

(DRAFT) AGENDA
Special Meeting – Bremerton Planning Commission
(Subject to PC approval)
October 18, 2016
5:00 – 5:30 P.M.
345 – 6th Street
Meeting Chamber – First Floor

I. PUBLIC OPEN HOUSE

- A. Low Impact Development (LID) Code Integration**
-

**An additional Planning Commission meeting will be held at 5:30 PM,
following this Open House**

(DRAFT) AGENDA
Regular Meeting – Bremerton Planning Commission
(Subject to PC approval)
October 18, 2016
5:30 P.M.
345 – 6th Street
Meeting Chamber – First Floor

- I. CALL TO ORDER**
 - II. ROLL CALL (quorum present)**
 - III. APPROVAL OF THE AGENDA**
 - IV. APPROVAL OF MINUTES:**
 - o September 20, 2016 meeting.
-

V. PUBLIC MEETING

A. Call to the Public: Public comments on any item not on tonight’s agenda

B. Public Workshop:

- 1. Bremerton Municipal Code Amendments to Chapters 11, 13 and 15 regarding Low Impact Development (LID) Updates
-

VI. BUSINESS MEETING

- A. Chair Report:** Nick Wofford
 - B. Director Report:** Andrea Spencer
 - C. Old Business:**
 - D. New Business:**
-

VII. ADJOURNMENT:

The next regular meeting of the Planning Commission is November 15, 2016

Planning Commission meeting packets are available on-line at
<http://www.BremertonWA.gov/AgendaCenter/Planning-Commission-4>

DRAFT

Subject to October 18, 2016 Approval

CITY OF BREMERTON

PLANNING COMMISSION MINUTES OF REGULAR MEETING September 20, 2016

CALL TO ORDER:

Vice Chair Nethery called the regular meeting of the Bremerton Planning Commission to order at 5:30 p.m.

ROLL CALL

Commissioners Present

Vice Chair Nethery
Commissioner Goodnow (arrived at 5:35)
Commissioner Jones
Commissioner Nerf
Commissioner Strube
Commissioner Tift

Staff Present

Andrea Spencer, Director, Department of Community Development
Allison Satter, Senior Planner, Department of Community Development
Kelli Lambert, Planner, Department of Community Development
Kylie Purves, Assistant City Attorney

Commissioners Absent

Chair Wofford (excused)

Quorum Certified

APPROVAL OF AGENDA

COMMISSIONER TIFT MOVED TO APPROVE THE AGENDA AS PRESENTED. COMMISSIONER STRUBE SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

APPROVAL OF MINUTES

COMMISSIONER TIFT MOVED TO APPROVE THE MINUTES OF JULY 20, 2016 AS CORRECTED. COMMISSIONER STRUBE SECONDED THE MOTION, WHICH CARRIED BY A VOTE OF 5-0, WITH COMMISSIONER JONES ABSTAINING. (Note: Commissioner Goodnow was not present to vote on the minutes.)

PUBLIC MEETING

Call to the Public (public comments on any item not on the agenda)

Vice-Chair Nethery asked if there were any comments from citizens. Seeing none, he closed the public portion of the meeting.

Public Hearing: Amendments to Bremerton Municipal Sign Code Regulations

Ms. Satter explained that the subject of the hearing is the proposed amendments related to the sign provision in the Bremerton Municipal Code (BMC). She reminded the Commission of a recent Supreme Court decision (Reed vs. the Town of Gilbert) in which a church sued the Town of Gilbert, Arizona, because it felt its free-speech sign was being regulated differently than other free-speech signs. The Town of Gilbert could not provide justification for this differentiation and the Supreme Court ruled its sign code was not content neutral and consistent. The intent of the proposed amendments is to make the City's sign code provisions consistent with this most recent court ruling. **Ms. Satter** advised that the Comprehensive Plan is a blueprint document that outlines how Bremerton should develop, and it contains a number of policies and goals that help support the City's vision for the future. It is important to consider these goals and policies when reviewing Development Code Amendments, to ensure the two documents are consistent. She specifically reviewed the following goals and policies:

- **Goal LU1:** Plan for Bremerton's population and employment growth.
- **Policy LU1(A):** Implement design guidelines that complement the designated purpose and scale of the neighborhoods.
- **Policy LU2(E):** Promote exposure of City businesses and community events by signage that is proportional to the intensity of the land-use designation, while recognizing the existing character of the neighborhood.
- **Policy LU1-Cen(A):** Adopt sign standards that reflect pedestrian scale.
- **Policy LU2(D):** Provide development incentives and flexibility within the regulations to encourage desirable design elements.
- **Goal ED2:** Revitalize Bremerton's commercial district by upgrading and enhancing the aesthetic quality of the neighborhood.
- **Policy ED2(A):** Encourage upgrades and rehabilitation of existing commercial development through a wide variety of means.
- **Policy ED2(B):** Ensure that new commercial development promotes street-level activation.

Ms. Satter explained that while the Comprehensive Plan contains goals and policies, the zoning code is a regulatory document. She referred to BMC 20.52.010, which outlines the intent of the sign code provisions and advised that staff is not proposing any changes to this section at this time. The objectives of the sign code are to:

- Recognize the importance of signs in the community.
- Establish regulations to protect the public from damage or injury attributable to distractions and obstructions caused by poorly designated or improperly located signs.
- Stabilize or enhance the overall appearance of the community and protect property values.
- Regulate the number, size, placement and physical characteristics of signs and sign structures.
- Not restrict, limit or control the content of any sign message.

For the record, **Ms. Satter** reviewed the current provisions for the Commission's information to demonstrate consistency throughout the sign code as follows:

- Size requirements for building signs are consistent throughout all commercial zones in the City. Building signs in the commercial zone are allowed to be up to 2 times the lineal footage up to a maximum of 100 square feet or 10% of the building's façade.
- Freestanding signs are regulated differently based on zoning. Larger freestanding signs are allowed in the Freeway Corridor and Industrial zones, which are located near highways and have higher speed roads and less foot traffic. The Downtown and District Centers are high-density urban areas that tend to be walkable with slower traffic, and the larger signs may not be as appropriate. The standard sign size allowed in the Downtown and District Center zones is 60 square feet and up to 8 feet tall. There is slower traffic and more foot traffic in the Neighborhood Center, where the standard sign size allowed is 60 square feet with a maximum height of 6 feet.

Ms. Satter referred to Attachment A of the Staff Report, which outlines the proposed amendments. She reviewed each of the amendments as follows:

- **BMC 20.42 Definitions.** As new technology comes into play, portable signs on vehicles are becoming more prevalent, and the intent of this proposed amendment is to regulate them as “portable signs.” As proposed the definition of “portable sign” would be changed to include this sign type.
- **BMC 20.52.040 Exempt Signs.** This change is directly related to the Supreme Court decision that code provisions for real estate and temporary signage must be more general. Rather than saying that “real estate signs for sale of single-family dwelling units,” are exempt, Item J would be changed to say, “signs displayed on a lot with a property for sale or rent” are exempt. In addition, Item K would also be reworded to say, “signs displayed on a lot where construction is taking place.”
- **BMC 20.52.050 Prohibited Signs.** The provision relative to readerboard signs would be amended to allow copy to change every 8 seconds rather than the current 2 seconds. This change would be consistent with Kitsap County’s current requirement. She commented that the Commission could choose to recommend Commissioner Tift’s suggestion that copy be allowed to change every 2 but not greater than 8 seconds. However, they should keep in mind that the only time the City would be able to do code enforcement is when someone is doing something shorter than 2 seconds. She recommended that 3 or 4 should be the quickest change allowed. **Commissioner Goodnow** noted that there are signs that have a slow-moving background, which are easier on the eye and do not seem to be as distracting. He asked how the sign code would address these sign types. **Ms. Satter** answered that, as currently written, anything flashing or moving is prohibited. The intent is to create less distraction, and the provisions would be consistent for all readerboard signs in the City.
- **BMC 20.52.070 Sign Placement Requirements.** The language in this provision would be changed from “temporary signs advertising a public event which meets City approval,” to “temporary banner signs erected by the City.” The intent is for the language to be more generalized.
- **BMC 20.52.085 Political Signs.** This provision was particularly impacted by the Supreme Court’s decision. The proposed amendment would rename the entire section “Noncommercial Speech Signs.” The amendment would also remove provisions that require the removal of signs after an event. The intent is to be consistent for all noncommercial-speech signs.
- **BMC 20.52.090 General Sign Regulations.** Two additional provisions were added to this section. First, provisions for illumination were added, including nighttime adjustments. As LED lighting becomes more prevalent, it is important to have some provision to deal with undue brightness. Secondly, she recalled that the Commission previously discussed concern that removing the timeline for political signs could result in numerous signs that are old and in disrepair. A provision was added that requires all signs to remain in good repair. Good repair is defined as what can be seen from the property line and applies to both permanent and temporary signage. A permit may be required, depending on the scope of the needed work.
- **BMC 20.52.100 Commercial District Sign Regulations.** In this section, “shopping center” was renamed to “large multiple occupant development” to be more generalized and to be consistent with other portions of the code. In addition, the co-op sign provisions were reworked. Previously, properties along Wheaton and Kitsap Way that do not have street frontage were not allowed to have off-premise signs. The co-op sign provisions that were adopted in 2014 allowed properties that are one parcel back from Wheaton and Kitsap Way an opportunity for signage, but only if there is a transfer of development rights, meaning that there could not be a freestanding sign on the property and on Kitsap and Wheaton Ways. As proposed, the amendments would extend the provision to deeper parcels along Wheaton and Kitsap Ways, but it would also reemphasize that a transfer of development rights is required. This provision also encourages the removal of multiple signs.
- **BMC 20.52.110 Auto Dealership Sign Regulations.** This provision cannot be considered content neutral and should be removed. However, it is important not to penalize auto dealerships, either. Because auto dealerships are only allowed in the Freeway Corridor Zones, staff is recommended that Figure 20.52(a) be revised to allow all freestanding signs in the Freeway Corridor Zone to be a maximum of 150 square feet in size. Currently, sign size in this zone is limited to 100 square feet. Questions were raised at the last meeting about the LED sign on SR-3, and the permit that was submitted in January identifies the sign size as 106 square feet. It was noted that the City only measures the areas where there is wording.
- **BMC 20.52.120 Residential District Sign Regulations.** The provision that limited signs in multifamily development to just 4 square feet was removed to be consistent with the sign area allowed in the residential zone.
- **BMC 20.52.180 Nonconforming Signs.** At the recommendation of the Commission, the amortization requirement was removed in 2014. The code required that nonconforming signs be brought up to code consistency based on a threshold of \$50,000 of improvements. However, the provision still only applies to on-premise signs. The intent

of the proposed amendment is to provide consistency between the on-premise and off-premise sign provisions. In addition, a portion of this section was relocated to Subsection iii for ease of reading. Examples of nonconforming signs that have been recently replaced were provided.

- **Figure 20.52(A) Zone Specific Size and Design Requirements.** In this amendment, the figure was revised to consolidate where appropriate, such as the centers standards. The Puget Sound Industrial Center-Bremerton was also added to be consistent with the subarea plan. The footnotes were revised to allow commercial signs along Wheaton and Kitsap Ways to increase their height to 15 feet, which is consistent with Kitsap County's rules. However, the phrase, "on state highway routes of Wheaton and Kitsap Ways" was added to clarify that the provisions do not apply to Lower Wheaton Way or the Manette area.

Ms. Satter advised that **Chair Wofford** provided a recommendation via email for continued education on why the update is required throughout the next process. Staff believes that continued educational outreach is important, as well. However, it is also important to acknowledge that all jurisdictions are in the same situation and must update their sign code regulations. **Commissioner Nerf** identified two minor typographical errors in both attachments, which have been corrected in the documents before the Commission for action.

Ms. Satter referred to a letter from Priscilla Bailey. **Ms. Bailey** voiced concern about political signs that have no timeframe for removal. **Ms. Satter** explained that the City needs to be consistent with the multiple court cases that exist. The options to consider are either no timeframe, as currently proposed, or require a timeframe for all noncommercial speech signs, which would require a permit and additional staff time to manage. **Ms. Bailey** was also concerned that business owners would not know how to put their readerboard signs to "night time" setting to reduce brightness. **Ms. Satter** explained that undue brightness extends beyond the property line and could be a driving distraction and/or hazard. She recommended the condition remain, as proposed. **Ms. Bailey** commended the City on the proposed revisions to the co-op sign provisions, particularly allowing a 15-foot height on Wheaton and Kitsap Ways and increasing the rate of copy change from 2 to 8 seconds. She also indicated she was happy with the proposed new maintenance requirement, but wanted to see something more for abandoned signs. **Ms. Satter** reviewed that if a property experiences redevelopment over \$50,000, the nonconforming signs would have to be removed or conform. However, the code is minimal on abandoned signs for properties not being currently utilized. Currently, only signs that are dangerous are required to be removed.

Ms. Satter reviewed that following the public hearing and Planning Commission deliberations, the Commission can recommend approval of the amendments as proposed, recommend approval of the amendments with amending motions, or continue the hearing to address additional items.

Vice Chair Nethery opened the public hearing.

Jeff Coughlin, Bremerton, asked if the proposed new maintenance provision would apply to existing illuminated signs that have burned-out light bulbs. If not, he asked the Commission to consider including it in the proposed amendment. **Ms. Satter** answered that, as written, the provision would not address signs with burned-out lights. However, the Commission could add language to require replacement of illumination as it ceases.

No one else indicated a desire to participate, and the public portion of the hearing was closed by **Vice Chair Nethery**.

Commissioner Tift agreed that the maintenance provision should also address illumination. He also requested additional clarification on the current provision that limits the size of building signs. **Ms. Satter** referred to BMC 20.52.100(B)(2), which reads, "A building sign attached individually shall not exceed 100 square feet in area except it may exceed the maximum if the total area is less than 10% of the total building façade area of the side with the signage." She said the intent is to limit the size of signs on large buildings with long facades, but also allow the signs to be proportional to the size of the facade. **Commissioner Tift** summarized that the sign could exceed 100 square feet if the façade was greater than 1,000 lineal feet. **Director Spencer** said each sign would be allowed to be proportional to each space, and the notion is that every tenant would be allowed a prominent sign on the building.

Vice Chair Nethery said he shares Ms. Bailey's concern about removing the timeline for when political signs must be removed. While he understands that the sign code must be content neutral, he is bothered about trying to be so politically

correct that it no longer makes sense. It is clear that elections are temporary events, so political signs could be classified as temporary signs. **Ms. Satter** explained that the Supreme Court's decision was that political signs are considered noncommercial-speech signs, and cities cannot make a differentiation between ideological signs, political signs, event signs, etc. **Assistant City Attorney Purves** agreed and emphasized that the content of the sign cannot be the basis for the regulation. **Commissioner Nerf** pointed out that some political signs, such as signs that support gun rights, are not tied to an election. It would be very difficult to put a time limit on one type of political sign and not another.

Commissioner Goodnow said he understands the size limitations for noncommercial-speech signs on private residential properties, but he questioned how the sign code would apply to signs in the right-of-way. **Ms. Satter** answered that the City's sign code applies to private properties. The Public Works Department's policies regulate signs within the streets and rights-of-way. **Commissioner Goodnow** summarized that the proposed amendments would only impact signs on private properties and would not apply to political signs that are placed all up and down the public rights-of-way.

Commissioner Goodnow asked if it would be possible to establish a threshold by which more permanent signs would be required to obtain permits. **Ms. Satter** agreed that there could be a provision for a different timeline, but it would have to be based on materials and not content. **Director Spencer** emphasized that this approach would require permitting, which would result in additional staff cost. Given the current staffing level, having the ability to issue sign permits for single-family residential homes would become a significant challenge for the department. **Assistant City Attorney Purves** also cautioned that there are so many different sign materials, that this approach would be difficult to regulate. In addition to requiring additional staff time to implement, codes that are content neutral based on sign material are very long because they try to incorporate any material that a sign might be made of.

Commissioner Tift referred to the large 4' x 8' plywood sign on Kitsap Way just past the Oyster Bay Inn that can be seen from both directions. He asked if this sign, which is on private property, could remain in place indefinitely or until the next election. He also asked who would be responsible for its removal if it becomes dilapidated. **Ms. Satter** said the temporary sign code includes a provision that requires the removal of noncommercial-speech or banner signs that can be seen from the property line if there is evidence of deterioration or the need of general maintenance. **Commissioner Goodnow** asked how the City would enforce this provision, and **Ms. Satter** answered that enforcement would be complaint based. **Commissioner Goodnow** asked if complaint-based enforcement could also be used to implement a time limit for signs on private properties. **Assistant City Attorney Purves** cautioned that a political sign cannot be regulated any differently than other types of noncommercial-speech signs. Each property owner is given a certain amount of sign space to use on their personal property based on the zoning district, the City cannot regulate the signs based on what they say.

Commissioner Nerf agreed with Mr. Coughlin's recommendation that a provision be added to address defective lighting on signs. Perhaps language to the effect of "failing to convey the message." **Ms. Satter** agreed it would be appropriate to add additional language to BMC 20.52.090(G)(2).

Ms. Satter requested additional input from the Commission about the provision related to the timeframe for changing the copy on readerboard signs. **Commissioner Tift** said the intent of his previous suggestion was to provide more latitude to business owners. However, he commented that a 2-second timeline could almost appear to be a strobe light. **Ms. Satter** pointed out that Kitsap County has an 8-second timeframe. The Commission indicated support for staff's proposed timeframe.

COMMISSIONER TIFT MOVED TO RECOMMEND THE CITY COUNCIL ADOPT THE TEXT AMENDMENTS TO BREMERTON MUNICIPAL CODE CHAPTERS 20.52 AND 20.42 AS DETAILED IN ATTACHMENT A, BASED ON THE STAFF REPORT AND THE FINDINGS AND CONCLUSIONS PRESENTED IN ATTACHMENT B. COMMISSIONER GOODNOW SECONDED THE MOTION.

COMMISSIONER NERF MOVED TO AMEND THE MAIN MOTION TO DIRECT STAFF TO WORK ON LANGUAGE IN THE MAINTENANCE SECTION (BMC 20.52.090(G)(2) TO INCLUDE PROVISIONS ABOUT THE SIGNAGE "FAILING TO CONVEY THE MESSAGE." COMMISSIONER STRUBE SECONDED THE MOTION, WHICH CARRIED 5-1, WITH COMMISSIONER JONES VOTING IN OPPOSITION.

THE MAIN MOTION, AS AMENDED, WAS APPROVED BY A VOTE OF 5-0, WITH COMMISSIONER JONES ABSTAINING.

BUSINESS MEETING

Chair Report

Vice Chair Nethery welcomed new Commissioner Deanna Jones.

Director Report

Director Spencer also welcomed Commissioner Jones, noting that the Commission is fully appointed.

Director Spencer reported that, since the Commission's July meeting, the appeal period of the Comprehensive Plan was completed, and no appeals were filed. Therefore, the Comprehensive Plan stands as adopted.

Director Spencer reported that staff is currently working with the Department of Ecology (DOE) on the Shoreline Master Program (SMP) amendments. Following the local process, the document was elevated to the DOE for review and a public process. At a recent Director's Conference, she learned that the DOE is working on amendments that will coordinate the two process in conjunction with each other. While this is great news, it does not apply to the City's current update. Ms. Satter reported that the DOE received four comments relative to the SMP. Two were positive in nature, including one from the Navy asking the City to verify that there was no federal land on the SMP. Other comments were received from the Chico Creek Task Force and the Suquamish Tribe. The DOE is waiting for the City to reply to the comments, and then they will determine whether or not a public hearing is needed.

Director Spencer announced that the City is currently in litigation with the County, as the City filed an appeal of the County's Comprehensive Plan Update. The appeal is primarily related to Growth Management Act issues pertaining annexations and the City's expectation of an associated Urban Growth Area next to the City.

Director Spencer advised that, at their October meeting, the Commission will be working with Public Works staff relative to incorporating low-impact development provisions into the development regulations and citywide.

Old Business

There was no old business to come before the Commission.

New Business

There was no new business.

ADJOURNMENT

The meeting was adjourned at 6:40 p.m.

Respectively Submitted by:

Andrea L Spencer, AICP
Executive Secretary

Nick Wofford, Chair
Planning Commission

DRAFT

**CITY OF BREMERTON, WASHINGTON
PLANNING COMMISSION AGENDA ITEM**

AGENDA TITLE:	Workshop for Low Impact Development Code Integration
DEPARTMENT:	Departments: Community Development and Public Works
PRESENTED BY:	Allison Satter, Senior Planner, (360) 473.5845 Kathleen Cahall, Water Resources Manager, (360) 473.2315 Chance Berthiaume, Stormwater Permit Coordinator, (360) 473.5929

SUMMARY

The National Pollutant Discharge Elimination System (NPDES) Phase II Municipal Stormwater Permit, issued to Bremerton in January 2014 by the Washington State Department of Ecology, requires all Permittees to update codes to support the use of Low Impact Development techniques beginning January 1, 2017. A thorough review of Bremerton’s municipal code, comprehensive plans and subarea plans identified sections, chapters, and definitions that need to be updated to meet this requirement.

This is an informational overview of the requirements, changes, and expected outcomes from the updated development and redevelopment codes. No action from the Planning Commission is needed but comments and input will be accepted.

As Planning Commission typically reviews Planning and Zoning Code regulations, an Open House will be held immediately before this workshop with information about this required LID update.

- Open House for LID Code Integration at 5:00-5:30PM, October 18, 2016 in the Council Chambers (first floor), 345 6th Street, Bremerton.

ATTACHMENT

- **Attachment A:** Bremerton Municipal Code Chapter’s 11 (Streets), 13 (Parks and Recreation), and 15 (Municipal Utilities) proposed revisions in preliminary draft legislative mark-up.
- **Attachment B:** Informational handout about LID update requirement.

TOPIC OVERVIEW

Low Impact Development (LID) is a stormwater and land use management strategy that strives to mimic natural hydrologic processes of infiltration, filtration, storage, evaporation and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design (Ecology 2012.)

The National Pollutant Discharge Elimination System (NPDES) Phase II Municipal Stormwater Permit requires Permittees to update codes and development regulations to make LID the preferred and commonly-used approach to site development and redevelopment. Bremerton is required to meet these Permit conditions by December 31, 2016.

LID technologies focus on reducing the quantity and improving the quality of stormwater runoff that enters the stormwater system. Examples of LID technologies include: retaining native vegetation, minimizing impervious surfaces, pervious pavement, vegetated (green) roofs, rain gardens and bioretention.



To accomplish this requirement we have reviewed development code and regulations to identify any barriers and conflicts that would prevent LID use. This process started with the City's recently updated Comprehensive Plan (June 2016) to include new language to support this requirement (such as Land Use Policy LU3(K): *Establish and encourage standards for implementing Low Impact Development (LID) Best Management Practices (BMPs) where appropriate*; and multiple other policies in the Transportation (policies: TR4(A), (C), (D)), City Service (policies: CS1(H), CS4(A), (C)) and Environmental Elements (policies: E1(K),(M) and E3(G))). Bremerton's Municipal Code (BMC) has been reviewed for barriers and conflicts and several sections need to be updated to support the new requirement. New language has been developed for Chapter's 11 (Streets), 13 (Parks and Recreation), and 15 (Municipal Utilities) and is presented in the **Attachment A**. The Zoning Code (Bremerton Municipal Code Title 20) was updated during the Comprehensive Plan update.

Staff is requesting Planning Commission to review, take public testimony, consider and provide feedback to the proposed code amendments to BMC Chapter 11, 13 and 15. The final changes will be presented to Council in November for consideration and adoption to meet the December 31, 2016 deadline.

READER'S NOTE: The following amendments are portions of the Bremerton Municipal Code (BMC) that are being proposed to be revised. If you would like to see the BMC in its entirety, please click on the following link:

<http://www.codepublishing.com/WA/Bremerton/>

BMC Title 11 – Streets and Rights-of-Way

11.02.040 DEFINITIONS.

The following words and phrases when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

T. "Right-of-way" means all public streets and property granted or reserved for, or dedicated to, public use for street purposes, together with public property granted or reserved for, or dedicated to, public use for walkways, sidewalks, LID BMPs, planter strips and vegetated LID facilities, bikeways, parking, and horse trails, whether improved or unimproved, including the air rights, sub-surface rights and easements related thereto.

11.12.080 DESIGN AND CONSTRUCTION ENGINEERING STANDARDS AND DEVIATIONS.

(a) All projects shall be designed and constructed in accordance with the current City of Bremerton Design and Construction Standards (also referred to as the engineering standards) as on file with the Department of Public Works and Utilities. The engineering standards shall also apply wherever any public work is performed within the City of Bremerton. City capital improvement projects, maintenance projects, utility projects and other projects performed by or on behalf of City employees shall meet all standards outlined in this document, except for otherwise approved deviations. These standards are not intended to apply to "resurfacing, restoration, and rehabilitation projects" as those terms are defined in the most current Local Agency Guidelines, Washington Department of Transportation (WSDOT). Except where the engineering standards or the provisions of this chapter provide otherwise, all design, construction, and materials shall conform to the most current of the following publications:

- (1) WSDOT/APWA Standard Specifications for Road, Bridge, and Municipal Construction, hereinafter referred to as the "WSDOT/APWA Standard Specifications";
- (2) WSDOT/APWA Standard Plans for Road, Bridge, and Municipal Construction, hereinafter referred to as the "WSDOT/APWA Standard Plans"; and
- (3) A Policy on Geometric Design of Highways and Streets, AASHTO; "Manual on Uniform Traffic Control Devices," FHWA.
- (4) WSDOT Local Agency GSPs for Permeable Pavement.

11.12.090 DEDICATION OF RIGHT-OF-WAY.

The City may require the dedication of right-of-way in order to incorporate transportation improvements that are reasonably necessary to mitigate the direct impacts of the development. The property owner may be required to dedicate right-of-way to accommodate:

- (a) Motorized and nonmotorized transportation, landscaping, LID BMPs, utility, street lighting, traffic control devices, and buffer requirements; and
- (b) Street frontage improvements where the existing right-of-way is not adequate to meet current right-of-way width requirements; and

- (c) The extension of existing or future public street improvements.
- (d) Other transportation facilities deemed necessary by the Director of Public Works and Utilities in order to mitigate the impacts identified in the development.

11.12.110 STREET FRONTAGE IMPROVEMENTS.

(a) The installation of street frontage improvements in accordance with the engineering standards is required prior to issuance of development and building permits for all new development and redevelopment for all land use types, unless one (1) or more of the following exceptions are met:

- (1) The property is undergoing redevelopment, is zoned as single-family residential, has one (1) single-family residence, and has less than two hundred (200) feet of total frontage;
- (2) Adjacent street frontage improvements are unlikely to be installed in the foreseeable future as determined by the Director; or
- (3) The installation of the required improvement would cause significant adverse environmental impacts.

(b) Complete street frontage improvements shall be installed along the entire street frontage of the property at the sole cost of the applicant as directed by the Director. Street frontage improvements may include curb, gutter, sidewalk, storm drainage, street lighting, traffic signal equipment, utility installation or relocation, landscaping strip, LID BMPs, trail, street trees and landscaping, irrigation, street widening, turn pockets, and channelization or other improvements deemed necessary by the Director to mitigate the impacts of the development. Specific improvements will vary on a site-by-site basis and shall be determined by the Director. Beyond the property frontage, the applicant shall provide ramps from the new sidewalk or walkway to the existing shoulder, and pavement and channelization tapering back to the existing pavement and channelization as needed for safety and in accordance with accepted engineering practice.

Chapter 13.10 MUNICIPAL TREES

13.10.020 DEFINITIONS.

(a) Critical root zone (CRZ) shall be defined as the minimum area of root protection around the trunk of a tree. The CRZ is based on the area that results from measuring, at diameter breast height (DBH) or 4.5 feet above the ground, 1.25 feet outwards from the trunk for every inch of trunk diameter. A minimum of 6 feet diameter must be protected around small trees, regardless of diameter.

(ab) "Public area" shall include all public streets, roads, boulevards, sidewalks, planter strips, city-owned rights of way, parks, and the lands owned or leased by the city which are accessible to the public but not including municipal utility watershed or forest lands.

(bc) "Municipal trees and/or shrubs" shall include all woody vegetation presently or hereafter planted on any public areas.

(ed) "Maintenance" and "Protection" shall include but not be limited to all operations of watering, pruning, spraying, bracing, inspection and other actions necessary to the health and aesthetics of the tree or shrub.

(de) "Hazardous tree or shrub" shall be defined as any tree or shrub or part thereof growing on private or public property which: obstructs or impairs the free and full use of a public area, interferes with overhead or underground utilities, is afflicted with or weakened by a contagious or fatal disease, causes unsafe viewing distances, blocks or impedes usage of street or sidewalk, or presents an imminent and foreseeable danger to persons or property. (Ord. 4553, Repealed & Replaced, 06/20/1996)

13.10.030 RESPONSIBILITY FOR MUNICIPAL TREES.

(a) Private property owners will be responsible for the maintenance and liability of municipal trees adjacent to their property that have been planted by the owner or prior owners, or for which responsibility has been assumed by the owner through a recorded agreement with the City.

(b) Private property owners may prune or remove municipal trees adjacent to their property after approval is received from the ~~eCity urban forester~~ Arborist. If approval is denied, the tree shall become the City's responsibility and shall be inventoried as such by the Parks and Recreation Department.

(c) Property owners and/or occupants are responsible for notifying Engineering in the case that a municipal tree or shrub adjacent to their property space is creating a hazard, so that remedial actions can be taken.

(d) Private groups may arrange for the planting or maintenance of areas of municipal trees under the authorization of the Parks and Recreation Department. (Ord. 4553, Repealed & Replaced, 06/20/1996)

13.10.040 DAMAGE TO TREES AND SHRUBS.

Unless authorized by this chapter, no person shall in any public area of the City, break, injure, mutilate, kill, destroy, prune or remove any tree or shrub; permit any animal under his or her

control to do so; permit any fire to injure any portion of any tree or shrub; permit any toxic chemical to seep, drain, or be emptied on or about any tree or shrub. Prior to building operations, municipal trees and shrubs shall have secured protection barriers surrounding, at minimum, the critical root zone of plants. No equipment stockpiling, traffic, or soil disturbing activities shall occur within the Critical Root Zone of municipal trees and shrubs. ~~During building operations the builder shall erect suitable protective barriers around municipal trees and shrubs which may be injured.~~ Persons responsible for damage to trees on public areas shall be penalized pursuant to the Bremerton Municipal Code Section 13.04.180 regarding damage to park property, and Section 13.04.040. (Ord. 4553, Repealed & Replaced, 06/20/1996)

13.10.050 FASTENING MATERIALS TO TREES OR SHRUBS.

No person shall fasten any sign, rope, wire, or other materials to, around, or through any municipal tree or shrub without obtaining permission from the Parks and Recreation Department, except in emergencies such as storms or accidents, pursuant to Section 13.04.030 of the Bremerton Municipal Code. (Ord. 4553, Repealed & Replaced, 06/20/1996)

13.10.060 PUBLIC UTILITIES.

Public utility work affecting trees or shrubs on public areas shall be limited to the actual necessities of the services of the company and such work shall be done in a neat and professional manner. The utility shall notify the Parks and Recreation Department of any plans for maintenance on public areas and consult with the Parks and Recreation Department should any trees need to be topped, pruned, or removed so that they may suggest ways to preserve the beauty or symmetry of the tree and keep removals to a minimum. (Ord. 4553, Repealed & Replaced, 06/20/1996)

13.10.070 MASTER URBAN TREE PLAN.

A Master Urban Tree Plan shall be developed by the Parks and Recreation Department for park and municipal trees and approved by Council resolution. It will be based upon an inventory of existing municipal trees in these areas and an evaluation of the site and space factors which will aid in the determination of those trees best suited for Bremerton's urban environment and result in the development of a long-range plan for future planting and maintenance. (Ord. 4553, Repealed & Replaced, 06/20/1996)

13.10.080 PLANTING, PRUNING, REMOVAL, AND MAINTENANCE STANDARDS.

The following standards are hereby established for the planting, pruning, removal, and maintenance of municipal trees and shrubs in the public areas of the City. All planting of trees and other landscaping in public areas of the City, including the rights-of-way, shall be in conformance with the City's engineering design and construction standards:

(a) Planting.

(1) All trees will be not less than one and one-half (1-1/2) inch caliper and be No. 1 grade, as described by the American Association of Nurserymen (AAN).

~~(2)~~ Soil amendments, in accordance with the stormwater manual in BMC Chapter 15.04.020, shall be provided in all planting areas prior to planting.

~~(3)~~ No tree or shrub will be planted closer than two (2) feet from the curblin e or ten (10) feet from a driveway or alley. Trees shall be spaced at intervals of at least twenty (20) feet

depending upon species and the expected height of the tree at maturity. Plantings at or near intersections shall be spaced in accordance with sight distance specification in the City's engineering design and construction standards.

(34) Sidewalk cuts, where necessary, shall be approved by the Engineering Division and will be a minimum of four (4) feet in diameter so as to allow the natural percolation of water. Paver blocks, cobblestones or tree grates or other permeable surfaces will be used to fill the sidewalk cuts around trees.

(45) All young trees, for a minimum of one (1) year, shall be securely staked and guyed until the roots become established.

(56) Municipal trees and shrubs planted prior to the passage of the ordinance codified in this section are exempt from these planting standards.

(67) A list of recommended species of municipal trees is available from the Parks and Recreation Department for those desiring to plant municipal trees in City areas adjacent to their properties. Approval of the tree species is required by the City ~~Urban Forester~~ Arborist prior to planting, if it is not on the recommended species list.

(78) Public education programs regarding tree planting, care and maintenance will be provided by the Parks and Recreation Department in conjunction with Arbor Day festivities each year in April to encourage public involvement in tree planting. Additionally, the Parks and Recreation Department will maintain a tree library available for use by the public.

(b) Pruning. Pruning of any municipal tree on any public area must be authorized by the Parks and Recreation Department's City ~~Urban Forester~~ Arborist or performed by City employees at the discretion of the Department. Trees are pruned to preserve their health and appearance, and to eliminate safety and utility concerns, which will increase their longevity in the urban area.

(1) Pruning Defined.

(i) Fine Pruning: removal of dead, diseased, objectionable and/or weak branches which are larger than one-half (1/2) inch in diameter.

(ii) Medium Pruning: removal of dead, diseased, objectionable and/or weak branches which are larger than one (1) inch in diameter.

(iii) Safety Pruning: removal of the dead, diseased and/or weak branches to a size that in falling would injure a person and/or property.

(iv) Cut Back to Topping: cutting back, drop crotching or topping consists of the reduction of tops, sides, underbranches, or individual limbs with attention given to symmetrical appearance.

(2) All trees and shrubs which have branches overhanging a public street or boulevard shall have said branches pruned to a clearance height of fourteen (14) feet. Those overhanging a public sidewalk shall be pruned to a clearance height of eight (8) feet. The provisions of this section may be waived by the Parks and Recreation Department in the case

of newly planted trees so long as they do not interfere with public parking, travel or safe viewing distances at intersections, or endanger public safety as determined by the Engineering Division. Any tree or shrub on private property which hangs over a city right-of-way which is not pruned as herein provided shall be subject to the provisions of BMC 13.10.090.

(3) All dead wood, stubs, broken branches, badly formed branches, diseased branches, and branches interfering with public travel, lighting, existing buildings and traffic signs, shall be removed during the pruning operation, with consideration given to the symmetry and beauty of the municipal tree or shrub.

(c) Removal.

(1) All municipal trees and shrubs which have fallen or been authorized for removal shall be completely removed from the growing site and disposed of in an authorized manner. The stump shall be ground out to a depth suitable for future planting of trees or turf.

(2) When municipal trees or shrubs are removed because of inappropriate location, a more appropriate site for replacement will be selected, when possible, in as close a proximity as spacing permits. Trees removed due to health, age, size for its location, or undesirable species type shall be replaced, when appropriate/available, with a suitable tree or shrub which will not produce the same problem in accordance with this section.

(3) No municipal tree or shrub shall be removed from any public area for the sole purpose of providing a view for any private property or individual.

(d) Maintenance.

(1) All municipal trees will receive routine maintenance on a four (4) year cycle.

(2) Special consideration will be given to the watering, weeding and protection of young trees during the first three (3) years.

(3) The use of biological controls and sprays will be encouraged and used by City employees whenever possible in the treatment of insect infestation in trees on city lands and rights-of-way. (Ord. 4856 §6, 2003; Ord. 4553, Repealed & Replaced, 06/20/1996)

(4) Preserve and maintain park soils for long-term tree health. Protect soils from compaction, allow plant debris or its equivalent to be left on the soil surface to replenish organic matter, and reduce chemical inputs to soil, where possible. For lawns and high-nutrient-demand landscapes, consider adding ¼ to ½ inch of compost raked into landscape in spring or fall.

Chapter 15.01 GENERAL PROVISIONS

15.01.020 DEFINITIONS.

The terms used in this title shall mean the following, except where the context otherwise requires:

(a) Definitions "A":

"Active account" shall mean an account that has current usage, billing and payment activity.

"Active water service" shall mean that the water meter for the service location has registered consumption.

"AKART" shall mean all known, available, and reasonable methods of prevention, control, and treatment. See also the State Water Pollution Control Act, RCW 90.48.010 and 90.48.520.

"As-graded" shall mean the extent of surface conditions on completion of grading.

"Average daily" shall mean the total quantity divided by the number of days of waste or stormwater discharge or water use by the typical user in a user class.

(b) Definitions "B":

"Backflow" shall mean the flow of water or other liquids, mixtures or substances into the distribution system of the public water supply from any source or sources other than the intended source.

"Backflow prevention device" shall mean a device to counteract back pressure and prevent back siphonage or backflow.

"Best management practices (BMPs)" means the schedules of activities, prohibitions of practices, maintenance procedures, and structural and/or managerial practices, that when used singly or in combination, prevent or reduce the release of pollutants and other adverse impacts to waters of Washington State..

~~a technique or methodology that, through experience and research, has proven to reliably lead to a desired result.~~

"BOD (biochemical oxygen demand)" means an indirect measure of the concentration of biologically degradable materials present in organic wastes. The amount of free oxygen utilized by aerobic organisms when allowed to attack the organic material in an aerobically maintained environment at a specified temperature (20°C) for a specific time period (5 days), and thus stated as BOD5. It is expressed in milligrams of oxygen utilized per liter of liquid waste volume (mg/l) or in milligrams of oxygen per kilogram of waste solution (mg/kg = ppm = parts per million parts). Also called biological oxygen demand. the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees centigrade, expressed in parts per million or milligrams per liter (mg/L) by weight, using the current accepted Standard Analytical Laboratory Methods Manual.

"Bulkhead" shall mean a seawall or rock embankment constructed along the waterfront to protect the land behind it from erosion by waves and tidal action of the sea.

(c) Definitions "C":

"Capital costs" shall mean the total costs of physical system improvements (exclusive of repair and replacement costs covered under operation and maintenance costs), including, but not limited to, the costs of direct construction, engineering, financing, legal fees, real estate, right-of-way, debt service, and other costs associated with such improvements.

"City" means City of Bremerton.

"Clearing" shall mean the destruction and removal of vegetation by manual, mechanical, or chemical methods. This definition shall include grubbing vegetation.

"Clearing and grading permit" shall mean the written approval of the City of Bremerton building inspector to proceed with the act of clearing property within the City limits of Bremerton. The clearing and grading permit includes the associated approved plans and any conditions of approval as well as the permit form itself.

"Combined sewer" shall mean a sewer intended to convey sanitary sewage, industrial wastes, and storm and surface water in a single system.

"Commercial I" shall mean any user whose business or nonresidential wastewater discharges whose total suspended solids and biochemical oxygen demand is less than two hundred one (201) mg/L.

"Commercial II" shall mean any user whose business or nonresidential wastewater discharges whose total suspended solids and biochemical oxygen demand ranges from four hundred one (401) to six hundred (600) mg/L.

"Commercial III" shall mean any user whose business or nonresidential wastewater discharges whose total suspended solids and biochemical oxygen demand ranges from two hundred one (201) to four hundred (400) mg/L. The commercial III user shall have some form of pretreatment in place to reduce the discharge strength. The user must have an appropriately sized, properly installed, regularly maintained and sufficiently documented type of treatment device in place to help reduce the strength of their sewer discharge.

"Commercial agriculture" shall mean those activities conducted on lands defined in RCW 84.34.020(2), and activities involved in the production of crops or livestock for wholesale trade. An activity ceases to be considered commercial agriculture when the area on which it is conducted is proposed for conversion to a nonagricultural use or has laid idle for more than five (5) years, unless the idle land is registered in a federal or state soil conservation program, or unless the activity is maintenance or irrigation ditches, laterals, canals, or drainage ditches related to an existing and ongoing agricultural activity.

"Commercial business with living units" shall mean a business with residential living units attached; the utility rates will be based on the business type.

"Commercial property" shall mean a parcel of property which is developed for nonresidential purposes.

"Commercial special" shall mean any user whose business or nonresidential wastewater discharge whose total suspended solids (TSS) and biochemical oxygen demand (BOD) exceeds six hundred one (601) mg/L. These users will be charged for wastewater services on the basis of their specific discharge, which provides equitable recovery of the City's cost of conveying, owning, operating, and maintaining the wastewater treatment system, rather than average class strength.

"Condominium (condo)" shall mean an apartment that is individually owned but the land is jointly owned by all homeowners.

"Connection fee" shall mean charges made for connection to the utility system. The connection fees will include the costs of tapping the water main, sewer main or storm main, installing the service and meter, restoring the surface, and all other costs associated with the physical connection of the customer system to the City utility system.

"Construction charge and special fees" shall mean those charges made by the City to cover its unreimbursed construction costs for installing special facilities not covered by connection fees and general facility fees.

"Contract user" shall mean any user who, by virtue of the amount, strength, or location of its discharge or the conditions of service, requires a contractual basis for service to be equitably served.

"Creek" shall mean those areas where surface waters flow sufficiently to produce a defined channel or bed. A defined channel or bed is indicated by hydraulically sorted sediments or the removal of vegetative litter or loosely rooted vegetation by the action of moving water. The channel or bed need not contain water year around. This definition is not meant to include stormwater runoff devices or other entirely artificial watercourses unless they are used to store and/or convey pass-through stream flows naturally occurring prior to construction.

"Critical area" shall mean any area designated as a critical area pursuant to RCW 36.70A.170 and Chapter 20.14 BMC.

"Cross connection" shall mean any physical arrangement whereby the City water system is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device which contains or may contain contaminated water, sewage, or other waste or liquids of unknown or unsafe quality that may be capable of imparting contamination to the City water system as a result of backflow. Bypass arrangements, jumper connections, removal sections, swivel or changeover devices, and other temporary or permanent devices through which or because of which backflow could occur are considered to be cross connections.

"Cubic feet (CF)" shall mean cubic feet of measure.

(d) Definitions "D":

"Deactivated meters" shall mean utility accounts where the customer requests the water meter to be shut off and locked, and the water/wastewater services and associated billings be temporarily suspended. The account will continue to be billed for stormwater until the meter is reactivated.

"Degradation" shall mean deterioration of an area including, but is not limited to, impacts such as sedimentation, erosion, and loss of shading, light, and noise.

"Department" shall mean the Department of Public Works and Utilities.

"Developed lot" shall mean a lot or parcel of land upon which a structure(s) is located, which cannot be more intensively developed pursuant to the Bremerton zoning code, and which cannot be further subdivided pursuant to City subdivision regulations.

"Development" shall mean any new development and/or redevelopment activity that requires federal, state, or local approval for the use or modification of land or its resources. These activities include, but are not limited to, subdivision and short subdivisions; binding site plans; planned unit developments; variances; shoreline substantial development; clearing activity; excavation; embankment; fill and grade work; converting fallow land or undeveloped land to agricultural purposes; activity conditionally allowed; building or construction; revocable encroachment permits; and septic approval.

"Development area" shall mean an area where the movement of earth or a change in the existing soil cover (both vegetative and nonvegetative) and/or the existing soil topography occurs as a result of an applicant's development plans.

"Director" shall mean the Director of Public Works and Utilities or any other duly authorized representative designated by the Director as the person responsible for technical direction of this code.

~~"Drainage basin" shall mean an area from which runoff water collects to be discharged into a stream or other body of water.~~

~~"Drainage plan" shall mean a plan for receiving, handling, and transporting stormwater or surface water runoff within the site.~~

"Driveway drain" shall mean a drain typically located below street grade at the bottom of a sloped driveway.

~~"Dry season" shall mean the months of May through September.~~

"Duplex" shall mean a residential unit containing two (2) separate dwelling units with any configuration or two (2) dwelling units located on one parcel.

(e) Definitions "E":

"Earth" shall mean the natural mineral and organic material forming the soil and its underlying substance. For the purposes of this chapter, earth shall include sand, gravel, and ledge rock.

"Ecology" shall mean the Washington State Department of Ecology.

"Emergency" shall mean a situation demanding immediate action with threat to life, property or environment.

"Engineered fill" shall mean soil fill, which is wetted or dried to near its optimum moisture content, placed in lifts of twelve (12) inches or less and each lift compacted to a minimum percent compaction as specified by a geotechnical engineer.

"Engineering Design and Construction Standards" shall mean the City of Bremerton's Standards for Work in Rights-of-Way.

"Equivalent residential unit (ERU)" shall mean a unit of measurement equivalent to an average single-family residence. This measurement shall be used to determine sewer general facility charges. ERUs cannot be transferred from one property or account to another property or account.

"Excavate" shall mean the mechanical removal of earth material, including soil, sand, gravel, rock, concrete or asphalt.

"Existing service" shall mean a functioning water service line or sewer lateral that is physically located at the parcel.

"Existing site conditions" shall mean:

For developed sites with stormwater facilities that have been constructed to meet the standards in the minimum requirements of the ordinance codified in this title, "existing site conditions" shall mean the existing conditions on the site;

For developed sites that do not have stormwater facilities that meet the minimum requirements, "existing site conditions" shall mean the conditions that existed prior to local government adoption of the ordinance codified in this section. If in question, the existing site conditions shall be documented by aerial photograph records, or other appropriate means;

For all sites in water quality sensitive areas, "existing site conditions" shall mean undisturbed forest for the purpose of calculating runoff characteristics; and/or

For all undeveloped sites outside of water quality sensitive areas, "existing site conditions" shall mean the existing conditions on the site.

"Expanded service" shall mean the increase in water service based on the addition or increase in size in water meter(s) serving the customer, the increase in wastewater service based on equivalent residential units or the increase in stormwater service based on impervious surface units.

"Extended line" shall mean a privately financed water, wastewater or stormwater main constructed with the written approval of the Director or their designee.

(f) Definitions "F":

"Facility" means any food processing establishment, food sales establishment, or food service establishment.

"Fats, oils and greases" means organic compounds derived from animal and/or plant sources that contain multiple carbon triglyceride molecules. These substances are detectable and measurable using analytical procedures established in Title 40 of the Code of Federal Regulations Part 136 (40 CFR 136). Commonly referred to as "polar."

"Fill" means a deposit of earth material placed by artificial means to increase the ground surface elevation or to replace excavated material.

"Food" means any raw, cooked, or processed edible substance, ice, or ingredient used or intended for use or sale in whole or in part for consumption.

"Food processing establishment (FPE)" means a commercial establishment in which food is manufactured or packaged for consumption.

"Food sales establishment (FSE)" means retail and wholesale grocery stores, retail seafood stores, food processing plants, bakeries, confectioneries, fruit, nuts and vegetable stores and places of business and similar establishments, mobile or permanent, engaged in the sale of food primarily for consumption off premises.

"Food service establishments (FSE)" means any establishment for the preparation and serving of meals, lunches, short orders, sandwiches, frozen desserts, or other edible products and/or are required to have a food business permit issued by Kitsap County Department of Health. The term includes: restaurants, coffee shops, cafeterias, short order cafes, luncheonettes, taverns, lunchrooms, places which manufacture retail sandwiches, soda fountains, institutional cafeterias, catering establishments, food vending vehicles, and operations connected therewith; and similar facilities by whatever name called.

"Force main" shall mean a sanitary sewer pressurized pipe system used to transfer wastewater from a sewer lift station to the wastewater treatment facility.

"Fourplex" shall mean a residential unit containing four (4) separate dwelling units with any configuration or four (4) dwelling units located on one (1) parcel.

(g) Definitions "G":

"General facilities charges (GFC)" shall mean the charge established to reflect the proportionate cost share for existing source, treatment, distribution, transmission, collection, interception, and storage facilities that will be paid on all new and/or expanded utility connections to the City utility.

"Geologically hazardous areas" shall mean areas as defined in the City's critical areas ordinance and includes areas that because of their susceptibility to erosion, sliding, earthquake or other geological events are not suited to the siting of commercial, residential or industrial development consistent with public health or safety concerns.

"Geotechnical engineer" shall mean a professional engineer currently registered in the State of Washington, qualified by reason of experience and education in the practice of geotechnical engineering, and designated by the owner as the geotechnical engineer of record for the project.

"Grading" shall mean the movement of earth material through mechanical or other means to create the finished surface and contour of a project site.

"Grease" means rendered animal fat, vegetable shortening, and other such oily matter used for the purposes of and resulting from preparing and/or cooking food.

"Grease interceptor" means an interceptor of at least seven hundred fifty (750) gallon capacity whose rated flow exceeds fifty (50) gallons per minute (gpm) to serve one (1) or more fixtures and which is remotely located underground and outside of a food service facility. It is designed to collect, contain or remove food wastes and grease from the waste stream while allowing the balance of the liquid waste ("gray water") to discharge to the wastewater collection system by gravity.

"Grease removal unit" means a device designed to separate fats, oils, and grease from liquid waste prior to the wastewater entering the wastewater system.

"Grease trap" means a device located inside a food service facility designed to retain grease from one (1) to a maximum of four (4) fixtures whose rated flow is fifty (50) gallons per minute (gpm) or less. It is designed to collect, contain or remove food wastes and grease from the waste stream while allowing the balance of the liquid waste to discharge to the wastewater collection system by gravity or mechanical means.

"Grinder pump" shall mean a system that takes liquid wastes from a home/business and pumps the waste to the City's sewage conveyance system, located in the public right-of-way. The grinder pump system includes a pump, pump basin, piping, and electrical controls.

"Ground cover" shall mean a dense covering of small native plants and grasses ~~plants such as salal, ivy, ferns, mosses, grasses, or other types of vegetation~~ with a trunk or stem size less than four (4) inches in diameter and which normally cover the ground.

"Ground water" shall mean water in a saturated zone or stratum beneath the surface of land or a surface water body.

"Grubbing" shall mean the act of removing vegetation by the roots.

(h) Definitions "H":

"Hard surface" means an impervious surface, a permeable pavement, or a vegetated roof.

"Hazardous materials" means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

"Health Officer" shall mean the Kitsap Health District Health Officer or designee.

"Hundred cubic feet (HCF)" shall mean hundred cubic feet of measure.

"Hyperchlorinated" means water that contains more than ten (10) mg/L chlorine.

(i) Definitions "I":

"Illicit connection" means any manmade conveyance that is connected to the stormwater system without a permit, excluding roof drains and other similar type connections. Examples include sanitary sewer connections, floor drains, channels, pipelines, conduits, inlets, or outlets that are connected directly to the municipal separate storm sewer system.

"Illicit discharge" means any direct or indirect nonstormwater discharge to the City's storm drain system, except as expressly exempted by this chapter.

"Impervious/hard surface unit (IHSU) (ISU)" shall mean a configuration or conglomeration of impervious surface. One (1) impervious surface unit (IHSU) is equivalent to two thousand five hundred (2,500) square feet of impervious surface area.

"Improper stormwater inflow" or "improper connection" shall mean any kind of stormwater connection or inflow to the wastewater system prohibited by this chapter including, but not limited to: roof drains, parking lot drains, curtain drains, driveway drains and sump pumps.

"Improved premises" shall mean any area which has been altered such that the runoff from the site is greater than runoff prior to development.

"Inactive account" shall mean an account that has no current usage, billing or payment activity.

"Inactive water service" shall mean that the water meter for the service location has not registered any noticeable consumption. Some of the reasons for inactivity would be by a customer's request, shut off for nonpayment, requested deactivation or the water meter has been removed for non-usage.

Industrial User. (See "Commercial special.")

"Infiltration" shall mean ground water entering the wastewater or stormwater system through open pipe joints, cracks in manhole walls, and cracked pipe.

"Infiltration (Stormwater)" shall mean the downward movement of water from the surface to the subsoil.

"Inflow" shall mean rainwater or other clean water that enters the wastewater system through roof leader connections, catch basins, yard and foundation drains, perforated manhole covers, and other openings to the wastewater system.

(j) Reserved.

(k) Reserved.

(l) Definitions "L":

"Lakes" shall mean natural or artificial bodies of water of two (2) or more acres and/or where the deepest part of the basin at low water exceeds two (2) meters (6.6 feet). Artificial bodies of water with a recirculation system approved by the Public Works Department are not included in this definition.

"Land development permit" shall mean a preliminary or final plat for a single-family residential development; a building permit; site plan; preliminary or final planned unit development plan.

"Lateral sewer" shall mean a sanitary sewer constructed within a public right-of-way between the standard gravity sanitary sewer and the right-of-way line in accordance with current Engineering Design and Construction Standards.

"Low impact development (LID)" shall mean ~~a stormwater and land use management strategy that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design~~ stormwater and land use management strategy that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design.

(m) Definitions "M":

"Mechanical equipment" shall mean all motorized equipment used for earth moving, trenching, excavation, gardening, landscaping, and general property maintenance exceeding twelve (12) horsepower in size.

"Minimum design capability" means the design features of a grease interceptor and its ability to or the volume required to effectively intercept and retain greases from grease-laden wastewaters discharged to wastewater system.

"Multifamily units" shall mean a parcel of property which has been legally developed with more than two (2) residential living units.

"Municipal separate storm sewer system (MS4)" means a conveyance or system of conveyances, including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains, which are:

- (1) Owned or operated by the City of Bremerton;
- (2) Designed or used for collecting or conveying stormwater; and
- (3) Not part of a publicly owned treatment works (POTW) and not a combined sewer.

(n) Definitions "N":

~~"National pollutant discharge elimination system (NPDES) stormwater discharge permit" shall mean a permit issued by the Environmental Protection Agency (EPA) (or by the Washington Department of Ecology under authority delegated pursuant to 33 USC Section 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.~~

~~"Native growth area" shall mean a restrictive area where all native, predevelopment vegetation shall not be disturbed or removed except for removal pursuant to an enhancement program approved pursuant to this chapter or to remove dead or diseased vegetation. The purpose of the~~

~~area is to protect steep slopes, slopes with erosion potential, landslide and seismic hazards, creeks, wetlands and/or riparian corridors, wildlife, and areas shown on the environmentally sensitive areas map. This area shall be defined during the development review process and shown on the recorded plat, short plat or approved site plan.~~ “Native Growth Protection Easement (NGPE)” shall mean an easement granted for the protection of native vegetation within a sensitive area or its associated buffer. The NGPE shall be recorded on the appropriate documents of title and filed with the Kitsap County Assessors Office.

"Natural location" shall mean the location of those channels, swales, and other non-manmade conveyance systems as defined by the first documented topographic contours existing for the subject property, ~~either as defined~~ from maps or photographs, or such other ~~historical~~ means as appropriate. In the case of outwash soils with relatively flat terrain, no natural location of surface discharge may exist.

"New development" shall mean land disturbing activities, including Class IV -general forest practices that are conversions from timber land to other uses; structural development, including construction or installation of a building or other structure; creation of hard surfaces; and subdivision, short subdivision and binding site plans, as defined and applied in Chapter 58.17 RCW. Projects meeting the definition of redevelopment shall not be considered new development. ~~the following activities: land disturbing activities, structural development, including construction, installation or expansion of a building or other structure; creation of impervious and hard surfaces; Class IV -general forest practices that are conversions from timber land to other uses; and subdivision and short subdivision of land as defined in RCW 58.17.020. All other forest practices and commercial agriculture are not considered new development.~~

"Nonpolar (mineral origin)" means any water or waste which contains more than one hundred (100) parts per million (1,000,000) by weight of fat, oil or grease as measured using analytical procedures established in 40 CFR Part 136.

"Non-stormwater discharge" shall mean any discharge to the storm drain system that is not composed entirely of stormwater.

"Notice of intent for construction activity" means the application form for coverage under the construction stormwater general permit.

(o) Definitions "O":

"Occupied property" shall mean real property on which a structure exists that is being served and being billed by an existing or temporary utility facility.

"Open space" shall mean land set aside for public or private use within a development that is not built upon.

"Operation and maintenance costs (O&M costs)" shall mean the total cost of operating and maintaining the utility system, including, but not necessarily limited to, costs for labor, supplies and materials, utility services, vendor services, equipment usage, testing, taxes and assessments.

"Outfall" shall mean point source as defined by 40 CFR 122.2 at the point where a discharge leaves the Permittee's MS4 and discharges enters a surface receiving water body or surface receiving waters. ~~-to waters of the state.~~ Outfall does not include pipes, tunnels, or other conveyances which connect segments of the same stream or other surface waters and are used to convey primarily surface waters (i.e., culverts).

(p) Definitions "P":

"Parcel" shall mean a distinct tract, section, or plot of a piece of land, usually a division of a larger area.

"Parking lot drain" shall mean any drain or catch basin that collects stormwater runoff located within the confines of a parking lot such as those in pay parking lots, apartment complexes, shopping centers, etc.

"Partially developed lot" shall mean a lot or parcel of land upon which a structure is located and which is of sufficient area so as to be capable of accommodating additional development pursuant to the Bremerton zoning code; or which may be subdivided in accordance with the City of Bremerton subdivision chapter.

~~"Permanent stormwater quality control plan (PSQC)" shall mean a plan which includes permanent BMPs for the control of pollution from stormwater runoff after construction and/or land disturbing activity has been completed.~~

"Permeable" shall mean soil or other material that allows the infiltration or passage of water or other liquids.

"Permeable pavement" shall mean pervious concrete, porous asphalt, permeable pavers, gravel pave, or other forms of structural pervious or porous paving material intended to allow passage of water through the pavement section. It often includes an aggregate base that provides structural support and acts as a stormwater reservoir.

"Permit" shall mean a written legal authorization to conduct an action.

"Person" shall mean any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner of a premises or as the owner's agent.

"Pervious surface" shall mean any surface material that allows stormwater to infiltrate into the ground. Examples include lawn, landscape, pasture, native vegetation areas, and permeable pavements.

"Polar (animal and vegetable origin)" means any water or waste which has visible fats, oils or grease floating on the surface or adhering to the sides of the sample containers.

"Pollution" shall mean contamination or other alteration of the physical, chemical, or biological properties of waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive or other substance into any waters of the state as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety or welfare, or to alter the ecosystem so as to

endanger domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life. Further defined in the Washington State Surface Water Quality Standards (Chapter 173-201A WAC), Ground Water Quality Standards (Chapter 173-200 WAC), Sediment Management Standards (Chapter 173-204 WAC), or human health-based criteria in the national Toxics Rule (Federal Register, Vol. 57, No. 246, Dec. 22, 1992, pages 60848-60923).

"Premises" shall mean a single tract of land, building, or portion of a building under a single control and ownership.

"Pressure line" shall mean a sanitary sewer through which wastewater must be forced by pumping or gravity pressure to a point of collection.

"Public utilities construction agreement (PUCA)" shall mean an agreement between the City, the developer, and the developer's contractor to construct utility improvements to serve a proposed development.

"Publicly owned treatment works (POTW)" shall mean any device or system used in treatment of municipal sewage or industrial wastes of a liquid nature which is publicly owned.

(q) Reserved.

(r) Definitions "R":

"Redevelopment" means conversion of an existing development to another land use, or addition of a material improvement to an existing development.

"Reimbursement agreement" shall mean an agreement entered into between the installer of a utility facility and the Department for the purpose of reimbursing the installer for all or part of the costs for installation or extension of the utility system by subsequent development for the facility defined in the agreement.

"Removal" shall mean the actual destruction or causing the effective destruction through damaging, poisoning or other direct or indirect actions resulting in the death of a tree or ground cover.

Rendering/Disposal Company. Any facility that has a grease interceptor shall utilize a licensed rendering and disposal company.

"Roof drains" shall mean any downspout, scupper or device that collects and conveys stormwater runoff from a roof surface.

"Routine landscape maintenance" shall mean pruning, weeding, planting annuals, mowing turf lands and ground cover management which is undertaken by a person in connection with the normal maintenance and repair of property. This definition does not include falling or topping of trees or removal of invasive plants resulting from lack of regular maintenance.

(s) Definitions "S":

"Sanitary sewage" shall mean the liquid wastes and all constituents therein that are related to the use of such sanitation facilities, toilets, bathtubs, showers, sinks, dishwashers, washing machines, garbage grinders, and other devices. However, any other water that enters sanitary or combined sewers before or after discharge by a user shall thereafter also be called sewage. "Sewage" is essentially synonymous with the term "wastewater," except that wastewater may also contain liquid wastes discharged from industrial operations or processes.

"Sanitary sewer" shall mean only those portions of the wastewater system which are designated to carry, transport, or dispose of wastewater.

"Sedimentation" shall mean the process of gravity-induced settling, sinking and deposition of fragmented rock, soil, or organic particles displaced, transported, and deposited by erosive water-based processes.

"Septage waste" shall mean waste material pumped from an on-site wastewater disposal system such as a septic tank or cesspool or holding tank.

"Siltation" shall mean deposition of soil, sand, and gravel on the surface or in stormwater conveyance systems as a result of erosion in tributary areas and transport by runoff water.

"Single-family parcel or unit" shall mean a parcel which has been developed with a single-family living unit.

"Site" shall mean the portion of a piece of property which is directly subject to development.

"Slope" shall mean the inclination of a surface expressed in a ratio of horizontal run to vertical rise measured as a numerical ratio, percent, or in degrees. Expressed as a ratio, the first number is the horizontal distance (run) and the second is the vertical distance (rise), as 2:1. A 2:1 slope is a fifty (50) percent slope. Expressed in degrees, the slope is the angle from the horizontal plane, with a ninety (90) degree slope being vertical (maximum) and forty-five (45) degrees being a 1:1 or one hundred (100) percent slope.

"Standard construction costs" shall mean the total cost of installation of a utility piping system, including the cost of all manholes, distribution system, or incidental work necessary to place the utility system in service, meeting the minimum size and installation requirements of the utility for the intended service.

"Standard gravity sanitary sewer" shall mean a sanitary trunk sewer conveying flow to a point of collection without pumping and constructed in accordance with current Engineering Design and Construction Standards.

"Standard gravity sewer connection" shall mean a connection made to a gravity trunk or lateral sanitary sewer of the City, except those City sewer lines located on the waterfront or pressure sewer line.

"Standard stormwater sewer" shall mean a stormwater line not less than twelve (12) inches in diameter and constructed in accordance with current Engineering Design and Construction Standards.

"Standard water main" shall mean a water distribution line constructed in accordance with current Engineering Design and Construction Standards.

"Standards" shall mean the current Engineering Design and Construction Standards for the City of Bremerton.

"Stormwater Manual" shall mean the manuals adopted in Chapter 15.04.020 BMC.

~~"Stormwater Management Manual" or "Stormwater Manual" shall mean the latest version of the Washington Department of Ecology Stormwater Management Manual for Western Washington (SWMMWW), Kitsap County Stormwater Management Manual and the Low Impact Development (LID) Guidance Manual for Kitsap County, Low Impact Development Technical Guidance Manual for Puget Sound (LID Manual) by Washington State University and Puget Sound Partnership and such other standards incorporated in the Engineering Design and Construction Standards.~~

~~"Stormwater pollution prevention plan (SWPPP)" shall mean a report containing a narrative and drawings used to explain and justify the pollution prevention decisions made for a particular project. The narrative contains concise information concerning existing site conditions, construction schedules, and other pertinent items that are not contained on the drawings. The drawings and notes describe where and when the various BMPs should be installed, the performance the BMPs are expected to achieve, and actions to be taken if the performance goals are not achieved. It also means a document which describes the best management practices and activities to be implemented by a person to identify sources of pollution or contamination at a premises and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.~~

~~"Stormwater site plan" shall mean a comprehensive site plan and report containing all of the technical information and analysis necessary for the City of Bremerton to evaluate a proposed new development or redevelopment project for compliance with the Bremerton Municipal Code and the Stormwater Manual. Contents of the stormwater site plan will vary with the type and size of the project, and individual site characteristics.~~

"Stormwater system" shall mean all facilities for collecting, transporting, pumping, treating and discharging stormwater.

~~"Sub-basin" shall mean the smallest unit into which the land surface is subdivided for hydrologic study purposes.~~

"Sump pump" shall mean a pump that conveys ground water or stormwater runoff away from a sensitive area of a property to prevent flooding or property damage. A sump pump that discharges into a sanitary sewer or wastewater system is an improper connection.

"SWMMWW" shall mean the current version of the Washington State Department of Ecology's Stormwater Management Manual for Western Washington.

(t) Definitions "T":

"Total suspended solids (TSS)" shall mean materials that either float on the surface of, or are in suspension in, water, sewage, or other liquids, and which are removable by laboratory filtering using the current accepted Standard Analytical Laboratory Methods Manual.

"Townhouse" shall mean a row of homes that share common walls but ownership includes the land to each individual owner.

"Triplex" shall mean a multifamily residential unit containing three (3) separate dwelling units with any configuration or three (3) dwelling units located on one (1) parcel.

(u) Definitions "U":

"Undeveloped parcel" shall mean any parcel of real property that has no structure or improvement requiring utility service or has not been altered by grading or filling of the ground surface, or by construction of any improvement or other impervious surface area that affects the hydraulic properties of the parcel.

"Uniform Plumbing Code (UPC)" shall mean the latest version of the Uniform Plumbing Code that has been accepted by the City of Bremerton.

"User" shall mean any person, business, or institution owning or controlling property for which utility service is provided and who is responsible for an account.

"User parcel" shall mean any parcel of land within the utility service area to which water, wastewater, or stormwater service is currently provided or to which a charge is imposed therefor, or any other land with any significant manmade impervious surface.

"Utility" shall mean the water, wastewater, and stormwater utility systems of the City.

"Utility service agreement (USA)" shall mean an agreement that the person requesting utility service signs, which constitutes a contract with the utility.

"Utility service rates" shall mean the rates charged for services. These will include the zero usage fixed fees which are for the maintenance and repair of the utility infrastructure and commodity charge for usage. Based on service location, other associated rates, fees and charges may be applied to the customer's account.

(v) Reserved.

(w) Definitions "W":

"Wastewater" shall mean liquid wastes, and all constituents dissolved or suspended therein, discharged by residential, commercial, or industrial users of the wastewater facilities system.

"Wastewater" is essentially synonymous with the term "sewage."

"Wastewater system" shall mean all facilities for collecting, transporting, pumping, treating, and disposing of sewage, including biosolid utilization.

"Water meter" shall mean a device used to measure and record the amount of water flowing through a pipe.

"Water system" shall mean all facilities for treatment, storage, pumping, transmission and distribution of water.

"Watershed" shall mean a geographic region within which water drains into a particular river, stream, or body of water as identified and numbered by the State of Washington Water Resource Inventory Areas (WRIAs) as defined in Chapter 173-500 WAC.

~~"Wet season" shall mean the months of October through April.~~

"Wetlands" shall mean those areas as defined in the City's critical areas ordinance and include areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

~~"Wetponds" shall mean drainage facilities for water quality treatment that contain permanent pools of water that are filled during the initial runoff from a storm event. They are designed to optimize water quality by providing retention time in order to settle out particles of fine sediment to which pollutants such as heavy metals absorb. They also allow biologic activity to occur that metabolizes nutrients and organic pollutants. (Ord. 5250 §1 (in part), 2014; Ord. 5209 §2, 2013)~~

15.01.030 UTILITY SERVICE AGREEMENT.

- (a) Each customer of the utility and any person requesting utility service from the City for water, wastewater, or stormwater shall be required to make application and enter into a utility service agreement. Agreements shall be executed prior to connection to the utility system or activation of the account.
- (b) The utility service agreement shall include the name and address of the owner and the service address of the premises served together with the service requested. The agreement shall be signed by the owner of the property or the owner's designated agent and shall be filed with the City before building permit issuance. No partial utility service agreement will be issued or approved; all services requested will be listed on the application. The applicant shall pay all installation and inspection fees for the utility services, as herein provided, before building permit issuance. The building permit will not be issued until all of the applicable City fees are paid.
- (c) The applicant shall pay the general facility charges (GFC) prior to final building inspection of the facility for which the utility service is provided. The final building inspection will not be conducted until all GFCs are paid (water, wastewater, stormwater).
- (d) The utility service agreement and/or the utility billing owner/tenant change form for service shall constitute a contract between the applicant and the City in which the applicant agrees to pay for service provided at the rate and in the manner specified.
- (e) The agreement shall be effective at the time it is signed by the Director and charges for service to the premises shall be assessed from date of connection.
- (f) Customers may request written quotes from the Department for the fees, assessments and charges for utility service. Such quotes are valid for ninety (90) days from the date of the quote, or until the end of the calendar year, whichever is sooner.

(g) Every utility service agreement shall become invalid unless the work is scheduled and completed within one hundred eighty (180) days after the utility service agreement is approved. The customer may request an extension prior to the expiration of the one hundred eighty (180) days. The customer's request must be in writing and must explain the basis for the extension. The Director can authorize one (1) one hundred eighty (180) day extension at his or her discretion, based upon a determination that such extension is justified based on the facts. If the agreement becomes invalid as provided herein, all fees paid to the City for utility services shall remain with the City unless the customer requests a refund in writing. Prorating of the refund amount shall be determined by the Director, based on the work performed to date; if no work is performed the maximum refund will be eighty percent (80%) to cover administrative fees. If the City has made payments to third parties in reliance on the utility service agreement, those costs may be deducted from the eighty percent (80%) refunded to the customer.

15.01.040 CONDITIONS OF SERVICE - RETAIL.

(a) Access. The Department shall, as a condition of providing utility service, be granted the authority by the property owner to make reasonable periodic inspections of the service connection and related appurtenances. Such inspections may be by the Department or other appropriate agency to enforce any of the provisions of local, state, or federal laws, or any regulation adopted hereunder. Failure to conform to the terms and conditions shall constitute a

Chapter 15.04 STORMWATER

Sections:

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- 15.04.050 STORMWATER MANAGEMENT PROGRAM (SWMP)
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- 15.04.200 ELIMINATION OF IMPROPER STORMWATER INFLOW TO THE WASTEWATER SYSTEM.
- 15.04.210 VIOLATION ENFORCEMENT - PENALTY.

15.04.010 PURPOSE.

This chapter establishes availability, conditions of service, system improvement requirements, and the operation and maintenance of the stormwater system. (Ord. 5250 §1 (part), 2014; Ord. 5209 §3 (part), 2013)

15.04.020 ADOPTION OF MANUALS.

The following manuals are hereby adopted by reference as currently published and as herein after amended:

- (a) Department of Ecology Stormwater Management Manual for Western Washington (SWMMWW);
- (b) Kitsap County Stormwater Management Manual for the hydrologic analysis and design of stormwater infrastructure not covered by the SWMMWW. ~~Kitsap County Stormwater Management Manual;~~
- ~~(c) Low Impact Development (LID) Guidance Manual for Kitsap County;~~

(c) Low Impact Development Technical Guidance Manual for Puget Sound (LID Manual) by Washington State University and Puget Sound Partnership; and

(d) Engineering Design and Construction Standards. (Ord. 5250 §1 (part), 2014; Ord. 5209 §3 (part), 2013)

Where referenced, and adopted manuals, are in conflict, the SWMMWW shall govern.

15.04.030 DEFINITIONS.

In addition to definitions set forth in BMC 15.01.020, the definitions below and those set forth in the manuals adopted in BMC 15.04.020 are hereby incorporated. Where definitions provided below conflict with the manual, the definitions below shall prevail.

In the context of stormwater management, if definitions in this section conflict with definitions in BMC 15.01.020 or other BMC Chapters, the definitions set forth in this section shall prevail.

~~If definitions in BMC 15.01.020 conflict with definitions in the manuals, the definitions set forth in BMC 15.01.020 shall prevail. (Ord. 5250 §1 (part), 2014; Ord. 5209 §3 (part), 2013)~~

“Bioretention” (also referred to as Bioswale in other chapters of the BMC) means engineered facilities that store and treat stormwater by passing it through a specified soil profile, and either retain or detain the treated stormwater for flow attenuation. Refer to Chapter 7 of Volume V of the stormwater manual in BMC Chapter 15.04.020 for Bioretention BMP types and design specifications.

“Drainage basin” shall mean an area from which runoff water collects to be discharged into a stream or other body of water.

“Dry season” shall mean the months of May 1 through September 30.

“Green Stormwater Infrastructure (GSI or GI)” shall mean

“Low impact development (LID)” shall mean a stormwater and land use management strategy that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design.

“Low impact development (LID) best management practice (BMP)” means distributed stormwater management practices, integrated into a project design, that emphasize pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration. LID BMPs include, but are not limited to: bioretention, rain gardens, permeable pavements, roof downspout controls, dispersion, soil quality and depth, minimal excavation foundations, vegetated roofs, and water re-use.

“Low impact development (LID) principles” means land use management strategies that emphasize conservation, use of on-site natural features, and site planning to minimize impervious surfaces, native vegetation loss, and stormwater runoff.

“Maintenance Covenant” shall mean a document that is recorded with the Kitsap County Auditor’s Office to identify ownership, responsibility, and liability for the stormwater system, facility, or LID BMPs and to preserve them from conversion or elimination forever. Maintenance, operation and reporting will be in accordance with the approved Stormwater Maintenance Plan.

“Maintenance covenant” means a binding agreement between the City and the person or persons holding title to a property served by a storm water facility whereby the property owner promises to, among other things, maintain certain storm water facilities; grants the City the right to enter the subject property to inspect and to make certain repairs or perform certain maintenance procedures on the storm water control facilities when such repairs or maintenance have not been performed by the property owner; and promises to reimburse the City for the cost should the city perform such repairs or maintenance.

“Maintenance schedule” means a document detailing required storm water facility maintenance activities to be performed at specified intervals.

"National pollutant discharge elimination system (NPDES) stormwater discharge permit" shall mean a permit issued by the Environmental Protection Agency (EPA) (or by the Washington Department of Ecology under authority delegated pursuant to 33 USC Section 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

“Operation and maintenance manual” means a written manual, that provides a description of operation and maintenance procedures for specific storm water control facilities, for use by operation and maintenance personnel.

“Owner” means any person or persons having a legal or equitable property right or interest, whether or not said right is legal or equitable in character, including a fee owner, contract purchaser or seller, mortgagor or mortgagee, optionor or optionee, and beneficiary or grantor of a trust or deed of trust.

"Sub-basin" shall mean a drainage area that drains to a water-course or waterbody which is contained within a basin.

"Stormwater Manual" shall mean the manuals adopted in Chapter 15.04.020 BMC

"Wet season" shall mean the months of October 1 through April 30.

15.04.040 STORMWATER COMPREHENSIVE PLAN.

A stormwater comprehensive plan shall be developed by the Department meeting the provisions of RCW 35.67.030. The plan shall be approved by the Mayor, adopted by the City Council and administered by the Director. (Ord. 5250 §1 (part), 2014; Ord. 5209 §3 (part), 2013)

15.04.050 STORMWATER MANAGEMENT PROGRAM (SWMP).

A ~~s~~Stormwater ~~m~~Management ~~p~~Program ~~plan~~ shall be administered by the City pursuant to the Western Washington Phase II Municipal Stormwater NPDES Permit currently in effect and issued by the Washington State Department of Ecology in compliance with provisions of the State of Washington Water Pollution Control Law, Chapter 90.48 RCW, and the Federal Water

Pollution Control Act (the Clean Water Act), Title 33 United States Code, Section 1251 et seq. (Ord. 5250 §1 (part), 2014: Ord. 5209 §3 (part), 2013)

15.04.060 SERVICE AREA.

Stormwater service is considered available to all of the public and private property within the City of Bremerton. Stormwater service area includes all public and private properties within the City of Bremerton through either natural drainages, direct discharge to receiving water or constructed conveyance systems. Service is considered available for all properties in the City of Bremerton; however, storm drainage mitigation may be required pursuant to BMC 15.04.070. (Ord. 5250 §1 (part), 2014: Ord. 5209 §3 (part), 2013)

15.04.070 REGULATED ACTIVITIES.

Consistent with the minimum requirements contained in this section, the City shall approve or disapprove the following activities, unless exempted in BMC 15.04.080:

- (a) New development;
- (b) Redevelopment;
- (c) Construction site activities; and
- (d) Property maintenance, repair or replacement activities meeting specific thresholds as defined by SWMMWW. (Ord. 5250 §1 (part), 2014: Ord. 5209 §3 (part), 2013)

15.04.080 EXEMPTIONS.

Commercial agriculture, and forest practices regulated under WAC Title 222, except for Class IV - general forest practices that are conversions from timber land to other uses, are exempt from the provisions of this section.

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

All other new development and redevelopment is subject to the minimum requirements of this chapter. (Ord. 5250 §1 (part), 2014: Ord. 5209 §3 (part), 2013)

15.04.090 STORMWATER SYSTEMS/ENGINEERING DESIGN AND CONSTRUCTION STANDARDS GENERAL.

All stormwater sewers and appurtenances shall be installed by the Department or a contractor licensed in accordance with the provisions of this chapter in compliance with the manuals adopted in BMC 15.04.020. All stormwater system extensions shall be installed along the entire frontage of the premises or plat to be served. The Department may, at its option, require installation of stormwater mains larger than the minimum sized specified in the Engineering Design and Construction Standards to provide for adequate capacity within the stormwater system. The Department is authorized to enter into cost sharing agreements to contribute to the cost for larger stormwater mains or other improvements based upon the stormwater comprehensive plan.

A covenant and/or easement shall be recorded with the Kitsap County Auditor's office for each property containing or served by stormwater drainage facilities. This covenant/easement shall be in a form approved by the City Attorney. The covenant/easement shall identify requirements and liability for preservation and maintenance of LID facilities approved under this chapter and privately held in individual or undivided ownership or intended for public ownership, shall restrict conversion of LID facilities, and shall grant the City access to LID facilities on private property to allow inspection. (Ord. 5250 §1 (part), 2014; Ord. 5209 §3 (part), 2013)

15.04.100 LOW IMPACT DEVELOPMENT - ALTERNATIVE STANDARDS.

(a) The City encourages low impact development (LID) best management practices (BMPs), as an alternative to conventional stormwater management systems that rely on detention ponds and closed conveyance. LID is intended to manage runoff close to the source of generation and to mimic the predeveloped hydrologic condition of a site. Beginning January 1, 2017, the City will require the use of low impact development best management practices, for new development and redevelopment, in accordance with its National Pollution Discharge Elimination System (NPDES) permit as issued, and as may be amended, by the Washington State Department of Ecology.

(b) LID is accomplished first through minimizing the impervious surface coverage and second by managing runoff through dispersion, infiltration, evapotranspiration, or a combination of these approaches. Use of LID BMPs may reduce or eliminate the need for conventional detention facilities but does not remove the obligation to comply with the minimum requirements of the Stormwater Manual.

(c) A variety of BMPs to minimize impervious surfaces and to manage stormwater have been developed and tested for use in Western Washington. These BMPs and the overall LID approach are described in the [SWMMWW and additional guidance is provided in the LID Manual](#).

(d) The menu of LID BMPs identified in the [SWMMWW LID Guidance Manual](#) are accepted by the City for use in stormwater site plans to address the minimum requirements for flow control and runoff treatment in this chapter, subject to the specifications, performance standards, and design criteria in the [SWMMWW LID Manual](#) and review and approval under this chapter.

(e) A covenant and/or easement shall be recorded with the Kitsap County Auditor's office for each property containing or served by storm drainage facilities. This covenant/easement shall be in a form approved by the City Attorney. The covenant/easement shall identify requirements and liability for preservation and maintenance of low impact development facilities approved under this chapter and privately held in individual or undivided ownership or intended for public ownership, shall restrict conversion of LID facilities, and shall grant the City access to low impact development facilities on private property to allow inspection, maintenance, and repair. (Ord. 5250 §1 (part), 2014; Ord. 5209 §3 (part), 2013)

15.04.110 SERVICE CONNECTIONS.

All service connections shall be installed by a contractor licensed in accordance with the provisions of this chapter in compliance with the Engineering Design and Construction Standards as adopted in BMC 15.04.020. The service connections shall be extended at right angles from the stormwater system to the property line and shall be maintained by the property

owner. During improvements to a site where the existing stormwater connection does not meet current Engineering Design and Construction Standards, requirements of the standards shall apply if the improvements can be installed for twenty-five percent (25%) or less of the total improvement cost of the project or, if in the judgment of the Director, the improvements are necessary to protect other upstream and downstream properties. IHSUs cannot be transferred from one property or account to another property or account. (Ord. 5250 §1 (part), 2014; Ord. 5209 §3 (part), 2013)

15.04.120 ON-SITE PRIVATE DEVELOPMENT OR REDEVELOPMENT IMPROVEMENTS.

All new or redevelopment projects shall provide on-site water quality and quantity improvements to include conveyance facilities, retention/detention ponds, under-drains, infiltration facilities, or other on-site stormwater drainage facilities necessary to mitigate any increase in stormwater runoff, control off-site discharge of stormwater and provide stormwater quality treatment. All storm drainage improvements shall be in accordance with the Engineering Design and Construction Standards and the requirements of this chapter.

On-site facilities shall be regularly maintained, cleaned, serviced and repaired by the owner. Any facility that has not been serviced or maintained and is not functioning as designed is nonconforming pursuant to this chapter and Engineering Design and Construction Standards and will be subject to abatement under BMC 15.04.140. Constructed facilities shall not be removed. (Ord. 5250 §1 (part), 2014; Ord. 5209 §3 (part), 2013)

15.04.130 STORM DRAINAGE SAMPLING STATIONS.

When required by the Department, the property owner shall install and maintain at their expense a storm drainage sampling station downstream from the private stormwater drainage facilities to facilitate observation, sampling, and measurement of surface drainage and stormwater flows prior to discharge into the stormwater system. The storm drainage sampling station shall be located as approved by the Department and constructed in accordance with Engineering Design and Construction Standards. (Ord. 5250 §1 (part), 2014; Ord. 5209 §3 (part), 2013)

15.04.140 ABATEMENT OF NONCONFORMING, UNAUTHORIZED OR UNSAFE CONDITIONS.

The Department shall be responsible for the integrity, safety, and continuity of the stormwater system. As a condition of the utility service agreement, the property owner shall grant the Department the authority to make inspections at any reasonable time if the Department or other appropriate agency has reasonable cause to believe there exists on the premises a nonconforming, illegal, unauthorized, or unsafe condition or to verify no such condition exists. The Director may enter onto such property to inspect conditions or to perform any duties imposed upon the Department by this code, provided the Department shall first make reasonable efforts to contact the owner or person responsible for such property.

The Department shall have recourse to every remedy provided by law to secure entry and abate nonconforming, illegal, unauthorized, or unsafe conditions. Such remedies may include, but not be limited to, securing property owner's correction; revocation, suspension, or discontinuation of service, permits, or authorizations; removal, reconstruction, replacement, or alteration of unauthorized condition; or all other powers and remedies that may be available under this title, and regulations and procedures adopted hereunder. Any expense incurred by the City to abate

such condition shall be the responsibility of the owner(s), in accordance with the current assessments, rates, fees, and charges set forth in Chapter 15.06 BMC, including any related cost and cost of collection. (Ord. 5250 §1 (part), 2014; Ord. 5209 §3 (part), 2013)

15.04.150 STORMWATER SYSTEM OPERATION AND MAINTENANCE - GENERAL.

The Department shall be responsible for the operation, maintenance and repair of the stormwater system and appurtenances under its jurisdiction and located within the public right-of-way, dedicated utility easements and City owned property. The Department shall not be responsible for servicing private systems connected to the City's stormwater system, except as provided in this chapter.

When maintenance, repair, or replacement of the City's stormwater system is required, due to user activities resulting in unsafe, nonconforming, or unauthorized conditions as set forth in this section, any expense incurred by the City to abate such condition shall be the responsibility of the owner(s), in accordance with the current assessments, rates, fees, and charges set forth in Chapter 15.06 BMC, including any related cost and cost of collection. (Ord. 5250 §1 (part), 2014; Ord. 5209 §3 (part), 2013)

15.04.160 CONSTRUCTION AND MAINTENANCE OF PRIVATE STORMWATER FACILITIES.

(a) All stormwater facilities required under this chapter shall be constructed and maintained as set forth in the Stormwater Management Manual, the approved permits, and/or in accordance with the current Engineering Design and Construction Standards.

(b) Maintenance of Private Stormwater Facilities.

(1) The person or persons holding title to the property and the applicant required to construct a stormwater facility shall remain responsible for the facility's continual performance, operation, and maintenance in accordance with the standards and requirements of the Stormwater Management Manual, this chapter, the approved permits, and/or in accordance with the current Engineering Design and Construction Standards and shall remain responsible for any liability as a result of these duties. Language designating the responsible parties shall be printed on the face of the plat documents, covenant, easement or other agreement recorded with the Kitsap County Auditor's office for each property containing or served by said stormwater drainage facilities. This covenant/easement shall be in a form approved by the City Attorney.

(2) All new development and redevelopment that installs OR expanding existing stormwater infrastructure, treatment and/or quantity control shall submit a maintenance covenant and maintenance plan, that will run with the property, their heirs and assigns. The covenant shall include a site plan with details of all components used in the system such as pipes, catch basins, LID BMPs, and green stormwater infrastructure; the covenant shall identify parties responsible and liable for the operation and maintenance of said facilities. The maintenance plan shall include all system components, features, maintenance schedules and reporting requirements. Upon acceptance, the covenant shall be recorded with Kitsap County Auditor's Office.

(3) A maintenance covenant shall be recorded for rain gardens, or other GSI installed on private property with Bremerton Utilities financial assistance. The property owner accepts responsibility to maintain and operate the feature as defined in the covenant unless released by the City through a recorded instrument filed with Kitsap County Assessor's Office.

(4) A maintenance and inspection report for stormwater systems shall be submitted annually to the Director by February 28th of each year to document maintenance of stormwater facilities for the preceding year. The report shall contain: the date maintenance and/or inspection tasks were completed and a summary of stormwater facilities including catch basins, LID BMPs, quantity and quality features.

~~(25)~~ The City shall have authority to periodically enter upon the property and inspect the stormwater facilities to ensure such compliance and to issue orders requiring maintenance and/or repair. In event that the titleholders or other responsible parties do not effect such maintenance and/or repairs, the Director may abate the condition, by either making the corrections or by termination of the water service until the connection is made and/or by filing a lien against the property.

~~(36)~~ When an inspection identifies an exceedance of the maintenance standard or a nonconforming, unauthorized condition, maintenance/repair shall be performed in accordance with the following schedule:

- i. Within thirty (30) days for typical maintenance of facilities.
- ii. Within one (1) year for maintenance that requires capital construction of less than twenty-five thousand dollars (\$25,000). (Ord. 5250 §1 (part), 2014: Ord. 5209 §3 (part), 2013)

15.04.170 INTERRUPTION OF SERVICE - EMERGENCY.

The Department may restrict the use of the stormwater system through regulation or control of the use whenever an emergency exists affecting the stormwater system, or for the purpose of making repairs, extensions, or any other necessary work. Whenever reasonable, and in cases where it has advance knowledge, the Department will provide notice of such emergency using appropriate methods of communication, setting forth any limitations on the use of the stormwater system that may be deemed necessary for public health and safety.

The City shall not be held responsible for any damage to a private property resulting from interruption, failure of the stormwater system, or failure of the property owner to comply with provisions of this code. (Ord. 5250 §1 (part), 2014: Ord. 5209 §3 (part), 2013)

15.04.180 CHANGED SITE CONDITIONS.

When an alteration to an existing parcel of property requires a building or grading permit, a new utility service agreement shall be required if any existing stormwater connection does not meet the current Engineering Design and Construction Standards. Prior to entering into a new utility service agreement, the stormwater connection shall be videoed and approved by the Director for reuse. Any existing stormwater connection determined to be substandard must be replaced as directed by the Director, at the owner's expense. (Ord. 5250 §1 (part), 2014: Ord. 5209 §3 (part), 2013)

15.04.190 PROHIBITED ACTS.

It shall be unlawful for any person to violate the following:

(a) Tampering. It shall be unlawful for any person, unless duly authorized by the Department, to disturb, interfere with, or damage any stormwater facilities, including pipe, machinery, tools, buildings, improvements, or other appurtenances belonging to, connected with, or under the control of the Department.

(b) Prohibited Discharges.

(1) No person shall throw, drain, or otherwise discharge, cause or allow others under his/her control to throw, drain or otherwise discharge into the municipal storm drain system any materials other than stormwater.

(2) Examples of prohibited contaminants include but are not limited to the following:

Acids, alkalis, or bases;

Animal carcasses;

Antifreeze and other automotive products;

Bark and other fibrous materials;

Batteries;

Chemicals not normally found in uncontaminated water;

Chlorine, bromine, or other disinfectants;

Construction materials;

Degreasers and/or solvents;

Domestic animal wastes;

Drain cleaners;

Dyes, unless approved by the City;

Flammable or explosive materials;

Food wastes;

Heated water;

Lawn clippings, leaves, or branches;

Metals in either particulate or dissolved form;

Paints, stains, resins, lacquers, or varnishes;

Pesticides, herbicides, or fertilizers;

Petroleum products including but not limited to oil, gasoline, grease, fuel oil and heating oil;

Radioactive material;

Recreational vehicle waste;

Sewage;

Silt, sediment, concrete, cement or gravel;

Soaps, detergents, or ammonia;

Steam cleaning wastes;

Swimming pool cleaning wastewater or filter backwash;

Trash or debris;

Any other process-associated discharge except as otherwise allowed in this section; and

Any hazardous material or waste not listed above.

(c) Allowable Discharges. The following types of discharges shall not be considered illegal discharges for the purposes of this chapter unless the City determines that the type of discharge, whether singly or in combination with others, is causing or is likely to cause pollution of surface water or groundwater:

Air conditioning condensation;

Discharges from emergency firefighting activities;

Diverted stream flows;

Flows from riparian habitats and wetlands;

Footing drains;

Foundation drains;

Irrigation water from agricultural sources that is commingled with urban stormwater;

Rising ground waters;

Springs;

Uncontaminated ground water infiltration as defined in 40 CFR 35.2005(20); and

Uncontaminated pumped ground water.

(d) Conditional Discharges. The following types of discharges shall not be considered illegal discharges for the purposes of this chapter, if they meet the stated conditions, or unless the City

determines that the type of discharge, whether singly or in combination with others, is causing or is likely to cause pollution of surface water or groundwater:

- (1) Potable water, including water from water line flushing, hyper chlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. These planned discharges shall be dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted, if necessary and in volumes and velocities controlled to prevent resuspension of sediments in the stormwater system.
 - (2) Lawn watering and other irrigation runoff. These types of discharges shall be permitted if the amount of runoff is minimized through water conservation efforts.
 - (3) Dechlorinated swimming pool discharges. These discharges shall be dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted and reoxygenized if necessary, volumetrically and velocity controlled to prevent resuspension of sediments in the stormwater system.
 - (4) Street and sidewalk wash water, water used to control dust, and routine external building wash down that does not use detergents. These discharges shall be permitted, if the amount of street wash and dust control water used is minimized. At active construction sites, street sweeping must be performed prior to washing the street.
 - (5) Nonstormwater discharges covered by another NPDES permit. These discharges shall be in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations.
 - (6) Other nonstormwater discharges. These discharges shall be in compliance with the requirements of a stormwater pollution prevention plan (SWPPP) reviewed and approved by the City, which addresses control of such discharges by applying AKART to prevent contaminants from entering surface or ground water.
- (e) Prohibited Connections.
- (1) The construction, use, maintenance, or continued existence of illicit connections to the stormwater system is prohibited.
 - (2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
 - (3) A person is considered to be in violation of this section if the person connects a line conveying sewage to the MS4 or allows such a connection to continue.
- (f) Any discharge that exceeds the following daily maximum pollutant limits:

Ammonia	50.0 mg/L
Arsenic	0.10 mg/L
Cadmium	0.10 mg/L

Chromium (hexavalent)	0.25 mg/L
Chromium (total)	1.0 mg/L
Copper (total)	0.75 mg/L
Cyanide (free)	0.20 mg/L
Cyanide (total)	0.64 mg/L
Lead	0.25 mg/L
Mercury (total)	0.010 mg/L
Molybdenum	1.0 mg/L
Nickel	0.60 mg/L
Selenium	0.10 mg/L
Silver (total)	0.20 mg/L
Zinc	2.0 mg/L

(Ord. 5250 §1 (part), 2014; Ord. 5209 §3 (part), 2013)

15.04.200 ELIMINATION OF IMPROPER STORMWATER INFLOW TO THE WASTEWATER SYSTEM.

(a) Purpose. The purpose of this section is to significantly reduce improper stormwater inflow to the wastewater system in order to eliminate or reduce instances of combined sewer overflow events and surcharged sanitary sewers due to the improper inflows, which are detrimental to public health and welfare; and to maximize efficient operation of the wastewater system and treatment plant.

(b) Stormwater connections to the wastewater system are prohibited, as of January 1, 2005. A property that maintains a stormwater connection after January 1, 2005, is charged a fee for the connection pursuant to BMC 15.06.050(b), Rates - Stormwater.

(c) Director's Authority to Order Disconnection.

(1) Purpose. The Director has the authority to order the disconnection of improper stormwater inflow to the wastewater system where that disconnection is necessary to meet combined sewer overflow reduction and elimination of sanitary sewer surcharging. The order of disconnection will generally be in target areas as defined elsewhere in this section.

(2) Notice. Director's order of disconnection will be provided in writing and will establish an effective date by which the improper stormwater inflow shall be discontinued. The effective date shall be no sooner than ninety (90) days from the date of the letter. The effective date may be extended in writing by the Director.

(d) Target Areas. The Director may identify target areas within the wastewater service area (sewer or storm drainage basins or sub-basins) which have the highest priority for reduction of improper stormwater inflow to the wastewater system based upon combined sewer overflow events and sanitary sewer surcharge problems.

(e) Abatement of Improper Stormwater Inflow. Whenever an improper stormwater inflow to the wastewater system exists subsequent to the disconnection requirements specified elsewhere in this section, the Director may abate the condition including: reconstruction, replacement or removal on public or private property as specified elsewhere in this chapter. (Ord. 5250 §1 (part), 2014; Ord. 5209 §3 (part), 2013)

15.04.210 VIOLATION ENFORCEMENT - PENALTY

(a) Any violation of any provision of this title constitutes a civil violation under Chapter 1.04 BMC for which a monetary penalty may be assessed and abatement may be required as provided therein.

(b) In addition to or as an alternative to any other penalty provided in this chapter or by law, any person who violates any provision of this title shall be guilty of a misdemeanor pursuant BMC 1.12.020, Penalties. (Ord. 5250 §1 (part), 2014; Ord. 5209 §3 (part), 2013)

Payment of the improper stormwater surcharge shall be terminated when the property has disconnected all sources of the improper stormwater inflow from the wastewater system.

The service rate for maintaining an improper stormwater inflow connection to the wastewater system will be identified on the utility billing statement as "stormwater facilities impact" fee.

(c) Stormwater rate classes are as follows:

(1) Residential.

(i) Stormwater I. The basic stormwater service rate.

(ii) Stormwater II. This rate consists of the basic stormwater fee, plus fifty percent (50%) of the current stormwater fee as the "stormwater facilities impact" fee. This class may have a driveway drain of not more than four hundred (400) square feet of impervious surface draining into the wastewater system and no other improper connection to the wastewater system.

(iii) Stormwater III. This rate consists of the basic stormwater fee, plus one hundred percent (100%) of the current stormwater fee as the "stormwater facilities impact" fee. This class has a driveway drain with more than four hundred (400) square feet of impervious surface draining into the wastewater system and/or more than one (1) improper connection to the wastewater system.

(2) Commercial.

(i) Commercial I Stormwater. The basic commercial stormwater fee.

(ii) Commercial II Stormwater. The basic stormwater fee, plus fifty percent (50%) of the current stormwater fee as the surcharge. This class may have no more than four hundred (400) square feet of impervious surface where stormwater runoff is collected by a roof drain, parking lot drain, driveway drain or any other device that conveys this runoff into the wastewater system. This does not include stormwater runoff that is collected from under fueling station canopies since these areas are required to be connected to the wastewater system. However, roof runoff from the canopy is not

allowed to be connected to the wastewater system. This class may not have more than one (1) improper connection to the wastewater system.

(iii) Commercial III Stormwater. The basic stormwater fee, plus one hundred percent (100%) of the current stormwater fee as the "stormwater facilities impact" fee. This class has more than four hundred (400) square feet of impervious surface where stormwater runoff is collected by a roof drain, parking lot drain, driveway drain or any other device that conveys this runoff into the wastewater system. This does not include stormwater runoff that is collected from under fueling station canopies since these areas are required to be connected to the wastewater system. However, roof runoff from the canopy is not allowed to be connected to the wastewater system.

(d) Rate Adjustments. Rate adjustments for water quantity and water quality pursuant to the assessments, rates, fees, and charges set forth in this chapter will be applied to all multifamily (three (3) or more units), commercial, and industrial development which provide for the installation of on-site water quality and quantity improvements which includes pervious surfaces or any other improvements that meet all Engineering Design and Construction Standards. Eligibility will require the treatment and reduction of the amount of stormwater discharges prior to entry into the stormwater system and the reduction of the amount of stormwater discharges into the stormwater system. This stormwater quality and quantity mitigation shall be required to demonstrate compliance with Minimum Requirement #5, Minimum Requirement #7, Minimum Requirement #8 and the LID Performance Standards as required by the SWMMWW. All new development will be required to install water quality and quantity improvements prior to connection to the stormwater system and will receive the rate adjustment upon successful completion of the installation. For purposes of the rate adjustment, the amounts of discharge shall be segregated into like customer classes based on their respective stormwater discharge quantity and/or discharge quality. Application for building permits or fill/grade permits must include standard stormwater quality and quantity improvement plans. ~~Rate Adjustments. Rate adjustments for water quantity and water quality pursuant to the assessments, rates, fees, and charges set forth in this chapter will be applied to all multifamily (three (3) or more units), commercial, and industrial development which provide for the installation of on-site water quality and quantity improvements which includes pervious surfaces or any other improvements that meet all Engineering Design and Construction Standards. Eligibility will require the treatment of stormwater discharges prior to entry into the stormwater system and the reduction of the amount of stormwater discharges into the stormwater system to an amount not to exceed two-tenths (0.2) cubic feet per second, CFS per acre based on a twenty-five (25) year storm. These amounts of discharge shall be segregated into like customer classes based on their respective stormwater discharge quantity and/or discharge quality.~~

~~All new development will be required to install water quality and quantity improvements prior to connection to the stormwater system and will receive the rate adjustment upon successful completion of the installation. For purposes of the rate adjustment, the amounts of discharge shall be segregated into like customer classes based on their respective stormwater discharge quantity and/or discharge quality. Application for building permits or fill/grade permits must include standard stormwater quality and quantity improvement plans. If topography, soils, location or lot size make on-site detention impractical, new development may be permitted, but a penalty shall be assessed pursuant to the assessments, rates, fees, and charges set forth in this~~

~~chapter if stormwater runoff from the developed property exceeds three tenths (0.3) CFS per acre based on a twenty five (25) year storm.~~

City of Bremerton

Low Impact Development (LID) Code Integration

Background

LID is a stormwater and land use management strategy that strives to mimic natural hydrologic processes that occur in undisturbed, forested landscapes. These processes include water infiltration, filtration, storage, evaporation, and transpiration. LID technologies reduce stormwater volume and improve the quality of runoff that enters the municipal stormwater system and drains to our local waterbodies.

Examples of LID include pervious pavement, rain gardens, bioretention facilities, and vegetated (green) roofs. Minimizing impervious surfaces and retaining native vegetation and natural on-site features are also emphasized in LID.

Permit Requirement

The NPDES Phase II Municipal Stormwater Permit requires updates to municipal codes and development regulations to make Low Impact Development (LID) the preferred and commonly-used approach to site development and redevelopment. Bremerton is required to meet these permit conditions by December 31, 2016.



Olympic College

LID Code Integration Procedure

To accomplish this requirement, the City of Bremerton has reviewed development code and regulations to identify any barriers and conflicts that would prevent LID use. The City's Comprehensive Plan update is complete and includes new language needed to support this requirement. Bremerton's Municipal Code (BMC) has been reviewed for barriers and conflicts. Several sections need to be updated to support the new requirement. New language will be presented to City Council for adoption.

- Title 11 – Streets and Rights-of-Way
- Title 13 – Parks and Recreation
- Title 15 – Municipal Utilities

Public Involvement

The public is invited to participate in these code updates by attending and providing comments at a Planning Commission meeting on October 18 and a City Council meeting on November 2, 2016. A display will be set up in the lobby of the Norm Dicks Government Center October 18 –November 2 and will be attended by staff from 4:00PM-5:00PM on October 26 and November 2 to answer any questions.



Lillian & James Walker Park



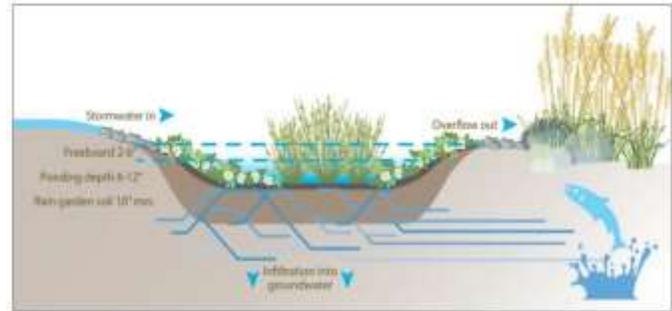
Olympic College

Low Impact Development in Bremerton

Rain gardens capture and soak up stormwater runoff from roofs and other impervious areas around homes such as driveways or walkways. With suitable soils, trees, shrubs, flowers and other plants, the garden will filter stormwater and infiltrate a large portion into the ground which protects water quality and reduces quantity of runoff. An example is Kiwanis Field.

Bremerton is developing a new pilot program to encourage rain garden construction through a partnership with Kitsap Conservation District who will provide rain garden design, soil testing and construction for residential home owners in target areas. This pilot program is being planned to focus on the Anderson Cove Combined Sewer Overflow (CSO) drainage basin. Properties outside of this priority watershed may be eligible for design assistance or soil testing to help with rain garden construction on residential property.

What is a Rain Garden?



Permeable pavement, also referred to as pervious or porous pavement, is a special kind of pavement that allows the majority of rainwater to pass through it. Water that passes through pavement and infiltrates the soil reduces the need for surface water collection systems and receives some treatment. Examples of porous pavement systems are located at 11th Street and Warren Ave., Pacific Ave., WinCo parking lot, and Olympic College parking lot along Warren Ave.

Rain Barrels collect roof rainwater that can be used in a yard or garden. Although a small impact, rain barrels are an effective education tool with some quantity reduction and water conservation benefit.

Urban Forestry is the trees and forests in the city limits that improve stream quality and watershed health by decreasing the amount of stormwater runoff and pollutants that reach our local waters. Trees and forests reduce stormwater runoff by capturing and storing rainfall in the canopy and releasing water into the atmosphere through evapotranspiration. In addition, tree roots and leaf litter facilitate soil conditions that promote the infiltration of rainwater into the soil to replenish our groundwater supply, reduce flooding during wet periods, and maintain streamflow during dry periods.

Stormwater Treatment consists of proprietary devices such as Filterra, Modular Wetlands, centrifugal sediment collection, sand filters and many other patented systems are used to remove pollutants from stormwater runoff prior to being discharged into streams or Puget Sound. Bioretention swales, ponds, bioswales and infiltration systems can provide treatment to improve water quality and infiltration to meet quantity reduction goals. Many areas in Bremerton have these systems such as: Lillian and James Walker Stormwater Park, Kiwanis Field, Lions Field, Pacific Avenue, Evergreen Rotary Park, Olympic College, and East Park.

