regarding parks and recreational facilities, see RCW 36.68.]

Chapter 7.08
FACILITIES USE CHARGES

Sections:

7.08.010 Generally.
7.08.020 Swimming pool facilities (except Weyerhaeuser King County Aquatics Center).
7.08.025 Weyerhaeuser King County Aquatic Center.
7.08.030 King County Fair.
7.08.040 Recreation services.

7.08.010 Generally. All persons using King County owned and operated park and recreation facilities shall pay the service fees, which include taxes, where applicable, set forth in the following schedules in this chapter, effective January 1, 1987. Specific service fees may also be established administratively by the natural resources and parks division within the range of charges authorized by this chapter. (Ord. 7860 § 1, 1986: Ord. 7418 § 1, 1985: Ord. 7015 § 1, 1984: Ord. 6601 § 1, 1983: Ord. 6247 § 1, 1982: Ord. 5783 § 1, 1981: Ord. 5225 § 2 (part), 1980).

7.08.020 Swimming pool facilities (except Weyerhaeuser King County Aquatics Center).

Swimming pool facilities fees shall be:

A. Swimming pool fees (fees include sales tax):

Public swims: ..... $1.40 per person per session
Seventy five cent swims ..... .75 per person per session
Adult Only Swims ..... 2.25 per person per session
Senior citizens-60 years plus. ..$1.40 per person for any program session

B. Swim lessons: $2.00 per half hour to $10.00 per half hour

C. Pool rentals:

1. Private rentals
   - 25 persons or less ..... $43.00 per hour
   - 26 - 60 persons ..... 60.00 per hour
   - 61 - 90 persons ..... 80.00 per hour
   - 91 - 120 persons ..... 95.00 per hour
   - 121 - 150 persons ..... 120.00 per hour
2. Special interest groups ..... 36.00 per hour
3. School districts ..... 23.00 per hour
4. King County Park Swim Teams
   - When sharing the pool ..... 19.50 per hour
   - When using the entire pool ..... 30.00 per hour

D. Family membership program. (Entitles member to all public swims and adults to all adult swims, including the Recreation Pool in the King County Aquatic Center):

1. Three Months
   - Youth 17 years or younger .....$ 41.75 plus sales tax
   - Adults, 18 years or older ..... 74.25 plus sales tax
   - Family, 2 or more ..... 110.00 plus sales tax
   - Senior citizens, 60 years or older ..... 46.20 plus sales tax

2. Yearly

Youth, 17 years or younger	$110.00 plus sales tax
Adults, 18 years or older	180.00 plus sales tax
Family, 2 or more	300.00 plus sales tax
Senior citizens, 60 years or older	83.50 plus sales tax

E. Locker Fees ..... $0.25 per locker

F. Individuals with physical or developmental disabilities shall receive the same rate as senior citizens.

G. Individuals with physical or developmental disabilities shall provide documented proof of disability to qualify for reduced fees.

H. Individual youths, 17 years or younger, who can document their eligibility for free or reduced price school meals as established by the U.S. Department of Agriculture and thereafter revised shall qualify for free or reduced fee public swims.

I. Admission and/or concession fees - 10% of gross income.

J. Special admission fees - Fees to be determined by department director for special programs and promotions. (Ord. 11142 § 1, 1993: Ord. 10661 § 1, 1992: Ord. 10448 § 1, 1992: Ord. 10288 § 1, 1992: Ord. 10169 § 1, 1991: Ord. 9768, 1991: Ord. 9713 § 1, 1990: Ord. 9595 § 1, 1990: Ord. 9227 § 1 (part), 1989: Ord. 9098, 1989: Ord. 8749 § 1, 1988: Ord. 8327 § 1, 1987: Ord. 7860 § 2, 1986: Ord. 6601 § 2, 1983: Ord. 6247 § 2, 1982: Ord. 5783 § 2, 1981: Ord. 5225 § 2 (A), 1980).

7.08.025 Weyerhaeuser King County Aquatic Center.

A. Swimming pool fees (fees include sales tax):

1. Competitive Pool and Dive Tank

Open Swim	$2.25 per person per session
Senior citizens, 60 years or older	1.40 per person per session

2. Instruction Pool

Public Swims	$1.40 per person per session
Adult Only Swims, 18 years or older	2.25 per person per session
Senior Citizens, 60 years or older	1.40 per person per session
Promotional Swim	$0.75 per person per session

B. Swimming Lessons: $2.00 per half hour to $10.00 per half hour

C. Pool Rentals:

	Competitive Pool/ Dive Tank	Instruction Pool
1. Private Rentals		
25 persons or less	$58.00 per hour	$43.00 per hour
26-60 persons	74.00 per hour	60.00 per hour
61-90 persons	93.00 per hour	80.00 per hour
91-120 persons	109.00 per hour	95.00 per hour
121-150 persons	133.00 per hour	120.00 per hour
2. Special Interest Groups	49.50 per hour	36.00 per hour
3. School Districts	$4.10 per lane/per hour	23.00 per hour

D. Competitive Training Fees (Local and Regional Only):

1. Short Course and Dive Tank	$3.60 per lane/per hour
2. Long Course	8.80 per lane/per hour
3. Dive Board/Tower	19.75 per lane/per hour
4. Water Polo/Synchronized Swim	19.75 per hour

E. Competition Fees (Local and Regional Only):

1. Short Course and Dive Tank	$36.00 per hour
2. Long Course	42.00 per hour

F. Pass Program (Pass good at all King County Swimming Pools):

1. Instructional Pool - Three Month Pass

Family, 2 or more .....$110.00 plus sales tax
Adults, 18 years or older ..... 74.25 plus sales tax
Senior Citizens, 60 years or older ..... 46.20 plus sales tax
Youth, 17 years or younger ..... 46.20 plus sales tax

G. Locker Fees ..... $0.25 per locker

H. Meeting Room Rental ..... $17.75 per hour
Lobby/Concourse Rental ..... $35.50 per hour

I. Individuals with physical or developmental disabilities shall receive the same rate as senior citizens.

J. Individuals with physical or developmental disabilities shall provide documented proof of disability to qualify for reduced fees.

K. State/National and International Events

Fee to be determined through negotiated contract.

L. Admission and/or Concession Fees ..... 10% of gross revenue

M. Special Admission Fees - Fees to be determined by department director for special programs and promotions. (Ord. 11142 § 2, 1993: Ord. 10661 § 3, 1992: Ord. 10288 § 2, 1992: Ord. 10169 § 2, 1991: Ord. 9713 § 2, 1990: Ord. 9595 § 2, 1990: Ord. 9227 § 1 (part), 1989).

7.08.030 King County Fair.

King County Fair fees shall be:

A. Gate admittance.

Adults, 16 years or older $6.50
Adults, half-price days 3.25
Children, 6 years to 15 years 3.00
Children, half-price days 1.50
Senior citizens, 62 years or older 4.50
Senior citizens, half-price days 2.25

B. Rodeo & Entertainment Admission:

Rodeo - Adults $3.50
Rodeo - Children/Youth 2.50
Entertainment - Reserved Seating 6.00
Entertainment - Regular Seating 4.00

C. Parking

Regular ..... $3.50 per day (includes tax)
4-H/FFA/Commercial exhibitors ..... $3.50 per day (includes tax)

D. Camping

4-H/FFA exhibitors..... $4.00 per day (includes tax)
Commercial exhibitors ..... $6.00 per day (includes tax)

E. Bed and Feed

4-H/FFA exhibitors ..... $3.00 per exhibitor

(Ord. 11142 § 3, 1993: Ord. 10661 § 3, 1992: Ord. 10169 § 3, 1991: Ord. 9713 § 3, 1990: Ord. 9227 § 2, 1989: Ord. 8749 § 2, 1988: Ord. 8327 § 2, 1987: Ord. 7860 § 3, 1986: Ord. 7418 § 2, 1985: Ord. 6601 § 3, 1983: Ord. 6247 § 3, 1982: Ord. 5783 § 3, 1981: Ord. 5225 § 2 (B), 1980).

7.08.040 Recreation services.

Recreation services fees shall be:

A. Fee structured program

1. Class/Workshop Fees ..... Range $5.00 to $200.00 per class/workshop
2. Adult Drop In Program Fees..Range $1.00 to $5.00 per session
3. King County Sponsored League & Tournament Fee (includes cost of officials, awards, equipment, facility rentals, administration fees and association fees for organized teams and individual sports including softball, basketball, soccer, volleyball, racquetball, etc.)

   Leagues ..... $25-$1000 per team/league
   Tournaments ..... $50-$300 per team
   Individual sports ..... $5-$100 per participant

   A ten percent administrative surcharge not to exceed $5.00 will be assessed per participant per registration on the class or event cost for all fee structured classes, special events, athletic fee programs, workshops, special events or seminars. This administrative cost will not be charged for regularly scheduled programs or events which are intended solely for the enjoyment of citizens 55 years or older.

B. Field usage fees

1. Baseball/Softball fields
   a. Adult ..... $25.00 per game
   b. Youth ..... 3.00 per game
   c. Seniors 55 or Older ..... Free

   Adult Practice fields ..... $ 6.00 per practice
2. Soccer and Other Field Sports
   a. Adult ..... $25.00 per game
   b. Youth ..... 3.00 per game

   Adult Practice fields ..... $ 6.00 per practice
3. Tournament Field Rental Fee
   a. Adult ..... $22.00 per game
   b. Youth ..... 11.00 per game
   c. Tournament Field Cancellation Fee ..... 5.00 per game
4. Athletic field lights ..... $10.00 per hour
5. Athletic field telephone reservation card ..... $20.00 per team per season
6. Field Reservation Form Processing Fee

   Under 75 games/practices $10.00
   75-200 games/practices 20.00
   201+ games/practices 50.00
7. Admission and/or concession Fees ..... 20% of gross revenue (will assess 20% to gross revenue collected by renter from admission/participant fees and/or sale of goods and/or services)
8. Fort Dent Park: All users, except seniors 55 or older, pay the same rate for this facility.
   a. Baseball/Softball/Soccer/Football Fields
      (1) Adult ..... $33.00 per game (includes lights)
      (2) Seniors 55 or Older ..... Free
      (3) Adult Tournament ..... $33.00 per game (includes lights)
   b. Cricket Field
      (1) Adult ..... $25.00 per game
   c. Baseball/Softball Control Tower ..... $ 2.00 per game
   d. Fence rental $120.00
   e. Pitcher's mound installation $350.00

C. Facilities Usage: Indoors and Outdoors

1. Activity Centers and Community Centers
Includes meetings or activities that are promoted, organized, managed, supervised and sponsored by civic or nonprofit organizations such as community clubs, Orthopedic Guilds, service clubs, public agency programs, and public meetings. If the activity under sponsorship is open and free to the public and conforms to the rules of the activity community program hours, the charge is $2.50 per hour.

2. Activity Centers and Community Centers (nonprogram hours).
(For any organizations, groups and clubs, using an activity or community center during nonprogram hours, or a community center at any time during the day or evening, the following fee schedule will be applied.)
Gymnasium fee ..... $22.00 per hour (2 hour minimum)
Meeting room fee .....$16.50 per hour (2 hour minimum)

3. Kitchen Use Fee (All facilities except Clise Mansion)
(Facility users will not be assessed a kitchen fee to obtain water for coffee pots).
Kitchen use fee..... $ 5.50 per hour (2 hour minimum) in conjunction with the rental of another room.

4. Gold Creek Lodge Use Fee (Rate includes use of Kitchen)
Meeting Room: ..... $16.50 per hour (2 hour minimum)
Overnight Rate:
Youth Groups ..... $ 110.00 per night
Adult Groups ..... 220.00 per night

5. Clise Mansion Use Fees
a. Rental of entire mansion except kitchen and museum:
Friday - Sunday ..... $330/2-6 hours inclusive
Monday through Thursday ..... $55/hour,(2 hour minimum)
b. Rental of individual meeting rooms (Monday through Thursday only)
.....$16.50/hour,(2 hour minimum)
c. Rental of catering kitchen
Friday - Sunday ..... $55 flat fee
Monday - Thursday ..$16.50 flat fee in conjunction with the rental of another room.
(Facility users will not be assessed a kitchen fee to obtain water for coffee pots).

6. Lake Wilderness Center
a. Rental of entire Center except meeting rooms and kitchen:
Friday-Sunday (2-6 hours inclusive) $500.00
Monday-Thursday (2 hour minimum) $60.00/hour
b. Rental of individual meeting rooms:
Two hour minimum $18.00/hour
c. Rental of catering kitchen:
Friday-Sunday ..... $60.00 flat fee
Monday-Thursday ..... $18.00 flat fee
d. Conference/Banquet amenities (punchbowls, microphone, etc.) range from $5.00 to $50.00.

7. Outdoor Facility Use Fee
(Any groups renting outdoor facilities for activities including, but not limited to, dog shows, outdoor weddings, day camps, Fun Runs and organized picnics will pay according to the following fee schedule.)
1 - 100 participants ..... $45.00 per day
Monday-Friday, $55.00 per day Saturday-Sunday
101 + participants.....$0.40 per participant per day

8. Reservation Form Handling Fee
All groups will be assessed a $5.00 processing fee per Reservation Form.

9. Admission and/or Concession Fees - ..... 20% of gross revenue (will assess 20% of gross revenue collected by renter from admission/ participant fees and/or sales of goods and/or services.)

10. Special Facility Use Fee
Luther Burbank Amphitheatre..... $22.00 per hour, 2 hour minimum
Racquetball Courts - White Center Park..... $6.00 per hour
Dance/Fitness Studio Rehearsal Space:
During Program Hours ..... $8.00 per hour (1 hour minimum)
During Nonprogram Hours ..... 18.00 per hour (2 hour minimum)

11. Camping Fee - ..... $10.00 per site (includes tax) includes one vehicle, each additional vehicle $5.00 unless vehicle towed with R.V.

12. Public Event Parking Fee ..... $2.00 - $5.00 per car (includes tax)

13. Pea Patch Rental ..... $30.00 per plot per season
Each additional plot ..... $20.00 per plot per season

14. Detector Permits .....$12.00 per year per individual
$18.00 per year per family (4 maximum)

15. Special Use Permits
Groups renting facilities for special event activities shall pay fees determined through negotiated contract.

16. Power Fees, Damage and Key Deposits
For any organizations, groups, or clubs using an activity center or community center, power fees and a damage and key deposit fee may be assessed according to the following schedule.
Power fees ..... $10.00 to $25.00 per day
Damage deposit ..... $25.00 to $250.00
(determined by type of activity and number of participants)
Key deposit ..... $25.00 to $200.00
(determined by type of activity and number of participants)

17. Overnight Boat - Moorage Fees
For boats 26 feet in length and over ..... $11.00 per night
For boats under 26 feet in length ..... $8.00 per night

(Ord. 11142 §3, 1993: Ord. 10661 § 4, 1992: Ord. 10169 § 4, 1991: Ord. 9713 § 4, 1990: Ord. 9227, § 3, 1989: Ord. 8749 § 3, 1988: Ord. 8327 § 3, 1987: Ord. 7860 § 4, 1986: Ord. 7124, 1985: Ord. 7015 § 2, 1984: Ord. 6601 § 4, 1983: Ord. 6247 § 4, 1982: Ord. 6027 §§ 2, 3, 1982).

Chapter 7.12
RULES FOR USE OF FACILITIES

Sections:

7.12.010 Definitions.
7.12.020 Program - Purpose.
7.12.030 Administrative rules - Hours and conditions of operation.
7.12.040 Permits for community groups.
7.12.050 Special use permits.
7.12.060 Cancellation of permit.
7.12.070 Religious services or group rallies.
7.12.080 Use of facilities - Building use hours.
7.12.090 Cleanup.
7.12.100 Liability.
7.12.110 Liability insurance.
7.12.120 Adults to accompany minors.
7.12.130 Storage of equipment - Liability of county.
7.12.140 Equipment regulations - Failure to perform.
7.12.150 Facility use - Sale of goods and services.
7.12.160 Camping occupancy policy.
7.12.170 Occupancy - Number of vehicles.
7.12.180 Fees.
7.12.190 Camping - Occupancy hours.
7.12.200 Use of trailer sites by tent campers.
7.12.210 Sites considered occupied when paid for.
7.12.220 Picnicking.
7.12.230 Food waste, washing of clothes or animals.
7.12.240 Parking lots and roadways - Games prohibited.
7.12.250 Motor vehicles - parking.
7.12.260 Motor vehicles on roads and trails.
7.12.270 Motor vehicles - speed limits.
7.12.280 Washing of vehicles.
7.12.290 Motor vehicles - truck and commercial vehicles.
7.12.295 Trail use.
7.12.300 Boating - Occupancy policy.
7.12.310 Commercial watercraft prohibited.
7.12.320 Overnight moorage.
7.12.330 Tandem moorage.
7.12.340 Use of marine heads.
7.12.350 Camping - In designated areas only.
7.12.360 Tents and shelters on beaches.
7.12.370 Clothing.
7.12.380 Ice.
7.12.390 Game fish.
7.12.400 Shellfish and food fish.
7.12.410 Pets in county park facilities.
7.12.420 Disturbances by animals prohibited.
7.12.430 Horseback riding - In designated areas only.
7.12.440 Littering.
7.12.450 Swimming - In designated areas only.
7.12.460 Swimmers must obey rules.

7.12.470 Swimming/scuba diving in boat launch areas prohibited.
7.12.480 Presence in park during hours the park is closed.
7.12.490 Loitering.
7.12.500 Horseback riding - May not endanger others.
7.12.510 Mechanical trapping devices - Capturing or injuring animals.
7.12.520 False alarm of drowning prohibited.
7.12.530 Games on beaches.
7.12.540 Moorage in swimming area prohibited.
7.12.550 Damage to property.
7.12.560 Removal of property.
7.12.570 Outside household or commercial waste.
7.12.580 Waste from vehicles.
7.12.590 Dumping in water prohibited.
7.12.600 Aircraft.
7.12.610 Solicitation.
7.12.620 Fireworks.
7.12.630 Firearms, weapons.
7.12.640 Alcoholic beverages.
7.12.642 Intoxication.
7.12.645 Interference with Trails.
7.12.650 Infractions.
7.12.660 Misdemeanors.
7.12.670 Administrative sanctions.
7.12.680 Park safety.
7.12.690 Responsibilities.
7.12.700 Enforcement methods - commissions.
7.12.710 Contractual agreements.
7.12.720 Severability.
7.12.730 Collective bargaining obligation.

I - GENERAL

7.12.010 **Definitions.** Whenever used in this chapter the following terms shall be defined as herein indicated:

A. "Aircraft" means any machine or device designated to travel through the air including but not limited to: airplanes, helicopters and balloons;

B. "Alcoholic beverages" or "liquor" includes the four varieties of liquor defined as alcohol, spirits, wine and beer, all fermented, spiritous, vinous, or malt liquor, and all other intoxicating beverages, and every liquor, solid or semisolid or other substance, patented or not, containing alcohol, spirits, wine or beer; all drinks or drinkable liquids and all preparations or mixtures capable of human consumption. Any liquor, semisolid, solid or other substance which contains more than one percent alcohol by weight shall be conclusively deemed to be intoxicating;

C. "Associated marine area" means any water area within one hundred feet of any "King County park area" or "marine facility" such as a dock, pier, float, buoy, log boom, or other object which is part of a "King County park area", provided that such area does not include private property;

D. "Camper" means a motorized vehicle containing sleeping and/or housekeeping accommodations, and shall include a pickup truck with camper, a van-type body, a converted bus, or any similar type vehicle;

E. "Camping" means erecting a tent or shelter or arranging bedding or both for the purpose of, or in such a way as will permit remaining overnight, or parking a trailer, camper, or other vehicle for the purpose of remaining overnight;

F. "Campsite" means designated camping sites which are designated for the use of tent campers, and which have no water and/or electrical facilities available for hookup to a trailer or a camper;

G. "Discrimination" means any action or failure to act, whether by single act or part of a practice, the effect of which is to adversely affect or differentiate between or among individuals or groups of individuals, because of race, color, religion, national origin, age, sex, marital status, parental status, sexual orientation, the presence of any sensory, mental or physical handicap, or the use of a trained dog guide by a blind or deaf person;

H. "Division" or "natural resources and parks division" means the King County department of parks, planning and resources, natural resources and parks division;

I. "Facility" or "facilities" means any building, structure, or park area operated by the King County natural resources and parks division;

J. "Facility manager" means a duly appointed King County natural resources and parks division employee;

K. "King County park area" means any area under the ownership, management, or control of the natural resources and parks division;

L. "Manager" means division manager of the King County parks, planning and resources department, natural resources and parks division;

M. "Motor vehicle" means any self-propelled device capable of being moved upon a road, and in, upon, or by which any persons or property may be transported or drawn, and shall include, but not be limited to, automobiles, trucks, motorcycles, motor scooters, jeeps or similar type four-wheel drive vehicles, and snowmobiles, whether or not they can legally be operated upon the public highways;

N. "Person" means all natural persons, groups, firms, partnerships, corporations, clubs, and all associations or combination of persons whenever acting for themselves or an agent, servant, or employee;

O. "Rocket" means any device containing a combustible substance which when ignited propels the device forward;

P. "Trail" means any path, track, or right-of-way designed for use by pedestrians, bicycles, equestrians, or other non-motorized modes of transportation;

Q. "Trailer" means a towed vehicle which contains sleeping or housekeeping accommodations;

R. "Trailer site" means a designated camping site which have water and/or electrical facilities available for hookup, and which are designed for the use of persons with trailers or campers. (Ord. 8166 § 1, 1987: Ord. 6798 § 1, 1984).

7.12.020 Program - Purpose. The playgrounds, activity centers, pools, and other facilities of the division are established by law for public recreation purposes. The public recreation programs consist primarily of activities planned and directed by the division, and secondarily of recreation activities of community groups brought under control of the division when authorized by and conducted under permit issued by the division. (Ord. 6798 § 2, 1984).

II - ADMINISTRATION

7.12.030 Administrative rules - Hours and conditions of operation. The manager shall promulgate rules setting forth the times and conditions upon which the county parks and recreation facilities will be open, closed, or used by the public. Such rules shall be promulgated in accordance with the procedures established in K.C.C. 2.98. (Ord. 6798 § 3, 1984).

7.12.040 Permits for community groups. The division may grant permits to community groups to meet or conduct activities in the division's buildings or in the division's other facilities without charge; provided that no charges, other than for necessary lighting fees, shall be levied for use of ballfields for athletic activities involving play by those exclusively eighteen years of age or under if all of the following conditions are satisfied: I) The buildings or facilities are not otherwise required by the division, and II) The activities are:

A. Conducted in accordance with the division's standards;
B. Held without admission charge;
C. Not conducted for financial gain;
D. Open to the general public without discrimination;
E. Scheduled during hours when the facility is regularly open.

Facilities cannot be reserved more than ninety days in advance unless otherwise authorized by the division. All such permits must be approved by the division. King County swimming pools are excluded from the provisions of K.C.C. 7.12.040. (Ord. 6798 § 4, 1984).

7.12.050 Special use permits. A. Groups which do not meet all of the requirements set forth in K.C.C. 7.12.040 and groups which desire to use King County swimming pools may be granted special use permits by the division, but will be charged a fee. Where appropriate, special conditions of use will be established by the division and so noted on the special use permit. A schedule of the charges for special services in King County recreational facilities will be established by the division with the approval of the King County council.

B. Groups applying for special use permits for activities at which the consumption of alcoholic beverages is intended, must meet the requirements of state law with respect to liquor permits as a precondition. During the course of the activity, the state liquor permit must be displayed within the area. (Ord. 8538 § 1, 1988: Ord. 6798 § 5, 1984).

7.12.060 Cancellation of permit. The division reserves the right to cancel a permittee's reservation for cause or if the division wishes to make use of the facility which in the judgment of the division supercedes the need of the permittee. Notice of the division's cancellation for priority use shall be given at least twenty-four hours in advance. Notice of cancellation for cause may be given at any time. (Ord. 6798 § 6, 1984).

7.12.070 Religious services or group rallies. Religious services or group rallies may be permitted in King County park areas where facilities are adequate, and where such activities will not conflict in any way with normal park usage. To avoid conflict, permission for such activities must be obtained in advance from the manager. Permission for use of loudspeakers by groups must be obtained in advance. (Ord. 6798 § 7, 1984).

7.12.080 Use of facilities - Building use hours. Activities for groups using the facilities Sundays through Thursdays shall normally cease at 10:00

p.m. unless otherwise approved on the use permit. On Fridays and Saturdays groups must agree to be out of the facilities by 12:30 a.m. unless otherwise approved in the use permit. (Ord. 6798 § 8, 1984).

7.12.090 Cleanup. All persons must leave facilities in a condition considered satisfactory to the facility manager in charge who will supervise cleanup activity. No person shall conduct activities causing extra custodial work unless previous agreement has been made to pay for such work and this is so stated in the use permit. (Ord. 6798 § 9, 1984).

7.12.100 Liability. Persons using facilities by permit will be required to protect, save and hold King County, its elected and appointed officials and employees while acting within the scope of their duties, harmless from and against all claims, demands and causes of action of any kind or character, including the cost of defense thereof, arising in favor of a person or group's members or employees or third parties on account of any action including but not limited to personal injuries, death or damage to property arising out of the use of premises, or in any way arising out of the acts or omissions of the person, group and/or its agents, employees or representatives. (Ord. 6798 § 10, 1984).

7.12.110 Liability insurance. During all periods of use, persons using facilities by permit shall obtain and maintain public liability insurance acceptable to the county and/or other insurance necessary to protect the public and the county on premises to be used, with limits of liability not less than:

$500,000 each person personal injury;
$500,000 each occurrence personal injury;
$250,000 each occurrence property damage;
or a combined single limit personal injury and/or property damage liability of $1,000,000 per occurrence.

Persons shall provide a certificate of insurance, or, upon written request of the county, a duplicate of the policy, as evidence of the insurance protection provided. This insurance shall not be cancelled or reduced without prior written notice to the county at least thirty days in advance of the cancellation. (Ord. 6798 § 11, 1984).

7.12.120 Adults to accompany minors. Adults must be present and responsible at all assemblies of minors throughout the entire function. (Ord. 6798 § 12, 1984).

7.12.130 Storage of equipment - Liability of county. Persons using facilities should not expect storage space for equipment necessary for their programs. If temporary storage is provided, King County shall not be held responsible for loss or damage. County equipment shall not be loaned to any non-county person, group or organization. (Ord. 6798 § 13, 1984).

7.12.140 Equipment regulations - Failure to perform. The misuse of a park facility or the failure to conform with these regulations, the instructions of division employees, or the conditions of a permit will be sufficient reason for denying any future permits. (Ord. 6798 § 14, 1984).

7.12.150 Facility use - Sale of goods or services. The use of park facilities for financial gain shall be allowed only through concession

contracts secured by the county's competitive bid process, negotiated concession contracts or by special use permit issued by the division. (Ord. 6798 § 15, 1984).

III - RULES GOVERNING USE OF FACILITIES - INFRACTIONS

7.12.160 Camping occupancy policy. In order to afford the general public the greatest possible use of the King County park system on a fair and equal basis, continuous occupancy of camping facilities by the same person or persons shall be limited to seven days. Shorter limitation of occupancy may be established and posted by the division at any individual facility or area. (Ord. 6798 § 16, 1984).

7.12.170 Occupancy - Number of vehicles. The number of vehicles occupying camping facilities shall be limited to one car or camper, or one vehicle with trailer, per camp or trailer site. A greater number may be authorized in specific areas when constructed facilities so warrant. (Ord. 6798 § 17, 1984).

7.12.180 Fees. Fees for the use of campsites or trailer sites are due and payable daily. The daily fee covers use of facilities until the vacating time of the following day. (Ord. 6798 § 18, 1984).

7.12.190 Camping - Occupancy hours. Occupants shall vacate camping facilities by removing all personal property prior to the vacating time if the applicable use fee has not been paid or if time limit for occupancy of the campsite has expired. The occupants may, however, remain in other areas of the park for purposes other than camping until the park's normal closing time. Failure to vacate at the appropriate time shall subject the occupant to an additional use fee. (Ord. 6798 § 19, 1984).

7.12.200 Use of trailer sites by tent campers. No tent camper shall be allowed to occupy a designated trailer site except as directed by a facility manager. Use of trailer sites by tent campers shall be subject to payment of the trailer site fee. (Ord. 6798 § 20, 1984).

7.12.210 Sites considered occupied when paid for. A trailer site or campsite is considered occupied when it is being used for purposes of camping by a person who has paid the daily use fee within the applicable time limits. No person shall take or attempt to take possession of a campsite or trailer site when it is being occupied by another party or when informed by a facility manager that such campsite or trailer site is occupied. (Ord. 6798 § 21, 1984).

7.12.220 Picnicking. Picnicking is permitted only in designated and marked picnicking areas, or in such other places within a King County park area as may from time to time be designated by a facility manager. (Ord. 6798 § 22, 1984).

7.12.230 Food waste, washing of clothes or animals. No person shall clean fish or other food, or wash any clothing or other articles for personal or household use, or any dog or other animal, except at designated areas in any King County park area. (Ord. 6798 § 23, 1984).

7.12.240 Parking lots and roadways - Games prohibited. Games of any kind are prohibited in parking lots and roadways of all division facilities. (Ord. 6798 § 24, 1984).

7.12.250 Motor vehicles - parking. No operator of any automobile, trailer, camper, boat trailer, or other vehicle, shall park such vehicle in any King County park area, except where the operator is using the area for the designated recreational purpose and the vehicle is parked either in the designated parking area, or in another area with the permission of a facility manager. No person shall park, leave standing, or abandon a vehicle in any King County park area after closing time except persons who have paid the applicable use fees to camp in designated campsites or trailer sites or to moor boats overnight at designated sites, and persons using park facilities as part of an event authorized by the division. In addition to the penalties found in Part V of this chapter, any vehicle found parked in violation of K.C.C. 7.12.250 may be towed away at the owner's expense. (Ord. 8166 § 2, 1987: Ord. 6798 § 25, 1984).

7.12.260 Motor vehicles on roads and trails. No person shall operate any motor vehicle on a trail in any King County park area unless such trail has been specifically designated and posted for such use. No person shall operate a motor vehicle within the boundaries of a King County park area except on roads, streets, highways, parking lots, parking areas, or where otherwise permitted by proper posting.

Provided that:

This section shall not apply to emergency vehicles, maintenance vehicles, or construction vehicles authorized by the division. (Ord. 8166 § 3, 1987: Ord. 6798 § 26, 1984).

7.12.270 Motor vehicles - speed limits. No person shall drive a motor vehicle within any King County park area at a speed greater than twenty-five miles per hour or as otherwise posted, having due regard for traffic on, and the surface and width of the road, and in no event at a speed which endangers the safety of persons, property, or wildlife; provided, however, that in no event shall a vehicle be driven at a speed greater than fifteen miles per hour in camp, picnic, utility, or headquarters areas, or in areas of general public assemblage. (Ord. 6798 § 27, 1984).

7.12.280 Washing of vehicles. No person shall clean or wash any automobile or other vehicle in any King County park area except in areas specifically designated for that use. (Ord. 6798 § 28, 1984).

7.12.290 Motor vehicles - trucks and commercial vehicles. No person shall cause a truck or other vehicle while being used for commercial purposes to enter upon, use, or traverse any portion of any King County park area or any park road except in the service of the division at the request of the employees of the division, or by express permission of the manager for a special activity not inconsistent with King County park use; provided that, the provisions of this section shall not apply to county roads or state highways. (Ord. 6798 § 29, 1984).

7.12.295 Trail use. A. No person shall travel on a trail at a speed greater than is reasonable and prudent under the conditions and having regard

to the actual and potential hazards then existing. In every event, speed shall be so controlled as may be necessary to avoid colliding with others who are complying with the law and using reasonable care. Travel at speeds in excess of 15 miles per hour shall constitute in evidence a prima facie presumption that the person violated this section.

B. No person shall travel on a trail in a negligent manner. For the purposes of this section "travel on a trail in a negligent manner" shall be construed to mean any form of travel on a trail in such a manner as to endanger or be likely to endanger any persons or property.

C. For the purposes of this section "travel" shall be construed to include all forms of movement or transportation on a trail, including but not limited to foot, bicycle, horse, skateboard, and rollerskates.

D. Every person traveling on a trail shall obey the instructions of any official traffic control device applicable thereto placed in accordance with applicable laws unless otherwise directed by a police officer.

E. Every person who shall use or travel on a trail shall obey the Model Trail User Code of Conduct.

F. Model Trail User Code of Conduct

1. USING A TRAIL. Every person using a trail shall stay as near to the right side of the trail as is safe, excepting those movements necessary to prepare to make or make turning movements, or while overtaking and passing another user moving in the same direction.

2. REGARD FOR OTHER TRAIL USERS. Every user shall exercise due care and caution to avoid colliding with any other trail user. All users shall travel in a consistent and predictable manner.

3. GROUPS ON TRAIL. No group of trail users, including their animal(s), shall occupy more than one half of the trail as measured from the right side, so as to impede the normal and reasonable movement of trail users.

4. AUDIBLE SIGNAL WHEN PASSING. Every user shall give an audible warning signal before passing another trail user. The signal must be produced in such a manner as to allow adequate time for response. The signal may be given by voice, bell or horn.

5. OVERTAKING TRAIL USERS ON THE LEFT. Any trail user overtaking another trail user proceeding in the same direction shall pass to the left of such overtaken user at a safe distance, and shall stay to the left until safely clear of the overtaken user.

6. ENTERING AND CROSSING TRAIL. Trail users entering or crossing the trail at uncontrolled points shall yield to traffic on the trail.

7. LIGHTS ON TRAIL USERS. All bicyclists using the trail from one-half hour before sunset to one-half hour before sunrise shall equip their bicycles with a headlight visible 500 feet to the front, and a red or amber light visible 500 feet to the rear. (Ord. 8518 § 1, 1988).

7.12.300 Boating - occupancy policy. In order to afford the general public the greatest possible use of marine facilities, continuous occupancy of marine facilities by the same person or group in any area is limited to any three days in a seven day period, beginning midnight Wednesday and ending midnight the following Wednesday unless otherwise posted. Shorter or longer limitation of occupancy may be established and posted by the division for any individual facility or area. In addition to the penalties in Part V of this chapter, any boat found to be in violation of this chapter may be towed away at the owner's expense. No person shall launch a boat in any King County park except in areas specifically designated and/or marked for that purpose. (Ord. 8166 § 4, 1987: Ord. 6798 § 30, 1984).

7.12.310 Commercial watercraft prohibited. Use of marine areas and marine facilities by commercial watercraft is prohibited. For the purpose of this rule "commercial watercraft" means watercraft used for any commercial purpose but shall not include a commercial watercraft operated within the terms of a concession lease with the division. (Ord. 6798 § 31, 1984).

7.12.320 Overnight moorage. No person or persons shall moor, anchor, dock or berth a boat or other object overnight in a King County park area or associated marine area unless the area has been designated for such use. (Ord. 6798 § 32, 1984).

7.12.330 Tandem moorage. No more than three boats or other objects may be tied or rafted together when moored, docked or berthed adjacent to a dock, pier, or float in a King County park area. (Ord. 6798 § 33, 1984).

7.12.340 Use of marine heads. No person shall use/or flush any marine head which when flushed emits its contents directly into the waters of a lake, river, Puget Sound, or any other water area, nor cause any human or animal waste to be dumped into the waters while moored, anchored, docked or berthed in a King County park area or associated marine area or when entering or leaving the area. (Ord. 6798 § 34, 1984).

7.12.350 Camping - In designated areas only. No person shall camp in any King County park area except in areas specifically designated and/or marked for that purpose. (Ord. 6798 § 35, 1984).

7.12.360 Tents and shelters on beaches. No person shall erect, maintain, use or occupy a temporary tent or shelter on any swimming beach in any King County park area unless there is an unobstructed view through such tent or shelter from at least two sides; provided, however, that nothing in this section shall be construed to authorize overnight camping except in designated areas. (Ord. 6798 § 36, 1984).

7.12.370 Clothing. Clothing sufficient to conform to community standards shall be worn at all times. (Ord. 6798 § 37, 1984).

7.12.380 Ice. No person shall go out onto ice in any King County park or park area, except in areas specifically designated for that purpose. This includes but is not limited to: lakes, ponds, streams, rivers, and other bodies of water. (Ord. 6798 § 38, 1984).

7.12.390 Game fish. All laws, rules and regulations of the State Game Commission relating to season, limits, and methods of fishing are applicable to fishing for game fish in King County park areas. No person may fish for, or possess any fish taken from any dam, dike, bridge, dock, boatland, or beach, which is posted with a sign prohibiting fishing. (Ord. 6798 § 39, 1984).

7.12.400 Shellfish and food fish. All laws, rules and regulations of the State Department of Fisheries relating to season, limits, and methods of taking, are applicable to the taking of shellfish or food fish in King County park areas, and in addition to such laws, the King County park system may, upon its finding and for good cause, close certain King County park areas to

the taking of shellfish for specific periods of time. Such closed areas shall be posted with appropriate signs. (Ord. 6798 § 40, 1984).

7.12.410 Pets in county park facilities. A. Dogs, pets, or domestic animals are not permitted on any designated swimming beach, picnic or play areas in any King County park or in any building unless specifically permitted by posting provided that this section shall not apply to seeing eye dogs.

B. In permissible areas, dogs or other pets or domestic animals must be kept on a leash no greater than eight feet in length, and under control at all times.

C. Any person whose dog or other pet is in any King County park area shall be responsible for the conduct of the animal and for removing feces deposited by such animal from the park area. (Ord. 6798 § 41, 1984).

7.12.420 Disturbances by animals prohibited. No person shall allow his or her dog or other pet or domestic animal to bite or in any way molest or annoy park visitors. No person shall permit his or her dog or other pet or domestic animal to bark continuously or otherwise disturb the peace and tranquility of the park. (Ord. 6798 § 42, 1984).

7.12.430 Horseback riding - In designated areas only. Horses shall be permitted only in King County park areas that are specifically designated and posted to permit such activity. Horses shall not be permitted in any designated swimming area, campground, or picnic area. No person shall allow a horse or other animal to stand unattended or insecurely tied. (Ord. 6798 § 42, 1984).

7.12.440 Littering. No person shall leave, deposit, drop or scatter bottles, broken glass, ashes, food, waste paper, cans, or other rubbish in a King County park area, except in a garbage can or other receptacle designated for such purposes. (Ord. 6798 § 44, 1984).

7.12.450 Swimming - In designated areas only. King County park swimming areas are marked with buoys, log booms, or other markers, clearly designating the boundaries of such areas. Swimming shall be permitted only within these areas. (Ord. 6798 § 45, 1984).

7.12.460 Swimmers must obey rules. All persons using designated swimming areas shall obey all posted beach rules and/or the instructions of lifeguards, facility managers, or other park division employees. (Ord. 6798 § 46, 1984).

7.12.470 Swimming/scuba diving in boat launch areas prohibited. No person shall swim, sunbathe, or scuba dive in any designated boat launching area. (Ord. 8166 § 5, 1987: Ord. 6798 § 47, 1984).

7.12.480 Presence in parks during hours the park is closed. No person shall enter or be present in a county park area during hours the park is closed except persons who have paid the applicable use fees to camp in designated campsites or trailer sites, or to moor boats overnight at designated sites and persons using park facilities as part of an event authorized by the division. (Ord. 8166 § 6, 1987: Ord. 6798 § 48, 1984).

IV - RULES GOVERNING USE OF FACILITIES - MISDEMEANORS

7.12.590 Dumping in water prohibited. No person shall pollute, or in any way contaminate by dumping or otherwise depositing any waste or refuse of any nature, kind or description, including human and bodily waste, into any stream river, lake or other body of water running in, through, or adjacent to any King County park area. (Ord. 6798 § 59, 1984).

7.12.600 Aircraft. A. Aircraft landing/Take off. No aircraft shall land or take off from any body of water or land area in a King County park area except:

1. Aircraft used to transport injured persons, evacuees, medical personnel, or public officials in the event of an accident, disaster, or emergency;

2. Model aircraft as provided in Section 7.12.600 B;

3. No person shall be deemed to have violated the provisions of this section in the event of a bonafide emergency, provided the owner of the aircraft submits a written statement explaining the circumstances of the emergency to the manager within seventy-two hours of an emergency landing.

B. Model aircraft and rockets:

1. No person shall fly rockets or model aircraft in any King County park area except in areas specifically designated and/or posted for that purpose;

2. All engines over .25 cubic inches used in model aircraft being flown in designated King County park areas shall be muffled;

3. All persons flying model aircraft in designated King County park areas shall abide by the Official Academy of Model Aeronautics Safety Code;

4. All persons desiring to shoot model rockets in a King County park area shall obtain a permit to do so from the parks and recreation services office. (Ord. 8727, 1988: Ord. 8166 § 7, 1987: Ord. 6798 § 60, 1984).

7.12.610 Solicitation. No person shall solicit, sell, or peddle any goods, services, wares, merchandise, liquids, or edibles for human consumption, or distribute or post any handbills, circulars, or signs, or use any loud-speakers or other amplifying devices, in any King County park area, except by concession contract or by special use permit issued by the division. (Ord. 6798 § 61, 1984).

7.12.620 Fireworks. No person shall possess, discharge, set off, or cause to be discharged, in or into any King County park area, any firecracker, torpedo, rocket, firework, explosive, or substance harmful to the life or safety of persons or property, unless so authorized by the division. (Ord. 6798 § 62, 1984).

7.12.630 Firearms, weapons. No person except duly authorized law enforcement personnel shall possess a bow and arrow, crossbow, or air or gas weapon in a county park. No person shall discharge across, in, or into any King County park area a firearm, bow and arrow, crossbow, air or gas weapon, or any device capable of injuring or killing any person or animal, or damaging or destroying any public or private property.

Provided that:

Where the division for good cause has authorized a special recreational activity upon finding that it is not inconsistent with King County park use this section shall not apply. (Ord. 8166 § 8, 1987: Ord. 6798 § 63, 1984).

7.12.490 Loitering. Loitering as defined in K.C.C. 12.64 is prohibited in restrooms and bathhouses in King County park and recreation facilities. (Ord. 6798 § 49, 1984).

7.12.500 Horseback riding - May not endanger others. No person shall ride any horse or other animal in such a manner that could cause physical harm to any person. (Ord. 6798 § 50, 1984).

7.12.510 Mechanical trapping devices - Capturing or injuring animals. The use of a mechanical trapping device within any King County park is prohibited. A "mechanical trapping device" shall be defined as any device, including but not limited to snares or machines, that shut suddenly upon contact by an animal, or a device which kills or inflicts physical pain and injury upon a captured animal. The act of capturing an animal, by other than lawful means is prohibited. (Ord. 6798 § 51, 1984).

7.12.520 False alarm of drowning prohibited. No person shall give or transmit a false signal or false alarm of drowning. (Ord. 6798 § 52, 1984).

7.12.530 Games on beaches. Activities including but not limited to sports and physical play which interfere or tend to interfere with and endanger other beach users and distract from or obstruct the performance of lifesafety responsibilities of parks personnel are prohibited. When circumstances can safely permit games, such games will be conducted only with the consent of a facility manager, lifeguard, or other division employee. (Ord. 6798 § 53, 1984).

7.12.540 Moorage in swimming area prohibited. No person or persons shall moor, dock, or berth a boat or other object to a log boom or float line which delineates a swimming area in a King County park area or associated marine area. (Ord. 6798 § 54, 1984).

7.12.550 Damage to property. No person shall cut down, destroy, or in any way injure any shrub, tree, vine, grain, grass or crop, standing or growing or which has been cut down, in any King County park area unless authorized to do so by the division. No person shall deface, damage or destroy any property, material or equipment which is under the jurisdiction of the division. (Ord. 6798 § 55, 1984).

7.12.560 Removal of property. No person shall change the position of or remove any county property, material, or equipment from its original position in any area under the jurisdiction of the division. (Ord. 6798 § 56, 1984).

7.12.570 Outside household or commercial waste. No person shall deposit any household or commercial garbage, refuse, waste, or rubbish which is brought in such form from any private property, in any King County park area garbage can or other receptacle designated for such purpose. (Ord. 6798 § 57, 1984).

7.12.580 Waste from vehicles. No person shall drain or dump refuse or waste from any trailer, camper, automobile, or other vehicle, except in designated disposal areas or receptacles in any King County park area. (Ord. 6798 § 58, 1984).

D. A finding that an infraction has been committed shall not give rise to any other legal disability which is based upon conviction of a crime. (Ord. 8518 § 2, 1988: Ord. 6798 § 65, 1984).

7.12.660 Misdemeanors. Any person found guilty of violating any provision of Part IV of this chapter is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than $500.00, or by imprisonment in the county jail for not more than 90 days, or both. (Ord. 6798 § 66, 1984).

7.12.670 Administrative sanctions. In addition to any prescribed penalty, any person failing to comply with any provision of this chapter shall be subject to the loss of park or recreation facility use privileges and ejection from the county park area or associated marine park area. (Ord. 6798 § 67, 1984).

VI - PARK SAFETY - ENFORCEMENT

7.12.680 Park safety. A. General. Park rules, as promulgated in this chapter, are established to provide a system by which the greatest number of people may obtain the maximum satisfaction from the use of county parks and recreation facilities. For the rules to serve this purpose, they must be understood and followed by the park users. Accordingly, park safety involves both public awareness and rule enforcement programs.

B. Application of park safety program. The degree and extent to which the application of park safety shall be adapted to county parks shall be based on purpose and location of each park and recreation facility, its environment and surrounding community, the number and type of persons using it, the number and type of rule violations that have occurred in the past, and the perception that the people of the county have of the park or facility as a safe place to use. The division shall keep records of safety problems and rules violations in each facility and continuously evaluate its safety program for each facility based on those records. (Ord. 6798 § 68, 1984).

7.12.690 Responsibilities. Park safety is the responsibility of both the department of public safety and the natural resources and parks division. Specific responsibilities include the following:

A. Natural resources and parks division:

1. Enforcing rules of conduct set forth in the ordinance for which division personnel have appropriate authority.

2. Developing and implementing public awareness programs regarding the purpose of the facilities and the rules governing their use.

3. Encouraging voluntary compliance with rules based on awareness.

4. Training division personnel in the appropriate use of administrative sanctions as a means of park rule enforcement.

5. Notification of law enforcement officers who have primary jurisdiction in a particular geographic area whenever division personnel observe violations of park rules requiring further law enforcement authority or other violations of local, state, or federal laws; whenever there is an emergency requiring law enforcement assistance; or whenever they need assistance in executing their responsibilities pursuant to this chapter.

B. Public safety department:

1. Deputizing and training of personnel authorized to issue citations for infractions and misdemeanor offenses.

7.12.640 Alcoholic beverages. Selling, opening, possessing alcoholic beverages in an open container, or consuming any alcoholic beverage in a King County park, recreation area, or associated marine area is prohibited except in the following designated areas subject to approval by the manager and under the following conditions:

A. The sale and consumption of alcoholic beverages is permissible at the Enumclaw golf course.

B. The sale and consumption of alcoholic beverages is permissible for special use permit groups at the King County fairgrounds, provided that the activities conform to the requirements of the Washington State Liquor Control Board pursuant to Title 66, R.C.W.

C. The sale and consumption of alcoholic beverages is permissible at designated indoor and outdoor locations within Marymoor Park by special use permit groups, provided that the activities conform to the requirements of the Washington State Liquour Control Board pursuant to Title 66, R.C.W., and that such serving and consumption is confined to the designated location. The manager shall designate the locations within the park where such activity is permissible.

D. The sale and consumption of alcoholic beverages is permissible at designated indoor and outdoor locations within the King County Aquatics Center by special use permit groups, provided that the activities conform to the requirements of the Washington State Liquor Control Board pursuant to Title 66, R.C.W., and that such serving and consumption is confined to the designated location. The manager shall designate the locations within the center where such activity is permissible. This Subsection D shall expire August 31, 1990. (Ord. 9473 § 1, 1990: Ord. 8538 § 2, 1988: Ord. 6798 § 64, 1984).

7.12.642 Intoxication. Being or remaining in, or loitering about in any county park, recreation area, or associated marine area while in a state of intoxication is prohibited. (Ord. 8538 § 3, 1988).

7.12.645 Interference with trails. It shall be unlawful for any person to place, deposit, or otherwise cause or suffer to be located any structure, device, or natural or artificial thing that threatens or endangers any portion of a trail owned or maintained by King County, or that tends to endanger persons traveling thereon, obstructs or tends to obstruct or constitutes a hazard to persons traveling thereon.

This section shall not apply to employees of King County in the performance of their duties or to persons acting pursuant to written direction of King County. (Ord. 7620, 1986).

V - PENALTIES

7.12.650 Infractions. A. Failure to perform any act required or the performance of any act prohibited by Part III of this chapter shall be designated as an infraction.

B. Any person cited for a violation of Part III of this chapter, shall be subject to the applicable Justice Court Rules and bail schedules.

C. Any person found guilty of committing an infraction shall be assessed a monetary penalty not to exceed $500.00.

Chapter 7.16
LAND DEDICATIONS

Sections:

7.16.010 Lease for recreation use.

7.16.010 Lease for recreation use. It is the policy of King County to accept the dedication of land for open space and recreational uses, provided it meets park criteria, or in the opinion of the planning agency the land represents a desirable or necessary open space, and that in accepting the dedication the county does not accept responsibility for maintenance unless or until the land is developed to a standard acceptable to the county and provided further that by the dedication King County is given the right to lease the lands for open space or recreation use and development to duly constituted neighborhood or community organizations or special districts who would be responsible for development or maintenance. (Res. 36725 (part), 1969: Res. 36164).

Chapter 7.20
PARK AND RECREATION DISTRICTS

Sections:

7.20.010 Park and Recreation District No. 2.
7.20.020 Northshore Park and Recreation Service Area.
7.20.030 Enumclaw Parks and Recreation Service Area

7.20.010 Park and Recreation District No. 2. A. Pursuant to King County Ordinance 6512 the proposition of the formation of King County Park and Recreation District No. 2 was submitted to the qualified resident electors of the proposed district and approved by a majority thereof at the general election conducted on November 8, 1983.

B. Pursuant to Chapter 36.69.080 RCW, King County park and recreation district no. 2, encompassing Vashon and Maury Islands, is hereby declared organized as a park and recreation district under Chapter 36.69 RCW. (Ord. 6620 § 1 & 3, 1983).

7.20.020 Northshore Park and Recreation Service Area. A. The King County council finds that the voters of the Northshore School District have on September 20, 1988 approved the formation of a park and recreation service area with the same boundaries as the Northshore School District by a margin well in excess of the majority needed under state statute.

B. The King County council therefore hereby declares that the Northshore Park and Recreation Service Area (PRSA) is formed within the boundaries described in Ordinance 8596.* (Ord. 8691 § 1, 1988).

*Available in the office of the clerk of the council.

2. Providing supplementary patrols in natural resources and parks facilities as jointly determined by the manager of the natural resources and parks division and the director of the department of public safety.

3. Responding, as appropriate, to requests from division personnel for assistance in situations beyond their capacity or authority to act. (Ord. 6798 § 69, 1984).

7.12.700 Enforcement methods - commissions. The primary method of enforcing park rules shall be through requesting voluntary compliance by park users or by the use of administrative sanctions by natural resources and parks division personnel. Enforcement through the issuance of citations for violations of park ordinances shall be executed solely by those personnel who are specifically commissioned for that purpose. Natural resources and parks division personnel may be commissioned by the director of the department of public safety at the request of the manager of the natural resources and parks division in accordance with applicable law as may be necessary to ensure proper enforcement of park rules. Such personnel shall receive training as required by the director of the department of public safety and state law. The director of the department of public safety and the manager of the natural resources and parks division will work cooperatively to implement and oversee the commissioning program. (Ord. 6798 § 70, 1984).

7.12.710 Contractual agreements. Any other provisions of this chapter notwithstanding, the manager is authorized to enter into a contract or agreement with the director of the King County department of public safety to provide specific park patrol services to enforce the laws and ordinances of King County within King County park areas. (Ord. 6798 § 71, 1984).

VII - MISCELLANEOUS PROVISIONS

7.12.720 Severability. Should any section, subsection, paragraph, sentence, clause, or phrase of this chapter be ordered unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portion of this chapter. (Ord. 6798 § 72, 1984).

7.12.730 Collective bargaining obligation. Should any provision of this chapter constitute a subject or subjects appropriate for collective bargaining as defined by RCW 41.56.030, implementation of such provision, as it applies to any member of a collective bargaining unit, will occur only after the obligation to bargain has been satisfied. (Ord. 6798 § 73, 1984).

7.20.030 Enumclaw Parks and Recreation Service Area. A. The King County council finds that the voters of the proposed Enumclaw Parks and Recreation Service District have on November 6, 1990 approved the formation of a park and recreation service area within the boundaries as set forth by Ordinance 9561* by a majority as required by RCW 36.68.470.

B. The King County council therefore hereby declares that the Enumclaw Park and Recreation Service Area (PRSA) is formed within the boundaries described in Ordinance 9561.* (Ord. 9828 § 1, 1991).

Chapter 7.24
EARTHWORKS

Sections:

7.24.010 Parking.
7.24.020 Alcohol Consumption.
7.24.030 Littering.
7.24.040 Fires.
7.24.050 Motorized Vehicles.
7.24.060 Enforcement.
7.24.070 Penalty.

7.24.010 Parking. No person shall park a vehicle between dusk to dawn at the Earthworks, formerly known as Johnson's Pit and described as follows: Lot 9 Van Devanter's 10-Acre tracts, as per plat recorded in Volume 12 of Plats, page 84, Records of King County, Washington. (Ord. 6908 § 1, 1984).

7.24.020 Alcohol Consumption. It shall be unlawful for any person to consume alcoholic beverages within the Earthworks and its associated parking area. (Ord. 6908 § 2, 1984).

7.24.030 Littering. The dumping of refuse or littering on the site of Earthworks is prohibited. (Ord. 6908 § 3, 1984).

7.24.040 Fires. The starting of fires for any purpose on the site of the Earthworks is prohibited. (Ord. 6908 § 4, 1984).

7.24.050 Motorized Vehicles. Motorized vehicles shall not be permitted on the Earthworks and shall be parked only within the designated parking areas. (Ord. 6908 § 5, 1984).

7.24.060 Enforcement. The King County executive is hereby directed and authorized to 1) post the property and 2) take appropriate action to enforce the restrictions identified in K.C.C. 7.24.020 through 7.24.050. (Ord. 6908 § 6, 1984).

7.24.070 Penalty. Any violation of this chapter is a misdemeanor and is punishable, upon conviction by a fine not exceeding $250.00 or by confinement in the county jail for a period not exceeding 90 days or both. (Ord. 6908 § 7, 1984).

*Available in the office of the clerk of the council.

Exhibit A
Ordinance No. 87
Title 9
King County Code

Title 9[1]
SURFACE WATER MANAGEMENT

Chapters:

9.04 Surface Water Runoff Policy
9.08 Surface Water Management Program

CROSS REFERENCE:
For provisions of surface and ground water quality see chapter 8.12.

[1][See Ch. 20.14 for Basin Plans]

Chapter 9.04
SURFACE WATER RUNOFF POLICY

Sections:

9.04.010	Purposes.
9.04.020	Definitions.
9.04.030	Drainage review - when required.
9.04.040	Engineering plan - contents.
9.04.050	Drainage review - requirements.
9.04.060	Critical drainage areas - Development in critical flood, drainage and/or erosion areas.
9.04.070	Engineering plans - procedures for submittal.
9.04.090	Procedures and conditions related to construction timing and final approval.
9.04.100	Bonds and liability insurance required.
9.04.110	Maintenance of subdivision retention/detention facilities.
9.04.120	Maintenance of multifamily/commercial facilities.
9.04.125	Declaration of covenant.
9.04.130	Hazards.
9.04.140	Administration.
9.04.160	Retroactivity relating to county maintenance of subdivision retention/detention facilities.
9.04.170	Applicability to governmental entities.
9.04.180	Enforcement.
9.04.190	Effective date.
9.04.192	Liberal construction.
9.04.194	Implementation, review and revision.
9.04.200	Severability.

9.04.010 Purposes. The council finds this chapter is necessary in order to promote the public health, safety and welfare by providing for the comprehensive management of surface and storm waters and erosion control, especially that which preserves and utilizes the many values of the county's natural drainage system including open space, fish and wildlife habitat, recreation, education and urban separation. The council also finds that King County shall conduct programs which implement comprehensive and thorough permit review, construction inspection, enforcement, and maintenance in order to promote the effectiveness of the requirements contained in this chapter. (Ord. 9163 § 1, 1989).

9.04.020 Definitions. A. "Basin" means for the purpose of this document a drainage area which drains either to the Cedar, Green, Snoqualmie, Skykomish or White rivers, or the drainage areas which drain directly to Puget Sound.

B. "Basin Plan" means a plan and all implementing regulations and procedures including but not limited to land use management adopted by ordinance for managing surface and storm water management facilities and features within individual subbasins.

C. "Bond" means a surety bond, cash deposit or escrow account, assignment

of savings, irrevocable letter of credit or other means acceptable to or required by the manager to guarantee that work is completed in compliance with the project's engineering plan and in compliance with all King County requirements.

D. "Closed depression" means an area of King County which is low-lying and either has no, or such a limited, surface water outlet that during storm events the area acts as a retention basin, holding water that has a surface area of more than five thousand square feet at overflow.

E. "Department" means the department of public works.

F. "Design storm" means a rainfall (or other precipitation) event or pattern of events for use in analyzing and designing drainage facilities.

G. "Development" means for the purposes of this document any activity that requires a permit or approval, including but not limited to a building permit, grading permit, shoreline substantial development permit, conditional use permit, unclassified use permit, zoning variance or reclassification, planned unit development, subdivision, short subdivision, master plan development, building site plan, or right-of-way use permit.

H. "Development engineer" means the building and land development division employee authorized to oversee the review, conditioning, inspection and acceptance of right-of-way use permits, road and drainage projects constructed pursuant to permits administered by the division. The development engineer or designee shall be a professional civil engineer registered and licensed under the laws of the State of Washington.

I. "Director" means the director of the department of public works or the director's designee.

J. "Division" means the building and land development division of the department of parks, planning and resources.

K. "Drainage" means the collection, conveyance, containment, and/or discharge of surface and storm water runoff.

L. "Drainage facility" means the system of collection, conveying and storing surface and storm water runoff. Drainage facilities shall include but not be limited to all surface and storm water conveyance and containment facilities including streams, pipelines, channels, ditches, swamps, lakes, wetlands, closed depressions, infiltration facilities, retention/detention facilities, erosion/sedimentation control facilities and other drainage structures and appurtenances, both natural and manmade.

M. "Drainage review" means an evaluation by building and land development division staff of a proposed project's compliance with the drainage requirements in the Surface Water Design Manual.

N. "Erosion/sedimentation control" means any temporary or permanent measures taken to reduce erosion, control siltation and sedimentation, and ensure that sediment-laden water does not leave the site.

O. "Infiltration facility" means a drainage facility designed to use the hydrologic process of surface and storm water runoff soaking into the ground, commonly referred to as percolation, to dispose of surface and storm water runoff.

P. "Impervious surface" means a hard surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development, and/or 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, roof tops, 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 surface and storm water. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces for the purposes of this document.

Q. "Improvement" means streets (with or without curbs or gutters) sidewalks, crosswalks, parking lots, water mains, sanitary and storm sewers, drainage facilities, street trees and other appropriate items.

R. "Manager" means the manager of the building and land development division of the department of parks, planning and resources or his designee.

S. "Master Drainage Plan" means a comprehensive drainage control plan intended to prevent significant adverse impacts to the natural and man made drainage system, both on and off-site.

T. "Multifamily/commercial retention/detention facility" means a retention/detention facility which is not a subdivision retention/detention facility as defined in this chapter.

U. "Preapplication" for the purposes of this chapter refers to the meeting(s) and/or form(s) used by applicants for some development permits to present initial project intentions to the division. Preapplication does not mean application.

V. "Professional civil engineer" means a person registered with the State of Washington as a professional engineer in civil engineering.

W. "Project" means the proposed action of a permit application or an approval which requires drainage review.

X. "Retention/detention facility" means a type of drainage facility designed either to hold water for a considerable length of time and then release it by evaporation, plant transpiration and/or infiltration into the ground; or to hold runoff for a short period of time and then release it to the surface and storm water management system.

Y. "Runoff" means water originating from rainfall and other precipitation that is found in drainage facilities, rivers, streams, springs, seeps, ponds, lakes and wetlands as well as shallow ground water.

Z. "Site" means the portion of a piece of property that is directly subject to development.

AA. "Subbasin" means a drainage area which drains to a water course or water body named and noted on common maps and which is contained within a basin as defined in K.C.C. 9.04.020.

BB. "Subdivision retention/detention facility" means a retention/detention facility which is both located within or associated with a short or formal plat subdivision containing only single family or duplex residential structures located on individual lots and which is required to handle excess runoff generated by development of an area of which two-thirds or more is designated for single family or duplex residential structures located on individual lots.

CC. "Surface and storm water" means water originating from rainfall and other precipitation that is found in drainage facilities, rivers, streams, springs, seeps, ponds, lakes and wetlands as well as shallow ground water.

DD. "Surface and storm water management system" means drainage facilities and any other natural features which collect, store, control, treat and/or convey surface and storm water.

EE. "Surface Water Design Manual" means the manual (and supporting documents as appropriate) describing surface and storm water design and analysis requirements, procedures and guidance which has been formally adopted by rule

under the procedures specified in K.C.C. 2.98. The Surface Water Design Manual is available from the division permit center.

FF. "Water quality swale" means an open vegetated drainage channel intended to optimize water quality treatment of surface and storm water runoff by following the specific design criteria described in the Surface Water Design Manual.

GG. "Wetponds" and "wetvaults" mean drainage facilities for water quality treatment that contain a permanent pool of water, usually four feet in depth, that are filled during the initial runoff from a storm event. They are designed to optimize water quality by providing retention time (on the order of a week or more) in order to settle out particles of fine sediment to which pollutants such as heavy metals absorb, and to allow biologic activity to occur that metabolizes nutrients and organic pollutants. For wetvaults, the permanent pool of water is covered by a lid which blocks sunlight from entering the facility, limiting photo-dependent biologic activity. (Ord. 9163 § 2, 1989).

9.04.030 Drainage review - when required. A. PERMITS. A drainage review is required for any proposed project requiring one of the King County permits or approvals listed in K.C.C. 9.04.030.B which would:

1. Add more than five thousand square feet of new impervious surface; or
2. Collect and concentrate surface and storm water runoff from a drainage area of more than five thousand square feet; or
3. Contain or abut a floodplain, stream, lake, wetland or closed depression, or a sensitive area as defined in K.C.C. 21.54 (Sensitive Areas).

B. The following King County permits and approvals will be required to have a drainage review if the project involves the planned actions listed in K.C.C. 9.04.030.A:

1. Commercial building;
2. Commercial Site Development;
3. Conditional use;
4. Formal subdivision (plat);
5. Grading;
6. Master plan development;
7. Planned unit development;
8. Residential building;
9. Right-of-way use;
10. Shoreline substantial development;
11. Administrative subdivision (short plat);
12. Special use;
13. Unclassified use;
14. Zoning reclassification; and/or
15. Zoning variance. (Ord. 11016 § 13, 1993: Ord. 9163 § 3, 1989).

9.04.040 Engineering plan - contents. All submittal procedures, definitions, and specifications for the required contents of engineering plans are presented in the plan review process section of the Surface Water Design Manual. (Ord. 9163 § 4, 1989).

9.04.050 Drainage review - requirements. A. CORE REQUIREMENTS. Every permit or approval application with drainage review required by K.C.C. 9.04.030 must meet each of the following core requirements which are described in detail in the Surface Water Design Manual:

Core Requirement #1: Discharge at the natural location. The discharge from a project site must occur at the natural location and/or produce no significant adverse impact, as described in the Surface Water Design Manual.

Core Requirement #2: Off-site analysis. All projects must identify the upstream tributary drainage area and perform a downstream analysis. Levels of analysis required depend on the problems identified or predicted. At a minimum, a level one analysis as described in the Surface Water Design Manual must be submitted with the initial permit application.

Core Requirement #3: Runoff control. All projects shall provide runoff controls to control the quantity and quality of runoff from the project by limiting the peak rates of runoff from design storm events to the pre-developed peak rates based on the project site's existing runoff conditions. The design volume, when detention facilities are required by the Surface Water Design Manual to meet the standard runoff control performance curve for the two- and ten-year, twenty-four hour duration design storm events, shall be increased by a thirty percent factor for safety. This factor of safety shall be reviewed as new research is completed to evaluate its effectiveness.

Project runoff resulting from more than five thousand square feet of impervious surface, and subject to vehicular use or storage of chemicals, shall be treated prior to discharge from the project site by biofiltration measures as specified in the Surface Water Design Manual.

Core Requirement #4: Conveyance system. All conveyance systems for projects must be analyzed, designed and constructed for existing tributary off-site flows and developed on-site flows from the project.

Core Requirement #5: Erosion/sedimentation control plan. All engineering plans for projects that involve modification or significant impact to existing drainage facilities and/or construction of new drainage facilities must include a plan to control erosion and sedimentation during construction and to permanently stabilize soil at the site.

Core Requirement #6: Maintenance and operation. Maintenance of all drainage facilities constructed or modified by a project is the responsibility of the property owner as described in the Surface Water Design Manual, except King County performs maintenance of drainage facilities constructed for formal plat subdivisions and some short plat subdivisions, two years after final plat recording following an inspection by the department.

Core Requirement #7: Bonds and liability. All drainage facilities for projects (except downspout roof drain infiltration systems) must comply with the bond and liability requirements of K.C.C. 9.04.100.

B. SPECIAL REQUIREMENTS. In addition to the core requirements, engineering plans must also meet any of the following special requirements which apply to the project and which are described in detail in the Surface Water Design Manual:

Special Requirement #1: Critical drainage area. If a project lies within an area designated by public rule as a "critical drainage area," then the project drainage review and engineering plans shall be prepared in accordance with the special critical drainage area requirements that have been formally adopted by

public rule. Copies of all designated critical drainage area public rules (including critical drainage area maps) are available for reference from the division permit center;

Special Requirement #2: Compliance with an existing master drainage plan. If a project lies within an area covered by an approved master drainage plan as listed at the division permit center, then the project drainage review and engineering plans shall be prepared in accordance with any special requirements of the master drainage plan. Copies of all master drainage plans are available for reference from the division permit center;

Special Requirement #3: Conditions requiring a master drainage plan. If a project:

a. Is a master planned development as described in an adopted community plan; or

b. Is a subdivision that will eventually have more than one hundred single family lots and encompasses a contiguous drainage sub-basin of more than two hundred acres; or

c. Is a commercial building permit or planned unit development that will eventually construct more than fifty acres of impervious surface; or

d. Will clear an area of more than five hundred acres within a contiguous drainage sub-basin; then a master drainage plan shall be prepared as specified in the Surface Water Design Manual. The master drainage plan process should proceed coincidentally with the State Environmental Policy Act (SEPA) process. Approval of the master drainage plan is required before permit approval.

Special Requirement #4: Adopted basin or community plans. If a project lies within an area included in an adopted basin or community plan, then the project drainage review and engineering plans shall be prepared in conformance with the special requirements of the adopted basin or community plan. Copies of all adopted basin and community plans are available for reference from the division permit center;

Special Requirement #5: Special water quality controls. If a project will construct more than one acre of impervious surface that will be subject to vehicular use or storage of chemicals and:

a. Proposes to discharge runoff directly to a regional facility, receiving water body, lake, wetland, or closed depression to provide the runoff control consistent with Core Requirement #3; or

b. The runoff from the project will discharge into a Type 1 or 2 stream, or Type 1 wetland within one mile from the project site; then a wetpond meeting the standards as specified in the Surface Water Design Manual shall be employed to treat a project's runoff prior to discharge from the project site. A wetvault or water quality swale may be used when a wetpond is not feasible.

Special Requirement #6: Coalescing plate oil/water separators. If a project will construct more than five acres of impervious surface that will be subject to petroleum storage or transfer, or high vehicular (more than twenty five hundred vehicle trips per day) or heavy equipment use, storage or maintenance, then a coalescing plate or equivalent oil/water separator shall be employed to treat a project's runoff prior to treatment by a wetpond, wetvault, or water quality swale, and/or discharge from the project site.

Special Requirement #7: Closed depressions. If a project will discharge to an existing closed depression either on or off the site that has greater than five thousand square feet of surface area at potential overflow, then the project's drainage review and engineering plans must meet the requirements for closed depressions as specified in the Surface Water Design Manual;

Special Requirement #8: Use of lakes, wetlands or closed depressions for runoff control. If a project proposes to use a lake, wetland, or closed depression for runoff controls required by Core Requirement #3, then the project must meet the requirements of K.C.C. 21.54 (Sensitive Areas) for such use, include special water quality controls, and observe the limits on any increases to the floodplain as specified in the Surface Water Design Manual;

Special Requirement #9: Delineation of one hundred year floodplain. If a project contains or abuts a stream, lake, wetland or closed depression, then the one hundred year floodplain boundaries (and floodway if available based on an approved floodplain study as specified in the Surface Water Design Manual) shall be delineated on the site improvement plans and profiles and on any final plat maps prepared for the project;

Special Requirement #10: Flood protection for Type 1 and 2 streams. If a project contains or abuts a Type 1 or 2 stream (as defined in the Surface Water Design Manual) that has an existing flood protection facility or involves construction of a new, or modification of existing flood protection facility, then the flood protection facility shall be analyzed and/or designed as specified in the Surface Water Design Manual and in the Federal Emergency Management (FEMA) regulations (44 CFR).

Special Requirement #11: Geotechnical analysis and report. If a project includes construction of a pond for drainage control or an infiltration system (excluding a roof downspout system) above a steep slope (as defined in the Surface Water Design Manual) within two hundred feet from the top of the steep slope or on a slope with a gradient steeper than fifteen percent, or construction of earth fill/bank armor for flood protection facilities, then a geotechnical analysis and report shall be prepared and stamped by a geotechnical professional civil engineer that shall address at a minimum the analysis described in the Surface Water Design Manual;

Special Requirement #12. Soils analysis and report. If the soils underlying a project have not been mapped, or if the existing soils maps are in error or not of sufficient resolution to allow the proper engineering analysis of the proposed site to be performed, then a soils analysis and report shall be prepared and stamped by a professional civil engineer with expertise in soils to verify and/or map the underlying soils by addressing at a minimum the analysis described in the Surface Water Design Manual.

C. VARIANCES FROM REQUIREMENTS. Where application of the provisions of this section may deny reasonable use of a property, or where alternate facility designs or methods will produce a compensating or comparable result which will achieve an equivalent level of safety, function, appearance, environmental protection, and maintainability, based upon sound engineering judgment, the core and special requirements contained in the section and/or other requirements in the Surface Water Design Manual may be proposed for a variance.

1. A variance may be proposed provided that the resulting development shall be subject to all of the remaining terms and conditions of this chapter and provided that granting the variance will:

a. Produce a compensating or comparable result which is in the public interest, and

b. Meet the objectives of safety, function, appearance, environmental protection and maintainability based upon sound engineering judgment.

2. Granting any variance which would be in conflict with the requirements of any other King County division will require review and concurrence with that division.

3. Variance requests shall be processed in accordance with procedures specified in the Surface Water Design Manual.

4. Proposed variances to the core and special requirements must be approved prior to permit approval and construction.

5. The applicant may appeal the denial of a variance request by following the appeal procedures as specified in the Surface Water Design Manual. (Ord. 10570 § 1, 1992: Ord. 9163 § 5, 1989: Ord. 7817 § 2, 1986: Ord. 4938 § 5, 1980: Ord. 2812 § 3, 1976: Ord. 2281 § 5, 1975).

9.04.060 Critical drainage areas - Development in critical flood, drainage and/or erosion areas. Development in areas where the department has determined that the existing flooding, drainage, and/or erosion conditions present an imminent likelihood of harm to the welfare and safety of the surrounding community shall meet special drainage requirements set by the director or development engineer, until such time as the community hazard is alleviated. Such conditions may include the limitation of the volume of discharge from the subject property to predevelopment levels, preservation of wetlands or other natural drainage features, or other controls necessary to protect against community hazard. Where applications of the provisions of this section will deny all reasonable uses of the property, or where alternate facility designs or methods will produce a compensating or comparable result which will achieve an equivalent level of safety, function, appearance, environmental protection, and maintainability, based upon sound engineering judgment, the restriction of development contained in this section may be proposed for a variance, provided that the resulting development shall be subject to all of the remaining terms and conditions of this chapter. (Ord. 10570 § 2, 1992: Ord. 9163 § 6, 1989: Ord. 7990 § 4, 1987: Ord. 7817 § 2, 1986: Ord. 4938 § 6, 1980: Ord. 2812 § 4, 1976).

9.04.070 Engineering plans - procedures for submittal. A. Where to submit.

1. All engineering plans shall be submitted to the building and land development division of the department of parks, planning and resources for review in accordance with the specifications in the Surface Water Design Manual.

2. All master drainage plans shall be submitted directly to the surface water management division of the department of public works for review. Master drainage plans must also be a part of a permit application that has been submitted to the building and land development division of the department of parks, planning and resources. The master drainage plan submittal should commence at the same time as the State Environmental Policy Act (SEPA) process.

B. Expiration. The expiration time frames as specified in the Surface Water Design Manual will apply to all permit and approval applications.

C. Processing. All plans will be processed in accordance with the review procedures specified in the Surface Water Design Manual. (Ord. 9163 § 7, 1989: Ord. 7817 § 2, 1986: Ord. 2812 § 5, 1976: Ord. 2281 § 6, 1975).

9.04.090 Procedures and conditions related to construction timing and final approval. A. No work related to permanent or temporary storm drainage control shall proceed without the approval of the manager.

B. Erosion/sedimentation control measures associated with both the interim and permanent drainage systems shall be:

1. Constructed in accordance with the approved plan prior to any grading or land clearing other than that associated with the erosion/sedimentation control plan;

2. Satisfactorily maintained until all improvements, restoration, and landscaping associated with the permit and/or approval listed in K.C.C. 9.04.030 are completed and the potential for onsite erosion has passed.

C. Prior to the construction of any improvements and/or buildings on the site, those portions of the drainage facilities necessary to accommodate the

control of surface and stormwater runoff discharging from the site must be constructed and in operation. SUBDIVISIONS ONLY: Recording may occur prior to the construction of drainage facilities when approved in writing by the development engineer only to minimize impacts that may result from construction during inappropriate times of the year. (Ord. 9163 § 8, 1989: Ord. 7990 § 5, 1987: Ord. 7817 § 2, 1986: Ord. 4938 § 7, 1980).

9.04.100 Bonds and liability insurance required. The division is authorized to require all persons constructing retention/detention facilities and other drainage facilities to post bonds with the manager. Where such persons have previously posted, or are required to post, other such bonds with the manager either on the facility itself or on other construction related to the facility, such person may, with the permission of the manager and to the extent allowable by law, combine all such bonds into a single bond; provided, that at no time shall the amount thus bonded be less than the total amount which would have been required in the form of separate bonds; and provided further, that such a bond shall on its face clearly delineate those separate bonds which it is intended to replace.

A. DRAINAGE FACILITIES RESTORATION AND SITE STABILIZATION BOND. Prior to commencing construction, the person required to construct the drainage facility pursuant to Section 9.04.050 shall post a drainage facilities restoration and site stabilization bond in the amount sufficient to cover the cost of corrective work on or off the site which is necessary to provide adequate drainage, stabilize and restore disturbed areas, and remove sources of hazard associated with work which has been performed and is not completed. After determination by the development engineer that all facilities are constructed in compliance with approved plans, the drainage facilities restoration and site stabilization bond shall be released. The county may collect against the drainage facilities restoration and site stabilization bond when work is not completed in reasonable fashion and is found to be in violation of the conditions associated with the permit and/or approval listed in Section 9.04.030. It is the manager's discretion to determine whether the site is in violation of the requirements of this chapter, and whether the bond shall be collected to remedy the violation. Prior to final approval and release of the drainage facilities restoration and site stabilization bond, the division shall conduct a comprehensive inspection for the purpose of observing that the retention/detention facilities and other drainage facilities have been constructed according to plan, applicable specifications and standards.

B. DEFECT AND MAINTENANCE BOND. After satisfactory completion of the drainage facility or final plat approval, whichever occurs last, the person required to construct the facility pursuant to Section 9.04.050 shall post a defect and maintenance bond warranting the satisfactory performance and maintenance of the drainage facility and guaranteeing the workmanship and materials used in the construction of the facility for a period of two years. For subdivision retention/detention facilities that King County may assume maintenance of pursuant to Section 9.04.110, the defect and maintenance bond shall be posted for a period of two years or until King County assumes maintenance, whichever is longer. The manager shall not release the defect and maintenance bond until all inspection fees are paid.

C. FAILURE TO COMPLETE PROPOSED WORK. In the event of failure to comply with all the conditions and terms of the permit and/or approval covered by this chapter, the manager shall notify the permitee and surety in writing, and

failing to obtain response within seven days from the receipt of notification may order the work required to be satisfactorily completed or perform all necessary corrective work to stabilize and restore disturbed areas and eliminate hazards caused by not completing the work. The surety executing such bond shall continue to be firmly bound up to the limits of the bond, under a continuing obligation for the payment of all necessary costs and expenses that may be incurred or expended by King County in causing any and all such required work to be done. In no event shall the liability of the surety exceed the amount stated in the bond regardless of the number of years the bond remains in force.

D. LIABILITY POLICY. The person required to construct the facility pursuant to Section 9.04.050 shall maintain a liability policy in the amount of one hundred thousand dollars per individual, three hundred thousand dollars per occurrence and fifty thousand dollars property damage, which shall name King County as an additional insured, and which shall protect King County from any liability up to those amounts for any accident, negligence, failure of the facility, or any other liability whatsoever, relating to the construction or maintenance of the facility. Proof of said liability policy shall be provided to the manager prior to commencing construction of any drainage facility; provided, that in the case of facilities assumed by King County for maintenance pursuant to Section 9.04.110, said liability policy shall be terminated when said county maintenance responsibility commences. (Ord. 9163 § 9, 1989: Ord. 7990 § 6, 1987: Ord. 7817 § 2, 1986: Ord. 4938 § 8, 1980: Ord. 2812 § 6, 1976: Ord. 2281 § 7, 1975).

9.04.110 Maintenance of subdivision retention/detention facilities. Maintenance of all subdivision retention/detention facilities shall remain the responsibility of the person required to construct the retention/detention facilities until all the conditions of this section have been met.

EXCEPTION: A retention/detention facility located within and servicing only an individual lot shall not be accepted by the county for maintenance and will remain the responsibility of persons holding title to the property within which the facility is located.

Only after all of the following conditions have been met shall King County assume maintenance of the subdivision retention/detention facility:

A. All of the requirements of Section 9.04.100 have been fully met;

B. All necessary easements or tracts entitling the county to properly maintain the retention/detention facility have been conveyed to the county and boundary survey stakes established.

C. The department has conducted an inspection and determined that the facility has been properly maintained and is operating as designed. This department inspection shall occur two years after posting of the defect and maintenance bond. (Ord. 9163 § 10, 1989: Ord. 8589 § 1, 1988: Ord. 7817 § 2, 1986: Ord. 5824 § 5, 1982: Ord. 4938 § 9, 1980: Ord. 2812 § 7, 1976: Ord. 2281 § 8, 1975).

9.04.120 Maintenance of multifamily/commercial facilities. A. Any person or persons holding title to the property for which a facility was required shall be responsible for the continual operation and maintenance of the facility in accordance with standards and requirements of the department. Prior to the issuance of any of the permits and/or approvals listed in Section 9.04.030 the person or persons holding title to the subject property for which

a retention/detention facility was required shall record the declaration of covenant set forth in Appendix A to Ordinance 4938.* The restrictions set forth in such covenant shall include, but not be limited to, provisions for notice to the persons holding title to the property of a King County determination that maintenance and/or repairs are necessary to the facility and a reasonable time limit in which such work is to be completed. In the event that the titleholders do not effect such maintenance and/or repairs, King County may perform such work upon due notice. The titleholders are required to reimburse King County for any such work. The restrictions set forth in such convenant shall be included in any instrument of conveyance of the subject property and shall be recorded with the King County records division.

B. The county shall enforce the restrictions set forth in Appendix A of Ordinance 4938.*

C. Prior to the issuance of any of the permits and/or approvals contained in Section 9.04.030 or the release of bonds posted to guarantee satisfactory completion, the person or persons holding title to the subject property for which a retention/detention facility was required shall pay a fee established by the manager to reasonably compensate the county for costs relating to inspection of the facility to ensure that it has been constructed according to plan and applicable specifications and standards.

D. The duties specified in this section with regard to payment of inspection fees and reimbursement of maintenance costs shall be enforced against the person or persons holding title to the property for which the retention/detention facility was required. (Ord. 9006 § 1, 1989: Ord. 7990 § 7, 1987: Ord. 7817 § 2, 1986: Ord. 5824 § 9, 1982: Ord. 4938 § 10, 1980).

9.04.125 DECLARATION OF COVENANT. APPENDIX A attached to Ordinance 4938, K.C.C. 9.04.120 relating to surface water management covenants for multifamily and commercial development is hereby repealed and the following substituted:

DECLARATION OF COVENANT ASSOCIATED WITH MULTI-FAMILY/ COMMERCIAL RETENTION/DETENTION FACILITY

Declaration of Covenant

"In consideration of the approval of King County of a _____ permit for application No. _____ relating to real property legally described as follows:

The undersigned as owner(s) covenants and agrees that:

1. All necessary easements will be dedicated to King County for access to inspect, maintain or repair the facilities in conformity with King County Code Section 9.04.120.

2. If King County determines that maintenance or repair work is required to be done to the retention/detention facility existing on the above-described property, the director of the department of public works shall give the person to whom the permit was issued pursuant to K.C.C. 9.04.030, the

*Ord. 9006, Section 2, repealed Appendix A of Ordinance 4938 and substituted a new Covenant. See K.C.C. 9.04.125.

owner of the property within which the drainage facility is located, the person responsible for maintenance of the facility, or other person or agent in control of said property notice of the specific maintenance and/or repair required. The director of the department of public works shall set a reasonable time in which such work is to be completed by the titleholders who were given notice. If the above required maintenance and/or repair is not completed within the time set by the director, the county may perform the required maintenance and/or repair. Written notice will be sent to the titleholders stating the county's intention to perform such maintenance. Maintenance work will not commence until at least seven days after such notice is mailed.

3. If at any time King County reasonably determines that any existing retention/detention system creates any of the conditions listed in K.C.C. 9.04.130 and herein incorporated by reference, the director may take measures specified therein.

4. The titleholders shall assume all responsibility for the cost of any maintenance and for repairs to the retention/detention facility. Such responsibility shall include reimbursement to the county within 30 days of the receipt of the invoice for any such work performed. Overdue payments will require payment of interest at the current legal rate for liquidated judgments. If legal action ensues, any costs or fees incurred by the county will be borne by the parties responsible for said reimbursements.

This covenant benefits all citizens of King County, touches and concerns the land and shall run with the land and be binding on all heirs, successors and assigns.

These covenants are intended to protect the value and desirability of the real property described above, and to benefit all the citizens of King County. They shall run with the land and be binding on all parties having or acquiring from _____ or their successors any right, title or interest in the property or any part thereof, as well as their heirs, successors and assigns. They shall inure to the benefit of each present or future successor in interest of said property or any part thereof, or interest therein, and to the benefit of all the citizens of King County.

_____
Owner

_____
Owner

STATE OF WASHINGTON)
COUNTY OF KING)ss

On this day personally appeared before me _____ _____, to me known to be the individual(s) described in and who executed the within and foregoing instrument and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purposes therein stated.

Given under my hand and official seal this _____ day of _____, 19_____.

_____
NOTARY PUBLIC In and for the State of Washington, residing at
_____."

(Ord. 9006 § 2, 1989).

9.04.130 Hazards. Whenever the director or manager determines that any existing construction site, erosion/sedimentation problem and/or drainage facility poses a hazard to life and limb, endangers any property, and/or adversely affects the condition or capacity of other drainage facilities, the safety and operation of county right of way, utilities, and/or other property owned or maintained by the county, the person to whom the permit was issued pursuant to K.C.C. 9.04.030, the owner of the property within which the drainage facility is located, the person responsible for maintenance of the facility, and/or other person or agent in control of said property, upon receipt of notice in writing from the director or manager shall within the period specified therein repair or otherwise address the cause of the hazardous situation in conformance with the requirements of this chapter.

Should the director or manager have reasonable cause to believe that the situation is so adverse as to preclude written notice, he may take the measures necessary to eliminate the hazardous situation; provided, that he shall first make a reasonable effort to locate the owner before acting. In such instances the person of whom a drainage plan was required pursuant to K.C.C. 9.04.030, the owner of the property and/or the person responsible for the maintenance of the facility shall be obligated for the payment of all costs incurred. If costs are incurred and a bond pursuant to this chapter or other county requirement has been posted, the director or manager shall have the authority to collect against the bond to cover costs incurred. (Ord. 9163 § 11, 1989: Ord. 7817 § 2, 1986: Ord. 5824 § 11, 1982: Ord. 4938 § 11, 1980).

9.04.140 Administration. The director is authorized to promulgate and adopt administrative rules and regulations under the procedures specified in K.C.C. 2.98, for the purpose of implementing and enforcing the provisions of this chapter. Said rules and regulations are available to the public in the Surface Water Design Manual and/or at the division permit center.

The manager is authorized to develop procedures for applying adopted rules and regulations during the review of permit applications for the development of land. Said procedures may also be contained in the Surface Water Design Manual.

A. INSPECTIONS. The director or manager is authorized to make such inspections and take such actions as may be required to enforce the provisions of this chapter.

B. RIGHT OF ENTRY. Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the director or manager has reasonable cause to believe that violations of this chapter are present or operating on a subject property or portion thereof, the director or manager may enter such premises at all reasonable times to inspect the same or perform any duty imposed upon the director or manager by this chapter; provided that, if such premises or portion thereof is occupied, he shall first make a reasonable effort to locate the owner or other person having charge or control of the premises or portion thereof and demand entry.

C. ACCESS. Proper ingress and egress shall be provided to the director or manager to inspect or perform any duty imposed upon the director or manager by this chapter. The director or manager shall notify the responsible party in writing of failure to comply with the said access requirement. Failing to obtain a response within seven days from the receipt of notification the director or manager may order the work required completed or otherwise address the cause of improper access. The obligation for the payment of all costs

that may be incurred or expended by the county in causing such work to be done shall thereby be imposed on the person holding title to the subject property. (Ord. 9163 § 12, 1989: Ord. 7990 § 8, 1987: Ord. 7817 § 2, 1986: Ord. 5824 § 10, 1982: Ord. 4938 § 12, 1980).

9.04.160 Retroactivity relating to county maintenance of subdivision retention/detention facilities. The person required to construct a retention/detention facility pursuant to Section 9.04.030 which is covered by a maintenance or defect bond or which has been released from all required bonds prior to July 7, 1980, the effective date of Ordinance 4938, and all persons holding title to the property for which a facility was required shall be responsible for the continual operation and maintenance of the facility in accordance with standards and requirements of the department and for any liability as a result of breach of these duties.

The county may assume maintenance of such facilities only after the following conditions have been met.

A. All necessary easements or dedications entitling the county to properly maintain the retention/detention facility have been conveyed to the county;

B. The director has determined maintenance of the facility will contribute to protecting or improving the health, safety, and welfare of the community based upon review of the following factors:

1. Existence of or potential for flooding,
2. Existence of or potential for downstream erosion,
3. Existence of or potential for property damage due to improper function of the facility,
4. Existence of or potential for safety hazard associated with the facility,
5. Existence of or potential for degradation of surface or ground water quality or in-stream resources, or
6. Existence of or potential for degradation to the general welfare of the community; and

C. The director, by his signature, has declared acceptance of maintenance responsibility by the county. Copies of this document will be kept on file in the King County public works record center and the surface water management facilities maintenance office.

A retention/detention facility which does not meet the criteria of this section shall remain the responsibility of the persons required to construct the facility and persons holding title to the property for which the facility was required. (Ord. 9163 § 14, 1989: Ord. 8589 § 2, 1988).

9.04.170 Applicability to governmental entities. All municipal corporations and governmental entities shall be required to submit a drainage plan and comply with the terms of this chapter when developing and/or improving land including, but not limited to, road building and widening, with the exception of drainage projects involving the surface water management division of the King County department of public works. (Ord. 9163 § 15, 1989: Ord. 7817 § 2, 1986: Ord. 2812 § 9, 1976: Ord. 2281 § 10, 1975).

9.04.180 Enforcement. The director or manager is authorized to enforce the provisions of this chapter, the ordinances and resolutions codified in it, and

any rules and regulations promulgated thereunder pursuant to the enforcement and penalty provisions of Title 23. (Ord. 7990 § 9, 1987: Ord. 7817 § 2, 1986: Ord. 2909 § 3(part), 1976: Ord. 2281 (part), 1975).

9.04.190 Effective date. The effective date of Ordinance 9163 shall be January 1, 1990. The requirements of this chapter shall apply to all development permit and approval applications submitted to the division on or after the effective date of Ordinance 9163. For the purposes of this chapter, development permit and approval applications submitted to the division prior to the effective date of Ordinance 9163 and determined by the division to be valid and fully complete shall be subject to the provisions of K.C.C. 9.04 and all applicable public rules and/or regulations as they existed on the date of acceptance as date-stamped on the application by the division.

A. For the purposes of this chapter, a valid and fully complete development permit or approval application must include:

1. An application form with all sections filled in;

2. Copies of all existing easements, deed restrictions, or other encumbrances restricting the use of the subject property;

3. A completed environmental checklist if required by K.C.C. 20.44, King County Environmental Procedures;

4. Record of payment for any application fees specified in K.C.C. Title 27, Development Permit Fees;

5. Documentation of compliance with the application requirements in Chapter Two of the Surface Water Design Manual;

6. Completed applications for other required permits or approvals if they are to be processed with the development applications, or copies of issued permits or applications if they have been previously approved; and

7. Any other documents or information required in the King County Code or adopted Public Rules for the specific permit or approval which is the subject of the development application.

B. Determination if an application is valid and fully complete or not will be made by the division manager or the manager's designee.

C. For the purposes of this chapter, the date that an application is valid and fully complete shall be determined according to the following specifications:

1. If the application is determined by the division to be valid and fully complete, the date that the application was submitted and date-stamped at the division permit center shall be the date of the application being valid and fully complete.

2. If the application is determined to be invalid and/or incomplete by the division, and the information requested by the division to resolve the application's invalid or incomplete status is determined by the division to be valid and fully complete, then the date of the application being valid and fully complete shall be the date the last piece of requested information is submitted and date-stamped at the division permit center.

3. If the applicant does not submit responses to a request from the division for additional information within ninety days, the application shall be deemed withdrawn by the applicant and no valid and fully complete application rights shall exist.

D. Although the division shall determine the validity and completeness of an application for purposes of establishing a valid and fully complete application date, during the actual review of the application, the division

may require submittal of additional information. (Ord. 9163 § 16, 1989: Ord. 7817 § 2, 1986: Ord. 4938 § 15, 1980: Ord. 2812 § 10, 1976: Ord. 2281 § 11, 1975).

9.04.192 Liberal construction. This chapter is exempted from the rule of strict construction and shall be liberally construed to give full effect to the objectives and purposes for which it was enacted. (Ord. 9163 § 17, 1989).

9.04.194 Implementation, review, and revision. The department shall promote the development of a training program for users of the new Surface Water Design Manual. The department shall also conduct an on-going research program to evaluate the effectiveness of the requirements in meeting the purpose of this chapter. This research program will examine, but not be limited to, hydrologic and hydraulic analysis methods, stream geomorphologic analysis methods, water quality, best management practices, and erosion/sedimentation control measures. (Ord. 9163 §§ 18-19, 1989).

9.04.200 Severability. If any provision of this chapter or its application to any person or property is held invalid, the remainder of the chapter or the application of the provision to other persons or property shall not be affected. (Ord. 9163 § 20, 1989: Ord. 7817 § 2, 1986: Ord. 2812 § 11, 1976: Ord. 2281 § 12, 1975).

Chapter 9.08
SURFACE WATER MANAGEMENT PROGRAM

Sections:

9.08.010 Definitions.
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9.08.010 Definitions. The following definitions shall apply in the interpretation and enforcement of this chapter:

A. "Basin plan" means a plan and all implementing regulations and procedures including but not limited to capital projects, public education activities, land use management regulations adopted by ordinance for managing surface and storm water management facilities and features within individual sub-basins.

B. "County" means King County.

C. "Department" means the department of public works.

D. "Developed parcel" means any parcel altered from the natural state by the construction, creation or addition of impervious surfaces.

E. "Director" means the director of the department of public works or the director's designee.

F. "Drainage facility" means the system of collecting, conveying, and storing surface and storm water runoff. Drainage facilities shall include but not be limited to all surface and storm water conveyance and containment facilities including streams, pipelines, channels, ditches, swamps, lakes, wetlands, closed depressions, infiltration facilities, retention/detention facilities, erosion/sedimentation control facilities, and other drainage structures and appurtenances, both natural and constructed.

G. "Impervious surface" means a hard surface area which either prevents or retards the entry of water into the soil mantle as it entered under natural conditions prior to development, and/or 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, roofs, walkways, patios, driveways, parking lots, storage areas, areas which are paved, graveled or made of packed or oiled earthen materials, or other surfaces which similarly impede the natural infiltration of surface and storm water. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces for the purpose of this chapter.

H. "Land use code" means restrictions on the type of development for a specific parcel of land as identified by records maintained by the King County department of assessments as modified or supplemented by information resulting from investigation by the surface water management division. Land use codes are preliminary indicators of the extent of impervious surface and are used in the initial analysis to assign an appropriate rate category for a specific parcel. "Service station", "single-family home", and "shopping center" are examples of land use codes.

I. "Maintenance" means the act or process of cleaning, repairing or preserving a system, unit, facility, structure or piece of equipment.

J. "Natural surface water drainage system" means such landscape features as rivers, streams, lakes, and wetlands. This system circulates water in a complex hydrological cycle.

K. "Open Space" means any parcel, property or portion thereof classified for current use taxation under the provisions of K.C.C. 20.36 and RCW 84.34, or for which the development rights have been sold to King County under the provisions of K.C.C. 26.04. This definition includes lands which have been classified as open space, agricultural or timber lands under criteria contained in K.C.C. 20.36 and RCW 84.34.

L. "Parcel" means the smallest separately segregated unit or plot of land having an identified owner, boundaries, and surface area which is documented for property tax purposes and given a tax lot number by the King County assessor.

M. "Person" means any individual, firm, company, association, corporation or governmental agency.

N. "Program" means the Surface Water Management Program as set forth in chapter.

O. "Rate category" means the classification in this chapter given to a parcel in the service area based upon the type of land use on the parcel and the percentage of impervious surface area contained on the parcel.

P. "Retention/detention facility" means a type of drainage facility designed either to hold water for a considerable length of time and then release it by evaporation, plant transpiration and/or infiltration into the ground; or to hold runoff for a short period of time and then release it to the surface and storm water management system.

Q. "Residence" means a building or structure or portion thereof, designed for and used to provide a place of abode for human beings. The term residence includes the term "residential" or "residential unit" as referring to the type of or intended use of a building or structure.

R. "Residential parcel" means any parcel which contains no more than three residences or three residential units which are within a single structure and is used primarily for residential purposes.

S. "Service area" means the the area described in Exhibit A dated November 27, 1991 which is attached hereto and incorporated by reference herein. This exhibit is available in the office of the clerk of the council.

T. "Storm water plan" means a King County ordinance specifying the storm water control facilities that will be funded by a bond issue.

U. "Surface and storm water management services" means the services provided by the Surface Water Management Program, including but not limited to basin planning, facilities maintenance, regulation, financial administration, public involvement, drainage investigation and enforcement, aquatic resource restoration, surface and storm water quality and environmental monitoring, natural surface water drainage system planning, intergovernmental relations, and facility design and construction.

V. "Sub-basin" means a drainage area which drains to a water course or water body named and noted on common maps and which is contained within a basin as defined in K.C.C. 9.04.020.

W. "Surface and storm water" means water originating from rainfall and other precipitation that is found in drainage facilities, rivers, streams, springs, seeps, ponds, lakes and wetlands as well as shallow ground water.

X. "Surface and storm water management system" means constructed drainage facilities and any natural surface water drainage features which collect, store, control, treat and/or convey surface and storm water.

Y. "Undeveloped parcel" means any parcel which has not been altered from its natural state by the construction, creation, or addition of impervious surface. (Ord. 11015 § 1, 1993: Ord. 10187 § 1, 1991: Ord. 7817 § 2, 1986: Ord. 7590 § 1, 1986).

9.08.020 Authority. A. There is hereby created and established the Surface Water Management Program of King County under which the provisions of this chapter shall be carried out.

B. The program herein created shall be administered by the King County department of public works, surface water management division.

C. Right of Entry. Whenever necessary to examine the property characteristics of a particular parcel for the purposes of implementing this chapter, the director or the director's designee may enter any property or portion thereof at reasonable times in compliance with the following procedures:

1. If such property or portion thereof is occupied, the director or the director's designee shall present identification credentials, state the reason for entry and request entry.

2. If such property or portion thereof is unoccupied, the director or the director's designee shall first make a reasonable effort to locate the owner or other persons having charge or control of the property or portion thereof and request entry.

3. Unless entry is consented to by the owner or person in control of any property or portion thereof, the director or the director's designee, prior to entry, shall obtain a search warrant as authorized by the laws of the State of Washington.

D. The director or the director's designee is authorized to enforce the provisions of this chapter, the ordinances and resolutions codified in it and any rules and regulations promulgated thereunder pursuant to the enforcement and penalty provisions of K.C.C. Title 23.

E. The program may provide services related to surface and storm water management, including but not limited to basin planning, facilities maintenance, regulation, financial administration, public involvement, drainage investigation and enforcement, aquatic resource restoration, surface and storm water quality and environmental monitoring, natural surface water drainage system planning, intergovernmental relations, and facility design and construction. The program may contract for services with interested municipalities or special districts including but not limited to sewer and water districts, school districts, port districts or other governmental agencies.

F. Whenever a city or town annexes an area, or a city or town incorporates an area and the county has issued revenue bonds or general obligation bonds to finance storm water control facilities that are payable in whole or in part from rates or charges imposed in the area, the county shall continue imposing all portions of the rates or charges that are allocated to payment of the debt service on bonds in that area after the effective date of the annexation or official date of the incorporation until:

1. The debt is retired;

2. Any debt that is issued to refinance the underlying debt is retired; or

3. The city or town reimburses the county an amount that is sufficient to retire that portion of the debt borne by the annexed or incorporated area.

If the county provides storm water management services to the city or town by contract, the contract shall consider the value of payments made by property owners to the county for the payment of debt service. The provisions of this section apply whether or not the bonds finance facilities that are geographically located within the area that is annexed or incorporated.

The county shall construct all facilities included in the storm water plan financed by the proceeds of such bonds. The storm water plan may be modified and facilities authorized in the storm water plan may be added, deleted or modified either prior to or following annexation or incorporation of part of the service area when the county council determines, after notification of cities within the affected basins, that such changes are necessary or advisable in order to implement the storm water plan within available funding levels. If bond proceeds are insufficient to complete all facilities authorized in the storm water plan, the county council shall, after notification of cities within the affected basins, prioritize the use of bond proceeds to construct those facilities most necessary and in the best interest of the area served by the storm water plan. If the storm water plan is amended for the reasons set forth in this section, any related agreements with other jurisdictions shall be revised as necessary. (Ord. 11015 § 2, 1993: Ord. 10187 § 2, 1991: Ord. 7817 § 2, 1986: Ord. 7590 § 2, 1986).

9.08.030 Surface Water Management Citizens Committee. A. The surface water management citizens committee is hereby established. The committee shall act in an advisory capacity to the director on matters concerning surface and storm water management and may submit independent recommendations to the county executive and county council. The committee shall review, advise and make recommendations regarding matters such as general program focus, program service levels and financing, and policies on surface and storm water issues.

B. The committee shall be comprised of twenty-five members appointed by the executive and confirmed by the council who reside, own property or have a community interest in the service area. At least four members shall live in cities which have mutual drainage interests with the county. The committee members shall include a cross section of the public affected by the program including private citizens, commercial, community and environmental organizations.

C. The appointments shall be effective until December 31 of the third year following each member's appointment date. Members whose terms have expired shall serve until replacements are appointed. Members may be reappointed for one additional term.

D. The committee shall select its officers, including chair, vice-chair and any others it deems necessary.

E. The committee shall adopt appropriate by-laws. (Ord. 10187 § 3, 1991: Ord. 9453, 1990: Ord. 7817 § 2, 1986: Ord. 7590 § 4, 1986).

9.08.040 Purpose. It is the finding of the county that the Surface Water Management Program is necessary in order to promote public health, safety and welfare by establishing and operating a comprehensive approach to surface and storm water problems. This comprehensive approach includes the following elements: basin planning, land use regulation, construction of facilities, maintenance, public education, and provision of surface and storm water management services. It is the finding of the county that the most cost effective and beneficial approach to surface and storm water management is through preventative actions and protection of the natural drainage system. In approaching surface and storm water problems the Surface Water Management Program shall give priority to methods which provide protection or enhancement of the natural surface water drainage system over means which primarily involve construction of new drainage facilities or systems. The purpose of the rates and charges established herein is to provide a method for payment of all or any part of the cost and expense of surface and storm water management services or to pay or secure the payment of all or any portion of any issue of general obligation or revenue bonds issued for such services. These rates and charges are necessary in order to promote the public health, safety and welfare by minimizing uncontrolled surface and storm water, erosion, and water pollution; to preserve and utilize the many values of the county's natural drainage system including water quality, open space, fish and wildlife habitat, recreation, education, urban separation and drainage facilities; and to provide for the comprehensive management and administration of surface and storm water. (Ord. 10187 § 4, 1991: Ord. 7817 § 2, 1986: Ord. 7590 § 5, 1986).

9.08.050 Applicability. A. Developed parcels within the service area shall be billed each year for surface and storm water management services pursuant to RCW 36.89.080. Surface and storm water management services and/or service charges shall be imposed on developed parcels lying within cities and towns when such services and/or charges have been provided for by interlocal agreements between the county and such cities or towns. That portion of the rates or charges allocated to payment of debt service on revenue or general obligation bonds issued to finance storm water control facilities in areas annexed or incorporated subsequent to the issuance of such bonds shall be imposed as set forth above in Section 9.08.020 F. In addition, the county and cities or towns may enter into interlocal agreements allowing the city or town to provide surface and storm water management services and/or charges for specified developed parcels lying within unincorporated King County.

B. The service area is that area described in Exhibit A which is attached hereto and incorporated by reference herein. It identifies the drainage basins or sub-basins thereof that comprise the service area.[1]

C. The service area may be modified in accordance with policy contained in K.C.C. 9.08.060 M. Modifications to the service area shall be by ordinance. (Ord. 11015 § 3, 1993: Ord. 10187 § 5, 1991: Ord. 8626 § 2, 1988: Ord. 7817 § 2, 1986: Ord. 7590 § 6, 1986).

9.08.060 Policy. A. Coordination. It is the finding of the county that the majority of the basins in the service area are shared with incorporated cities and towns. In order to achieve a comprehensive approach to surface and storm water management the county and incorporated jurisdictions within a specific basin should coordinate surface and storm water management services. In addition, the program may contract for services with interested municipalities or special districts including but not limited to sewer and water districts, school districts, port districts or other governmental agencies.

B. Education of Public. It is the finding of the county that many of the difficulties found in the management of surface and storm water problems are contributed to by the general lack of public knowledge about the relationship between human actions and surface and storm water management. In order to achieve a comprehensive approach to surface and storm water management the county should provide general information to the public about land use and human activities which impact surface and storm water management. Pursuant to RCW 36.89.085, it is the finding of the county that public school districts can provide significant benefits to the county regarding surface and storm water management through educational programs and community activities related to protection and enhancement of the surface and storm water management system. These programs and activities can provide students with an understanding of human activities and land use practices that create surface and storm water problems and involve students by learning from first hand exposure, the difficulties of resolving surface and storm water management problems after they occur.

C. Developed parcels. It is the finding of the county that developed parcels contribute to an increase in surface and storm water runoff to the surface and storm water management system. This increase in surface and storm water runoff results in the need to establish rates and charges to finance the county's activities in surface and storm water management. Developed parcels shall be subject to the rates and charges of the Surface Water Management Program based on their contribution to increased runoff. The factors to be used to determine the degree of increased surface and storm water runoff to the surface and storm water management system from a particular parcel shall be the percentage of impervious surface coverage on the parcel and the total acreage of the parcel.

D. Undeveloped parcels. It is the finding of the county that undeveloped parcels do not contribute as much as developed parcels to an increase in surface and storm water runoff into the surface and storm water management system. Undeveloped properties shall be exempt from the rates and charges of the Surface Water Management Program.

E. Drainage facilities. It is the finding of the county that maintained drainage facilities mitigate the increased runoff contribution of developed parcels by providing on-site drainage control. Parcels served by retention/detention facilities which were: 1) required for development of the parcel pursuant to K.C.C. 9.04 and approved by King County; or 2) can be demonstrated as required in K.C.C. 9.08.080 B.5. by the property owner to provide detention/retention of surface and storm water to the standards set forth in

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[1] Available in office of clerk of the council.

K.C.C. 9.04 shall receive a discount as provided in the rates and charges of the Surface Water Management Program, provided that, the facility is maintained at the parcel owner's expense to the standard established by the department of public works. That portion of the rates or charges allocated for payment of debt service on revenue or general obligation bonds issued to finance storm water control facilities will not be discounted for retention/detention facilities.

F. Open space. It is a finding of the county that open space properties provide a benefit to the surface and storm water management system by the retention of property in an undeveloped state. Open space properties shall receive a discount from the rates and charges to encourage the retention of property as open space.

G. Residential parcels. It is a finding of the county that the majority of the parcels in the service area are residential. The variance between residential parcels in parcel size and percentage of impervious surface coverage is found to be minor and to reflect only minor differences in increased runoff contributions. The administrative cost of calculating the service charge individually for each residential parcel and maintaining accurate information would be very high. A flat charge for residential parcels is less costly to administer than calculating a separate charge for each parcel and is equitable because of the similarities in total parcel size and total impervious surface coverage between residential parcels. Therefore, residential parcels shall be charged a flat charge based upon the average parcel size and average percentage of impervious surfaces.

H. Very lightly developed parcels. It is a finding of the county that very lightly developed non-residential parcels which have an impervious surface coverage of ten percent or less of the total parcel acreage are characterized by a very low intensity of development and generally a large number of acres. A greater number of acres of undeveloped land associated with an impervious surface results in significantly less impact to the surface and storm water management system. Many of the very lightly developed properties are recreational, agricultural and timber lands identified in the King County comprehensive plan and should be encouraged to retain their low intensity of development. These parcels shall be charged a flat rate which will encourage the retention of large areas of very lightly developed land.

I. Lightly to very heavily developed parcels. It is the finding of the county that lightly to very heavily developed non-residential parcels which have an impervious surface coverage of more than ten percent have a substantial impact on the surface and storm water management system. The impact of these parcels on the surface and storm water management system increases with the size of the parcels. Therefore, lightly to very heavily developed properties shall be charged a rate determined by the percent of impervious surface coverage multiplied by the parcel acreage.

J. Road systems. It is a finding of the county that county and state roads contribute a significant amount of increased runoff to the surface and storm water management system, which contributes to the need for basin planning, drainage facilities and other related services. However, both the county roads and state highway programs provide substantial annual programs for the construction and maintenance of drainage facilities, and the roads systems and their associated drainage facilities serve as an integral part of the surface and storm water management system. The rate charged county roads and state highways shall reflect the benefit which county roads and state highway facilities provide to the surface and storm water management system. County and state road drainage systems unlike the drainage systems on other properties are continually being upgraded to increase both conveyance capacity and control. It is envisioned that

the roads program will work cooperatively with the Surface Water Management Program to improve regional surface and storm water management serivces as new information is available from basin plans and other sources. The percentage of impervious surface coverage for county roads and state highways shall be calculated by dividing average width of roadway and shoulder by the average width of the right of way. The service charge shall be calculated in accordance with RCW 9.03.525.

K. Service charge revenues. It is the finding of the county that comprehensive management of surface and storm water runoff must include anticipation of future growth and development in the design and improvement of the surface and storm water management system. Service charge revenue needs shall be based upon the present and future requirements of the surface and storm water management system, and these needs shall be considered when determining the rates and charges of the program.

L. Basin plans. It is the finding of the county that basin plans are essential to establishing a comprehensive approach to a capital improvement program, maintenance of facilities and regulation of new developments. A plan should analyze the measures needed to control surface and storm water runoff which results from existing and anticipated development within the basin. The measures investigated to control runoff should include land use regulation such as setback requirements or community plan revisions which revise land use densities as well as the use of drainage facilities. A plan also should recommend the quantity and water quality runoff control measures required to further the purposes set forth in K.C.C. 9.08.040, and community goals. The institutional requirements and regulations, including but not limited to land use management, funding needs, and incentives for preserving the natural surface water drainage system should be identified in the plan. The proposed ordinances and regulations necessary to implement the plan shall be transmitted to the council simultaneously with the plan.

M. Service area. It is the finding of the county that areas now requiring urban services, areas designated to receive urban services or areas exhibiting development related surface and storm water problems require comprehensive management of surface and storm water. The council finds that the service area set forth in K.C.C. 9.08.050 B. consists of the drainage basins or sub-basins in which a significant area exhibits development related surface and storm water problems or a significant area has been designated by the King County comprehensive plan, its supplements and revisions and community and middle plans, as specified in K.C.C. chapter 20.12 for urban development or development densities requiring urban services, or designated as transitional areas.

N. Need for mitigation. It is the finding of the county that additional surface and storm water runoff problems may be caused by new land use development if not properly mitigated both through protection of natural systems and through constructed improvements. The Surface Water Design Manual, K.C.C. 9.04 and the Sensitive Areas Ordinance 9614 have been adopted by King County to mitigate the impact of new land use development. Further mitigation of these impacts is based on expertise which continues to evolve as new information on our natural systems is obtained and new techniques are discovered. The Surface Water Management Program, through reconnaissance studies, basin plans, and other special studies, will continuously provide valuable information on the existing problems and areas of the natural drainage system that need special protection. The county is researching and developing methods to protect the natural drainage system through zoning, buffering, and setbacks to alleviate existing problems. Setback and buffering measures allow natural preservation of wetlands and stream corridors to occur, alleviate erosion and water pollution and provide a safe environment

for the small mammals and fish which inhabit sensitive areas. Based upon the above findings, and as information and methods become available, the executive, as appropriate shall draft and submit to the council, regulations and development standards to allow protection of the surface and storm water management system including natural drainage systems.

O. Financial management operating policy. The program will maintain long term fiscal viability and fund solvency for all of its related funds. All required capital and operating expenditures will be covered by service charges and other revenues generated or garnered by the program. The program will pay all current operating expenses from current revenues and will maintain an operating reserve to minimize service impacts due to revenue or expenditure variances from plan during a fiscal year. This reserve will be calculated based on the historic variability of revenue and expeditures. The program will adopt a strategic financial planning approach which recognizes the dynamic nature of the program's fiscal operating environment. Long term projections will be updated in the program's adopted strategic plan. One-time revenues will be dedicated to one-time-only expenditures and will not be used to support ongoing requirements. The program's approach to financial reporting and disclosure will be comprehensive, open, and accessible.

P. Financial management capital policy. The program shall prepare an annual, multi-year Capital Improvement Program which encompasses all of the program's activities related to the acquisition, construction, replacement, or renovation of capital facilities or equipment. All proposed new facilities will be subject to a consistent and rigorous needs analysis. The program's capital facilities will be planned and financed to ensure that the benefits of the facilities and the costs for them are balanced over time.

Q. Financial management debt policy. The program will manage its debt to ensure continued high credit quality, access to credit markets, and financial flexibility. All of the program's debt management activities will be conducted to maintain at least the current credit ratings assigned to the county's debt by the major credit rating agencies and to maintain an adequate debt service coverage ratio. Long term debt will not be used to support operating expenses. The program will develop and maintain a central system for all debt-related records which will include all official statements, bid documents, ordinances indentures, leases, etc., for all of the program's debt and will accurately account for all interested earnings in debt-related funds. These records will be designed to ensure that the program is in compliance with all debt covenants and with State and Federal laws. (Ord. 11015 § 4, 1993: Ord. 10187 § 6, 1991: Ord. 7817 § 2, 1986: Ord. 7590 § 7, 1986).

9.08.070 Rate Structure. A. The service charges shall be based on the relative contribution of increased surface and storm water runoff from a given parcel to the surface and storm water management system. The percentage of impervious surfaces on the parcel and the total parcel acreage will be used to indicate the relative contribution of increased surface and storm water runoff from the parcel to the surface and storm water management system. The relative contribution of increased surface and storm water runoff from each parcel will determine that parcel's share of the service charge revenue needs. The service charge revenue needs of the program are based upon all or any part, as determined by the council, of the cost of surface and storm water management services or to pay or secure the payment of all or any portion of any issue of general obligation or revenue bonds issued for such purpose.

B. The surface water management division shall determine the service charge for each parcel within the service area by the following methodology:

Residential and very lightly developed non-residential parcels shall receive a flat rate service charge for the reasons set forth in K.C.C. 9.08.060. Light to very heavily developed parcels shall be classified into the appropriate rate category by their percentage of impervious surface coverage. Land use codes and/or data collected from parcel investigations will be used to determine each parcel's percentage of impervious surface coverage. After a parcel has been assigned to the appropriate rate category, the service charge for the parcel will be calculated by multiplying the total acreage of the parcel times the rate for that category.

C. Effective January 1, 1992, there is hereby imposed upon all developed properties in the service area annual service charges as follows:

SURFACE WATER MANAGEMENT SERVICE CHARGES

Class	Impervious Surface %	Rate
Residential	NA	$ 85.02/parcel/year
Very Light	0 to ≤ 10%	85.02/parcel/year
Light	>10% to ≤ 20%	198.40/acre/year
Moderate	>20% to ≤ 45%	410.98/acre/year
Moderately Heavy	>45% to ≤ 65%	793.60/acre/year
Heavy	>65% to ≤ 85%	1,006.16/acre/year
Very Heavy	>85% to ≤ 100%	1,317.94/acre/year
County Roads	NA	Set in accordance with RCW 90.03.525
State Highways	NA	Set in accordance with RCW 90.03.525

The minimum service charge in any class shall be $85.02/parcel/year. Mobile home parks' maximum annual service charges in any class shall be $85.02 times the number of mobile home spaces.

D. The county council will review the surface water maanagement service charges annually to ensure the long term fiscal viability of the program and to guarantee that debt covenants are met. The program will use equitable and efficient methods to determine service charges.

E. When a parcel with impervious surface is divided by the boundary of the service area and a portion of the parcel's impervious surface drains into the service area, the parcel shall be charged as otherwise provided herein on the basis of the lands and impervious surfaces which drain into the service area. When the director has determined that the impervious surface of a parcel, divided by the boundary of the service area, completely drains outside of the service area, the parcel will be exempt from the rates and charges of this chapter.

F. The King County council by ordinance may supplement or alter charges within specific basins and sub-basins of the service area so as to charge properties or parcels of one basin or sub-basin for improvements, studies, or maintenance which the council deems to provide service or benefit the property owners of one or more basin(s) or sub-basin(s). (Ord. 11015 § 5, 1993: Ord. 10187 § 7, 1991: Ord. 8626 § 3, 1988: Ord. 8373 § 2, 1988: Ord. 7817 § 2, 1986: Ord. 7590 § 8, 1986).

9.08.080 Rate Adjustments and Appeals. A. Any person billed for service charges may file a "Request for Rate Adjustment" with the surface water management division within three years of the date from which the bill was sent. However, filing of such a request does not extend the period for payment of the charge.

B. Requests for rate adjustment may be granted or approved by the director only when one of the following conditions exists:

1. The parcel is owned and is the personal residence of a person or persons determined by the county assessor as qualified for a low income senior citizen property tax exemption authorized under RCW 84.36.381; parcels qualifying hereunder shall be exempt from all charges imposed in K.C.C. 9.08.070;

2. The acreage of the parcel charged is in error;

3. The parcel is non-residential and the actual impervious surface coverage of the parcel charged places it in a different rate category than the rate category assigned by the division;

4. The parcel is non-residential and the parcel meets the definition of open space in section 9.08.010 of this chapter. Parcels qualifying hereunder will be charged only for the area of impervious surface and at the rate which the parcel is classified under using the total parcel acreage;

5. The parcel is served by one or more retention/detention facilities required pursuant to the provisions of K.C.C. 9.04, or can be demonstrated by the property owner to provide detention/retention of surface and storm water to the standards set forth in K.C.C. 9.04, and is maintained at the expense of the parcel owner to the standards required by the department of public works. Non-residential parcels except in the light category qualifying hereunder shall be charged at the rate of one lower rate category than it is classified by its percentage of impervious surface coverage. Non-residential parcels in the light rate category qualifying hereunder shall be charged at the rate of $85.02/acre/year. Residential parcels and parcels in the very light category qualifying hereunder shall be charged $42.51/parcel/year;

6. The parcel is owned or leased by a public school district which provides activities which directly benefit the Surface Water Management Program. The activities may include: curriculum specific to the issues and problems of surface and storm water management, and student activities in the community to expose students to the efforts required to restore, monitor or enhance the surface and storm water management system. Pursuant to RCW 36.89.085, the amount of the rate adjustment shall be determined by the director based upon the cost of the activities to the school district but not to exceed the value of the activity to the Surface Water Management Program. Determination of which activities qualify for the surface water management service charge reduction will be made by the surface water management division. Reductions in surface water management service charges will only be granted to school districts which provide programs that have been evaluated by the surface water management division. The rate adjustment for the school district activity may be applied to any parcel in the service area which is owned or operated by the school district; or

7. The service charge bill was otherwise not calculated in accordance with the terms of this chapter.

C. The property owner shall have the burden of proving that the rate adjustment sought should be granted.

D. Decisions on requests for rate adjustments shall be made by the director based on information submitted by the applicant and by the division within thirty days of the adjustment request except when additional information is needed. The applicant shall be notified in writing of the director's decision. If an adjustment is granted which reduces the charge for the current year or two prior years, the applicant shall be refunded the amount overpaid in the current and two prior years.

E. If the director finds that a service charge bill has been undercharged, then either an amended bill shall be issued which reflects the increase in the service charge or the undercharged amount will be added to the next year's bill.

This amended bill shall be due and payable under the provisions set forth in K.C.C. 9.08.100. The director may include in the bill the amount undercharged for two previous billing years in addition to the current bill.

F. Decisions of the director on requests for rate adjustments shall be final unless within thirty days of the date the decision was mailed, the applicant submits in writing to the director a notice of appeal setting forth a brief statement of the grounds for appeal and requesting a hearing before the King County zoning and subdivision examiner. The examiner's decision shall be a final decision pursuant to the provisions of K.C.C. 20.24.080. (Ord. 11015 § 6, 1993: Ord. 10187 § 8, 1991: Ord. 7817 § 2, 1986: Ord. 7590 § 9, 1986).

9.08.085 Petition for additional services. King County residents inside or outside the existing Surface Water Management service area may petition the King County council for establishment of an independent fee for additional services not currently provided by Surface Water Management to them. Sixty percent (60%) of the residents of the proposed special service area may petition the council for the additional service and charge. The purpose of the petition process and additional charge is to: 1) provide additional services to residents within the existing service area; 2) provide additional services to residents outside the service area; or 3) expand the service area to include the area within the petition.

The executive shall develop a process for creating special service areas and the criteria for acceptance of the special service areas by June 1992. The executive should use the process outlined in Exhibit B as a guide for developing the petition process and the criteria for acceptance of the special service areas. (Ord. 10187 § 13, 1991).

9.08.090 Billing Procedure. A. All property subject to charges of the program shall be billed based on the property characteristics existing on November 1, of the year prior to the billing year and at the rate as set forth in K.C.C. 9.08.070. Billing year is the year that the bills are sent. The service charge shall be displayed and billed on the annual property tax statement for the parcel and shall be mailed to the name and address shown on the real property tax roll at the time annual property tax bills are prepared. Parcels which are exempt from property taxes and do not receive an annual property tax statement will receive a bill only for the service charge. If a payment less than the sum of the total property tax plus service charge or less than the sum of one-half of the property tax plus one-half of the service charge is received for a combined property tax and service charge, and the parcel owner has not otherwise specified, the director of the office of finance shall first apply the payment to the annual property tax of the parcel pursuant to the provisions of RCW 84.56 and then apply any remaining amount to the service charge.

B. The total amount of the service charge shall be due and payable to the director of the office of finance on or before the 30th day of April and shall be delinquent after that date; however, if one-half of such service charge is paid on or before the said 30th day of April, the remainder shall be due and payable on or before the 31st day of October and shall be delinquent after that date.

C. Parcel characteristics affecting the service charge which are altered after November 1 of any year shall not be a basis for calculation of the service charge until after December 31 of the following year.

EXCEPTION: Adjustments to the annual service charge may be made when property is incorporated or annexed by another jurisdiction. The service charge for the billing year during which incorporation or annexation occurs may:

1. Be subject to a proration formula included in an interlocal agreement between the county and the incorporating or annexing jurisdiction; or

2. If the incorporation or annexation interlocal agreement does not address the surface water management charge, then incorporated or annexed properties will be subject to a surface water management charge of one-quarter of the annual service charge for each quarter of the billing year during which the property was in unincorporated King County for one or more days. For purposes of determining this modified service charge, the billing quarters will be for January 1 through March 31; April 1 through June 30; July 1 through September 30; and October 1 through December 31.

3. The debt service portion of the service charge will not be prorated. (Ord. 11015 § 7, 1993: Ord. 10187 § 9, 1991: Ord. 8626 § 1, 1988: Ord. 7817 § 2, 1986: Ord. 7590 § 12, 1986).

9.08.100 Delinquencies and Foreclosures. A. Delinquent service charges shall bear interest as provided in RCW 36.89.090, 36.89.092 and 35.67.200 at the rate of 12 percent per annum, or such rate as may hereafter be authorized by law, computed on a monthly basis from the date of delinquency until paid. Interest shall be calculated at the rate in effect at the time of payment of the charges regardless of when the charges were first delinquent.

B. The county shall have a lien for delinquent service charges, including interest thereon, against any property subject to service charges. The lien shall be superior to all other liens and encumbrances except general taxes and local and special assessments. Such lien shall be effective and shall be enforced and foreclosed in the same manner as provided for sewerage systems of cities and towns by RCW 35.67.200 through 35.67.290; except that the service charge lien shall be effective for a total not to exceed one year's delinquent service charges without the necessity of any writing or recording of the lien with the county records and elections division, as provided for in RCW 36.89.093, in lieu of the provisions provided for in RCW 35.67.210. In accordance with RCW 36.89.094, the county may commence to foreclose a surface water management service charge lien after three years from the date surface water management charges become delinquent, in lieu of the provisions provided for in RCW 35.67.230. (Ord. 8373 § 1, 1988: Ord. 7817 § 2, 1986: Ord. 7590 § 13, 1986).

9.08.110 Surface Water Management Fund. All service charges shall be deposited in the Surface Water Management Fund in the office of finance which fund is hereby created to be used only for the purpose of paying all or any part of the cost and expense of providing surface water management services, or to pay or secure the payment of all or any portion of any issue of general obligation or revenue bond issued for such purpose. Monies in said fund not needed for immediate expenditure shall be invested for the benefit of the Surface Water Management Fund pursuant to the first paragraph of RCW 36.29.020 and such procedures and limitations contained in county ordinance, provided, that sufficient funds shall be transferred no later than the end of the fiscal year in which they were first appropriated for capital projects appropriated in the Surface and Storm Water Management Construction Fund beginning in fiscal year 1988. The program's funds balances and other financial resources will be invested conservatively to match strong security of principal with market rates of return. For investment purposes the director of the department of public works is hereby designated the fund manager. (Ord. 10187 § 10, 1991: Ord. 7817 § 2, 1986: Ord. 7590 § 14, 1986).

9.08.120 Administrative Procedures. Pursuant to K.C.C. 2.98 the director shall develop administrative procedures relating to the implementation of this chapter and the imposition and collection of service charges including but not limited to procedures for the filing of liens and initiation of foreclosure on delinquent accounts and the collection of the debt service portion of the service charge in areas that annex or incorporate. (Ord. 11015 § 8, 1993: Ord. 10187 § 11, 1991: Ord. 7817 § 2, 1986: Ord. 7590 § 15, 1986).

9.08.125 Report of revenue and expenditure analysis. The Surface Water Management Program shall report to the council every three years regarding the results of a revenue and expenditure analysis for capital improvement projects for each subarea within the service area to determine the relationship between expenditures and revenues generated in each subarea. The program shall identify areas where additional expenditures are required and how the program expects to address any differences. (Ord. 10187 § 12, 1991).

9.08.140 Severability. If any provision of this chapter, or its application to any person or circumstance is held invalid, the remainder of this chapter and the application of the provisions to other persons or circumstances shall not be affected. (Ord. 7817 § 2, 1986: Ord. 7590 § 17, 1986).