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**CITY OF FIRCREST  
ORDINANCE NO. 1640**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIRCREST, WASHINGTON, REPEALING ORDINANCE NO. 1300 AND FMC 20.24.010 ADOPTION OF STANDARD; ADDING NEW SECTIONS TO FMC CHAPTER 20.24 STORMWATER MANAGEMENT; AMENDING ORDINANCE NO. 1480 SECTION 5 AND FMC 20.25.040 ALLOWABLE DISCHARGES; AMENDING ORDINANCE NO. 1480 SECTION 6 AND FMC 20.25.050 CONDITIONAL DISCHARGES; AND AMENDING ORDINANCE NO. 1562 SECTION 39 AND FMC 22.58.008 PERFORMANCE STANDARDS.**

**WHEREAS**, the Fircrest City Council recognizes the necessity to amend the Fircrest Municipal Code (FMC) in order to stay in compliance of changes and updates to the City’s Stormwater Management program and the City’s NPDES Western Washington Phase II Municipal Permit requirements; and

**WHEREAS**, the City is required to update its stormwater management program annually in order to be in compliance with the NPDES Western Washington Phase II municipal stormwater permit requirements; and

**WHEREAS**, City staff, with the aid of the City’s on-call consultant, KPG, P.S., performed the annual review and have made recommendations to modify and update the FMC; and

**WHEREAS**, the proposed FMC changes have been reviewed by City staff, the Washington Environmental Council, and Puget Soundkeeper Alliance. Now, Therefore,

**THE CITY COUNCIL OF THE CITY OF FIRCREST DO ORDAIN AS FOLLOWS:**

**Section 1.** Section 1 of Ordinance No. 1300 and FMC 20.24.010 are hereby repealed.

**Section 2.** Chapter 20.24 of the Fircrest Municipal Code is hereby amended by adding the following new sections:

“20.24.010 Applicability.

This chapter applies to all development, redevelopment, and construction site activities where stormwater drains directly or indirectly into the City of Fircrest’s municipal storm sewer system. This chapter applies to both private and public development, including roads.

20.24.020 Definitions.

For all development, redevelopment, and construction site activities, the definitions published in Appendix 1 of the current Western Washington Phase II municipal stormwater permit shall govern.

20.24.030 Adoption of Standard.

(a) All new development, redevelopment, and construction site activities will be subject to the thresholds and minimum requirements published in Appendix 1 of the current Western Washington Phase II municipal stormwater permit.

(b) The City adopts as its standard for use in regulating the storm water element for development, redevelopment, and construction site activities within the City the document entitled “Stormwater Management Manual for Western Washington”. The City shall incorporate into this manual, upon their adoption by the Washington State Department of Ecology by due process, amendments and revisions to the document as they become effective.

A copy of the manual has been filed with the City Clerk for use and examination by the public.

1 20.24.040 Low Impact Development.  
2 Consistent with NPDES Western Washington Phase II Municipal Stormwater Permit requirements,  
3 Low Impact Development (LID) designs and LID BMPs shall be required to the maximum extent  
4 feasible based on site and soil conditions. Site assessment, planning, layout, and BMP design shall  
5 be in accordance with the current editions of the “Low Impact Development Technical Guidance  
6 Manual for Puget Sound” published by the Puget Sound Partnership and the “Stormwater  
7 Management Manual for Western Washington” published by the Washington State Department of  
8 Ecology.

9 20.24.050 Long-Term Stormwater Facility Operation and Maintenance.  
10 (a) The person or persons holding title to the property shall remain responsible for the facility’s  
11 continual performance, operation and maintenance in accordance with the standards and  
12 requirements of the current edition of the “Stormwater Management Manual for Western  
13 Washington,” published by the Washington State Department of Ecology, and remain  
14 responsible for any liability as a result of these duties.  
15 (b) The City is authorized to inspect a private stormwater drainage facility at least annually unless  
16 there are maintenance records justifying a different frequency pursuant to FMC 20.24.060.

17 20.24.060 Inspection.  
18 (a) Authority. Whenever implementing the provisions of this chapter or whenever there is cause to  
19 believe that a violation of this chapter has been or is being committed, the City’s inspector is  
20 authorized to inspect during regular working hours and at other reasonable times all new  
21 development, redevelopment, and construction sites within Fircrest to determine compliance  
22 with the provisions of this chapter.

23 (b) Inspection Procedures.  
24 (1) Prior to making any inspections on private property, the inspector shall present  
25 identification credentials, state the reason for the inspection and request entry. Any private  
26 landowner engaging in new development, redevelopment, or construction activities as  
27 defined under this chapter must, as a condition of the building permit required for such  
28 development, consent to the creation of an easement for purposes of ingress and egress  
29 for inspection of the site.  
30 (2) If the property or any building or structure on the property is unoccupied, the inspector  
31 shall first make a reasonable effort to locate the owner or other person(s) having charge  
or control of the property or portions of the property and request entry.  
(3) If after reasonable effort the inspector is unable to locate the owner or other person(s)  
having charge or control of the property, and has reason to believe the condition of the  
stormwater system creates an imminent hazard to persons or property, the inspector may  
enter.  
(4) Unless entry is consented to by the owner or person(s) in control of the property or portion  
of the property or unless conditions are reasonably believed to exist which create  
imminent hazard, the inspector shall obtain a search warrant, prior to entry, as authorized  
by the laws of the state of Washington.  
(5) The inspector may inspect the stormwater system without obtaining a search warrant  
provided for in subsection (b)(4) of this section, provided the inspection can be conducted  
while remaining on public property or other property on which permission to enter is  
obtained.  
(c) Inspection Requirements. The Director is authorized to develop inspection procedures and  
requirements, including checklists, for all stormwater facilities in the City of Fircrest.

20.24.070 Enforcement.  
Any person violating the provisions of this chapter shall be subject to those penalties outlined in  
Chapter 22.95 FMC.”

1 **Section 3.** Section 5 of Ordinance No. 1480 and FMC 20.25.040 are hereby amended to read as  
2 follows:

3 “20.25.040 Allowable Discharges.

4 The following types of discharges shall not be considered illicit discharges for the purposes of this  
5 chapter unless the City determines that the type of discharge, whether singly or in combination with  
6 others, is causing or is likely to cause pollution of surface water or ground water:

- 7 (a) Diverted stream flows;
- 8 (b) Rising ground waters;
- 9 (c) Uncontaminated ground water infiltration – as defined in 40 CFR 35.2005(20);
- 10 (d) Uncontaminated pumped ground water;
- 11 (e) Foundation drains;
- 12 (f) Air conditioning condensation;
- 13 (g) Irrigation water from agricultural sources that is commingled with urban storm water;
- 14 (h) Springs;
- 15 (i) Uncontaminated water from crawl space pumps;
- 16 (j) Footing drains;
- 17 (k) Flows from riparian habitats and wetlands; and
- 18 (l) Discharge from emergency fire fighting activities.”

19 **Section 4.** Section 6 of Ordinance No. 1480 and FMC 20.25.050 are hereby amended to read as  
20 follows:

21 “20.25.050 Conditional Discharges.

22 The following types of discharges shall not be considered illicit discharges for the purposes of this  
23 chapter if they meet the stated conditions, or unless the City determines that the type of discharge,  
24 whether singly or in combination with others, is causing or is likely to cause pollution of surface  
25 water or ground water:

- 26 (a) Potable water, including water from water line flushing, hyperchlorinated water line flushing,  
27 fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges shall be  
28 dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted, if necessary and in volumes  
29 and velocities controlled to prevent resuspension of sediments in the storm water system;
- 30 (b) Lawn watering and other irrigation runoff are permitted but shall be minimized;
- 31 (c) Dechlorinated swimming pool, spa and hot tub discharges. These discharges shall be  
dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted and oxygenated, if necessary  
and in volumes and velocities controlled to prevent resuspension of sediments in the storm water  
system. Discharges shall be thermally controlled to prevent an increase in temperature of the  
receiving water. Swimming pool cleaning wastewater and filter backwash shall not be  
discharged;
- (d) Street and sidewalk wash water, water used to control dust, and routine external building wash  
down that does not use detergents are 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;
- (e) Non-storm water discharges covered by another NPDES permit; provided, that the discharger is  
in full compliance with all requirements of the permit, waiver, or order and other applicable  
laws and regulations; and provided, that written approval has been granted for any discharge to  
the storm drain system; and

1 (f) Other non-storm water discharges. The discharges shall be in compliance with the requirements  
2 of a storm water pollution prevention plan (SWPPP) reviewed and approved by the City, which  
3 addresses control of such discharges by applying AKART to prevent contaminants from  
4 entering surface or ground water.”

5 **Section 5.** Section 39 of Ordinance No. 1562 and FMC 22.58.008 are hereby amended to read as  
6 follows:

7 “22.58.008 Performance Standards.

8 In addition to the specific requirements within the applicable zoning district chapter, the following  
9 performance standards shall apply:

10 (a) Objectionable Elements. No land or building shall be used or occupied in any manner so as to  
11 create any dangerous, injurious, noxious or otherwise objectionable element. An objectionable  
12 element may include, but is not limited to: excessive noise, vibration, glare, smoke, dust or odor.

13 (b) Enclosure of Activities. Unless authorized by the applicable zoning district, all home  
14 occupation, commercial and industrial activities shall be conducted within an enclosed structure,  
15 except for customary accessory appurtenances, such as refuse collection containers screened  
16 from public view, parking and loading areas.

17 (c) Outside Storage. Unless authorized by the applicable zoning district, outside storage of material  
18 for commercial and industrial uses is prohibited. An outside storage area shall not exceed 20  
19 percent of lot area and shall be screened from view from any property line. Outside storage shall  
20 be restricted to the area at the rear of a principal building. The outside storage area shall be  
21 enclosed by a fence greater than or equal to eight feet in height. Outside storage exceeding a  
22 height of eight feet shall be set back from the property line a distance of at least twice the height  
23 of material being stored. The height of outside storage shall not exceed twice the height of the  
24 fence in this subsection. Outside storage of junk or wrecked vehicles is prohibited. Outside  
25 storage of inoperable vehicles may be permitted in residential districts subject to compliance  
26 with FMC 22.58.024.

27 (d) Refuse Collection Containers. For multifamily or nonresidential structures and uses, all outdoor  
28 refuse collection containers (including recycling containers) shall be completely screened from  
29 public or private streets and from adjacent property by an opaque screen. Refuse storage areas  
30 that are visible from the upper stories of adjacent structures shall have an opaque or semi-opaque  
31 horizontal cover or screen to mitigate unsightly views. The covering structure shall be  
compatible with the site’s architecture. The storage of animal or vegetable waste that may attract  
insects or rodents or otherwise create a potential health hazard is prohibited. Properties  
undergoing substantial improvement as defined in FMC 22.98.697 shall install new screening  
or upgrade any existing collection container facilities that do not meet the standards of this  
section to ensure code consistency upon completion of the redevelopment. For multi-tenant  
structures, the City’s determination as to whether improvement to an individual tenant space is  
considered to be a substantial improvement will be based on the value of the improvements  
relative to the assessed valuation of the tenant space, or a comparable judgment if an individual  
tenant space assessment is unavailable.

(e) Maintenance of Yards and Open Space. All required structures, yards, parking areas and other  
open areas on-site shall be maintained in a neat and orderly manner at all times appropriate for  
the zoning district. Yards and open areas shall be maintained, as the responsibility of the  
property owner, free of any hazards to health or safety. Except for permitted earth disturbing  
activity, all ground areas shall be maintained in a manner ensuring that the natural or landscaped  
vegetation or permitted impervious surfaces provide a durable and dust free covering at all times.  
Dumping or storage of junk or debris, including junk vehicles or wrecked vehicles, is prohibited.

- 1 (f) Utilities. For new development, or existing development which is being expanded by greater  
2 than or equal to 50 percent of its existing gross floor area, all utilities shall be located  
3 underground; provided, that electrical lines of 50,000 volts or greater may be placed  
4 aboveground. The construction of a new single-family residence on an infill lot located within  
5 a subdivision where electric service is typically provided from an overhead location may be  
6 exempted from this requirement by the public works director if he/she determines that the  
7 undergrounding of electric facilities for this lot would be impractical.
- 8 (g) Screening of Mechanical Equipment. All roof-mounted air conditioning or heating equipment,  
9 vents or ducts shall not be visible from the ground level of any abutting parcel or any public  
10 rights-of-way. This shall be accomplished through the extension of the main structure or roof or  
11 screening in a manner that is architecturally integrated with the main structure. The screening  
12 may require acoustical treatment to mitigate noise generation.
- 13 (h) Barbed or Razor Wire. Barbed, razor or similar security wire may be authorized by the City for  
14 municipal facilities, if the fence on which the wire is placed will be effectively screened by  
15 landscaping. Barbed or razor wire is prohibited in all other locations and zoning districts.
- 16 (i) Erosion and Sedimentation. A temporary erosion and sedimentation control plan detailing  
17 measures for controlling erosion and sediment-laden runoff shall be submitted for approval by  
18 the director prior to issuance of a clearing and grading permit or other construction permit for a  
19 project. Measures shall include provisions to remove depositions of soil and material from  
20 streets and to prevent discharge of soil and materials onto adjoining properties or  
21 environmentally sensitive areas. The plan shall be implemented by the applicant before and  
22 during construction, and the applicant's performance shall be monitored by the City. The plan  
23 shall be upgraded as deemed necessary by the director to ensure effective control during  
24 construction.
- 25 (j) Particulates. During site development activities, construction dust and other particulates shall be  
26 controlled through frequent watering and/or other dust control measures approved by the  
27 director. Reclaimed water shall be used whenever practicable. Soil that is transported in trucks  
28 to and from the construction site shall be covered to the extent practicable to prevent particulates  
29 from being released.
- 30 (k) Stormwater Management. Stormwater facilities shall be designed in accordance with the  
31 standards set forth in FMC 20.24. Stormwater site plans demonstrating compliance with  
stormwater management standards shall be submitted for approval by the director and City  
engineer prior to issuance of site development permits.
- (l) Contaminants. During site development activities, all releases of oils, hydraulic fluids, fuels,  
other petroleum products, paints, solvents, and other deleterious materials shall be contained  
and removed in a manner that will prevent their discharge to waters and soils of the state. The  
cleanup of spills shall take precedence over other work on the site.

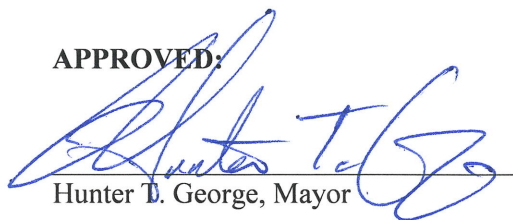
23 **Section 6.** Severability: If any section, sentence, clause, or phrase of this ordinance should be held  
24 invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality  
25 shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of  
this sentence.

26 **Section 7.** Publication and Effective Date: A summary of this ordinance consisting of its title shall  
27 be published in the official newspaper of the City. This ordinance shall be effective five (5) days  
28 after such publication.

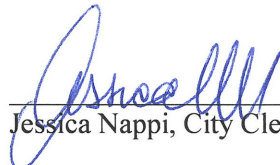
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**PASSED BY THE CITY COUNCIL OF THE CITY OF FIRCREST, WASHINGTON, at a regular meeting thereof this 11th day of June 2019.**

**APPROVED:**

  
\_\_\_\_\_  
Hunter T. George, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Jessica Nappi, City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Michael B. Smith, City Attorney

**DATE OF PUBLICATIONS:  
EFFECTIVE DATE:**