

CITY OF ORTING WASHINGTON

ORDINANCE NO. 2022-1096

**AN ORDINANCE OF THE CITY OF ORTING,
WASHINGTON, RELATING TO STORMWATER
MAINTENANCE AND MANAGEMENT;
AMENDING ORTING MUNICIPAL CODE
SECTIONS 9-5A-9; PROVIDING FOR
SEVERABILITY; DECLARING AN EMERGENCY;
AND ESTABLISHING AN IMMEDIATE
EFFECTIVE DATE**

WHEREAS, the City has adopted certain provisions codified at Chapter 5A of Title 9 of the Orting Municipal Code (“OMC”) that provide for surface water management within the City of Orting; and

WHEREAS, in January of 2007, the State Department of Ecology issued the first National Pollution Discharge Elimination System (“NPDES”) permit for Phase II communities in Western Washington which permit is intended to implement the Clean Water Act; and

WHEREAS, although the City already has certain regulations in place that comply with many of the requirements of the Phase II NPDES permit, certain amendments are necessary in order to ensure that the City is in compliance with provisions of the permit that must be implemented by the City by June 30, 2022; and

WHEREAS, the proposed amendments to Chapter 5A of Title 9 of the Orting Municipal Code are consistent in scope and subject matter with the surface water management programs of other jurisdictions; and

WHEREAS, this Ordinance is enacted as an exercise of the police power authority of the City of Orting to protect and preserve the public health and welfare; and

WHEREAS, on June 9, 2022, the City’s SEPA official issued a determination of non-significance for the proposed code amendments and there have been no appeals; and

WHEREAS, on June 29, 2022, the City Council held a public hearing on the proposed code amendments; and

WHEREAS, RCW 35A.13.190 provides that an ordinance may be made effective upon adoption if passed by a majority plus one of the whole membership of the council, and if

designated as a public emergency ordinance necessary for the protection of the public health, public safety, public property or public peace; and

WHEREAS, pursuant to RCW 35A.13.190, the City Council finds that this ordinance is a public emergency ordinance necessary for the protection of public health, public safety, public property, or public peace for the reasons set forth herein;

NOW, THEREFORE, the City Council of the City of Orting, Washington, do ordain as follows:

Section 1. Findings. The City Council adopts the recitals set forth above, which are incorporated by reference, as findings in support of a declaration of this ordinance as a public emergency ordinance.

Section 2. OMC 9-5A-9, Amended. Orting Municipal Code 9-5A-9 is hereby amended to read as follows:

9-5A-9: GENERAL REQUIREMENTS:

A. Stormwater Management Manual Adopted: The Department of Ecology 2019 ~~2012~~ "Stormwater Management Manual for Western Washington" ~~as amended in 2014~~, together with the 2019 City of Orting Stormwater Management Manual Amendment, ~~are~~ is hereby adopted by reference, as though fully set forth herein, as the Stormwater Management Manual for the City of Orting and is hereinafter referred to as the "manual" or the "Stormwater Management Manual".

B. Low Impact Development Manual Adopted: The ~~December 2012~~ Volume 5 of the Ecology 2019 "Stormwater Management Manual for Western Washington" "Low Impact Development Technical Guidance Manual for Puget Sound" ~~as published by the Puget Sound Partnership~~, is hereby adopted by reference as though fully set forth herein as the Low Impact Development Manual for the City of Orting and is hereinafter referred to as the "LID Manual".

C. Rain Garden Handbook: The June 2013 "Rain Garden Handbook for Western Washington" as published by the Washington State Department of Ecology is hereby adopted by reference as though fully set forth herein as the Rain Garden Handbook for the City of Orting and is hereinafter referred to as the "Rain Garden Handbook".

D. The following hierarchy shall be used in the order listed to determine applicable requirements:

1. The 2019 City of Orting Stormwater Management Manual Amendment;
2. The 2019 ~~2012~~ "Stormwater Management Manual for Western Washington" ~~as amended in 2014~~;

Section 3. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

Section 4. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 5. Designation of Emergency Ordinance; Immediate Effective Date. Pursuant to RCW 35A.13.190, the City Council declares and designates this ordinance as a public emergency ordinance necessary for the protection of the public health, public safety, public property, or the public peace. Upon adoption of this ordinance by a majority plus one of the whole membership of the council, this ordinance shall take effect and be in full force immediately upon its adoption. Pursuant to Matson v. Clark County Board of Commissioners, 79 Wn. App. 641, 904 P.2d 317 (1995), underlying facts necessary to support this emergency declaration are included in the recitals set forth above, which are adopted by reference.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF
ON THE 29th DAY OF JUNE 2022.**

CITY OF ORTING

The Joshua Penner
The Joshua Penner (Jun 30, 2022 09:03 PDT)

Joshua Penner, Mayor

ATTEST/AUTHENTICATED:

Kim Agfalvi
Kim Agfalvi (Jun 30, 2022 09:33 PDT)

Kimberly Agfalvi, City Clerk

Approved as to form:



Charlotte A. Archer
Inslee Best
City Attorney

Filed with the City Clerk:
Passed by the City Council:
Ordinance No.
Date of Publication:
Effective Date:











Ord- 2022-1096 - Amend OMC 9-5A-9 re Stormwater

Final Audit Report

2022-06-30

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