

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF ISLAND COUNTY, WASHINGTON

IN THE MATTER OF ESTABLISHING )  
A CLEAN WATER UTILITY IN )  
UNINCORPORATED ISLAND COUNTY )  
WASHINGTON OUTSIDE THE )  
MARSHALL DRAINAGE BASIN )

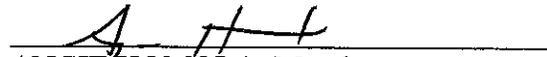
ORDINANCE C-97 -10

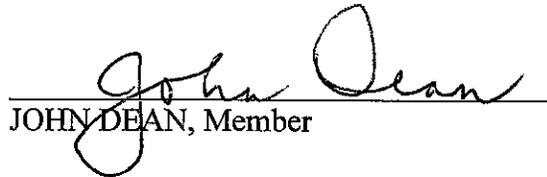
The Board of County Commissioners have reviewed the attached proposed Ordinance this 6<sup>th</sup> day of December, 2010 and set it for public hearing on the 20<sup>th</sup> day of December, 2010 at 10:20 am.

BOARD OF COUNTY COMMISSIONERS  
ISLAND COUNTY, WASHINGTON

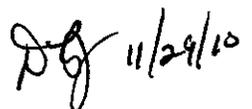


  
HELEN PRICE JOHNSON, Chair

  
ANGIE HOMOLA, Member

  
JOHN DEAN, Member

ATTEST:   
ELAINE MARLOW  
Clerk of the Board

  
DG 11/29/10

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF ISLAND COUNTY, WASHINGTON**

**IN THE MATTER OF ESTABLISHING )  
A CLEAN WATER UTILITY IN )  
UNINCORPORATED ISLAND COUNTY )   **ORDINANCE**   C- 907 -10  
WASHINGTON OUTSIDE THE )  
MARSHALL DRAINAGE BASIN )**

**WHEREAS**, Island County is authorized to provide stormwater management within the unincorporated areas of Island County pursuant to RCW 36.89; and

**WHEREAS**, clean water is essential to the health and well-being of all human beings; and

**WHEREAS**, it is in the interest of Island County to promote and protect clean surface and ground waters for the citizens of Island County and those who visit the County; and

**WHEREAS**, the majority of the citizens utilize ground water for potable water supply, and maintaining an ample clean source of drinking water is vital to protecting public health and welfare as well as the economic vitality of Island County; and

**WHEREAS**, it is in the interest of Island County to promote and protect public safety, private and public property, and the general welfare of the citizens of Island County from the destructive forces and/or general nuisance as well as the health and safety hazards created by excessive surface water runoff; and

**WHEREAS**, the citizens of Island County would benefit from mitigation of the destructive forces and/or general nuisance as well as the correction of health and safety hazards created by excessive surface water runoff; and

**WHEREAS**, the citizens of Island County benefit from the maintenance of an ample and clean source of ground water; and

**WHEREAS**, the Clean Water Utility promotes and protects the public health, safety and welfare by establishing a comprehensive approach to storm, surface and ground water management benefiting real property located within the utility by reducing the likelihood of flooding and erosion and assisting in the protection of the natural environment from contamination by human activities; and

**WHEREAS**, nonpoint water pollution sources, including, but not limited to, agricultural surface water runoff and failing on-site septic systems, threaten clean surface and ground waters; and

**WHEREAS**, effective management of water resources is necessary to provide safe, ample, and clean ground and surface waters for the citizens of Island County; and

**WHEREAS**, it is in the interest of the citizens of Island County to promote and protect a thriving shellfish harvest that is dependant on a clean water resource; and

**WHEREAS**, it is in the interest of the citizens of Island County to promote and protect the quality of drinking water, Puget Sound, lakes, wetlands, ponds, and streams; and habitat for fish, shellfish

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and wildlife from the contaminants carried by surface and ground water, consistent with direction from the Washington Department of Ecology; and

WHEREAS, under the authority of RCW 36.89, the County previously created the Marshall Drainage Utility and System, as set out in Chapters 15.01 and 15.02 of the Island County Code; and

WHEREAS, building on that foundation, and for the reasons stated above, the County now finds that it is appropriate to expand the County's management of surface water drainage and management under RCW 36.89 by establishing a Clean Water Utility to protect areas in unincorporated Island County beyond the Marshall Drainage Basin, through the enactment of a new chapter in Title 15 of the Island County Code; NOW, THEREFORE,

BE IT HEREBY ORDAINED that Island County Code Chapter 15.03, establishing a Clean Water Utility, as contained in attached Exhibit A, is hereby adopted.

ADOPTED this 20 day of DECEMBER, 2010 following Public Hearing.

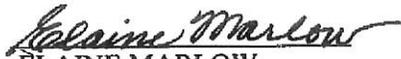


BOARD OF COUNTY COMMISSIONERS  
ISLAND COUNTY, WASHINGTON

  
HELEN PRICE JOHNSON, Chair

  
ANGIE HOMOLA, Member

  
JOHN DEAN, Member

ATTEST:   
ELAINE MARLOW  
Clerk of the Board

APPROVED AS TO FORM: *as to pages bearing my initials "DJ" 11/29/10*

  
DAVID L. JAMIESON, JR.  
Chief Civil Deputy Prosecutor  
and Island County Code Reviser

**Exhibit A**

**Chapter 15.03**

**Clean Water Utility**

**Sections:**

- 15.03.010 Purpose**
- 15.03.020 Definitions**
- 15.03.030 Potential Risk Identified; Clean Water Utility Created**
- 15.03.040 Geographic Scope**
- 15.03.050 Program Elements**
- 15.03.060 Budgeting and Coordination**
- 15.03.070 System of Charges**
- 15.03.075 Program of Credits Established—Purpose—Qualifications—Amount**
- 15.03.080 Measurement of Impervious Surface Area**
- 15.03.090 Billing and Collection**
- 15.03.100 Mitigation of System Impact; Developer Contributions**
- 15.03.110 Clean Water Utility Accounting**
- 15.03.120 Regulation and Administration**
- 15.03.130 Rate adjustments and Appeals**
- 15.03.140 Penalties, Enforcement**
- 15.03.150 Director's Authority to Promulgate Rules**
- 15.03.160 Annual Report**

  
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**15.03.010 Purpose**

- A. Storm water drainage and management in Washington State is the responsibility of local government. Management of surface water quality and quantity is also a local government responsibility, especially in communities where natural resources such as shellfish, near shore aquatic habitats, and clean groundwater may be threatened by pollution. The Puget Sound Partnership's "State of the Sound" report identifies polluted storm water as the leading source of pollution in the region.
- B. As Island County continues to grow, the impact of human occupation on both the quantity and quality of both surface water and groundwater increases. Although considered to be a rural county, Island County is one of the most densely populated counties in the state. The County is fortunate to possess vast coastal resources including beaches, coastal estuaries and shellfish resources. However, due to its island geography, rainwater falling in Island County has a very short pathway to the marine environment. That short pathway involves the potential for water quality impairment that can eventually impact the coastal resources.
- C. Outside of the City of Oak Harbor and Naval Air Station, Whidbey Island, all residents rely upon groundwater as their sole source of drinking water. Nearly 3 out of 4 Island County residents drink water derived from the ground. Fresh groundwater in Island County has but one source of supply: rainfall. That portion of the rainfall that enters the groundwater system may eventually become available for future extraction and must be kept free from contamination for public health protection. In some areas of Island County over-utilization of groundwater resources has resulted in seawater intrusion into the freshwater aquifer. Sound groundwater management is necessary to ensure that future generations of Island County residents will still have fresh groundwater resources to drink.
- D. Island County residents also generally utilize on-site sewage disposal systems (septic systems) in lieu of a sanitary sewer. Nearly 3 out of 4 Island County residents use a septic system. Each system, if not properly operated and maintained has the capacity to influence the quality of both surface water and groundwater. Failing septic systems are identified by the Puget Sound Partnership as one of the leading contributors to water quality impairment in the Puget Sound region.
- E. Chapter 36.89 RCW, "Highways — open spaces — parks — other public facilities — storm water control," provides a mechanism for local governments to establish utility local improvement districts to benefit the properties within a district for one or more services named in the statute. The statute also provides a mechanism to fix, levy and collect special assessments to pay for the services or benefits rendered through the utility. The use of these powers and responsibilities are common amongst municipalities and counties in western Washington to establish mechanisms to deliver storm and surface water programs to their constituents.

  
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- F. Under the authority of RCW 36.89, the County previously created the Marshall Drainage Utility and System as set out in Chapters 15.01 and 15.02 of the Island County Code.
- G. Building on that foundation, the County now finds that it is appropriate to expand the County's management of surface water drainage and management under RCW 36.89 by establishing a Clean Water Utility to protect areas in unincorporated Island County beyond the Marshall Drainage Basin.

**15.03.020 Definitions**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

- A. "Clean Water Utility" shall mean the system and facilities established by Chapter 15.03 of the Island County Code to provide mechanisms and charges for the protection of the County's surface and ground water and water quality management system in unincorporated Island County outside of the Marshall Drainage Basin as further described in Section 15.03.040.
- B. "Impervious Surface" shall mean any area that either prevents or retards water from entering into the soil mantle as it did under natural conditions before development, and/or any surface area that causes water to run off the surface in greater quantities or at an increased rate of flow than existed under natural conditions before development. Common Impervious Surfaces include, but are not limited to, roofs, concrete or asphalt paving, walkways, patios, driveways, parking lots or storage areas, and oiled, macadam or other surfaces that similarly impede the natural entry of surface water into the soil.
- C. "Marshall Drainage Basin Utility" or "System" shall mean the Marshall Drainage Basin Program created pursuant to Ordinance No. R-12-95 and the Marshall Drainage Basin Plan developed to implement the Program.
- D. "Parcel" shall mean the smallest separately segregated unit or plot of land having an identified owner, identified boundaries, and surface area documented for tax purposes and given a tax account (lot) number by the Island County Assessor. The term "Parcel" shall not include tracts of land that are no more than 25 feet wide at their widest point and are also too narrow to be developed under applicable laws.
- E. "Storm and Surface Water Facility" shall mean any component of the County storm and surface water system.
- F. "Zoning Classifications" shall mean those classifications used in Chapter 17.03, Island County Zoning Code.



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**15.03.030 Potential Risk Identified; Clean Water Utility Created**

The Board of County Commissioners finds and declares that absent effective regulation and control, existing storm and surface water drainage conditions in unincorporated areas of the County outside of the Marshall Drainage Basin also constitute a potential risk to health, safety and property of County inhabitants. Therefore, in addition to the Marshall Drainage Basin Utility already established under RCW Chapter 36.89, the County hereby establishes a Clean Water Utility pursuant to the same RCW Chapter to mitigate these additional potential hazards. The Clean Water Utility shall include such systems and programs set forth in Section 15.03.050, and such additional systems and programs as the County may create from time to time.

**15.03.040 Geographic Scope**

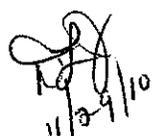
The Clean Water Utility shall encompass unincorporated Island County, excluding the following:

- A. Property and facilities owned by the Federal Government, the State or the County;
- B. Properties within the corporate limits of the Town of Coupeville, the City of Langley, or the City of Oak Harbor, or property and facilities owned by the Town of Coupeville, the City of Langley or the City of Oak Harbor that are situated outside the corporate limits of those municipalities;
- C. Property and facilities within the Marshall Drainage Basin Utility;

**15.03.050 Program Elements**

The Clean Water Utility shall initially encompass the following elements [The County agency initially responsible for administration of each element is identified in brackets]:

- A. **Surface and Storm Water Drainage Projects:** Planned management of stormwater and drainage facilities to reduce or control erosion, pollution and danger to the health, life and property of citizens of Island County. [Public Works Department]
- B. **Surface Water Quality Monitoring:** Comprehensive surface water quality monitoring program including basin assessment and characterization, identification of impairment and pollution source identification. [Island County Public Health]
- C. **Hydrogeology Program:** Comprehensive groundwater management program. [Island County Public Health]



- D. **On-site Sewage System Operation and Maintenance Program + Homeowner Septic Training (HOST):** Implementation of requirements of WAC 246-272A and the Island County On-site Sewage System Management Plan to ensure protection of surface and groundwater. [Island County Public Health]
- E. **Salmon Recovery:** Protection, enhancement and promotion of salmon habitat resources. [Island County Public Health]
- F. **Shellfish Protection:** Respond to water quality threats to shellfish protection resources through source identification, community engagement, education and outreach, pollution source and working in collaboration with the Department of Health (DOH) when downgrades occur. [Island County Public Health]
- G. **Low Impact Development Coordination:** Provide for the implementation of low-impact development standards throughout Island County through promotion, education, and development of other programs to minimize impacts to water resources from land development. [Public Works Department]
- H. **Critical Area Enforcement and Code Compliance:** Provide staff resources to ensure the implementation of the Island County Critical Areas Ordinance (CAO), Chapter 17.02A ICC, and to respond to complaints and indications of water quality impairment affected by noncompliance with the CAO. [Planning and Community Development]
- I. **Watershed Planning:** Provide surface and groundwater planning on a basin-wide scale. Plan basin strategies to improve surface run-off, aquifer recharge, water quality and habitat protection by use of basin-specific policies and facilities. [Public Works Department]

**15.03.060 Budgeting and Coordination**

The Board of Commissioners shall separately budget for each program element of the Clean Water Utility established under Section 15.03.050, and for other elements which later may be added. For purposes of RCW 43.09.210, any facilities incorporated into the various elements of the Clean Water Utility are transferred to the Clean Water Utility and are subject to the administration of the department identified in Section 15.03.050 as the administrator for each element. The Public Works Department shall be responsible for overall coordination among the departments administering the various elements of the Clean Water Utility.

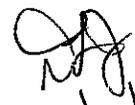
**15.03.070 System of Charges**

- A. **General Provisions:** The County hereby imposes the following system of charges on Parcels of real property within the unincorporated areas of the County encompassed within the geographic scope of the Clean Water Utility as set forth in Section 15.03.040. The system of charges is found to be reasonable and necessary to fund administration, planning, design, and construction of all existing and future program elements of the

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Clean Water Utility, including the accumulation of reserves and the retirement of any associated debt. The systems of charges below is based on Zoning Classifications and Impervious Surface area.

- B. Rural and Residential Zones (R, RR, OH-R, UGA-L):** Properties zoned rural and residential in the County are found to have a relatively standard area of Impervious Surface of approximately 5,000 square feet per Parcel. Rates for residential parcels will be established through resolution of the Board of County Commissioners. The rate is based on a typical residential parcel of 2.5 acres with 50% forest, 50% lawn, and 5,000 sq. ft. of impervious surface. The run-off calculation used for individual lots is the Rational Method as detailed in the 1998 King County surface water design manual.
- C. Commercial and Industrial (OH- I, OH-HSC, OH-PBP, OH-PIP, RC, RV, CGV, RS, LM, AP):** Properties zoned commercial or industrial generally do not have a standard area of Impervious Surface, and thus shall be charged based on a base fee equivalent to a residential parcel plus an impervious fee based on the approximate number of square feet of Impervious Surface on the individual commercial Parcel in excess of 5,000 square feet. The number of square feet of Impervious Surface for commercial properties shall be determined in accordance with Section 15.03.080.
1. The base fee will be equivalent to the residential fee.
  2. An additional impervious surface fee shall be in addition to the base fee and calculated as a multiple of a standard residential increment of 5,000 square feet per Parcel. (For example, if the number of square feet of Impervious Surface on a particular commercial Parcel was determined to be approximately 10,000 square feet, the annual charge would be 2 times the annual residential charge. Likewise, if the number of square feet of Impervious Surface on a particular commercial Parcel was determined to be approximately 7,500 square feet, the annual charge would be 1.5 times the annual residential charge.) Rates for commercial parcels will be established through resolution of the Board of County Commissioners.
  3. Commercial parcel owners may request a review of the impervious surface coverage of their parcel once per year on or before July 1 each year, by submitting documentation showing their parcel boundary and impervious surface coverage is different from the basis for the current charges. Requirements for admissible documentation shall be determined by the Public Works Department.
  4. Decisions of the Public Works Department on requests for rate adjustments based on a different analysis of impervious surface coverage may be appealed per ICC 15.03.130.
  5. A ten percent discount from the charges established through resolution of the Board shall be provided to a commercial Parcel that has installed a system for storing, collecting, and reusing rainwater from a rooftop, installed at a

  
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commercial-use building, that has been designed and constructed in accordance with the Washington State Building Code Council's Permissive Rainwater Harvesting System Guidelines For Nonresidential Occupancies (2002 or as amended), has a storage volume of at least ten per cent of the mean annual runoff volume generated from the contributing roof area, and for which design and construction has been approved by the Director of Public Works.

- D. **Agricultural (RA, CA, RF)** (and other miscellaneous Zoning Classifications (PK, SD-ASI, SD-CCC, SR-GF): Agricultural land and other Zoning Classifications apart from residential and commercial generally do not have substantial amounts of Impervious Surface. Since the ratio of impervious surface to pervious land on a typical agricultural parcel is lower than on a typical residential parcel, the Agricultural Parcels shall be charged a reduced rate from the standard residential rate. Rates for parcels zoned agricultural, or other miscellaneous classifications other than residential or commercial, will be established through resolution of the Board of County Commissioners.
- E. **Parcels within the Holmes Harbor, Main Street, and Penn Cove Sewer Districts:** These parcels are not served by on-site sewage systems and pay separate fees for off-site sewage disposal, therefore, the Utility fee will be adjusted to not include the fee associated with the On-site Sewage System Operation and Maintenance Program + HOST program. The adjusted rate will be established through resolution of the Board of County Commissioners.
- F. **Parcels within active Diking and Drainage Districts:** These parcels have formed their own junior taxing districts to manage and control surface water runoff and flooding and pay separate assessments to fund surface water and flood control facilities. Therefore, the Utility fee will be adjusted to not include the fee associated with the Surface and storm water drainage projects programs of the Utility. The adjusted rate will be established through resolution of the Board of County Commissioners.
- G. If a parcel qualifies for one or more adjustments to the base rate, the larger of the adjustments shall apply.

**15.03.075 Program of Credits Established—Purpose—Qualifications—Amount**

- A. A program of credits to partially offset the charges imposed under ICC 15.03.070 for Parcel owners who meet the qualifications of this Section is established in order to provide necessary support for the poor and infirm. The Department of Public Works is authorized and directed to administer the program in accordance with this Chapter.
  - 1. To implement the program provided for in ICC 15.03.075.A, a credit of 50% of the Clean Water Utility fee shall be given to each person who shows satisfactory proof that he or she is the owner of a Parcel subject to the charges under ICC 15.03.070 and qualifies for an Assessor's senior citizen/disabled person low income tax credit per RCW 84.36.381-389.

2. Applicants shall verify such information and shall provide such other data as is deemed appropriate upon forms and in the manner determined by the Department of Public Works.
  3. Credits are not transferable. If a Parcel is sold to an entity or to an individual who does not qualify for a credit under ICC 15.03.075, the individual or entity shall pay the full annual charges under ICC 15.03.070 from and after the date of the transfer. In addition, the non-qualifying owner shall pay all other charges imposed under this Chapter from and after the date of transfer.
- B. Any person owning a commercial or industrial parcel and receiving a billing statement for capital charges and making a timely payment therefore may apply to the Public Works Department for a rate adjustment for qualified on-site mitigation, such as low impact development practices identified in the technical guidance manual for Puget Sound, January 2005 or current addition, or equivalent water quality and quantity controls that exceed County standards and/or Parcel-specific characteristics that significantly affect run-off or water quality.
1. The burden of proof shall be on the applicant to show that the rate adjustment sought should be granted. Application shall include a drainage plan prepared by a licensed professional engineer documenting the predevelopment and post development surface and ground water quantity and quality conditions. Rate adjustments shall generally apply to the capital improvement portion of the fee. Rate adjustments, if granted, will be proportional to the effectiveness of the proposed mitigation in reducing surface and ground water quantity and quality impacts. Requirements for admissible documentation shall be determined by the Public Works Department.
  2. Applications for rate adjustment must include a deposit sufficient to cover the utility's cost of review. The deposit amount will be set by resolution of the Board of County Commissioners. Any unused portion of the deposit will be refunded to the applicant. County costs in excess of the deposit will be paid by the applicant prior to the adjustment being granted.
  3. To be effective for the current billing year, applications for rate adjustment must be made by July 15. Applications received after July 15 shall only be effective for subsequent years.
  4. Decisions of the Public Works Department on requests for rate adjustments may be appealed. Provisions for appeals are provided for in ICC 15.03.130.

**15.03.080 Measurement of Impervious Surface Area**

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- A. Where it is necessary under this Chapter to determine the amount of Impervious Surface on any Parcel, the Director of Public Works or designee shall do so through the records of the Island County Assessor and through aerial or satellite photographs and such other methods as the Director of Public Works may determine.
- B. The Director of Public Works or designee shall update such Impervious Surface area determinations at least every 5 years. The Director of Public Works or the director's designee shall reclassify property for purposes of the charges imposed pursuant to this chapter based on relevant changes in the characteristics of the property. For purposes of carrying out the requirements of this chapter, the Director of Public Works or the director's designee is hereby granted a right of entry to private property, provided that the owner of such property consents to the entry.

**15.03.090 Billing and Collection**

- A. Clean Water Utility charges for each Parcel of real property within the County for which charges are imposed may be included in annual property tax statements in accordance with RCW 84.56.035. Charges may alternatively be sent out as a separate utility billing. Payment shall be made in accordance with this chapter and instructions included in the statements. Any Parcels that do not receive annual property tax statements will receive a separate bill for charges imposed pursuant to this chapter.
- B. Delinquent Clean Water Utility charges shall bear interest as provided in RCW 36.89.092 at the rate of 12 percent per annum or such rate as may hereafter be authorized by law, computed on a monthly basis from the date of delinquency until paid. Interest shall be calculated at the rate in effect at the time of payment of the charges regardless of the rate in effect when the charges were first delinquent.
- C. The County shall have a lien for delinquent Clean Water Utility charges, including interest thereon, against any property subject to Clean Water Utility charges. The lien shall be superior to all other liens and encumbrances except general taxes and local and special assessments. Such lien shall be effective and shall be enforced and foreclosed in the same manner as provided for sewerage systems of cities and towns by RCW 35.67.200 through 35.67.290, except that the Clean Water Utility charge lien shall be effective for a total not to exceed one year's delinquent Clean Water Utility charges without the necessity of any writing or recording of the lien with the County Auditor, as provided for in RCW 36.89.093, in lieu of the provisions provided for in RCW 35.67.210.

**15.03.100 Mitigation of System Impact; Developer Contributions**



The Department of Public Works is authorized to request payment of a fair and equitable pro-rata portion of specific Clean Water Utility improvements planned for a drainage basin in the six year capital improvement plan from new development in that basin. Such mitigation may reduce or eliminate the need for on-site Clean Water Utility improvements by the developer. When a developer uses off-site mitigation, the mitigation shall meet or exceed County standard requirements for quantity and quality controls.

#### **15.03.110 Clean Water Utility Accounting**

The County hereby establishes a fund in the office of the Island County Treasurer to carry out the purposes of this chapter. All money that the County receives pursuant to this chapter shall be segregated, credited and deposited to the credit of the Clean Water Utility. The money deposited shall be expended only for administering, operating, maintaining or improving Clean Water Utility facilities, including all or any part of the cost of planning, designing, financing, acquiring, constructing, maintaining, repairing, replacing, improving or operating present or future Clean Water Utility facilities owned or controlled by the Clean Water Utility. Money shall not be transferred to any other fund of the County except to pay for expenses directly attributable to the Clean Water Utility.

#### **15.03.120 Regulation and Administration**

The Director of Public Works or the Director's designee is hereby authorized to administer the provisions of this chapter unless duties are otherwise delegated herein. The Director of Public Works is hereby authorized and directed to formulate any rules and regulations consistent with this chapter and necessary for its proper administration by officials of the Department of Public Works and to ensure that rules and regulations consistent with this chapter are likewise formulated by the directors of the other County departments delegated duties under this chapter.

#### **15.03.130 Rate Adjustments and Appeals**

A. General: Appeals of decisions of the Public Works Director shall follow provisions of a Type I decision appeal in ICC 16.19 with an open record appeal to the Hearing Examiner. Utility fee adjustments and appeals under this chapter are limited to the basis of appeal in ICC 15.03.130.B.

B. Basis of Rate adjustment and Appeal:

1. Improper classification of the parcel type under ICC 15.03.070 B, C, D, E, or F: A property owner who questions the classification of the parcel zoning or classification in a sewer, diking, or drainage district by the Public Works Department may request a rate adjustment from the Public Works Director as a formal Type I decision.

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2. Commercial or industrial property owners who question the determination of the impervious surface area covering their parcel by the Public Works Department may request a rate adjustment from the Public Works Director as a formal Type I decision.
  3. Commercial or industrial property owners who question the fee credit determined under ICC 15.03.075.B by the Public Works Department may request a rate adjustment from the Public Works Director as a formal Type I decision.
- C. The base fee for all parcels is not subject to appeal.
- D. The appeal fee shall be set by resolution of the Board of Island County Commissioners.
- E. Nothing in this chapter shall be construed to grant any right of judicial review that did not exist in law before the passage of this chapter. The decision of the Hearing Examiner shall be final and binding. A writ of review must be sought in the Superior Court, if at all, by an aggrieved party or person within 14 calendar days of the date the decision was mailed.

**15.03.140 Penalties, Enforcement**

- A. **Civil** - Any violation of this chapter shall be an infraction, and any person found in violation thereof shall be subject to a penalty not to exceed \$250 per day.
- B. **Criminal** - Any intentional violation of the provisions of this chapter shall be a misdemeanor, and any person found guilty thereof shall be punished by a fine not to exceed \$500 per day or imprisonment not to exceed 90 days or by both such fine and imprisonment.
- C. **Penalties not exclusive** - The penalties authorized above shall not be exclusive. The Director of Public Works is authorized to take such emergency measures as are necessary to ensure compliance with this chapter. Violation of the provisions of this chapter may give rise to such other remedies or action necessary to carry out the purposes of this chapter.

**15.03.150 Director's Authority to Promulgate Rules**

The Director of Public Works or the Director's designee is authorized to develop administrative procedures to implement this chapter and impose and collect service charges, including but not limited to procedures for filing liens and initiating foreclosure against property for which Clean Water Utility charges are on delinquent accounts and the collection of the debt service portion of the service charge in areas that annex or incorporate.

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**15.03.160 Annual Report**

The Director of Public Works or the Director's designee shall prepare an annual report to the Board of County Commissioners, describing the implementation of the Clean Water Utility, annual revenue generated and the use of that revenue, and any other information deemed necessary by the Director.

  
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