

CITY OF GRANGER MUNICIPAL CODE

1982

**A Codification of the General Ordinances
of the City of Granger, Washington**

**Updated since 2017 by
CODE PUBLISHING COMPANY
Seattle, Washington**



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PREFACE

Citation to the Granger Municipal Code: This code should be cited as GMC; i.e., “see GMC 3.05.010.” A GMC title should be cited GMC Title 3. A GMC chapter should be cited Chapter 3.05 GMC. A GMC section should be cited GMC 3.05.010. Through references should be made as GMC 3.05.010 through 3.05.040. Series of sections should be cited as GMC 3.05.010, 3.05.020, and 3.05.030.

Numbering system: The number of each section of this code consists of three parts, in sequence as follows: Number of title; number of chapter within the title; number of section within the chapter. Thus GMC 3.05.020 is Title 3, Chapter 5, Section 20. The section part of the number (.020) initially consists of three digits. This provides a facility for numbering new sections to be inserted between existing sections already consecutively numbered. In most chapters of the GMC, sections have been numbered by tens (.010, .020, .030, .040, etc.), leaving nine vacant numbers between original sections so that for a time new sections may be inserted without extension of the section number beyond three digits.

Legislation: The legislative source of most sections is enclosed in parentheses at the end of the section. References to ordinances are abbreviated; thus “(Ord. 791 § 1, 1995; Ord. 674 § 2, 1988)” refers to Section 1 of Ordinance No. 791 and Section 2 of Ordinance No. 674. “Formerly” followed by a GMC citation preserves the record of original codification. A semicolon between ordinance citations indicates a partial amendment of the earlier section; a colon between ordinance citations indicates a complete amendment.

Codification tables: To convert an ordinance citation to its GMC number consult the codification tables. The parenthetical information at the end of each ordinance entry indicates where the ordinance has been codified. Ordinances designated as “Special,” “Repealed,” or “Not Codified” do not appear in the code.

Index: Titles 1 through 18 are indexed in the Index. The index includes complete cross-referencing and is keyed to the section numbers described above.

Errors or omissions: Although considerable care has been used in the production of this code, it is inevitable in so large a work that there will be errors. As users of this code detect such errors, it is requested that a note citing the section involved and the nature of the error be e-mailed to: cpc@codepublishing.com, so that correction may be made in a subsequent update.

Computer access: Code Publishing Company supports a variety of electronic formats for searching, extracting, and printing code text; please call the publisher for more information.

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PUBLISHER'S NOTE

The Granger Municipal Code was originally published by Book Publishing Company in 1981, and was kept current by regular supplementation by Matthew Bender & Company, Inc. Through Supplement No. 7 to Supplement No. 11, Municipal Code Corporation kept this Code current through regular supplementation.

Since 2017, the code has been updated by Code Publishing Company.

The supplement "directions" page, which should be retained at the front of the book, indicates the last ordinance and resolution (and passage dates thereof) included with each supplement.

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How to Amend the Code

Code Structure and Organization

The code is organized using a 3-factor decimal numbering system which allows for additions between sections, chapters, and titles, without disturbing existing numbers.

2 . 04 . 050

Title	_____	_____	_____
Chapter	_____	_____	_____
Section	_____	_____	_____

Typically, there are 9 vacant positions between sections; 4 positions between chapters, and several title numbers are “Reserved” to allow for codification of new material whose subject matter may be related to an existing title.

Ordinances of a general or public nature, or one imposing a fine, penalty or forfeiture, are codifiable. Prior to enacting a codifiable ordinance, ascertain whether the code already contains provisions on the topic.

Additions

If the proposed ordinance will add material not contained in the code, the ordinance will specify an “addition”; that is, a new title, chapter, section, or subsection will be added. For example:

Section 1. Chapter 5.20, Taxicab Licenses, is added to read as follows:

-OR-

Section 1. A new title, Title 18, Zoning, is added to read as follows:

A specific subsection can also be added when appropriate:

Section 2. Subsection D is added to Section 5.05.070, to read as follows:

Amendments

If the ordinance amends existing code provisions, specify the affected section or chapter numbers in the ordinance. This kind of amendment typically adds a section to an existing chapter, or amends an existing section. Set out the entire section or subsection, not just the text (e.g., sentence) that was changed. For example:

Section 1. Section 5.05.030 is amended to read as follows:

-OR-

Section 1. Section 5.05.035, Additional fees, is added to Chapter 5.05 to read as follows:

An ordinance can also amend a specific subsection of a code section:

Section 3. Subsection B of Section 5.05.070 is amended to read:

Repeals

Ordinances which repeal codified material should specify the code chapter, section, or subsection number. The chapter, section, or subsection numbers will be retained in the code, along with their title, as a record of ordinance activity (and as an explanation for gaps in the numbering sequence). The number of the repealed section or chapter can be reused at a later time when desired. For example:

Section 2. Section 5.05.020, License, is repealed.

Renumbering

If the ordinance renumbers existing code provisions (either sections or subsections), identify how remaining sections or subsections should be renumbered (or relettered).

Codification Assistance

Code Publishing Company can assist either in specifying code numbers or in providing remedies for other codification related problems free of charge. Please call us at (206) 527-6831.

Title 1
GENERAL PROVISIONS

Chapters:

- 1.01 Code Adoption
- 1.04 General Provisions
- 1.08 City Seal
- 1.12 Official Newspaper
- 1.16 General Penalty
- 1.18 Crime Prevention Assessment

Chapter 1.01

CODE ADOPTION

Sections:

- 1.01.010 Adoption.
- 1.01.020 Title--Citation--Reference.
- 1.01.030 Codification authority.
- 1.01.040 Ordinances passed prior to adoption of the code.
- 1.01.050 Reference applies to all amendments.
- 1.01.060 Title, chapter and section headings.
- 1.01.070 Reference to specific ordinances.
- 1.01.080 Effect of code on past actions and obligations.
- 1.01.090 Effective date.
- 1.01.100 Constitutionality.

1.01.010 Adoption. Pursuant to the provisions of RCW 35.21.500 through 35.21.570, there is adopted the "Granger Municipal Code," as compiled, edited and published by Book Publishing Company, Seattle, Washington. (Ord. 541 \$1, 1982).

1.01.020 Title--Citation--Reference. This code shall be known as the "Granger Municipal Code," and it shall be sufficient to refer to said code as the "Municipal Code" in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction or repeal of the "Granger Municipal Code"; further, reference may be had to the titles, chapters, sections and subsections of the

"Granger Municipal Code" and such reference shall apply to that numbered title, chapter, section or subsection as it appears in the code. (Ord. 541 §2, 1982).

1.01.030 Codification authority. The Granger Municipal Code consists of all the regulatory and penal ordinances and certain of the administrative ordinances of the town of Granger, Washington, codified pursuant to the provisions of RCW 35.21.500 through 35.21.570. (Ord. 541 §3, 1982).

1.01.040 Ordinances passed prior to adoption of the code. The last ordinance included in the initial code is Ordinance No. 525, passed July 20, 1981. The following ordinances, passed subsequent to Ordinance 525, but prior to adoption of this code, are adopted and made a part of this code:

Ordinance Nos. 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539 and 540. (Ord. 541 §4, 1982).

1.01.050 Reference applies to all amendments. Whenever a reference is made to this code as the "Granger Municipal Code" or to any portion thereof, or to any ordinance of the town of Granger, Washington, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made. (Ord. 541 §5, 1982).

1.01.060 Title, chapter and section headings. Title, chapter and section headings contained in this code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof. (Ord. 541 §6, 1982).

1.01.070 Reference to specific ordinances. The provisions of this code shall not in any manner affect matters of record which refer to, or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included within the code, but such reference shall be construed to apply to the corresponding provisions contained within this code. (Ord. 541 §7, 1982).

1.01.080 Effect of code on past actions and obligations. Neither the adoption of this code nor the repeal or amendment hereby of any ordinance or part or portion of any ordinance of the town shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license, fee or penalty at said effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license, fee or penalty, or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any ordinance, and all rights and obligations thereunder appertaining shall continue in full force and effect. (Ord. 541 §8, 1982).

1.01.090 Effective date. This code shall become effective on the date the ordinance adopting this code as the "Granger Municipal Code" becomes effective. (Ord. 541 §9, 1982).

1.01.100 Constitutionality. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. The council declares that it would have passed this code, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional, and if for any reason this code should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect. (Ord. 541 §10, 1982).

Chapter 1.04GENERAL PROVISIONSSections:

- 1.04.010 Definitions.
- 1.04.020 Title of office.
- 1.04.030 Interpretation of language.
- 1.04.040 Grammatical interpretation.
- 1.04.050 Acts by agents.
- 1.04.060 Prohibited acts include causing and permitting.
- 1.04.070 Computation of time.
- 1.04.080 Construction.
- 1.04.090 Repeal shall not revive any ordinances.
- 1.04.100 Classification as a noncharter code city.

1.04.010 Definitions:

The following words and phrases, whenever used in the ordinances of the town, shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

A. "City" and "town" each mean the town of Granger, or the area within the territorial limits of the town of Granger, Washington, and such territory outside of the town of Granger over which the town has jurisdiction or control by virtue of any constitutional or statutory provision.

B. "Council" means the town council of the town. "All its members" or "all councilmembers" means the total number of councilmembers holding office.

C. "County" means the county of Yakima.

D. "Law" denotes applicable federal law, the Constitution and statutes of the state of Washington, the ordinances of the town, and, when appropriate, any and all rules and regulations which may be promulgated thereunder.

E. "May" is permissive.

F. "Month" means a calendar month.

G. "Must" and "shall" are each mandatory.

H. "Oath" means and includes an affirmation or declaration in all cases in which, by law, an affirmation may

be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

I. "Owner," applied to a building or land, means and includes any part owner, joint owner, tenant in common, joint tenant, tenant by entirety, of the whole or a part of such building or land.

J. "Person" means and includes a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.

K. "Personal property" includes money, goods, chattels, things in action and evidences of debt.

L. "Preceding" and "following" mean next before and next after, respectively.

M. "Property" includes real and personal property.

N. "Real property" includes lands, tenements and hereditaments.

O. "Sidewalk" means that portion of a street between the curbline and the adjacent property line intended for the use of pedestrians.

P. "State" means the state of Washington.

Q. "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs or other public ways in this town, which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.

R. "Tenant" or "occupant," applied to a building or land, include any person who occupies the whole or a part of such building or land, whether alone or with others.

S. "Written" includes printed, typewritten, mimeographed, multigraphed or otherwise reproduced in permanent, visible form.

T. "Year" means a calendar year. (Ord. 511 §1, 1981).

1.04.020 Title of office. Use of the title of any officer, employee, department, board or commission means that officer, employee, department, board or commission of the town. (Ord. 511 §2, 1981).

1.04.030 Interpretation of language. All words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning. (Ord. 511 §3, 1981).

1.04.040 Grammatical interpretation. The following grammatical rules shall apply in the ordinances of the town, unless it is apparent from the context that a different construction is intended:

A. Gender. Each gender includes the masculine, feminine and neuter genders.

B. Singular and Plural. The singular number includes the plural and the plural includes the singular.

C. Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable. (Ord. 511 §4, 1981).

1.04.050 Acts by agents.

When an act is required by an ordinance, the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed to include all such acts performed by an authorized agent. (Ord. 511 \$5, 1981).

1.04.060 Prohibited acts include causing and permitting.

Whenever in the ordinances of the town, any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering or concealing the fact of such act or omission. (Ord. 511 \$6, 1981).

1.04.070 Computation of time.

Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is Sunday or a holiday, in which case it shall also be excluded. (Ord. 511 \$7, 1981).

1.04.080 Construction.

The provisions of the ordinances of the town, and all proceedings under them are to be construed with a view to effect their objects and to promote justice. (Ord. 511 \$8, 1981).

1.04.090 Repeal shall not revive any ordinances.

The repeal of an ordinance shall not repeal the repealing clause of an ordinance or revive any ordinance which has been repealed thereby. (Ord. 511 \$9, 1981).

1.04.100 Classification as a noncharter code city.

There is adopted for the town of Granger, Washington, the classification of noncharter code city retaining the same general plan of government under which the town of Granger is currently organized but governed according to Chapter 35A.12 RCW (Mayor-Council). (Ord. 1016 \$1, 2004).

Chapter 1.08

CITY SEAL

Sections:

- 1.08.010 Designated.
- 1.08.020 Custodian.

1.08.010 Designated.

The seal of the city shall be circular and shall contain the following devise: in the center the word "Seal" and around the outer edge the words "GRANGER, STATE OF WASHINGTON." (Ord. 1 § 1, 1909).

1.08.020 Custodian.

The seal of the city shall be kept by the clerk and be by him or her fixed to all acts requiring to be authenticated. (Ord. 1 § 2, 1909).

Chapter 1.12

OFFICIAL NEWSPAPER

Sections:

- 1.12.010 Designated.

1.12.010 Designated.

The Sunnyside Sun, a weekly newspaper, is made the official newspaper of record for the city. (Ord. 1390 § 1, 2022; Ord. 1373 § 1, 2021; Ord. 1346 § 1, 2019: Ord. 1329 § 1, 2019: Ord. 1303 § 1, 2018: Ord. 1274 § 1, 2017: Ord. 1244 § 1, 2016: Ord. 1217 § 1, 2015: Ord. 1198 § 1, 2014: Ord. 1114 § 1, 2009; Ord. 781 § 1, 1995: Ord. 163, 1948).

Chapter 1.16

GENERAL PENALTY

Sections:

- 1.16.010 Designated.
- 1.16.020 Each day constitutes separate offense.

1.16.010 Designated.

A. Any person violating any of the provisions of or failing to comply with any of the mandatory requirements of any ordinance of the city shall be guilty of a misdemeanor.

B. Except in cases where a different punishment is prescribed by any ordinance of the city, any person convicted of a misdemeanor shall be punished by a fine not exceeding five thousand dollars or by imprisonment for not more than one year, or by both such fine and imprisonment, but the punishment provided for violation of any criminal ordinance shall be the same as the punishment provided in state law for the same crime. The provisions of this section shall take priority over any ordinance not consistent herewith, and those portions of all ordinances in conflict herewith are repealed. (Ord. 844 § 1, 1997; Ord. 782 § 1(part), 1995; Ord. 597 § 3, 1984; Ord. 510 § 1(A), 1981).

1.16.020 Each day constitutes separate offense.

Each such person is guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of the city is committed, continued or permitted by any such person, and he is punishable accordingly. (Ord. 510 § 1(B), 1981).

Chapter 1.18

CRIME PREVENTION ASSESSMENT

Sections:

1.18.010 Crime prevention assessment required.

1.18.010 Crime prevention assessment required.

A. In all cases where an accused has been convicted of a criminal misdemeanor, a mandatory penalty of fifty dollars shall be assessed. Subject to the disposition of the money received under this section as designated by the laws of the state of Washington, RCW 3.50.100, as amended. The amount collected under this subsection shall be paid to the crime prevention fund, and disbursed as therein provided. This penalty shall not reduce the obligation of the convicted person to pay any other fine or costs assessed by the court. With these funds, the city council desires the police department to continue to combat all criminal activities, which will benefit the general health and welfare of the residents of the city. The crime assessment prevention fund may be used as appropriate for additional training, education, public good will, vehicles, equipment and supplies as the need may require.

B. Alcohol and Drug Assessment. In all cases where an accused has been convicted of an alcohol or a drug violation, in which either alcohol or drug was a contributing factor a penalty of one hundred dollars shall be assessed, which shall be paid into the crime prevention fund to be used as appropriate for training, education, public good will, salaries, vehicles, equipment and supplies.

C. All previously collected assessments which have been deposited to the special investigative drug account, over and above ten thousand dollars, shall be transferred to the crime prevention fund for distribution thereunder. (Ord. 921 §§ 1, 2, 2000; Ord. 895 §§ 2, 3, 1999).

Title 2

ADMINISTRATION AND PERSONNEL

Chapters:

<u>2.04</u>	<u>Appointment and Removal of Employees and Appointive Officers</u>
<u>2.06</u>	<u>Appointive Officers</u>
<u>2.08</u>	<u>City Council</u>
<u>2.12</u>	<u>Reserved</u>
<u>2.16</u>	<u>Reserved</u>
<u>2.20</u>	<u>Animal--Control Officer</u>
<u>2.24</u>	<u>Auxiliary Police Department</u>
<u>2.28</u>	<u>Fire Department</u>
<u>2.30</u>	<u>Public Works Department CDL Policy</u>
<u>2.32</u>	<u>Water and Sewer Department</u>
<u>2.36</u>	<u>Municipal Court</u>
<u>2.40</u>	<u>Board of Park Commissioners</u>
<u>2.44</u>	<u>Community Development Commission</u>
<u>2.48</u>	<u>Bonds</u>
<u>2.54</u>	<u>Expense Allowance</u>
<u>2.56</u>	<u>Vacations, Sick Leave and Health Insurance</u>
<u>2.59</u>	<u>Employee License Requirements--Policy</u>
<u>2.60</u>	<u>Retirement</u>
<u>2.64</u>	<u>Civil Service Commission</u>
<u>2.68</u>	<u>Interlocal Community Access Committee</u>
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<u>2.80</u>	<u>Procedures for the Inspection of Public Records</u>
<u>2.84</u>	<u>Public Defender Services</u>

Chapter 2.04APPOINTMENT AND REMOVAL OF EMPLOYEES AND APPOINTIVE OFFICERS*Sections:

- 2.04.010 Mayor to appoint and remove employees and appointive officers.
- 2.04.020 Delegation of appointing authority.
- 2.04.030 City council to confirm appointments.
- 2.04.040 Mayor to appoint limited commissioned police officers.

2.04.010 Mayor to appoint and remove employees and appointive officers.

A. The Mayor of the City of Granger shall have the power to appoint and remove all employees and appointive officers of the City of Granger, subject to Section 2.04.030 of this chapter and any applicable collective bargaining agreement, law, rule, or regulation relating to the Civil Service. All appointments of city officers and employees shall be made on the basis of ability and training or experience of the appointees in the duties they are to perform.

B. Pursuant to RCW 35A.12.020, the appointive officers of the City of Granger are the city administrator, city clerk, chief of police, public works director, city attorney, and fire chief. Appointive offices shall be without definite term unless a term is established for such office by law, ordinance, or collective bargaining agreement. Compensation of appointive officers shall be fixed by the city council. (Ord. No. 1130, § 1, 8-10-2010).

2.04.020 Delegation of appointing authority.

The Mayor of the City of Granger shall have the power to authorize the head of a department or office of the city government to appoint and remove subordinates in such department or office, subject to any applicable civil service provisions and Section 2.04.030 of this chapter. Such autho-

*Editor's note--Ord. No. 1130, § 1, adopted August 10, 2010, amended Ch. 2.04 in its entirety to read as herein set out. Former Ch. 2.04, §§ 2.04.010, 2.04.020, pertained to appointment of city officers, and derived from Ord. No. 4, §§ 1--3, adopted 1909; Ord. No. 459, § 2, adopted 1978; Ord. No. 608, § 2, adopted 1984.

rization or revocation thereof shall be in writing. (Ord. No. 1130, § 1, 8-10-2010).

2.04.030 City council to confirm appointments.

The appointment of city employees or appointive officers shall be subject to confirmation by a majority of the whole city council. The city council shall decline to confirm an appointee only in instances in which appointees do not possess the qualifications of the position or office as established by an applicable job description, law, ordinance, or regulation relating to the civil service. (Ord. No. 1130, § 1, 8-10-2010).

2.04.040 Mayor to appoint limited commissioned police officers.

The mayor is hereby authorized to appoint and designate the city's code enforcement officers, the chief of the city's fire department, and any other employee of the city that the mayor deems appropriate, as a limited commissioned officer of the city's police department for the purpose of administering and enforcing the provisions of the city's municipal code to the extent allowed under Washington law. Any such limited commissioned officer of the city shall have the authority to enforce the provisions of the city's municipal code to the fullest extent allowed under Washington law. (Ord. 1280 § 1, 2017).

Chapter 2.06

APPOINTIVE OFFICERS

Sections:

2.06.010	City administrator.
2.06.020	City clerk.
2.06.030	Chief of police.
2.06.040	Public works director.
2.06.050	City attorney.
2.06.060	Fire chief.

2.06.010 City administrator.

A. Authority and Duties. The city administrator shall be a full-time, non civil service position who shall exercise general supervision over the administrative affairs of the city and over all other appointive officers and other man-

agement positions as determined by the mayor. The city administrator shall be the administrative and liaison officer for the city under the direction and authority of the mayor.

The individual appointed as city administrator may also be appointed as another appointive officer in the City of Granger. When an individual serves as the city administrator and as another appointive officer, the individual shall not receive separate or dual compensation for each appointive position. When such dual appointment is made by the mayor, the appointee's compensation shall be fixed by the city council, giving due consideration to the individual's combined authority, duties, and responsibilities.

The city administrator shall have the following specific duties, powers and responsibilities, in addition to others provided by this chapter or otherwise:

(1) Under the direction and supervision of the mayor, supervise, administer, direct, and control the over-

all operations of all the various city offices, departments, commissions, and boards in carrying out the ordinances and policies of the city council and assuring optimum services to the community;

(2) Administer and supervise the carrying out of the decisions, regulations, and policies of the various city departments, commissions and boards;

(3) Report to the mayor and council concerning the status of all assignments, duties, and functions of the various city offices, departments, commissions and boards;

(4) In cooperation with the city clerk, keep the mayor and council advised of the financial condition of the city and its future needs, and assist in the preparation and submission of the annual budget to the mayor and city council;

(5) Supervise all purchasing and expenditures by the various city offices, departments, commissions and boards, for the purpose of keeping the same within the limitations of the annual budget of the city;

(6) Assist the mayor and council in conducting the city's business in all matters and perform other duties as the mayor and council may direct;

(7) Attend all meetings of the city council and such other meetings as may be suggested by the mayor;

(8) Advise the mayor in all hiring and termination decisions and oversee labor relations function of the city; recommend bargaining guidelines and settlements to the mayor and council;

(9) Act as the primary contact for news media for the city; and

(10) Recommend for adoption by the mayor and council measures the city administrator may believe necessary; and

(11) Perform such other duties as may be required by the laws of the state, city ordinances or as the mayor or city council, within their respective authority, may direct, subject to applicable law.

B. Qualifications. The city council shall, by resolution, adopt a job description for the position of city administrator, which shall contain the minimum qualifications that an individual must meet before that individual may be considered for appointment to the position of city administrator.

C. Compensation. The salary of the city administrator shall be fixed by the city council in the annual budget. (Ord. No. 1130, § 2, 8-10-2010)

2.06.020 City clerk.

A. City Clerk to Exercise Powers and Perform Duties of City Treasurer. The office of city treasurer shall be combined with that of city clerk, abolishing the office of city treasurer, and the city clerk shall exercise all power and perform all duties required by statute or ordinance to be performed by the city treasurer. In all cases where by statute or ordinance the city treasurer is required to sign or execute any papers or documents, it shall not be necessary for the clerk to sign as treasurer, and designation as city clerk will be sufficient.

B. Authority and Duties. The authority and duties of the city clerk shall be subject to the direction, authority, and supervision of the city administrator and shall include, without limitation, the following:

(1) Keep a full and true record of every act and proceeding of the city council, and keep such books, accounts, and make such reports as may be required by the office of the state auditor;

(2) Record all ordinances passed by the city council, annexing thereto her or his certificate giving the number and title of the ordinance, stating the ordinance was published and posted according to law and that the record is a true and correct copy thereof;

(3) Act as custodian of the seal of the City of Granger, and exercise the authority to acknowledge the execution of all instruments by the city requiring such acknowledgment;

(4) Perform all duties as specified in Chapter 35A.42 RCW for a city clerk or city treasurer, and all duties as imposed by law as an election officer for the city;

(5) Serve as the public records officer of the city and perform all such duties as imposed by law on the public records officer; and

(6) Perform such other duties as may be required by the laws of the state, city ordinances or as the mayor, city administrator, or city council, within their respective authority, may direct, subject to applicable law.

C. Qualifications. The city council shall, by resolution, adopt a job description for the position of city

clerk, which shall contain the minimum qualifications that an individual must meet before that individual may be considered for appointment to the position of city clerk.

D. Compensation. The salary of the city clerk shall be fixed by the city council in the annual budget.

E. Deputy Clerk/Treasurer. There is hereby established the position of deputy clerk/treasurer for the city who is authorized to sign warrants, drafts, and other papers of the city, including ordinances, that require the signature or attestation of the city clerk on such occasions as the city clerk shall designate, subject to the approval of the mayor.

F. Office Hours. The clerk's office shall be open to the public for the regular transaction of business from nine a.m. to twelve p.m. and from one p.m. to five p.m., Monday through Thursday, and shall be closed to the public from noon to one p.m. on such days. The clerk's office may be closed on Fridays to the public unless otherwise determined by the city clerk, and further, on an emergency basis, the city clerk may close his or her office early on a limited basis.

(Ord. No. 1130, § 2, 8-10-2010)

2.06.030 Chief of police.

A. Authority and Duties. The authority and duties of the chief of police shall be subject to the direction, authority, and supervision of the city administrator and shall include, without limitation, the following:

- (1) Preserve peace and order in the city;
- (2) Protect persons and property;
- (3) Organize efforts for the prevention of crime;
- (4) Manage the police department, and prescribe rules and regulations, consistent with law, for its governance and control;
- (5) Oversee the enforcement of city, county, state, and federal statutes and ordinances, and work cooperatively with county, state, and federal law enforcement agencies;
- (6) Advise the city council, city administrator, and mayor regarding needs of new ordinances for overall improved public safety; and

(7) Perform such other duties as may be required by the laws of the state, city ordinances or as the mayor, city administrator, or city council, within their respective authority, may direct, subject to applicable law.

B. Qualifications. The city council shall, by resolution, adopt a job description for the position of chief of police, which shall contain the minimum qualifications that an individual must meet before that individual may be considered for appointment to the position of chief of police.

C. Compensation. The salary of the chief of police shall be fixed by the city council in the annual budget. (Ord. No. 1130, § 2, 8-10-2010)

2.06.040 Public works director.

A. Authority and duties. The authority and duties of the public works director shall be subject to the direction, authority, and supervision of the city administrator and shall include, without limitation, the following:

(1) Plan, organize, direct, and coordinate activities of the various units of the public works department which include, but are not limited to, waste management, water, sewer, storm drainage, engineering services, and operation and maintenance of municipal facilities (including parks, sewers and waste water treatment facilities);

(2) Provide for the construction, maintenance, and repair of city streets and storm drains; buildings, parks and grounds maintenance; water and sewer systems maintenance and repair; and operations of a sewage waste water treatment plant;

(3) Develop and implement major departmental policies, plans and supervise execution of short- and long-range public works programs, and coordinate departmental activities with other city departments and public organizations;

(4) Maintain proper records, logs, and documentation, concerning public works utilities, city facilities, and public works staff;

(5) Train and supervise public works personnel;

(6) Monitor, inspect and coordinate public works contracts;

(7) Enforce and/or administer city ordinances, statutes, regulations and policies regulating water, sewer, waste water, and storm water utilities; and

(8) Perform such other duties as may be required by the laws of the state, city ordinances or as the mayor, city administrator, or city council, within their respective authority, may direct, subject to applicable law.

B. Qualifications. The city council shall, by resolution, adopt a job description for the position of public works director, which shall contain the minimum qualifications that an individual must meet before that individual may be considered for appointment to the position of public works director.

C. Compensation. The salary of the public works director shall be fixed by the city council in the annual budget.

(Ord. No. 1130, § 2, 8-10-2010)

2.06.050 City attorney.

A. Authority and Duties. The authority and duties of the city attorney shall be subject to the direction, authority, and supervision of the city administrator and shall include, without limitation, the following:

(1) Prosecute and defend all suits and actions to be brought or pending in any court of this state or of the United States to which the city is a party;

(2) Advise the city council or any committee thereof, or any city officer on such legal questions as may arise in relation to the business of the city;

(3) Draw all ordinances and resolutions for the city;

(4) Perform all other services in the line of his or her profession, connected with the business of the city not enumerated in this chapter; and

(5) Perform such other duties as may be required by the laws of the state, city ordinances or as the mayor, city administrator, or city council, within their respective authority, may direct, subject to applicable law.

B. Qualifications. The city council shall, by resolution, adopt a job description for the position of city attorney, which shall contain the minimum qualifications that an individual must meet before that individual may be considered for appointment to the position of city attorney.

C. Compensation. The salary of the city attorney may be fixed by contractual arrangement or fixed by the city council in the annual budget.

(Ord. No. 1130, § 2, 8-10-2010)

2.06.060 Fire chief.

A. Authority and Duties. The authority and duties of the fire chief shall be subject to the direction, authority, and supervision of the city administrator and shall include, without limitation, the following:

- (1) Supervise, administer, and coordinate the activities of the city fire department;
- (2) Carry out the ordinances, fire codes, and policies of the city council;
- (3) Investigate the cause of fires that may occur in the city and record the results of such investigations;
- (4) Regularly report to the mayor and council concerning the status of the city fire department;
- (5) Prepare and submit a preliminary budget for the fire department to the city clerk/treasurer each year;
- (6) Perform such other duties as may be required by the laws of the state, city ordinances or as the mayor, city administrator, or city council, within their respective authority, may direct, subject to applicable law.

B. Qualifications. The city council shall, by resolution, adopt a job description for the position of fire chief, which shall contain the minimum qualifications that an individual must meet before that individual may be considered for appointment to the position of fire chief.

C. Compensation. The salary of the fire chief may be fixed by contractual arrangement or fixed by the city council in the annual budget.

(Ord. No. 1130, § 2, 8-10-2010)

Chapter 2.08CITY COUNCILSections:

- | | |
|----------|--|
| 2.08.010 | Meetings. |
| 2.08.020 | Meeting location. |
| 2.08.025 | Mayor and council compensation. |
| 2.08.030 | Job description review by city council. |
| 2.08.040 | Regular city council meeting protocol established. |

2.08.010 Meetings.

The city council shall hold regular meetings for the transaction of business on the second and fourth Tuesday of

each and every month, workshop beginning at six p.m. for the review of bills by the council, with the regular meeting to begin at seven p.m. immediately or soon thereafter. (Ord. No. 1140, § 1, 6-7-2011; Ord. No. 1115, § 1, 5-12-2009; Ord. No. 1096, § 1, 6-24-2008; Ord. 831 § 1, 1997; Ord. 803 § 1, 1996; Ord. 526 § 1, 1981; Ord. 509 § 1, 1981; Ord. 2 § 1, 1909).

2.08.020 Meeting location.

All council meetings shall be at the city hall or such other place within the city as the council may determine in emergency situations. (Ord. 831 §2, 1997).

2.08.025 Mayor and council compensation.

A. Commencing January 1, 2020, the mayor of the city of Granger shall be compensated at the rate of one thousand dollars per month.

B. Commencing on January 1, 2014, all persons elected to the city council in the 2013 general election or thereafter shall receive forty dollars per meeting. Commencing on January 1, 2020, all persons elected to the city council in the 2019 general election or thereafter shall receive fifty dollars per meeting. The meetings shall include council meetings, council workshops, and special council meetings, together with any meetings or functions that the members are appointed to and authorized by the mayor to attend on behalf of the city.

C. Any person appointed or elected to complete an unexpired term of office shall be compensated at the rate such council position was paid at the time of the vacation of the position. (Ord. 1344 § 1, 2019; Ord. 1307 § 1, 2018; Ord. No. 1189, § 2, 6-25-2013).

2.08.030 Job description review by city council.

Job descriptions are written documents setting forth the duties for the different employment positions within the city. Whenever any job description is modified or changed, the new job description shall be brought to the city council for its review so that the council can be fully advised of such modifications or changes. (Ord. No. 1097, § 1, 8-12-2008).

2.08.040 Regular city council meeting protocol
established.

A. Regular city council meetings are meetings in which
the city council conducts its business.

B. The mayor is the presiding officer for such meetings. In the mayor's absence the mayor pro tem shall serve as the presiding officer.

C. The meetings shall be called to order by the mayor.

D. The mayor shall be required to maintain and preserve order during the meetings. The mayor shall ensure that neither he or she nor any member of the council engage in conduct that is disruptive to the decorum of the meeting, such as personal attacks or attempts to impugn a member's motives, and the mayor shall be required to ensure that all debate is confined to the question under discussion.

E. Citizens addressing the mayor or the city council.

1. If a citizen wishes to address the mayor or the city council at a meeting, the citizen must first procure the permission of the mayor and/or the city council. Each person addressing the mayor or the council shall step up to the microphone and provide his or her name and address for the record. Each person wishing to address the mayor or the council shall have three minutes to do so. All remarks shall either be addressed to the mayor or the council as a body and not addressed to any individual member of the council.

2. No person, other than the mayor, members of the council, or the person recognized to speak, shall be permitted to enter into any discussion with mayor or members of city council. No questions shall be asked of the city council except through the mayor. The city council can then decide whether to address the questions at the present meeting, at a future workshop, on other agendas, or can decide to not consider them at all.

3. Any person who makes a personal attack, makes impertinent or slanderous remarks, or who shall become boisterous, while addressing the mayor or the city council may be removed from the meeting.

4. Interested persons, or their authorized representatives, may address the city council for the reading of a protest, petition, or other communication relating to a matter over which the council has control, if a majority of the council present agrees to let the reading occur.

(Ord. No. 1103A, § 1, 10-28-2008)

Chapter 2.12RESERVED*Chapter 2.16RESERVED†Chapter 2.20ANIMAL-CONTROL OFFICERSections:2.20.010 Position created--Duties.2.20.010 Position created--Duties.

There is created the position of animal-control officer, said position to assume the duties and responsibilities of poundmaster in the city

***Editor's note**—Ord. No. 1130, § 3, adopted August 10, 2010, repealed Ch. 2.12, §§ 2.12.010--2.12.030, which pertained to clerk-treasurer and derived from Ord. No. 310, § 2, adopted 1965; Ord. No. 359, § 1, adopted 1973; Ord. No. 446, § 1, adopted 1977; Ord. No. 1055, § 1, adopted 2006. The user's attention is directed to § 2.06.020.

†Editor's note—Ord. No. 1130, § 4, adopted August 10, 2010, repealed Ch. 2.16, §§ 2.16.010, 2.16.020, which pertained to city attorney and derived from Ord. No. 74, §§ 1, 2, adopted 1912. The user's attention is directed to § 2.06.050.

under the direction and authority of the town marshal. (Ord. 454 §1, 1977).

Chapter 2.24

AUXILIARY POLICE DEPARTMENT

Sections:

- 2.24.010 Established.
- 2.24.020 Duties and authority.
- 2.24.030 Organization and administration.
- 2.24.040 Membership requirements.
- 2.24.050 Conditions for appointment revocation.
- 2.24.060 Costs subsidized by city.
- 2.24.070 Responsibilities of town marshal.
- 2.24.080 Insignias.
- 2.24.090 Uniforms.
- 2.24.100 Identification card.
- 2.24.110 Wearing badge and carrying identification card.
- 2.24.120 Firearms.
- 2.24.130 Administrative rules and regulations.

2.24.010 Established. There is established and created an auxiliary police department to consist of such members as may be appointed by the town marshal and with the approval of the mayor. (Ord. 390 §1, 1974).

2.24.020 Duties and authority. A. Members of the auxiliary police department shall assist the police department of the town in its duties as may be determined by the town marshal.

B. Members of the auxiliary police department while in the performance of officially authorized duties, shall have all those powers vested in them by the town marshal, but under no circumstances shall said auxiliary policemen exercise any power while not in the performance of duties ordered by the town marshal or by a regular police officer; provided, no member of the auxiliary police department shall have the authority to arrest for the commission of any crime other than the authority of a private citizen. (Ord. 390 §2, 1974).

2.24.030 Organization and administration. A. The auxiliary police department shall be organized and administered by the town marshal, or by an officer of the police department assigned by the town marshal to that function.

B. Ranks of auxiliary police officers shall be designated and appointments made thereto, as the town marshal deems necessary or advisable. (Ord. 390 §3, 1974).

2.24.040 Membership requirements. To be eligible for membership in the auxiliary police department, each applicant must file application therefor with the town marshal, indicate his willingness to serve an average minimum of twelve hours per month in the public service, meet the qualifications and requirements prescribed by the town marshal for membership in the auxiliary police department; complete the training program, be appointed by the town marshal and subscribe to an oath of office. Members of the auxiliary police department shall:

- A. Be a citizen of the United States;
- B. Be a resident of the county;
- C. Not have been convicted of a felony or any offense involving moral turpitude;
- D. Be of good moral character and otherwise demonstrate attributes necessary to perform the duties of an auxiliary police officer, all as determined by the town marshal. (Ord. 390 §4, 1974).

2.24.050 Conditions for appointment revocation. A member's appointment to the auxiliary police department may be revoked by the town marshal at any time it appears to him that such member is not satisfactorily performing his duties as an auxiliary police officer, or if such member otherwise conducts himself in a manner so that the town marshal determines that such appointment should be revoked. (Ord. 390 §5, 1974).

2.24.060 Costs subsidized by city. No auxiliary police officer shall be compensated for his duties as such, but the town council may, in its discretion, pay all or part of the cost of furnishing uniforms and equipment, false arrest insurance, and training materials and supplies when the appropriation therefor has been indicated as an item in the town budget. (Ord. 390 §6, 1974).

2.24.070 Responsibilities of town marshal. In addition to those responsibilities and functions otherwise set out in this chapter the town marshal shall be responsible for establishing and effecting a training program for members of the auxiliary police department, for promulgating rules and regulations for the conduct of such department, for prescribing uniforms for the department, and for supervising the performance of duties by the members of the department. (Ord. 390 §7, 1974).

2.24.080 Insignias. A. The town marshal shall furnish a shield, hat badge, insignia of rank and shoulder patch, all of a distinctive and uniform design, to auxiliary police officers, for which each officer shall deposit with the town marshal the amount of five dollars.

B. All such badges and insignia shall be and remain the property of the town and shall be surrendered to the town marshal upon the termination of the membership of the officer to whom provided and upon such surrender the deposit therefor shall be refunded. (Ord. 390 §8(a), 1974).

2.24.090 Uniforms. A. Every auxiliary police officer shall outfit himself with a uniform of a distinctive design prescribed and approved by the town marshal and every auxiliary police officer shall wear his uniform while on duty as an auxiliary police officer and shall not wear such uniform while not on duty.

B. In the event that any of the items of uniform or equipment are issued by the town marshal to any auxiliary police officer, such items shall be and remain the property of the town and shall be surrendered by the member to the town marshal upon the termination of such member in the auxiliary police department. (Ord. 390 §8(b), 1974).

2.24.100 Identification card. A. The town marshal shall issue an identification card to each auxiliary police officer identifying that officer as a member of the auxiliary police department of the town, which card shall contain a facial photograph of the officer.

B. An officer whose membership in the auxiliary police department is terminated shall immediately surrender his identification card to the town marshal. (Ord. 390 §8(c), 1974).

2.24.110 Wearing badge and carrying identification card. The police badge is to be worn only when the auxiliary officer is authorized to wear the prescribed uniform. The identification card shall be carried by the auxiliary officer at all times. (Ord. 390 §8(d), 1974).

2.24.120 Firearms. An auxiliary police officer, but only while on duty in uniform and on assignment of duty in which the town marshal considers a firearm necessary, may carry a firearm provided such auxiliary police officer has qualified in a firearms training course under the direction of the town marshal as shown by a certificate to be issued by the town marshal. (Ord. 390 §9, 1974).

2.24.130 Administrative rules and regulations. The town marshal may adopt such rules and regulations consistent with the provisions of this chapter as he deems necessary or convenient to organize and administer an auxiliary police department and its functions. (Ord. 390 \$10, 1974).

Chapter 2.28

FIRE DEPARTMENT

Sections:

- 2.28.010 Authority and restrictions as to use of equipment and personnel outside town limits.
- 2.28.020 Mutual aid agreements with adjoining communities.
- 2.28.030 Retirement and pension plan provisions.

2.28.010 Authority and restrictions as to use of equipment and personnel outside town limits. A. The mayor of the town, acting through the chief of the fire department, is authorized to dispatch and use the fire apparatus and equipment of the town, together with the fire department personnel operating the same, outside of the corporate limits of the town for the purpose of rendering assistance to neighboring communities and areas in the event of a threatening conflagration or other dire emergency.

B. Under no circumstances shall such fire apparatus and equipment be dispatched outside of the town to such an extent as to deplete existing available equipment or leave the town without adequate fire protection. (Ord. 549 \$1, 1982: Ord. 298 \$1, 1965).

2.28.020 Mutual aid agreements with adjoining communities. The mayor and the town clerk of the town are authorized and directed to execute on the behalf of the town such mutual aid agreements with adjoining communities or areas maintaining and operating fire apparatus and equipment as may be necessary or desirable to effectuate the orderly dispatch of the town fire apparatus and equipment outside of the town and the reciprocal dispatching of other apparatus and equipment into the town. (Ord. 549 \$2, 1982: Ord. 298 \$2, 1965).

2.28.030 Retirement and pension plan provisions. A. Any member of its fire department is permitted to enroll under the provisions of RCW Chapter 41.24, otherwise known as the Volunteer Firemen's Relief and Pension Act, for the purpose of enabling any such fireman, so electing, to avail himself of the retirement provisions of said Chapter 41.24 of

the Revised Code of Washington; provided, however, that anyone so enrolling under said pension provisions shall pay the amount provided by law. In event such fireman does not so contribute said portion of said fee, he shall be dropped from the rolls, all as provided by statute, with the privilege of being reinstated as is provided by statute; and; provided further, that any fireman electing to avail himself of the retirement provisions of said chapter must be a member of the fire department one year before he shall be eligible to make such election.

B. The town treasurer shall pay the town's share of the annual retirement premium on each fireman electing to participate in the pension plan provided by Chapter 41.24, and submit a list of all firemen and birth dates of each to the State Board for Volunteer Firemen, together with the total annual pension premium and the additional disability fee on each fireman reported. (Ord. 522 \$1, 1981; Ord. 327, 1970).

Chapter 2.30

PUBLIC WORKS DEPARTMENT CDL POLICY

Sections:

- 2.30.010 Purpose.
- 2.30.020 Policy.
- 2.30.030 Prohibitions.
- 2.30.040 Definitions.
- 2.30.050 Pre-employment testing.
- 2.30.060 Post-accident testing.
- 2.30.070 Random testing.
- 2.30.080 Reasonable suspicion testing.
- 2.30.090 Referral, evaluation and treatment.
- 2.30.100 Return-to-duty and follow-up testing.
- 2.30.110 Other alcohol-related conduct.
- 2.30.120 Employee assistance.

2.30.010 Purpose. A. The town of Granger public works department is committed to the efficient and timely provision of services to the citizens of Granger.

B. This commitment is hindered when the public works department is unable to provide services to the citizens

of Granger in a timely and efficient manner due to an insufficient number of employees possessing CDL licensure.

C. Due to the public works department's commitment to the citizens of the town of Granger, it is necessary that all employees of the public works department possess CDL licensure.

D. The town of Granger public works department is also committed to providing a safe work environment and to fostering the welfare and health of its employees and citizens.

E. This commitment would be jeopardized by employees that possess CDL licenses utilizing controlled substances or misusing alcohol on the job, coming to work under the influence, or possessing, distributing or selling drugs in the work place.

F. Due to the above referenced commitments and concerns, the town of Granger public works department has established the following policy. (Ord. 993 §1(part), 2003).

2.30.020 Policy. A. All employees of the public works department, except for seasonal and part time employees, except for temporary summer employees and except for current wastewater treatment plant operator, must be of a suitable age consistent with all DOT policies, rules and regulations, and such person must obtain or possess a current DOT medical card.

B. All employees of the public works department, except for seasonal and part time employees, except for temporary summer employees and except for the current wastewater treatment plant operator, must successfully complete a road test and must obtain, possess and maintain a current CDL.

C. This policy applies to all employees of the public works department.

D. Consistent with the requirements for possessing a DOT medical card and/or a CDL license, no employee of the public works department may utilize controlled substances or misuse alcohol on the job, come to work under the influence, or possess, distribute or sell drugs in the work place.

E. In addition to the above stated policies, all applicable federal regulations apply to employees covered by

this policy. Regulations vary when dealing with controlled substances and alcohol.

F. Any violation of this policy will result in immediate discipline up to and including discharge.

G. All information pertaining to employees involved in fitness for duty issues will be maintained in records separate from normal personnel records and except as required by law or allowed by regulations will not be released. All employees will be notified of this policy.

H. Any test requested by the employee shall be at the employee's expense. Any cost incurred by the employee as a result of a positive test shall be at the employee's expense. (Ord. 993 §1(part), 2003).

2.30.030 Prohibitions. A. The sale, use, trade, transfer, offer of sale/distribution, possession of alcohol in any form, or controlled substances on town of Granger property or while an employee is conducting town business or operating town equipment is strictly prohibited.

B. All employees shall report to work fit to perform their duties in a safe and efficient manner.

C. It is a violation of town policy for anyone to report to work under the influence of controlled substance(s) or alcohol.

D. Employees in safety-sensitive positions are prohibited from the use or consumption of alcohol within four hours prior to reporting for duty. No employee shall perform safety-sensitive functions within four hours after using alcohol.

E. No employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the employee uses any controlled substance, except when the use (i.e. prescriptions medication) is pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect the ability to perform safely. Employees taking prescription drugs shall provide a written statement from a physician stating the employee is fit for duty and may work while using the prescription medication.

F. Employees covered by this policy are required to inform the town of any prescription or therapeutic drug use. Impacts from such drug use on fitness for duty will be assessed by the employer and appropriate action taken

to insure a safe work place. Failure of the employee to provide a physician's statement on fitness for work will be considered by the employer in making a determination as to whether the employee will continue to work or be sent home on leave.

G. Refusal to submit to a post-accident, random selection, reasonable suspicion, or a follow-up alcohol or controlled substances test required under this policy is prohibited. Employees who refuse to submit to a required test will be subject to discipline or discharge. (Ord. 993 §1(part), 2003).

2.30.040 Definitions. "Accident" means an event involving a motor vehicle which results in either a fatality, bodily injury which requires treatment away from the scene or damage which requires one or more of the motor vehicles to be towed from the scene.

"Alcohol" means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol including methyl or isopropyl alcohol.

"Alcohol concentration (or content)" means the alcohol in a volume of breath expressed in terms of grams of alcohol per two hundred ten liters of breath as indicated by an evidential breath test.

"Alcohol use" means the consumption of any beverage, mixture, or preparation including any medication, counting alcohol.

"Breath alcohol technician (BAT)" means an individual who is trained to proficiency in the operation of the EBT he or she operates or is trained in the alcohol testing procedures of the Department of Transportation.

"Collection site" means a place designated by the employer where individuals present themselves for the purpose of 1) breath alcohol testing, and/or 2) providing a specimen of their urine to be analyzed for the presence of drugs.

"Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

1. Has a gross combination weight rating of twenty-six thousand, one or more pounds, inclusive of a towed unit with a gross weight rating of more than ten thousand pounds;

2. Has a gross vehicle weight rating of twenty-six thousand, one or more pounds;

3. Is designed to transport sixteen or more passengers, including the driver; or

4. Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded.

"Confirmation test" means in drug testing, a second analytical procedure to identify the presence of a specific drug or metabolite that is independent of the screening test and that uses a different technique and chemical principle from that of the screening test in order to ensure reliability and accuracy. (Gas chromatography/mass spectrometry). In alcohol testing, a second test, following a screening test with a result of 0.02 or greater, that provides quantitative data of alcohol concentration.

"Controlled substance" is the meaning assigned by 21 U.S.C. Section 802 and includes all substances listed on schedules I through V as they may be revised from time to time, such as, but not limited to, marijuana, cocaine, PCP, opiates and amphetamines.

"Driver" means any person who operates a commercial motor vehicle.

"Driver/employee/applicant" means any person who operates a commercial motor vehicle or is required by the employer to be licensed with a combination drivers license.

"EBT (Evidential Breath Testing Device)" means a device approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on NHTSA's "Conforming Products List of Evidential Breath Measurement Devices" (CPL).

"Medical review officer" (MRO) means a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his or her medical history and any other relevant biomedical information.

"N.I.D.A." means National Institute of Drug Abuse currently referred to as S.A.M.H.S.A.

"Performing safety-sensitive function" means an employee is considered to be performing a safety-sensitive function during any period in which he or she is actually performing, ready to perform or immediately available to perform any safety-sensitive functions.

"Re-entry agreement" means an agreement entered into between the town and the employee offering the employee a last chance to demonstrate fitness for continued employment in lieu of being discharged as a town employee. A sample re-entry agreement is attached as Exhibit 1 to these policies.

"Reference laboratory" for the purposes of voluntary blood sample testing of alcohol concentration means a laboratory which, at a minimum, practices in the College of American Pathology Blood Alcohol Proficiency Testing Program and is in good standing. The samples should be maintained and handled with the same integrity of forensic urine drug testing specimens. The laboratory should also meet all state blood alcohol testing requirements.

"S.A.M.H.S.A." means Substance Abuse and Mental Health Services Administration formerly N.I.D.A.

"Safety-sensitive function" means those duties performed by a driver of a commercial motor vehicle which includes those on-duty functions associated with the operation of the vehicles such as inspecting equipment, servicing, all driving time, time loading and unloading the vehicle, supervising or assisting loading and unloading the vehicle, time spent repairing or obtaining assistance for a disabled vehicle and time spent performing other driver requirements.

"Screening test" means in drug testing, an immunoassay screen to eliminate "negative" urine specimens from further analysis. In alcohol testing, an analytic procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath specimen.

"Substance abuse professional" (SAP) means a licensed physician (medical doctor or doctor of osteopathy) or a licensed or certified psychologist, social worker, employee assistance professional, or addition counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and

treatment of alcohol and controlled substances-related disorders.

"Under the influence" means a person is affected by a drug/alcohol so as to impair physical coordination, balance and control and/or impair mental functions of judgment, decision making, memory, concentration and cognitive problem solving. Under the influence means the drug/alcohol is in the body and is having some degree of effect on mental and/or physical functioning up to and including intoxication. An employee with an alcohol concentration of 0.02 or greater, or who tests positive for controlled substances is considered to be under the influence. (Ord. 993 §1(part), 2003).

2.30.050 Pre-employment testing. A. As a condition of employment, all applicants who are offered employment will be scheduled for alcohol and/or controlled substances tests as a part of the pre-employment process. Employment is contingent upon an alcohol test result indicating a negative alcohol concentration and a controlled substances test result received from the medical review officer with a verified negative test result.

B. All selected applicants for employment will be given prior notification regarding testing requirements.

C. Prior to the testing, applicants shall complete the pre-employment consent form.

D. If a pre-employment alcohol test result under the section indicates an alcohol content of 0.02 or greater, but less than 0.04, the provision of Section 2.30.110 shall apply.

E. All applicants with positive results shall be notified of those results.

F. Positive results shall be considered grounds for disqualification from employment for the position.

G. Tampering with the pre-employment test process, falsification, adulteration, or refusal to submit to a sample will result in disqualification from employment with the town. (Ord. 993 §1(part), 2003).

2.30.060 Post-accident testing. A. Use of alcohol or controlled substances following an accident is strictly prohibited per subsections B and C of this section.

B. Post-accident alcohol testing will be administered within two hours following the accident. Employee(s)

required to take a post-accident alcohol test, shall refrain from alcohol use or consumption for eight hours following an accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.

C. Post-accident controlled substances testing will be administered within thirty-two hours following the accident.

D. An employee who is subject to post-accident testing shall remain readily available for such testing or may be deemed by the town to have refused to submit to testing.

E. Mandatory documentation is required for any delay in post-accident testing.

F. The town recognizes post-accident testing conducted by federal, state or local officials having independent authority to conduct the test, shall be considered to meet the requirements of Section 2.30.060, provided such tests conform to federal, state or local requirements and the results of the test are obtained by the town.

G. Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit the driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

H. An employee involved in an accident covered by Section 2.30.060 will be immediately relieved of any driving or related safety-sensitive duties and provided other non-safety-sensitive work to perform until post-accident testing is completed and the test results are made available to the town. (Ord. 993 §1(part), 2003).

2.30.070 Random testing. A. All employees covered by this policy will be subject to random testing for alcohol and/or controlled substance use.

B. The selection of employees for random alcohol and controlled substances testing shall be made by a scientifically valid method.

C. Each employee shall have an equal chance of being tested every time selections are made.

D. Random alcohol and/or controlled substances testing will be unannounced and the dates for such tests will be such that any employee may be tested on any given work day throughout the calendar year.

E. Upon notification of selection, employees are required to proceed to the designated collection site immediately.

F. The town will arrange for unannounced random alcohol and controlled substance testing for covered employees. Fifty percent of these designated employees must be randomly selected for controlled substance testing each year, and twenty-five percent of these designated employees for alcohol testing each year or such other percentage as the Federal Highway Administration may require. (Ord. 993 §1(part), 2003).

2.30.080 Reasonable suspicion testing. A. All employees of the public works department are subject to reasonable suspicion testing for alcohol and/or controlled substance use.

B. The employee shall submit to an alcohol test when the supervisor has reasonable suspicion to believe that the employee has violated the prohibitions of this policy.

C. The supervisor or designated official's determination that reasonable suspicion exists to require the employee to undergo an alcohol test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odor of the employee.

1. If an alcohol test is not conducted within two hours following the determination, the supervisor or designated official shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered.

2. The town shall cease attempts to administer the reasonable suspicion alcohol test if the test has not been administered within eight hours of the determination and shall prepare and maintain on file a record stating the reasons for not administering the test.

D. No employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions while the employee is under the influence of or impaired by alcohol as shown by the behavioral, speech and performance indicators of alcohol misuse, nor shall the town permit the employee to perform or continue to perform safety-sensitive functions until:

1. An alcohol test is administered and the employee's alcohol concentration result is of less than 0.02.

2. Twenty-four hours have elapsed following the determination of this policy that there is reasonable suspicion to believe the employee has violated the prohibitions in this policy concerning the use of alcohol.

E. The town will not take action against an employee based solely on the employee's behavior and appearance, with respect to alcohol use, in the absence of an alcohol test. This does not prohibit the town from taking action otherwise consistent with the law.

F. The town shall require an employee to submit to a controlled substances test when there is reasonable suspicion to believe that the employee has violated the prohibitions of this policy concerning controlled substances.

1. The supervisor's or designated official's determination that reasonable suspicion exists to require the employee undergo a controlled substances test must be based on specific contemporaneous, articulable observations concerning appearance, behavior, speech or body odor of the employee. Observations may include indications of the chronic and withdrawal effects of controlled substances.

2. A written record shall be made of the observations leading to a controlled substance reasonable suspicion test and signed by the supervisor or designated official who made the observations within twenty-four hours of the observed behavior or before the results of the controlled substances tests are released, whichever is earlier.

G. Observations for alcohol and/or controlled substances reasonable suspicion testing shall be made by a supervisor or designated official who is trained in accordance with U.S. Department of Transportation Guidelines as defined in 49 CFR Section 382.603.

H. The person who makes the determination that reasonable suspicion exists shall not conduct the drug or alcohol test of the employee. (Ord. 993 §1(part), 2003).

2.30.090 Referral, evaluation and treatment. A. Each employee who has engaged in conduct prohibited under Section 2.30.030 of this policy shall be advised of the resources available to the employee in evaluating and re-

solving problems associated with the misuse of alcohol and/or use of controlled substances, including the names, addresses and telephone numbers of substance abuse professionals and counseling and treatment programs.

1. The financial responsibility of any and all costs associated with substance abuse professional fees, treatment facilities, etc. are the sole responsibility of the employee.

B. Each employee who engages in conduct prohibited under Section 2.30.030 of this policy shall be evaluated by a substance abuse professional who shall determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and controlled substances use.

C. The requirements of this section with respect to referral, evaluation and rehabilitation do not apply to applicants who refuse to submit to a pre-employment alcohol or controlled substances test or who have pre-employment alcohol test or a controlled substances test with a verified positive test result. (Ord. 993 §1(part), 2003).

2.30.100 Return-to-duty and follow-up testing. A. If the employee is offered a re-entry agreement, the town shall require, as a condition of continued employment, that before an employee returns to duty (requiring the performance of a safety-sensitive function) after engaging in conduct prohibited under this policy concerning alcohol, the employee shall undergo a return-to-duty alcohol test with a alcohol concentration of less than 0.02.

B. Employees who are offered re-entry agreements will be required to adhere to the conditions set forth under Exhibit 1, including but not limited to:

1. Shall be subject to unannounced follow-up alcohol and controlled substances tests following the employee's return to duty. The number and frequency of such testing shall be as directed by the substance abuse professional and consist of at least six tests in the first twelve months following the employee's return to duty. Testing may terminate anytime after the first six tests have been administered, if the substance abuse professional determines such testing is no longer necessary.

2. The financial responsibility of any and all costs associated with positive test results, substance

abuse professional fees, treatment facilities, etc. are the sole responsibility of the employee.

C. If an employee is in need of assistance in resolving problems associated with alcohol misuse and/or use of controlled substances as determined in Section 2.30.090 and is offered a re-entry agreement, the town shall ensure that the employee is subject to unannounced follow-up alcohol and/or controlled substances testing as directed by a substance abuse professional in accordance with subsection 2.30.100(B) of this policy.

D. Follow-up alcohol testing of employees in safety-sensitive positions shall be conducted just before, while performing or just after the employee has ceased performing safety-sensitive functions. (Ord. 993 §1(part), 2003).

2.30.110 Other alcohol-related conduct. A. Employees tested under the provisions of this policy who are found to have an alcohol concentration of 0.02 or greater but less than 0.04 are prohibited from performing or continuing to perform safety-sensitive functions for the town, including driving a commercial motor vehicle. Nor shall the employee be permitted to perform or continue to perform safety-sensitive functions until the start of the employee's next regularly scheduled duty period, but not less than twenty-four hours following administration of the test.

B. Except as provided in subsection 2.30.100(A), the town shall not take action against an employee based solely on test results showing an alcohol concentration less than 0.04. This does not prohibit the town, with authority independent of this policy, from taking any action otherwise consistent with law. (Ord. 993 §1(part), 2003).

2.30.120 Employee assistance. A. Employees who voluntarily seek assistance in dealing with alcohol or controlled substances should be referred immediately to the town's designated officer. The town will assist the employee in finding appropriate help but shares no financial burden with the employee.

B. Any employee voluntarily seeking help, prior to discovery of a violation of prohibited activities Section

2.30.030 of this policy, related to a drug or alcohol problem shall not have such conduct considered, in itself, grounds for corrective action or reasonable suspicion testing.

C. If an employee is experiencing performance problems or is pending disciplinary action, a request for assistance will be treated as a separate but related issue. In no case will participation in any assistance program shield employees who violate this, or any policy, from appropriate disciplinary action.

D. The town is not required to create new positions for employees unable to perform the employees' regular job duties. (Ord. 993 §1(part), 2003).

RE-ENTRY AGREEMENT

EXHIBIT 1

This agreement is entered into between employee and the Town in order to provide employee the opportunity to demonstrate to the Town his/her fitness for continued employment. Employee understands that the Town has offered him/her this opportunity as a last chance for him/her to demonstrate his/her fitness for continued employment and that this Agreement is in lieu of his/her being discharged as an employee of the Town. Employee understands that his/her continued employment by the Town will be strictly governed by the terms of this Agreement; that he/she agrees to adhere strictly to all terms of the Agreement; and that he/she further agrees not to challenge, by grievance or otherwise, the Town's evaluation that his/her conduct preceding this Agreement subjects him/her to discharge from employment.

In consideration for the Town's agreement to allow a continuation of employee's employment on the terms stated in this Agreement, employee agrees to adhere strictly to all terms specified herein:

1. Employee will continue to actively participate in the substance rehabilitation program as specified by his/her substance abuse professional and/or Employee Assistance Counselor.
2. Following discharge from completion of that program employee agrees to abide by and complete all of the program's follow-up requirements, including sustained attendance at Alcoholics Anonymous, Cocaine Anonymous, Narcotics Anonymous or other appropriate support group meetings and/or after-care

sessions at the treatment facility for a period of one year or as otherwise recommended by the substance abuse professional.

3. Employee recognizes that his/her continued employment by the Town is contingent upon satisfactory completion of a one-to-five year probationary period, based upon the substance abuse professional's recommendation, during which time he/she will:

- abstain from any use of controlled substances and/or alcohol;
- agrees to random alcohol and/or controlled substances testing for a minimum of six tests within the first 12-month period following re-entry over a maximum period of 60 months based on the substance abuse professional's recommendation;
- maintain satisfactory job performance, conduct and attendance and be subject to discipline procedures for any failure to meet standards.

4. Employee understands that his/her previous job performance, conduct or attendance has not been satisfactory and that the termination of his/her employment is warranted. Employee further understands that because of this past problem, close supervision is necessary. Employee accepts his/her supervision for the next 12-60 months as a constructive part of his/her recovery and continued employment by the Town.

5. Employee understands that this Agreement is a FINAL WARNING and that ANY violation of the RE-ENTRY AGREEMENT or violation of the CDL Policy will result in the immediate termination of his/her employment by the Town. Employee further agrees that if so terminated, he/she waives any right to file or pursue a grievance or other claim on his/her behalf to challenge such termination.

Employee / / Supervisor / /
 Date Date

Director / / Personnel / /
 Date Date

(Ord. 993 §1(part), 2003).

Chapter 2.32

WATER AND SEWER DEPARTMENT

Sections:

- 2.32.010 Established.
- 2.32.020 Appointment of personnel--Salaries.
- 2.32.030 Duties of superintendent.

2.32.010 Established. A. A water and sewer department of the town is established.

B. The officers and other employees shall consist of a superintendent and other personnel as the town council may from time to time deem necessary for the efficient administration of the department. (Ord. 427 §201, 1976).

2.32.020 Appointment of personnel--Salaries. A. The superintendent of the water and sewer department and such other personnel as the town council may from time to time authorize shall be appointed by the town mayor and shall hold such appointment during the pleasure of the mayor.

B. The superintendent and other personnel as may be authorized shall receive such salary as the town council may determine. (Ord. 427 §202, 1976).

2.32.030 Duties of superintendent. A. The duties of the superintendent shall be to oversee and superintend the operation and maintenance of the sewer system and domestic water system, the making of repairs of all kinds, the

construction of all extensions and additions, and all construction of work of whatever nature whatsoever in connection with the present sewer, domestic water system, and any new system that may be established.

B. The superintendent is especially detailed with the duty of overlooking and supervising any connection to the town sewer or water system by private persons.

C. The superintendent shall at all times be subject to the direction and authority of the mayor. (Ord. 427 §203, 1976).

Chapter 2.36

MUNICIPAL COURT*

Sections:

- 2.36.005 Court established.
- 2.36.010 Court established--Jurisdiction.
- 2.36.020 Hours open.
- 2.36.030 Pleadings, practice and procedure.
- 2.36.040 Municipal judge position reestablished.
- 2.36.050 Appointment of judge.
- 2.36.060 Judge pro tem.
- 2.36.070 Court costs.

2.36.005 Court established. In order to eliminate any question regarding the present status of the Granger Municipal Court, the town is to cover such contingency and establishes a municipal court, pursuant to Chapter 258, Laws of 1984, Washington State Legislature, and further provides that the municipal court judge shall be appointed by the town mayor, also according to the provisions of the law, if the previous establishment of the municipal court is invalid. (Ord. 614 §1, 1984).

2.36.010 Court established--Jurisdiction. There is created and established a court of limited jurisdiction to be known and designated as a municipal court entitled the municipal court of the town, which court shall have exclusive, original criminal jurisdiction of all violations of town ordinances and shall have original jurisdiction of all other actions brought to enforce and recover license penalties or forfeitures declared or given by such town ordinances or by

* Prior ordinance history: Ord. Nos. 405, 482 and 604.

state statutes. The municipal court shall, further, have jurisdiction and shall exercise all powers granted to municipal courts by common law or by state statute, and as specifically set forth in RCW Chapter 3.50. (Ord. 608 §1(part), 1984).

2.36.020 Hours open. The municipal court shall be open and shall hold regular sessions on such days during such hours as the municipal judge shall prescribe, but shall not be less than once each month. (Ord. 608 §1(part), 1984).

2.36.030 Pleadings, practice and procedure. Pleadings, practice and procedure in cases not governed by statute or rules specifically applicable to municipal courts shall, insofar as applicable be governed by the statutes and rules now existing including the applicable provisions of Title 3 of the Revised Code of Washington, or as may hereinafter be adopted as governing the pleadings, practice and procedures applicable to courts of limited jurisdiction. (Ord. 608 §1(part), 1984).

2.36.040 Municipal judge position reestablished. A. There is reestablished in the town, the position of municipal judge to preside over the municipal court in the town. By this act, the town has elected to disassociate itself from the Yakima County District Court system.

B. The town passed an original ordinance withdrawing from the Yakima County District Court system in May, 1975, and, it later appeared that the town might not have been eligible to leave the system, and in 1981, the town dissolved its court, and again filed its cases in the district court system. It is now believed that the town was eligible to leave the system, and did legally remove itself in 1975, and by this chapter reestablishes its own court. (Ord. 599 §1, 1984).

2.36.050 Appointment of judge. The judge of the municipal court shall be appointed by the town mayor, subject to the confirmation by the town council, for a term of office in accordance with the procedures for appointment of municipal court judges as provided in RCW Chapter 3.50. The person appointed as municipal court judge shall be a United States citizen and a citizen of the state. The position of such municipal court judge shall be on a part-time basis. (Ord. 608 §1(part), 1984).

2.36.060 Judge pro tem. The mayor shall appoint judges pro tem who shall act in the absence or disability of the regular judge of the municipal court, which judge pro-tem shall have the same qualifications as the judge of the municipal court. (Ord. 608 §1(part), 1984).

2.36.070 Court costs. A. In the Granger municipal court, costs shall be assessed for expenses incurred by the town in prosecuting the defendant. Except as stated, these costs shall only be imposed upon a convicted defendant and shall not be suspended, deferred or reduced, except as herein provided. Costs shall be in addition to any fine imposed by the court and in addition to any other assessments levied by state law, and shall be cumulative:

1. For conviction of any crime, whether by trial or by plea or by stipulation, no less than fifty dollars and no more than one hundred dollars, which amount shall be determined at the discretion of the judge.

2. For deferred prosecution, one hundred fifty dollars.

3. For the issuance of a warrant for failure to appear, whether convicted or not, one hundred dollars.

4. For the issuance of a summons, whether convicted or not, twenty dollars.

5. For the services of an interpreter, fifteen dollars per case per defendant and not to exceed fifty dollars for continued same case proceedings per defendant.

6. For the issuance of a subpoena at the request of a defendant, ten dollars.

7. For a jury trial, twenty-five dollars per juror per day, plus mileage for each juror at the rate determined under R.C.W. 43.03.060.

8. For the costs of incarceration, up to fifty dollars per day, on a defendant convicted of a misdemeanor or a gross misdemeanor. Payment of other court ordered financial obligations and costs of supervision take precedence over the costs of incarceration. All funds received from defendants for the cost of incarceration in a county or a city jail must be remitted for criminal justice purposes to the county or city that is responsible for the defendant's jail costs.

9. For emergency response expenses incurred by the town in responding to an incident resulting from the intoxication of a defendant, up to one thousand dollars.

B. In all cases where the municipal court judge supervises the probation of a defendant under a deferred prosecution or reviews the programs of defendants on alcohol and/or anger management programs, the defendant shall be assessed an additional court cost of twenty dollars per month. A defendant may elect to have his/her program supervised by the Yakima County probation department/Union Gap probation department and be subject to their costs.

C. The court shall not sentence a defendant to pay costs unless the defendant is or will be able to pay them. In determining the amount and method of payment of costs, the court shall take into account the financial resources of the defendant, the nature of the burden that payment of costs will impose, and whether payment of the amount due

will impose manifest hardship on the defendant or the defendant's immediate family. The court may grant permission for payment to be made within a specified period or in installments. If no such permission is included in the sentence, the fine or cost shall be payable forthwith.

D. For infractions, the monetary penalty schedule, as adopted by the supreme court of this state in the infraction rules for courts of limited jurisdictions, is adopted and incorporated in this section by this reference, except that statutory assessments shall be added thereto.

E. All funds received by the Granger municipal court shall be applied first to court costs and then to the amount of the fine and statutory assessments, and then to assessments established by local ordinance. (Ord. 979 \$1, 2003: Ord. 898 \$1, 1999; Ord. 843 \$1, 1997: Ord. 805 \$1, 1996: Ord. 608 \$1(part), 1984).

Chapter 2.40BOARD OF PARK COMMISSIONERSSections:

- 2.40.010 Definitions.
- 2.40.020 Creation--Appointment of members.
- 2.40.030 Commissioners--Term of office--Filling vacancies.
- 2.40.040 Officers--Election--Duties--Quorum--Meetings.
- 2.40.050 Powers and duties.

2.40.010 Definitions. Words used in this chapter shall have the following meanings:

A. "Board" means board of park commissioners.

B. "Park" means an area of land, with or without water, developed and used for public recreational purposes, including landscaped tracts, picnic grounds, playgrounds, athletic fields, recreation centers, camps, foot, bicycle and bridle paths, motor vehicle drives, wildlife sanctuaries, museums, zoological and botanical garden facilities for bathing, boating, hunting, and fishing, as well as other recreational facilities for the use and benefit of the public. (Ord. 420 §1, 1976).

2.40.020 Creation--Appointment of members. A. There is created a board of park commissioners, consisting of three members who shall be appointed by the mayor, with the consent of the town council, from citizens of recognized fitness for such positions without regard to sex who reside in this town.

B. No commissioner shall receive any compensation for his or her services. (Ord. 420 §2, 1976).

2.40.030 Commissioners--Term of office--Filling vacancies. A. The first commissioners appointed shall determine by lot whose term shall expire in one, two or three years respectively, and their terms shall begin after their appointment has been approved by the town council and upon taking the usual oath of qualification.

B. The terms of office, except the first, shall begin on the first Monday in January, and at the expiration of each commissioner's term, the mayor shall appoint, with the consent of the town council, one member for a three-year term.

C. Members of the board may be removed at any time by the mayor, and vacancies for the remainder of unexpired terms shall be filled in the same manner in which original appointments are made. (Ord. 420 §3, 1976).

2.40.040 Officers--Election--Duties--Quorum--Meetings.

A. Immediately after their appointment, members of said board shall meet and organize by electing from the members of the board a president, a secretary and such other officers as may be necessary.

B. It shall be the duty of the president to preside at all meetings of the board and of the secretary to keep minutes of all meetings and of all proceedings of the board.

C. A majority of the board shall constitute a quorum for the transaction of business, and two affirmative votes shall be necessary to carry any proposition.

D. A meeting of the board shall be held at least once a month. (Ord. 420 §4, 1976).

2.40.050 Powers and duties.

A. The board shall advise the mayor, the town council, and department, if any, or officials administering parks, regarding the general supervision and control of all parks and recreational facilities and programs of the town. The board shall have the power to advise regarding the establishment of a park and/or recreation department hereinafter called "the department," and regarding the employment of necessary personnel, and to advise regarding conduct of any form of recreation or cultural activity that will employ the leisure time of the people in a constructive and wholesome manner, and shall advise regarding control and supervision of all parks belonging to said town, and advise regarding planning, promotion, management and acquisition, construction, development, maintenance and operation, including restrictions on, and compensation to be paid for, concessions or privileges in parks and/or playgrounds, either within or without town limits of parks, squares, parkways and boulevards, play and recreation grounds, and/or other municipally owned recreational facilities, including community buildings, and improvement and ornamentation of the same; make recommendations regarding entering into written contracts with the United States, the state, any county, city or town, park district, school district, or any such public organizations for the purpose of conducting a recreational program or exercising any other power granted by this chapter.

B. The board shall submit to the town council each year, on or before the second Monday in August, an estimate of the amount of money required by the department to carry on its activities for the ensuing year, together with recommendations for the development of the program and facilities as it may deem advisable, for the information and guidance of the town council in preparing the budget for the tax levy, for the operation of the town parks and the recreational program and necessary facilities and the acquisition of land, structures or facilities needed therefor.

The board shall have power to recommend rules and regulations for the government, management, supervision and control of town parks and recreational facilities and programs. (Ord. 420 §5, 1976).

Chapter 2.44

COMMUNITY DEVELOPMENT COMMISSION

Sections:

- 2.44.010 Established--Appointment of members.
- 2.44.020 Commissioners--Term of office--Vacancies--Compensation.
- 2.44.030 Organization--Meetings--Rules and records.
- 2.44.040 Expenditures.
- 2.44.050 Powers and duties.
- 2.44.060 Authority to regulate and restrict buildings and use of land.
- 2.44.070 Restrictions--Purpose.
- 2.44.080 Restrictions--Recommendations to council--Hearings.
- 2.44.090 Restrictions--Establishment of districts.
- 2.44.100 Restrictions--Procedure for amending or supplementing.

2.44.010 Established--Appointment of members. There shall be created in the town, pursuant to Chapter 35, Section 63 of the Revised Code of Washington, a community development commission, consisting of five members to be appointed by the mayor and confirmed by the town council, of which not more than one-third may be ex officio members by virtue of office held in the town. (Ord. 455 §1, 1977).

2.44.020 Commissioners--Term of office--Vacancies--Compensation. A. The term of office for the first appointive members appointed to the community development commission shall be designated from one to six years in such manner as to provide that the fewest possible terms will expire in any one year. Thereafter the term of office for each appointive member shall be six years. The term of office for ex officio members shall correspond to their respective tenures.

B. Vacancies occurring otherwise than through expiration of terms shall be filled for the unexpired term. Members may be removed, after public hearing, by the appointing officials, with approval of his council, for inefficiency, neglect of duty or malfeasance in office.

C. The members shall be selected without respect to political affiliations and they shall serve without compensation. (Ord. 455 §2, 1977).

2.44.030 Organization--Meetings--Rules and records.

A. The community development commission shall elect its own chairman and create and fill such other offices as it requires.

B. The commission shall hold at least one regular meeting a month for not less than nine months of each year, and shall send a representative to meet with the town council at the second regular meeting of each month and as otherwise necessary or required by the town council.

C. The community development commission shall adopt rules for transaction of business and shall keep a written record of its proceedings which shall be a public record. (Ord. 455 §3, 1977).

2.44.040 Expenditures. A. The expenditures of the community development commission shall be within the amounts appropriated for the purpose by the town council.

B. Within such limits, the community development commission may employ such employees and expert consultants as are deemed necessary for its work. (Ord. 455 §4, 1977).

2.44.050 Powers and duties. A. The community development commission shall act as the research and fact finding agency of the town. To that end it may make such surveys, analysis, researches and reports as are generally authorized or requested by the town council, or by the state council with the approval of the town council.

B. The community development commission, upon request or authority of the town council shall also:

1. Make inquiries, investigations and surveys concerning the resources of the county;

2. Assemble and analyze the data thus obtained and formulate plans for the conservation of such resources and the systematic utilization and development thereof;

3. Make recommendations from time to time as to the best methods of such conservation, utilizations and development;

4. Cooperate with other commissions, with the state council and other public agencies of the town, state and United States in such planning, conservation and development; and

5. In particular cooperate with and aid the state council within its territorial limits in the preparation of the state master plan and in advance planning of public works programs. (Ord. 455 §5, 1977).

2.44.060 Authority to regulate and restrict buildings and use of land. A. The community development commission is directed and authorized to prepare, adopt and enforce coordinated plans for the physical development of the town.

B. For this purpose the town council, in such measure as is deemed reasonably necessary or requisite in the interest of health, safety, morals and the general welfare, upon recommendation by the community development commission, by ordinance or resolution may regulate and restrict the location and the use of buildings, structures and land for residence, trade, industrial and other purposes; the height, number of stories, size of yards, courts and other open spaces on the lot or tract, the density of population; the setback of buildings along highways, parks or public water frontages; and the subdivision and development of land.

C. When such ordinances are in effect, the town council, on the recommendation of the community development commission may provide for the appropriate cases and subject to appropriate conditions and safeguards established by ordinance, special exceptions in harmony with the general purposes and intent and in accordance with general or specific rules therein contained. (Ord. 455 §6, 1977).

2.44.070 Restrictions--Purpose. All regulations shall be worked out as parts of a comprehensive plan which the community development commission shall prepare for the physical and other generally advantageous development of the town and shall be designed, among other things, to encourage the most appropriate use of land throughout the municipality; to lessen traffic congestion and accidents; to secure safety from fire; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to promote a coordinated development of the unbuilt areas; to encourage the formation of neighborhood or community units; to secure an appropriate allotment of land area in new developments for all the requirements of community life; to conserve and restore natural beauty and other natural resources; to facilitate the adequate provision of transportation, water, sewerage and other public uses and requirements. (Ord. 455 §7, 1977).

2.44.080 Restrictions--Recommendations to council--Hearings. A. The community development commission may recommend to the town council the plan prepared by it as a whole, or may recommend parts of the plan by successive recommendations; the parts corresponding with geographic or political sections, divisions or subdivisions of the town, or with functional subdivisions of the subject matter of the plan; it may also prepare and recommend any amendment or extension thereof or additional thereto.

B. Before the recommendation of the initial plan to the town council the community development commission shall hold at least one public hearing thereon, giving notice of the time and place by one publication in the official paper of the town. A copy of the ordinance or resolution adopting or embodying such plan or any part thereof or any amendment thereto, duly certified as a true copy by the town clerk, shall be filed with the county auditor. A like certified copy of any map or plat referred to or adopted by the ordinance or resolution shall likewise be filed with the county auditor. The auditor shall record the ordinance or resolution and keep on file the map or plat.

C. The original resolution or ordinance of the town council adopting or embodying such plan or any part thereof or any amendment thereto shall be certified by the clerk of the town and filed by him. The original of any map or plan referred to or adopted by the resolution or ordinance of the council shall likewise be certified by the clerk of the town and filed by him. The clerk shall keep on file the resolution or ordinance and map or plat. (Ord. 455 §8, 1977).

2.44.090 Restrictions--Establishment of districts.

For any or all of such purposes, the town council, on recommendation of its community development commission, may divide the town or any portion thereof into districts of such size, shape and area, or may establish such official maps, or development plans for the whole or any portion of the town as may be deemed best suited to carry out the purposes of this chapter and without such districts it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land. (Ord. 455 §9, 1977).

2.44.100 Restrictions--Procedure for amending or

supplementing. A. Any ordinance or resolution adopting any such plan or regulations, or any part thereof, may be amended, supplemented or modified by subsequent ordinance or resolution.

B. Proposed amendments, supplements, supplementations, or modifications shall first be heard by the community development commission and the decision shall be made and reported by the community development commission within ninety days of the time that the proposed amendments, supplementations or modifications were made.

C. The town council, pursuant to public hearing called by them upon application therefor by any interested party or upon their own order, may affirm, modify or disaffirm any decision of the community development commission.

D. It is the intention of the town council by this chapter to set forth the language of R.C.W. 35.63 with

regard to planning commissions and its direct application to the town, and is therefore subject to any changes and amendments therein made by the Washington State Legislature. (Ord. 455 §10, 1977).

Chapter 2.48

BONDS

Sections:

- 2.48.010 Amount for town clerk-treasurer.
- 2.48.020 Amount for town marshal and deputies.
- 2.48.030 Payment of premium.

2.48.010 Amount for town clerk-treasurer. The penal amount of the bond conditioned for the faithful performance of the town clerk-treasurer and deputy duties shall be the sum of fifteen thousand dollars. (Ord. 244 §1, 1957).

2.48.020 Amount for town marshal and deputies. The penal amount of the bond conditioned for the faithful performance of the town marshal and deputies' duties shall be the sum of one thousand dollars. (Ord. 244 §2, 1957).

2.48.030 Payment of premium. The town shall pay the premium of each bond. (Ord. 244 §3, 1957).

Chapter 2.54

EXPENSE ALLOWANCE

Sections:

- 2.54.010 Travel expense paid when--Town council approval required.
- 2.54.015 Restrictions on town charge card use.
- 2.54.020 Reimbursement for use of private vehicles.
- 2.54.030 Advance allowance--Permitted when.
- 2.54.040 Advance allowance--Restrictions.
- 2.54.050 Advance allowance--Repayment of excess--Interest charged when.
- 2.54.060 Advance allowance--Repayment of excess--Lien against officer or employee when.
- 2.54.070 Advance allowance--Unauthorized expenditure prohibited.
- 2.54.080 Advance travel expense revolving fund--Establishment--Custodian.

Sections: (Continued)

2.54.090 Advance travel expense revolving fund--
Established where.

2.54.100 Advance travel expense revolving fund--
Transfer of custodians.

2.54.010 Travel expense paid when--Town council approval required. The actual expenses of elected and appointed officials and employees of the town in going to and attending upon and returning from their performance of official duties away from their usual place of employment or at meetings at restaurants during detailed account, accompanied by receipts for the expenditures for which reimbursement is claimed duly certified by the office and/or employee submitting such claims and on such form and in the manner as prescribed by the division of municipal corporations in the office of the state auditor for which shall be provided by the town clerk. Further, any such claims so submitted shall be paid upon approval by the town council at our regularly scheduled or specially called town council meeting. (Ord. 762 §1(part), 1994).

2.54.015 Restrictions on town charge card use. There shall be restrictions on the use of town charge cards, which restrictions shall be as follows:

A. Charge card use and the duration thereof, must be authorized in writing by the town council, on forms to be provided by the town clerk.

B. The charge card may be used solely for expenses incidental to authorized travel, or such other use as may be authorized by RCW 42.24.115, as amended.

C. Any charge card provided by the town is not for any personal use or the purchase of personal items by a town official or employee; it may not be used for personal purchases to be reimbursed to the town at a later date.

D. Within ten days of the return of the charge card to the town clerk's office, the official or employee of the town who used the card shall submit a fully itemized travel expense voucher. Any charges against the credit card not properly identified on the travel expense voucher or not allowed following the audit required under RCW 42.23.080 shall be paid by the official or employee by check, United States currency or salary deduction.

E. If, for any reason, disallowed charges are not repaid before the charge card billing is due and payable, the town shall have a prior lien against and a right to withhold any and all funds payable to or to become payable to the official or employee up to the amount of the disallowed charges and interest, at the same rate as charged by the company which issued the charge card. Any official or employee who has been issued a charge card by the town

shall not use the card if any disallowed charges are outstanding, and shall surrender the card upon demand of the auditing officer or town mayor. (Ord. 762 §1(part), 1994).

2.54.020 Reimbursement for use of private vehicles.

In all cases where an employee uses his or her private vehicle for town business, the employee shall be reimbursed on a per-mile basis equal as provided in the Granger Personnel Manual VI-7 (E) (2). (Ord. 969 §1,2002: Ord. 863 §1, 1997: Ord. 762 §1(part), 1994).

2.54.030 Advance allowance--Permitted when.

Whenever it becomes necessary for an elected or appointed official or employee of the town to travel and to incur expenses for which reimbursement may be made, it shall be the policy of the town to make reasonable allowances to such officers and employees in advance of expenditures, on request of such officer or employee and upon advance approval of the town council. (Ord. 762 §1(part), 1994).

2.54.040 Advance allowance--Restrictions.

Upon authorization of the town council as aforesaid, the town clerk may issue an advance check on the request of any officer or employee for the purpose of defraying his/her anticipated reimbursable expenditures while traveling on business of the town away from the town, except expenses in connection with the use of a personal automobile. The amount of such advance shall not exceed the amount of such reasonable anticipated expenses of the officer or employee to be necessarily incurred in the course of such business of the town for a period not to exceed thirty days. The amount of the advance shall be made as determined by the town council. (Ord. 762 §1(part), 1994).

2.54.050 Advance allowance--Repayment of excess--

Interest charged when. On or before the tenth day following the close of the travel period for which such advance was furnished, the officer or the employee shall submit to the town council a fully itemized travel expense voucher fully justifying the expenditure of such advance or whatever part thereof has been expended, for legally reimbursable items on behalf of the town. Any unexpended portion of such advance shall be returned to the town at the close of the authorized travel period. Payment shall accompany the itemized voucher at the close of the travel period, and may be made by check or similar instrument payable to the town. Any default in accounting for or repaying an advance shall render the full amount which is unpaid immediately due and payable with interest at the rate of ten percent per year from the date of default until paid. (Ord. 762 §1(part), 1994).

2.54.060 Advance allowance--Repayment of excess--Lien against officer or employee when. To protect the town from any losses on account of advances made as provided in this chapter, the town shall have a prior lien against and a right to withhold any and all funds payable or to become payable by the town to such officer or employee to whom such advance has been given, up to the amount of such advance and interest at the rate of ten percent per year, until such time as repayment or justification has been made. No advance of any kind may be made to an officer or employee as provided in this chapter at any time when he/she is delinquent in accounting for or repaying a prior advance made pursuant to this chapter. (Ord. 762 §1(part), 1994).

2.54.070 Advance allowance--Unauthorized expenditure prohibited. An advance made under this chapter shall be considered as having been made to such officer or employee to be expended by him/her as agent of the town for town purposes only, and specifically to defray necessary costs while performing his/her official duties. No such advance shall be considered for any purpose as a loan to such officer or employee, and any unauthorized expenditure of such funds shall be considered a misappropriation of town funds by a custodian of such funds. (Ord. 762 §1(part), 1994).

2.54.080 Advance travel expense revolving fund--Establishment--Custodian. For the purpose of providing funds from which advances authorized by Sections 2.54.030 through 2.54.070 of this chapter may be paid, there is established a revolving working fund to be known as the "advance travel expense revolving fund." The fund shall be established in the amount of five hundred dollars by means of a treasurer's check. The custodian of the fund shall be the individual who shall, from time to time, be the town clerk. The custodian of the fund shall at all times, in making expenditures from the fund, and making payments thereof, comply with all rules and regulations issued by the division of municipal corporations of the office of the state auditor and the state of Washington applicable to advance travel expense revolving funds. (Ord. 762 §1(part), 1994).

2.54.090 Advance travel expense revolving fund--Established where. The advance travel expense revolving fund herein authorized shall be established at US Bank, Granger, Washington and the town clerk be and hereby is authorized and directed to take such steps as may be required to establish such fund at the said bank. (Ord. 762 §1(part), 1994).

2.54.100 Advance travel expense revolving fund--Transfer of custodians. Upon the termination of an

individual's appointment as custodian, the authorization of such custodian shall be rescinded and the fund herein established turned over to the clerk of the town after being properly phased out. Phasing out shall mean taking those steps necessary to bring the revolving fund back to the original amount provided. The town council shall thereupon designate another individual as custodian of the said fund. (Ord. 762 §1(part), 1994).

Chapter 2.56

VACATIONS, SICK LEAVE AND HEALTH INSURANCE*

Sections:

- 2.56.010 Definitions.
- 2.56.020 Holidays designated.
- 2.56.030 Vacations--Applicability of provisions.
- 2.56.040 Vacations--Length of time permitted.
- 2.56.060 Vacations--Additional day granted when.
- 2.56.070 Vacations--Employees not entitled to extra compensation when.
- 2.56.080 Vacations--Taking prior to earning prohibited--Accumulation restricted.
- 2.56.090 Vacations--When time shall be taken.
- 2.56.100 Vacations--Pay for time not taken granted when--Schedule.
- 2.56.110 Sick leave--Granted when--Accumulation restrictions.
- 2.56.120 Sick leave--Written statement and approval required when--Filing.
- 2.56.130 Sick leave--Medical certificate required when.
- 2.56.140 Sick leave--Allowed for illness of immediate family when.
- 2.56.150 Sick leave--Misrepresentation prohibited--Dismissal when.
- 2.56.160 Sick leave--Charged to vacation time when.
- 2.56.170 Sick leave--Payments reduced when.
- 2.56.180 Sick leave--Part-time employees not eligible.
- 2.56.190 Emergency leave granted when.
- 2.56.200 Civil leave granted when.

* For statutory provisions regarding hospitalization and medical aid for municipal employees, see RCW 41.04.180; for statutory provisions declaring the state holidays, see RCW 1.16.050. Prior ordinance history: Ord. 186.

Sections: (Continued)

- 2.56.210 Military leave granted when.
- 2.56.230 Reporting of leave required.
- 2.56.240 Time worked.

2.56.010 Definitions. As used in this chapter:

"FLSA" means Fair Labor Standards Act, as amended.

"Part-time employee" means any person who devotes a part of his time during working hours to services for the town or who spends full-time during working hours for the town, but whose employment is on a seasonal or other than year-round basis.

"Regular full-time employee" means any person who shall have been continuously in the service of the town for twelve calendar months and who devotes full-time to such employment during working hours on a year-round basis.

Work "week" means and constitutes forty hours of work in a seven day week Sunday through Saturday by full time employees.

"Year," as applied to each respective employee, means each twelve-month period commencing with the date of employment of such employee. (Ord. 871 §3, 1998; Ord. 761 §1(part), 1994).

2.56.020 Holidays designated. A. The town shall observe the following legal holidays:

1. The first day of January, commonly called New Years Day;
2. The third Monday of January, commonly known as Martin Luther King Day;
3. The third Monday of February, being celebrated as the anniversary of the birth of George Washington;
4. The last Monday of May, commonly known as Memorial Day;
5. The fourth day of July, being the anniversary of the Declaration of Independence;
6. The first Monday in September, to be known as Labor Day;
7. The second Monday in October, to be known as Columbus Day;
8. The eleventh day of November, to be known as Veterans Day;
9. The fourth Thursday in November, to be known as Thanksgiving Day;
10. The day after Thanksgiving;
11. The twenty-fifth day of December, commonly called Christmas Day;
12. A floating holiday, which, with the approval of the department head, may be taken on Christmas Eve Day.

B. Whenever any legal holiday, as specified above, falls upon a Saturday, the preceding Friday shall be ob-

served as such legal holiday. Whenever any legal holiday, as specified above, falls upon a Sunday, the following Monday shall be observed as such legal holiday. (Ord. 761 §1(part), 1994).

2.56.030 Vacations--Applicability of provisions.

The provisions of Sections 2.56.030 through 2.56.100 of this chapter shall be applicable only to regular full-time employees and those part-time employees specified in Section 2.56.040(C) of this chapter. (Ord. 761 §1(part), 1994).

2.56.040 Vacations--Length of time permitted.

A. Contract Employees. Those employees whose employment is covered by a collective bargaining or other agreement which contains provisions relating to vacations, shall receive vacation with pay as provided in the agreement.

B. Administrative employees who are determined by the mayor to be FLSA exempt and all other full-time employees not covered by a collective bargaining or other agreement, after appointment or hiring, shall receive annual vacation time to be accrued as follows:

One to four years of employment: eight hours per month;

Five to nine years of employment: ten hours per month;

Ten to fourteen years of employment: twelve hours per month;

Fifteen to nineteen years of employment: fourteen hours per month;

Twenty-on years of employment: seventeen hours per month.

Each employee will be able to accrue their vacation time from time of employment, based on a prorated schedule to be determined by the town clerk, but cannot receive vacation time until six months after employment date. In case of an emergency, an employee may use his or her accrued vacation time with permission from his or her supervisor.

C. Part-time Employees. Part-time employees shall not earn vacation time. (Ord. 1034 §1, 2004; Ord. 863 §2, 1997; Ord. 761 §1(part), 1994).

2.56.060 Vacations--Additional day granted when.

A. When a holiday, as defined in Section 2.56.020 of this chapter falls within an employee's vacation, the employee shall receive eight hours of pay at the regular rate of pay.

B. When an employee works on a holiday, including a Monday observed in lieu of a holiday falling on Sunday as defined in Section 2.56.020 of this chapter, the employee shall be paid at the employee's regular rate of pay for all hours worked on the holiday. The employee will also receive holiday pay at the employees' regular rate of pay.

C. For each employee of the town, the above listed legal holidays shall be a paid holiday. For each holiday, each employee shall receive eight hours of pay at the regular rate of pay. (Ord. 871 \$1, 1998: Ord. 761 \$1(part), 1994).

2.56.070 Vacations--Employees not entitled to extra compensation when.

Any employee not taking his or her vacation shall not be entitled to any extra compensation for having worked during the period for which he/she was entitled to a vacation unless requested by a department head, with the approval of the town mayor and the town council, to do so. (Ord. 761 \$1(part), 1994).

2.56.080 Vacations--Taking prior to earning prohibited--Accumulation restricted.

Vacation time shall not be taken prior to being earned, and shall not be accumulated in excess of the vacation time earned during each year of service. Vacation may be taken, subject to the approval of the department head as to time, at any time after being earned, provided, however, that it must be taken not later than during the year immediately following the year in which earned. (Ord. 761 \$1(part), 1994).

2.56.090 Vacations--When time shall be taken. Employees entitled to more than one week of vacation must take at least one week of such vacation at one time, and the remaining vacation may be taken a day or more at a time subject to the approval of the department head in the case of regular employees, and the town mayor in the case of administrative employees. (Ord. 761 §1(part), 1994).

2.56.100 Vacations--Pay for time not taken granted when--Schedule. Any employee upon leaving the employment of the town shall, subject to the provisions of Sections 2.56.070 and 2.56.080, receive vacation pay for any vacation he/she may have earned as provided in Section 2.56.040, but not taken. (Ord. 761 §1(part), 1994).

2.56.110 Sick leave--Granted when--Accumulation restrictions. After an employee, other than a part-time employee, shall have been in the service of the town continuously for a period of six months, the employee shall be entitled to sick leave with pay at the rate of one day for each month of service when incapacitated from the performance of duty by reason of injury or sickness or when, through exposure to contagious disease, the presence of the employee would jeopardize the health of other employees. Such leave may not be accumulated by any employee in excess of ninety days. (Ord. 761 §1(part), 1994).

2.56.120 Sick leave--Written statement and approval required when--Filing. Each employee shall report any sickness on the basis of which he/she seeks to claim sick leave at the beginning of the period of illness to the applicable department head, and within three days after returning to work shall provide a written statement explaining the nature of the illness and submit a formal request for approval of leave so taken, which request, when approved by the department head, shall be filed with the town clerk. (Ord. 761 §1(part), 1994).

2.56.130 Sick leave--Medical certificate required when. When the sick leave sought to be taken by the employee extends over a period of more than three days, the applicable department head may require the employee to provide a certificate from the medical attendant certifying to the fact that such absence from work was necessitated by reason of the illness or injury of the employee for which such attendant treated the employee. Failure of the employee promptly to provide such certificate shall cause the leave so taken to be construed as ordinary leave without pay. (Ord. 761 §1(part), 1994).

2.56.140 Sick leave--Allowed for illness of immediate family when. Upon approval of the applicable department

head, an employee shall be allowed up to three days' sick leave for illness in the employee's immediate family requiring the employee's presence. The immediate family shall include only father, mother, spouse, brother, sister or child of the employee. The sick leave so taken shall be deducted from the accrued sick leave of the employee. (Ord. 761 §1(part), 1994).

2.56.150 Sick leave--Misrepresentation prohibited--Dismissal when. Any employee found to have abused the sick leave privileges by falsification or misrepresentation may thereupon be subject to dismissal upon recommendation of the applicable department head and at the discretion of the town council, and in such case all sick leave taken by such employee shall be construed as ordinary leave without pay. (Ord. 761 §1(part), 1994).

2.56.160 Sick leave--Charged to vacation time when. At the option of the employee, leave necessitated by illness or injury requiring absence of the employee from his job for time in excess of such employee's accrued sick leave, may be charged to the accrued but unused vacation of such employee. (Ord. 761 §1(part), 1994).

2.56.170 Sick leave--Payments reduced when. When an employee is receiving state or industrial insurance benefits, or benefits under any pension or welfare plan because of injury or sickness, the amount so received by the employee shall be deducted from the next regular salary payment or payments to be made by the town to such employee. (Ord. 761 §1(part), 1994).

2.56.180 Sick leave--Part-time employees not eligible. Part-time employees shall not be entitled to sick leave with pay. (Ord. 761 §1(part), 1994).

2.56.190 Emergency leave granted when. Upon the approval of the department head, an employee, other than a part-time employee, shall be allowed up to five calendar days emergency leave for death in the immediate family. "Immediate family" shall include only persons related by blood or marriage or legal adoption in the degree of consanguinity of grandparent, parent, wife, husband, brother, sister, child or grandchild, of the employee, and any relative living in the employee's household. Calendar days shall be consecutive days without regard for weekends, regular days off, or holidays. Such emergency leave shall not be charged to sick leave; provided, however, that if the employee takes in excess of five days for such leave in any one year, the time in excess of five days shall be charged to such employee's accrued sick leave, and if none,

then to such employee's accrued vacation time. (Ord. 761 §1(part), 1994).

2.56.200 Civil leave granted when. Upon approval of the applicable department head, leave with pay may be allowed to any employee, other than a part-time employee, to permit such employee to serve as a member of the jury or to exercise other civil duties. Each employee who is granted such leave, and who, for the performance of such civil duties involved, received any compensation, shall be paid by the town for the time such employee is absent only in the amount by which his/her regular salary or wage exceeds the compensation so received. (Ord. 761 §1(part), 1994).

2.56.210 Military leave granted when. Military leave shall be allowed to any employee other than part-time employees of the town in accordance with the statutes of the state of Washington in pertaining thereto. (Ord. 761 §1(part), 1994).

2.56.230 Reporting of leave required. Each department head shall report all leave taken pursuant to any provision of this chapter, whether taken by such department head or other employee to the town clerk on forms provided by the town clerk. Such reports shall be made on or before the tenth day of the month following the month in which such leave shall have been taken. (Ord. 761 §1(part), 1994).

2.56.240 Time worked. Vacations, sick leave, holidays, jury duty, military leave, emergency leave, medical leave, maternity leave, comp time leave and/or leaves of absence shall not constitute time worked for the purpose of calculating overtime. (Ord. 872 §1, 1998: Ord. 856 §1, 1997).

Chapter 2.59EMPLOYEE LICENSE REQUIREMENTS--POLICYSections:

- 2.59.010 Purpose of policy.
- 2.59.020 Application of minimum requirements.
- 2.59.040 Penalties.

2.59.010 Purpose of policy. Maintaining a valid driver's license is a requirement for many jobs performed by town employees in its various departments. With small department size and limited manpower, loss of an employee's ability to legally drive can create hardship for other employees and seriously reduce the town's ability to deliver services to its citizens. This chapter provides the requirements and penalties for loss of driver's license by town employees holding such jobs. (Ord. 764 §1(part), 1994).

2.59.020 Application of minimum requirements. A. The requirements of this chapter apply to all employees of the town, irrespective of department or position, where performance of duties can require a valid driver's license during the normal and routine course of activities. Driving requirements will be defined in subsection B of this section. A list defining which positions require a maintenance of a valid driver's license, and which do not will be developed and posted.

B. Each employee position will be classified and posted by the department head in whose department that position exists for the following driver's license requirements:

1. Those positions which fully require a valid driver's license to perform the routine job duties of that position shall be "driving employee" positions;
2. Those positions which intermittently require a valid driver's license to perform the routine job functions of that position shall be "driving employee" positions;
3. Those positions which do not require any driving to perform the routine job functions of that position shall be "nondriving employee" positions.
4. State CDL requirements shall apply to all vehicle operators when applicable. (Ord. 764 §1(part), 1994).

2.59.040 Penalties. The following applies to all driving employee positions and does not apply to nondriving employee positions:

A. Failure to Notify of Loss of License. A driving employee who does not notify his or her supervisor of the

loss or revocation of a valid driver's license, or who drives a town vehicle without a valid driver's license shall be terminated.

B. Loss of License--Thirty Days or Less. A driving employee who loses his or her license for a period of thirty days or less, for the first time within any three-year period, shall be suspended without pay for at least one-half of the time that his or her driver's license is suspended or revoked, and for the remaining time that said employee's license is suspended or revoked, depending upon scheduling and manpower requirements, the employee may return to work, in a nondriving capacity; provided, that if scheduling and manpower requirements do not justify a return to work, then that employee may use up to ten days of accrued vacation, if such vacation can be scheduled.

C. Loss of License--Thirty Days or Less, Second Time. If an employee loses his or her license for thirty days or less, for a second time within any three-year period, then that employee shall be terminated from employment.

D. Loss of License--More Than Thirty Days, Including First Time. If an employee loses his or her license for more than thirty days, including first loss of license, that employee shall be terminated from employment; however, if an employee receives an "occupational permit" immediately following the initial thirty days of suspension, then the loss of license shall be considered a thirty-day suspension as provided for above. (Ord. 761 §1(part), 1994).

Chapter 2.60

RETIREMENT

Sections:

- 2.60.010 Participation in Social Security System--Implementation.
- 2.60.020 Participation in Washington Public Employees' Retirement System--Funding.

2.60.010 Participation in Social Security System--Implementation. A. This municipality shall become a participant in the Social Security System and the benefits of old age and survivor's insurance shall be extended to its employees and officers.

B. The mayor and town clerk are authorized to execute and deliver to the Washington Department of Employment Security for its approval the plan or plans required under the provisions of Section 5 of said enabling act and of the Social Security Act to extend coverage to the employees and

officers of the municipality and to do all other things necessary to that end.

C. The proper fiscal officers are authorized to make all required payments into the contribution fund established by the said enabling act and to establish such system of payroll deductions from the salaries of employees and officers as may be necessary to their coverage under said old age and survivors' insurance system. (Ord. 763 § 1(part), 1994: Ord. 199, 1952).

2.60.020 Participation in Washington Public Employees' Retirement System--Funding.

The town authorizes and approves the membership and participation of its eligible employees in the Washington Public Employees' Retirement System pursuant to RCW 41.40.410 and authorizes the expenditure of the necessary funds to cover its proportionate share for participation in said system. (Ord. 763 § 1(part), 1994: Ord. 355 § 1, 1972).

Chapter 2.64

CIVIL SERVICE COMMISSION

Sections:

- 2.64.010 Established--Purpose.
- 2.64.020 Composition.
- 2.64.030 Powers and duties.
- 2.64.040 Effect of provisions on employees.
- 2.64.050 Police chief included in civil service provisions.

2.64.010 Established--Purpose.

Pursuant to the authority conferred by RCW Chapter 41.12, there is created a civil service commission to substantially accomplish the exercise of the powers and the performance of the duties established by state law relative to the selection, appointment and employment in the police department of the town, including the town marshal. (Ord. 530 § 1, 1981).

2.64.020 Composition.

The commission shall be composed of three members who shall be appointed by the mayor and who shall serve without compensation. The commissioners shall have the qualifications prescribed by RCW 41.12.030. (Ord. 530 § 2, 1981).

2.64.030 Powers and duties.

The commission, upon appointment, qualification and organization, shall hold meetings, adopt rules and regulations, perform duties, and exercise powers in compliance with RCW Chapter 41.12. (Ord. 530 § 3, 1981).

2.64.040 Effect of provisions on employees.

Any full-time permanent employee of the police department of the town who, upon October 13, 1981, has been employed in a specific position for the immediately preceding six months, in compliance with RCW 41.12.060, shall receive a permanent appointment to said position. Such appointment shall not be subject to any additional probationary period and shall be as equally permanent as any subsequent permanent appointment made under civil service after examination and investigation. (Ord. 530 § 4, 1981).

2.64.050 Police chief included in civil service provisions.

Pursuant to RCW 41.12.050, the position of police chief of the city of Granger is included within the provisions of RCW Chapter 41.12, Civil Service for City Police. (Ord. 1081 § 1, 2007).

Chapter 2.68INTERLOCAL COMMUNITY ACCESS COMMITTEESections:

- 2.68.010 Established--Purpose.
- 2.68.020 Committee.
- 2.68.030 Cable regulation board created.
- 2.68.040 Membership.
- 2.68.050 Powers, duties and expenses.
- 2.68.060 Hearings.
- 2.68.070 Rate changes.
- 2.68.080 Violations of franchise.
- 2.68.090 Complaints.
- 2.68.100 Evaluations (performance evaluation sessions).
- 2.68.110 Annual report.
- 2.68.120 Change of ownership.
- 2.68.130 Bonds and letters of credit.
- 2.68.140 Office of cable communications.
- 2.68.150 Majority vote of cities.

2.68.010 Established--Purpose. An interlocal community access committee is established. The purpose and duties of the committee are as follows:

A. Community Access Plan. The committee shall develop a community access plan to provide for maximum community involvement and utilization of the access channel. The plan shall include appropriate safeguards against direct and indirect program censorship and governmental interference with, or control of, program content. The committee shall submit annually a written advisory report to the board reviewing said plan, recommending changes to it and fully describing actions of the committee and operations of the community access channel for the preceding year.

B. Censorship. The interlocal community access committee shall assure that operation of the access channel capacity remains free from direct or indirect program censorship and governmental interference with, or control of, program content. (Ord. 874 §2.1, 1998).

2.68.020 Committee. A. Committee Membership. The community access committee shall be composed of four members. The cable regulation board shall select committee members to represent each city/town from people who have a demonstrated interest in community access. The board may appoint additional committee members from people who have a demonstrated interest in community access. Appointment shall be by majority vote of the board.

B. Meetings--Quorum. The committee shall meet each month, or as necessary in accordance with the Public Open Meetings Act. A quorum shall consist of three members. Meetings shall be conducted in accordance with the most recent edition of Robert's Rules of Order.

C. Officers. The committee shall select its own chairman and secretary. The secretary may be a member of the committee or a staff member. The cable communications officer or his designee shall be an ex officio member of the committee, but shall have no vote.

D. Terms. Terms shall be for periods of two years. Terms shall expire on December 31, in odd numbered years (1995, 1997, 1999, etc.) for appointees representing Granger and Toppenish and even number years (1996, 1998, 2000, etc.) for appointees representing Wapato and Zillah. (Ord. 874 §2.2, 1998).

2.68.030 Cable regulation board created. There is created a cable regulation board which shall represent the town of Granger and the cities of Toppenish, Wapato, and Zillah in cable television franchise administration and franchise negotiations with a cable television franchise holder and the supervision of public/education/ government (PEG) access. (Ord. 874 §3.1, 1998).

2.68.040 Membership. The following shall be the membership of the board:

A. Board Membership. Each city/town council (of Granger, Toppenish, Wapato and Zillah) shall appoint one member of its council to the board. Each council shall appoint an alternate to serve in the absence of its member. The alternate can be a member of the council or other representative of the city. The member and alternate should subscribe to the cable television system.

B. Term. Each council may change its representative at any time, but must review its representatives in January of every even-numbered year.

C. Vote. Each council's member of the board shall have one vote.

D. Officers. The board shall elect from among its own number a chairman and vice-chairman. The board may select one of its members as secretary or a member of the cable communications office or other staff member for this position.

E. Meeting Rules, Quorum. Meetings shall be conducted in accordance with the most recent edition of Robert's Rules of Order. A quorum is established when three members are present. (Ord. 874 §3.2, 1998).

2.68.050 Powers, duties and expenses. The board is granted the following powers and duties:

A. The board shall review all proposals submitted by cable companies for a cable television franchise and conduct whatever hearings that it deems necessary. The funds which accompany each application, if any shall be deposited in the cable television fund of the city providing financial services, which funds shall be available to the board to meet any expenses which it shall incur in the review process. Any excess funds shall be utilized for administration of the franchise or activities related to access channel programming and operation;

B. To retain a consultant or consultants if it so deems same necessary to prepare recommendations to the councils on the awarding of the franchise;

C. To conduct negotiations with the applicants, if any, prior to the award of the franchise. After the award of the franchise, the board shall be the contact agency for the franchise holder. Nothing in this clause shall prohibit the franchise holder from dealing through the office of cable communications with the staffs of the individual cities in matters of rights-of-way, street repairs or other matters involving the municipal services of the individual cities;

D. The board will oversee the operation of the franchise and enforce the conditions of the franchise document;

E. The board shall have the power to create and supervise the office of cable communications (OCC). The authorities and responsibilities of said office are stated below;

F. The board shall review proposed changes to the system as suggested by the franchise holder and shall approve, modify or reject such proposal;

G. To receive any reports received from or required from the franchise holder and conduct whatever investigations as needed into the content of said report;

H. To review basic service rate increase requests and conduct hearings, if needed, and approve, modify, or reject such request. Such decision shall not be subject to comment or review unless requested by two city councils within thirty days of the board's decision;

I. To adopt such regulations to carry out its functions as stated herein;

J. To establish rules and regulations for use of access channels upon recommendation of the community access committee;

K. The board to fulfill its obligations to establish rules and regulations for the use of access channels shall have its expenses of operation paid out of a portion of each city's franchise fee. Each city agrees to provide a proportionate share of funds for the work of the board and OCC.

L. The board shall recommend an annual budget for franchise administration and supervision and operation of PEG access. Such budget shall be adopted by ordinance of

the city/town providing financial administration services and approved by resolution of the remaining cities/town. (Ord. 874 §3.3, 1998).

2.68.060 Hearings. A. All hearings required by the board shall be open to the public and shall be subject to the provisions of the State Open Public Meeting Act. Notice of public hearings shall be published at least ten days in advance of said hearing in a paper of general circulation within the four communities. The report of the board resulting from such hearing shall be in writing and shall state the decision and the basis for the decision.

B. Rate increase hearings shall be at the request and expense of the franchise holder who shall pay any expenses incurred therein. The hearing shall be held before the board pursuant to public notice and shall be held in the evening to insure maximum public participation. After the hearing or hearings, the board shall make a decision on the application which shall be the final determination on rates for the four municipalities. (Ord. 874 §3.4, 1998).

2.68.070 Rate changes. Subject to the ordinance codified in this chapter, in order for any rate increase to become effective, the increase must have a sixty percent affirmative vote by the board. (Ord. 874 §3.5, 1998).

2.68.080 Violations of franchise. The board shall investigate all violations of the franchise which come to its attention in order to protect the public service, health or welfare. The board shall make recommendations to the councils regarding actions it deems appropriate for franchise violations it discovers. (Ord. 874 §3.6, 1998).

2.68.090 Complaints. The board may receive and investigate any unresolved complaint about the franchise holder's service which may be filed with the board or referred to the board by the office of cable communications. After consultation with the franchise holder, the board may adopt regulations establishing methods and procedures to insure that complainants have recourse to a satisfactory hearing and method for settling complaints. The regulations shall not become effective until approved by the councils. (Ord. 874 §3.7, 1998).

2.68.100 Evaluations (performance evaluation sessions). The board shall evaluate pursuant to such criteria and standards as the board previously shall have adopted or established by franchise, each grantee's system as provided by franchise and, based on the evaluation, issue a report to the councils with any recommendations for action by them. Any such criteria and standards promulgated shall be

provided to the franchise holder together with any changes therein. (Ord. 874 §3.8, 1998).

2.68.110 Annual report. The board shall prepare an annual report at the conclusion of each calendar year. The report shall cover activities of the board during the past calendar year; planned activities of the board during the coming year; the use of fees which it received; the general performance of the franchise holder; the development and use of systems within the cities; anticipated new services in the cities; any recommendation of the board; and such other matters as the board may deem appropriate. (Ord. 874 §3.9, 1998).

2.68.120 Change of ownership. The board shall investigate the background of any proposed owners of the franchise holder before such change shall be effective. After making its investigation the board shall approve or deny the change of ownership as provided in this chapter. (Ord. 874 §3.10, 1998).

2.68.130 Bonds and letters of credit. The board shall review the status of bonds and letters of credit posted by the franchise holder and make recommendations concerning their sufficiency. All bonds and letters of credit shall name the cities and the board as insured. (Ord. 874 §3.11, 1998).

2.68.140 Office of cable communications. A. The board shall create the office of cable communications (OCC) for day to day administration of the cable system and the franchise. This office shall serve to permit the franchise holder to contact one person for information, instructions and other matters pertaining to the administration of the franchise.

B. The OCC shall be directed by an individual employee of one of the cities as cable communications officer (CCO) and shall be appointed by the board with the consent of the employing city. The costs of salary, benefits and expenses shall be paid out of moneys received for local administration of the franchise. The percentage of time spent on the cable management will be the percentage of pay and benefits paid by the cable fund.

C. The duties and powers of this office shall be as follows:

1. To carry out all directives of the board;
2. To give full reports to the board on matters requested by the board;
3. To carry out the day to day business of administering the franchise, including but not limited to coordination of local access;

4. To receive and investigate complaints of residents of the cities, individual councils, or the board, and attempt to resolve them with the franchise holder. In the event the complaints cannot be resolved, then the matter shall be forwarded to the board, together with a report for action;

5. To schedule meetings of the board and prepare the agenda therefore;

6. To conduct investigations ordered by the board on behalf of the board and prepare staff reports and recommendations for the board;

7. To review all rate applications and prepare staff reports thereon;

8. To receive requests for changes from the franchise holder and advise the board on the changes;

9. To prepare a proposed annual budget for consideration by the board and subsequent approval by the city councils;

10. To assist the board in preparing the annual report;

11. Serves (or designee) as ex-officio member of the community access committee, but shall have no vote. (Ord. 874 §3.12, 1998).

2.68.150 Majority vote of cities. The town of Granger and the cities of Toppenish, Wapato and Zillah recognize that this joint enterprise (a joint cable television franchise and PEG for the four communities) will succeed only if there is the ability for the franchise holder to uniformly serve all four communities. To this end, each municipality council agrees that all services and rates will be uniform in all cities. If there are hearings on rates or other decisions of the board which may go to the individual councils, the councils agree to be bound by the majority vote of three of the councils. (Ord. 874 §3.13, 1998).

Chapter 2.70

HANDICAPPED INDIVIDUALS

Sections:

2.70.010 Grievance procedures for the handicapped.

2.70.010 Grievance procedures for the handicapped. The following steps shall be used as the grievance procedure for all handicapped persons who feel that they are being discriminated against because of town policy, activi-

ty, act or any other matter in which the town is involved or over which the town has jurisdiction:

A. If the person filing the grievance is not an employee of the town, he or she shall file with the affirmative action committee of the town, at the Granger City Hall a written statement including all pertinent data, including dates, names, events, etc., explaining in full detail the incident that has caused the grievance to be filed. The affirmative action committee shall review the matter, and shall respond to the grievant in writing within fifteen calendar days. The response of the affirmative action committee shall include its findings and conclusions in the matter. If the grievance is determined to be valid, the grievant will also be provided a timetable and cost breakdown for correction of the grievance.

B. If the grievance is filed by an employee of the town, the employee/grievant shall file the grievance with the appropriate department head, and shall file an additional copy of the grievance with the affirmative action committee. The grievance shall be in writing, and shall include all pertinent data, including dates, names, events, etc., explaining in full detail the incident that has caused the grievance to be filed. The department head shall respond, in writing, within fifteen calendar days with the response including his/her findings and conclusions and if the grievance is determined to be valid, it

shall also include a timetable cost breakdown for correction of the grievance, with copies of the response being provided to the employee/grievant and affirmative action committee.

C. If the grievant (employee/nonemployee) feels that the findings of the department head or the affirmative action committee are incorrect or unjust, he/she shall file the grievance with the town mayor, within fifteen calendar days of the receipt of the response. The town mayor shall review the grievance and respond to the grievant in writing within fifteen calendar days, and shall make findings and conclusions and recommendations with a copy thereof being filed with the affirmative action committee.

D. In the event the grievant is not satisfied with the town mayor's response, he/she shall file a complaint with the town council, within twenty calendar days of the receipt of the town mayor's response. The town council shall investigate the grievance and respond in writing to the grievant within thirty calendar days after receipt of the grievance. The town council's findings shall be final, with copies thereof being provided to the grievant, the department head (if the grievant is an employee), the affirmative action committee and the town mayor. (Ord. 765 §1, 1994).

Chapter 2.72

SMALL WORKS ROSTER

Sections:

- 2.72.010 Established.
- 2.72.020 Utilizing roster.

2.72.010 Established. A. There is established for the town, a small works roster comprised of all contractors who request to be on the roster and who are, where required by law, properly licensed or registered to perform contracting work in the state.

B. The small works roster shall be established as follows:

1. At least once every year, the town shall advertise in a newspaper of general circulation the existence of a small works roster for the town. The town shall add to the

roster those contractors who respond to the advertisement to be included on the roster.

2. In order to be included on the roster, the contractor shall supply information as follows in response to a standard form questionnaire to be developed at the direction of the town council:

a. The contractor's state license or registration, where required by law;

b. The contractor's financial standing and responsibilities;

c. The contractor's experience, organization, and technical qualifications necessary to perform proposed contracts;

d. The contractor's ability to comply with the required performance schedules taking into consideration its existing business commitments;

e. The contractor's satisfactory record of performance, integrity, judgment and skills;

f. The contractor's ready availability to perform work in and for the town;

g. Such other information as may be secured concerning the contractor's ability to satisfactorily perform a contract with the town.

3. The questionnaire required in subdivision B2 of this section shall be sworn before a notary public, and shall be submitted once a year and at such other times as the town council shall require. (Ord. 691 §§1, 2, 1988).

2.72.020 Utilizing roster. The small works roster shall be utilized as follows:

A. Whenever the town seeks to construct any public work or improvement, the estimated cost of which, including costs of material, supplies and equipment is one hundred thousand dollars or less, the small works roster may be utilized.

B. When the small works roster is utilized, the town shall invite proposals from all appropriate contractors on the small works roster including, whenever possible, at least one proposal from a minority contractor who otherwise qualifies.

C. The invitation to the contractor on the small works roster shall include an estimate on the scope and nature of the work to be performed and materials and equipment to be furnished.

D. When awarding a contract for work under the small works roster, the town shall award the contract to the contractor submitting the lowest responsible bid; provided, however, that the town reserves its right under applicable law to reject any or all bids, and to waive procedural irregularities. (Ord. 691 §3, 1988).

Chapter 2.76ALCOHOL AND DRUG ABUSE POLICYSections:

- 2.76.010 Purpose.
- 2.76.020 Objectives.
- 2.76.030 Employee responsibilities.
- 2.76.040 Procedures.

2.76.010 Purpose. It is the policy of the town to maintain a safe, healthful and productive work environment for all employees. This policy provides guidelines for the detection and deterrence of alcohol and drug abuse in the town. It also outlines the responsibilities of managers and employees. To that end, the town will act to eliminate any substance abuse (alcohol, illegal drugs, prescription drugs or any other substance which could impair an employee's ability to safely and effectively perform the functions of their particular job) which increases the potential for accidents, absenteeism, substandard performance, poor employee morale or damage to the town's reputation or property. All persons covered by this policy should be aware that violations of this policy may result in discipline, up to and including discharge. Misuse of alcohol and drugs will not be tolerated by the town. This policy is intended to be administered in conjunction with procedures outlined in the town personnel rules and regulations.

The town has a strong commitment to its employees to provide a safe work environment and to promote high standards of employee health. Consistent with the spirit and intent of this commitment, the town has established this policy regarding alcohol and drug abuse.

In recognition of the serious duty entrusted to the employees of the town, with knowledge that alcohol and drugs do hinder a person's ability to perform duties safely and effectively, the following policy against alcohol and drug use is adopted. (Ord. 813 §1(part), 1996).

2.76.020 Objectives. A. Increase employee awareness of the dangers of alcohol use and/or abuse;

B. Eliminate the use, abuse and/or possession of alcohol and unauthorized drugs on town premises;

C. Recognize the changes in employee's work, safety, attendance, and/or behavior which may identify potentially affected employees;

D. Encourage and motivate affected employees to seek appropriate assistance. Confidentiality will be maintained, as much as possible;

E. Return the successfully rehabilitated employee to the work force. (Ord. 813 §1(part), 1996).

2.76.030 Employee responsibilities. An employee shall:

A. Not report to work or be subject to duty while his/her ability to perform job duties is impaired due to alcohol and/or drug use, on or off duty;

B. Not possess or use alcohol and/or drugs (illegal drugs and legal drugs without prescription) during working hours;

C. Not sell or provide alcohol and/or drugs to any person or to any other employee while either employee or both employees are on duty;

D. Notify his/her supervisor, before beginning work, when taking any medications or drugs, prescription or non-prescription, which may interfere with the safe and effective performance of duties or operation of town equipment;

E. Notify the employer within five days of any criminal drug statute conviction for a violation occurring in the work place. (Ord. 813 §1(part), 1996).

2.76.040 Procedures. A. No employee shall be permitted to report for work or continue to perform work while in possession of, or under the influence of alcohol or other drug substances which in any way affects safe and efficient physical performance and/or mental judgment. Any employee found in such an apparent condition, will be removed from the work site and is subject to disciplinary action up to and including discharge.

B. Employees found to be manufacturing, selling or providing alcohol and/or other drug substances to anyone either on town premises, or during their work time are subject to immediate termination.

C. Employees found to be using alcohol and/or drug substances while on town premises or during work hours are subject to discipline up to and including discharge.

D. Recognizing that employee performance will be affected by alcohol and/or drug abuse, incidents of unacceptable employee performance will be discussed with the employee and documented in writing. Continued unacceptable performance will result in progressive disciplinary action that could lead to the employee's discharge.

E. Information, educational materials and training will be provided to familiarize all employees with the dangers of alcohol and/or drug abuse. (Ord. 813 §1(part), 1996).

Chapter 2.80PROCEDURES FOR THE INSPECTION OF PUBLIC RECORDSSections:

- 2.80.010 Request for records.
- 2.80.020 Response to request.
- 2.80.030 Information exempt from public inspection.
- 2.80.040 Record copy charge.
- 2.80.050 Alteration of cost schedule.
- 2.80.060 Payment of cost of transcription of verbatim written transcript for court proceedings.
- 2.80.070 Disclosure prohibited.
- 2.80.080 Clerk.

2.80.010 Request for records. All persons desiring to inspect or receive a copy of any public record of the town must make their request to the town clerk, or his/her designee, on forms specified by the town clerk. (Ord. 815 §1, 1996).

2.80.020 Response to request. A. Responses to requests for records will be made promptly. If the request is for a record maintained or indexed other than in the clerk's office, the requester will be advised that their request has been forwarded to the appropriate department. All assistance necessary to help the requester shall be provided either by an employee of the town clerk's office or of the particular department. The giving of such assistance shall not unreasonably disrupt the operation of the town or the other duties of assisting employees. If the written request includes a request for copies, a payment in accordance with the town's fee schedule shall be paid.

B. When a member of the public has requested to inspect an identifiable public record and that request has been denied, such a person may submit a written request and have such denial reviewed by the town clerk. The review of the denial by the town clerk shall be as prompt as possible.

C. Any appeal of final denial will be referred to the town attorney for legal opinion. (Ord. 815 §2, 1996).

2.80.030 Information exempt from public inspection. The following shall be exempt from public inspection and copying:

A. Personal information and any files maintained for prisoners;

B. Personal information and any files maintained for town employees, appointees or elected officials to the extent the disclosure would violate their right to privacy;

C. Information required of any taxpayer or town license holder in connection with the assessment or collection of any tax or license fee if the disclosure of the information to other persons would violate the taxpayer or licensee's right to privacy or would result in unfair competitive disadvantage to such taxpayer or licensee;

D. Specific intelligence information and specific investigative files compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy;

E. Information revealing the identity of persons who file complaints with investigative, law enforcement, or penology agencies, if disclosure would endanger any person's life, physical safety, or property, or if the complainant has indicated a desire for nondisclosure;

F. Test questions, scoring keys and other examination data used to administer license, employment or civil service examination;

G. Except as provided by RCW Chapter 8.26, the contents of any real estate appraisals made for or by any agency, including the town, relative to the acquisition of property by the town until the project is abandoned or until such time as all of the property has been acquired, but in no event shall disclosure be denied for more than three years after the date of the appraisal;

H. Valuable formulas, designs, drawings and research data obtained or produced by the town, its officers, employees and agents within five years of any request for disclosure thereof, when disclosure would produce private gain and public loss;

I. Preliminary drafts, notes, recommendations and intra-agency memorandums in which opinions are expressed or policies formulated or recommended, except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action;

J. Records which are relevant to a controversy to which the town or any of its officers, employees or agents is a party, but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts;

K. Any library record which could disclose the identity of a user of library materials;

L. Lists of individuals requested for commercial purposes;

M. Any public record access which the Yakima County Superior Court has found would damage any person or vital governmental function;

N. Residence address and telephone number of town employees or volunteers;

O. Residence address and telephone number of town utility customers;

P. Applications for employment, including name of applicant, resume, and other related material submitted with respect to an applicant.

The exemptions of this section shall be inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption shall be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons. (Ord. 815 §3, 1996).

2.80.040 Record copy charge. A. Copies of any disclosable public record (or portions thereof) including, but not limited to, maps, reports, codes, plans and tape recordings, shall be made and provided by the town upon request and payment of the actual cost incidental to reproducing the same. The town clerk, in consultation with appropriate departments, is directed to prepare and have on file as a public document a schedule of such costs of reproduction. In determining the cost of reproduction, all costs incident to such reproduction shall be includable factors, including labor and mailing costs.

B. Where the request is for a certified copy, there shall be an additional charge to cover the additional expense and time required for certification.

C. Payment for the cost of reproduction of all public records shall be made at the time the request for public records is submitted to the town clerk. If there is uncertainty as to the amount required, the amount tendered shall be based upon estimates established by the town clerk-treasurer in the schedule of costs for reproduction. If the actual amount of the cost of reproduction exceeds the amount tendered, the balance shall be paid upon delivery of the requested copy or copies. In the event the amount tendered exceeds the actual cost, the balance shall be refunded at the time of the delivery of the copy or copies. Except as specifically provided herein, there shall be no refunds. (Ord. 815 §4, 1996).

2.80.050 Alteration of cost schedule. When a change in the established cost schedule, on file in the clerk's office, is required, the town clerk-treasurer, in consultation with appropriate department(s), shall change the schedule by filing a new schedule. (Ord. 815 §5, 1996).

2.80.060 Payment of cost of transcription of verbatim written transcript for court proceedings. A. Whenever the town is required to prepare a verbatim written transcript of any proceeding of the town in response to a writ of review or other action filled in the Superior Court or any

other state or federal court, the cost of preparing the same shall be borne by the party filing the action. The party filing such action shall pay to the town clerk-treasurer the estimated cost of the preparation of the transcript (as established by the town clerk), including copying costs and the town clerk-treasurer shall thereafter make a provision for the preparation of the transcript.

B. Should the actual cost incurred by the town in preparation of the transcript exceed the amount deposited with the town clerk-treasurer, the party making such deposit shall be required to reimburse the town for such additional amount within ten days of notification that such amount is due or prior to the time the transcript is required to be filed with the court, whichever occurs first. Should the actual cost incurred by the town be less than the estimated cost deposited, such credit due shall be reimbursed by the town to the party making the deposit. (Ord. 815 § 6, 1996).

2.80.070 Disclosure prohibited.

The town shall not be required to permit public inspection and/or copying of any record to the extent public disclosure is prohibited, restricted or limited by state or federal laws. (Ord. 815 § 7, 1996).

2.80.080 Clerk.

Any reference herein to "town clerk" includes the town clerk and her/his or her designee. (Ord. 815 § 8, 1996).

Chapter 2.84

PUBLIC DEFENDER SERVICES

Sections:

2.84.010	Compensation.
2.84.020	Duties and responsibilities.
2.84.030	Qualifications and training.
2.84.040	Caseload limits and types of cases.
2.84.050	Limitation on private practice.
2.84.060	Administrative support and facilities.
2.84.070	Monitoring.
2.84.080	Evaluation.
2.84.090	Complaints.
2.84.100	Investigators.

- 2.84.110 Termination of contract or removal of attorney.
- 2.84.120 Attorney subcontracting.
- 2.84.130 Substitution conflict counsel.
- 2.84.140 Independent contractors.

2.84.010 Compensation.

The city is a public agency whose revenues and resources are limited by statute, the constitution, and our local economy. The city has an obligation to obtain the quality representation to indigent defendants at a reasonable price that takes into consideration the resources of the city, and the needs of its citizens. Within those inherent limitations, the public defense services afforded by contract shall ensure that public defense attorneys and staff are compensated at a rate commensurate with their training and experience. The amount of compensation shall reflect the time and labor required to be spent by the attorney and the degree of professional experience demanded by the assigned caseload. Contracted and assigned counsel shall be compensated for reasonable out of pocket expenses.

A. When a case presents a conflict of interest to an attorney who has contracted with the city to provide public defense services ("attorney"), the attorney shall not be required to compensate conflict/substitute counsel out of their own funds.

B. The reasonable expenses to be covered by the contract include expert witnesses, investigative costs, and the administrative overhead costs of paraprofessionals, including, as needed, mental health professionals, social workers, and translators. The city shall pay for these expenses when reasonably incurred by the attorney and approved by the Granger municipal court ("municipal court").

C. The attorney shall be paid on a monthly basis by the city for public defense services at the rate provided in the contract. The city anticipates that the contract with the attorney will provide for compensation to the attorney on a per case basis. The city will track and account for the number of cases to which the attorney is assigned each month. The city will provide a copy of this monthly accounting to the attorney. (Ord. 1228 § 1, 2015).

2.84.020 Duties and responsibilities.

An attorney shall provide all public defense services clients with quality representation in a professional, skilled manner consistent with the minimum standards set forth by the Washington State Bar Association, the Washington Rules of Professional Conduct, case law and applicable court rules defining the duties of counsel and the rights of defendants in criminal cases, and the indigent defense standards enacted by the Washington Supreme Court. The attorney's primary and most fundamental responsibility is to promote and protect the interests of the client.

A. The city shall provide public defense service to indigent clients whose eligibility has been determined by the municipal court.

B. An attorney shall certify quarterly that they are in compliance with the standards for indigent defense by filing with the municipal court a certification of compliance as required by CrRLJ 3.1.

C. An attorney shall comply with all federal, state and local nondiscrimination laws or ordinances. The duty of nondiscrimination relates not only to the provision of services by the public defender to the clients, but also with respect to the hiring and employment practices of the public defender contractor. (Ord. 1228 § 2, 2015).

2.84.030 Qualifications and training.

A. In order to assure that indigent accused receive the effective assistance of counsel to which they are constitutionally entitled, every attorney shall meet the minimum professional qualifications:

1. Satisfy the minimum requirements for practicing law in Washington as determined by the Washington Supreme Court, and be actively licensed to practice law in this state of Washington; and

2. Be familiar with the statutes, court rules, constitutional provisions, and case law relevant to their practice area, including, but not limited to, criminal law and procedure; and

3. Be familiar with the Washington Rules of Professional Conduct; and

4. Be familiar with the Performance Guidelines for Criminal Defense Representation approved by the Washington State Bar Association; and

5. Be familiar with the consequences of a conviction or adjudication, including possible immigration consequences and the possibility of civil commitment proceedings based on a criminal conviction; and

6. Be familiar with mental health issues and be able to identify the need to obtain expert services; and

7. Complete seven hours of continuing legal education within each calendar year in courses relating to their public defense practice.

B. Legal interns providing public defense services to the city must meet the requirements set out in APR 9, and shall receive training pursuant to APR 9. A law firm/office of more than seven attorneys providing public defense services to the city must hold an orientation and training program for new attorneys and legal interns.

C. An attorney representing a respondent in a contempt proceeding must meet the requirements of subsections (A)(1) through (7) of this section, and, if the attorney has participated in less than three contempt proceedings in their legal career, must be accompanied by a supervisor or more experienced attorney, or participate in at least one consultation per case with an attorney from the Washington State Office of Public Defense, or another attorney qualified in this area of practice. The additional requirements of this section shall not apply once the attorney has participated in three contempt proceedings.

D. Each attorney who is counsel alone for a case on appeal from the municipal court to the superior court shall meet the requirements of subsections (A)(1) through (7) of this section, and have had significant training or experience in either criminal appeals, criminal motions practice, extensive trial level briefing, clerking for an appellate judge, or assisting a more experienced attorney in preparing and arguing a RALJ appeal.

E. An attorney should have the opportunity to attend courses that foster trial advocacy skills and to review professional publications and other media. (Ord. 1228 § 3, 2015).

2.84.040 Caseload limits and types of cases.

The contract between the city and an attorney shall specify the types of cases for which representation shall be provided and maximum number of cases which an attorney shall be expected to handle. For purposes of these standards and

any contract between the city and an attorney, the term "case" shall be defined as the filing of a document with a court naming a person as defendant or respondent, to which an attorney is appointed in order to provide representation. Multiple citations from the same incident shall be considered one case.

A. An attorney will provide public defense services to the city for indigent clients in the municipal court in all cases in which an indigent defendant is charged with either violation(s) of a city ordinance(s) that is/are criminal in nature, or a misdemeanor under the Revised Code of Washington.

B. The caseload of an attorney providing public defense services shall not exceed three hundred cases per year. This caseload limit reflects the maximum caseload for a fully supported full-time defense attorney for cases of average complexity and effort in each case type specified in subsection (A) of this section, and assumes a reasonably even distribution of cases throughout the year. In calculating an attorney's caseload, the city and the attorney shall include cases assigned to the attorney pursuant to an agreement with the city, cases in which the attorney is providing indigent defense services to another jurisdiction/municipality, and cases in which the attorney has been employed privately.

C. The caseload of an attorney shall allow them to give each client the time and effort necessary to ensure effective representation. The attorney should not accept workloads, whether pursuant to a contract with the city or otherwise, that, for any reason, interferes with the rendering of quality representation of indigent clients in cases before the municipal court.

D. The experience of an attorney is not a factor in adjusting the applicable numerical caseload limits except as follows: attorneys with less than six months of full time criminal defense experience as an attorney should not be assigned more than two-thirds of the applicable maximum numerical caseload limit set forth in subsection (B) of this section.

E. If an attorney is carrying a mixed caseload, including cases from more than one category of cases specified in Indigent Defense Standard 3.4 adopted by the Washington Supreme Court ("Supreme Court Standards"), as part of their legal practice, the attorney's caseload should be determined

by proportional application of the caseload limits for each category of cases established in the Supreme Court Standards.

F. If an attorney maintains a private law practice, the city should ensure the attorney does not accept more cases than he or she can reasonably discharge. In these situations, the caseload should be based on the percentage of time the attorney devotes to public defense.

G. An attorney providing public defense services to the city shall provide sufficient information to the city regarding the nature and extent of their legal practice so that the city can reach a determination as to the attorney's maximum caseload and monitor the attorney's progress towards that caseload limit. (Ord. 1228 § 4, 2015).

2.84.050 Limitation on private practice.

Private attorneys who provide public defense representation to indigent clients on behalf of the city shall set limits on the amount of privately retained work they accept. These limits shall be based on the percentage of full-time caseload which the public defense cases represent. (Ord. 1228 § 5, 2015).

2.84.060 Administrative support and facilities.

A contract between the city and an attorney for public defense services should provide for or include administrative costs associated with providing legal representation. These costs should include but are not limited to travel; telephones; law library, electronic legal research; financial accounting; case management systems; computers and software; office space and supplies; training; meeting the reporting requirements imposed by these standards; and other costs necessarily incurred in the day-to-day management of the contract.

A. A contract between the city and an attorney for public defense services shall require that the attorney have access to an office that accommodates confidential meetings with clients and a postal address, and adequate telephone services, to ensure prompt response to client contact. (Ord. 1228 § 6, 2015).

2.84.070 Monitoring.

A. Contracts and proposals to contract with the city for public defense services shall include provision for case reporting systems and information management system(s). This

information is critical to determining the attorney's maximum caseload capacity and in subsequently tracking the attorney's caseload relative to that maximum. The system(s) shall have the capability of providing monthly reports to the city and to the municipal court administrator with the following information for each attorney providing public defense services to the city:

1. The number and nature of cases assigned to the attorney under the public defense services contract with the city during the month;

2. The number of total cases currently pending that have been assigned previously to the attorney under the public defense services contract with the city;

3. The number of cases previously assigned to the attorney under the public services contract with the city, year-to-date, in which disposition has been accomplished. For purposes of these standards, the word "disposition" shall mean the conclusion of a case by way of plea, verdict, dismissal, entry of a deferred prosecution, or entry of a stipulated order of continuance ("SOC");

4. The number and types of all cases or other legal matters the attorney is currently providing legal representation to a client in their legal practice;

5. An individualized accounting of time (in tenths of an hour) spent by the attorney during the month on any case assigned to them pursuant to the public defense services contract with the city;

6. The amount of time (in tenths of an hour) the attorney spent working on legal matters other than cases assigned to them pursuant to the public defense services contract with the city.

B. A contract between the city and an attorney for public defense services shall require that the information specified above in subsection (A) of this section be provided to the city and the municipal court administrator on a monthly basis.

C. An attorney shall not disclose privileged or confidential client information to the city by virtue of the case reporting and information management system required by this section or in the monthly reports required by subsection (B) of this section. (Ord. 1228 § 7, 2015).

2.84.080 Evaluation.

The city will use the monthly reports required by GMC 2.84.070(B), as well as comments and input from municipal court judges, prosecutors, other defense attorneys, and clients, to evaluate the skill and effectiveness as a criminal lawyer of an attorney who has entered into a public defense services contract with the city. (Ord. 1228 § 8, 2015).

2.84.090 Complaints.

The municipal court administrator shall be the contact point for client complaints regarding an attorney. The municipal court administrator shall notify the attorney in writing regarding any client complaint received regarding the attorney so that the attorney may attempt to resolve the complaint with their client. If an indigent client levies a complaint regarding an attorney directly with the attorney, the attorney should attempt to resolve the client's complaint. The attorney shall notify the municipal court administrator if the client complaint cannot be resolved. If the client's complaint pertains to the provision of services under the contract, or a violation of these standards, the complaint shall be investigated by the municipal court administrator. Unresolved client complaints regarding trial strategy or any other matter which would breach attorney confidentiality shall be referred to the Washington State Bar Association.

A. Nothing in this section or in these standards should be interpreted to require the public defender or any indigent defendant to breach any duty of confidentiality, including, but not limited to, trial strategy. (Ord. 1228 § 9, 2015).

2.84.100 Investigators.

In the course of representing an indigent client pursuant to a public defense contract with the city, an attorney should employ investigators with appropriate training and experience as deemed necessary by the attorney. The city will pay for the costs of an investigator hired by an attorney that are reasonably incurred and approved by the municipal court. (Ord. 1228 § 10, 2015).

2.84.110 Termination of contract or removal of attorney.

A. A contract between the city and an attorney for public defense services should only be terminated upon expi-

ration of its term, by mutual written agreement of the parties, or for good cause. For purposes of these standards, "good cause" shall include, but is not limited to: the attorney's failure to comply with any of the public defense standards set forth in this chapter; the attorney's failure to comply with the indigent defense standards adopted by the Washington Supreme Court; the attorney's failure to comply with any term or requirement of the public defense services contract; the attorney being convicted of a criminal charge; or suspension or revocation of the attorney's license to practice law in the state of Washington.

B. Removal by the municipal court of an attorney from representation of a client pursuant to a public defense services contract with the city should normally not occur over the objection of the attorney and the client. (Ord. 1228 § 11, 2015).

2.84.120 Attorney subcontracting.

An attorney entering into a public defense services contract with the city shall not subcontract with another firm or attorney their obligations to provide indigent defense services to the city without prior written approval from the city of the subcontractor and the terms of the subcontract itself. (Ord. 1228 § 12, 2015).

2.84.130 Substitution conflict counsel.

When a case involving an indigent defendant presents a conflict of interest to an attorney, the city will provide alternate or conflict counsel to represent the client at no cost of the conflicted attorney. The attorney shall advise the city of the conflict as soon as possible so that it can take steps to arrange for alternative representation of the client. Conflict counsel shall be subject to the standards established by this chapter. (Ord. 1228 § 13, 2015).

2.84.140 Independent contractors.

Any attorney who enters into a public defender services contract with the city shall be an independent contractor with the responsibility and authority to control and direct the performance of the details of the work described in the contract. No agent, employee, subcontractor, or representative of any such attorney shall be deemed to be an employee, agent, servant, or representative of the city or municipal court for any purpose, and the employees, agents, subcontractors,

tors, or representatives of the attorney shall not be entitled to any of the benefits the city provides for its employees. Any such attorney will be solely and entirely responsible for their acts and for the acts of their agents, employees, subcontractors, or otherwise, during the performance of this agreement. (Ord. 1228 § 14, 2015).

Title 3

REVENUE AND FINANCE

Chapters:

<u>3.04</u>	<u>Local Improvement Assessments</u>
<u>3.08</u>	<u>Admissions Tax</u>
<u>3.12</u>	<u>Sales and Use Tax</u>
<u>3.14</u>	<u>Additional Sales and Use Tax</u>
<u>3.16</u>	<u>Copy Work and Map Sales</u>
<u>3.18</u>	<u>Credit Card Use Policy</u>
<u>3.20</u>	<u>Real Estate Excise Tax</u>
<u>3.28</u>	<u>Water and Sewer Construction Fund</u>
<u>3.32</u>	<u>Irrigation Charges and Irrigation Fund</u>
<u>3.34</u>	<u>Irrigation Reserve Fund</u>
<u>3.35</u>	<u>Home Irrigation District Fund</u>
<u>3.36</u>	<u>Claims/Payroll Clearing Fund</u>
<u>3.40</u>	<u>Federal Housing Rehab Grant Fund</u>
<u>3.48</u>	<u>Park and Recreation Reserve Fund</u>
<u>3.50</u>	<u>Parks and Recreation Program and Fund</u>
<u>3.52</u>	<u>Arterial Street Construction Fund</u>
<u>3.56</u>	<u>Emergency Medical Service Fund</u>
<u>3.60</u>	<u>Criminal Justice Fund</u>
<u>3.68</u>	<u>Bell Fund</u>
<u>3.72</u>	<u>COPS Grant Fund</u>
<u>3.76</u>	<u>Festival/Float Fund</u>
<u>3.80</u>	<u>Security Contract Fund</u>
<u>3.82</u>	<u>Aquatic Center/Swimming Pool Fund</u>
<u>3.83</u>	<u>Payment of Claims and Obligations by Check</u>
<u>3.84</u>	<u>Service Charge for Checks Returned to the City for Nonsufficient Funds or Other Errors</u>

<u>3.90</u>	<u>Crime Prevention Assessment Fund and Special Investigative Drug Account Fund</u>
<u>3.92</u>	<u>Court Bond Fund</u>
<u>3.95</u>	<u>Petty Cash Fund for Municipal Court</u>
<u>3.98</u>	<u>Northwest Community Service Center Program Project Fund</u>
<u>3.102</u>	<u>Capital Project Fund</u>
<u>3.110</u>	<u>Water/Sewer Reserve Fund</u>
<u>3.114</u>	<u>Scout Cabin Fee</u>
<u>3.118</u>	<u>Public Facilities Fee Schedule</u>

Chapter 3.04

LOCAL IMPROVEMENT ASSESSMENTS

Sections:

3.04.010	Proceedings for foreclosure of assessments.
3.04.020	Compliance with state requirements.

3.04.010 Proceedings for foreclosure of assessments.

Proceedings for the foreclosure of local improvement assessments shall be commenced by the city on or before the first day of October of that year in which two installments of any local improvement assessment are delinquent or if the final installment thereof has been delinquent for more than one year, but not before the city treasurer has mailed to the persons, whose names appear on the assessment rolls as owner of the property charged with the assessments or installments which are delinquent at the address last known to the treasurer, a notice thirty days before the commencement of the proceedings. (Ord. 481 § 1, 1979).

3.04.020 Compliance with state requirements.

All other provisions of RCW 35.50 relating to the foreclosure of local improvement assessments shall be followed as provided. (Ord. 481 § 2, 1979).

Chapter 3.08

ADMISSIONS TAX

Sections:

3.08.010	Admission charge defined.
3.08.020	Rate.

Sections: (Continued)

3.08.030 Payment to clerk.

3.08.010 Admission charge defined. "Admission charge," in this sense, means a charge for entertainment of the public with the exclusion of charges made by schools and civic groups. (Ord. 285 §3, 1963).

3.08.020 Rate. For revenue purposes, every person who pays an admission fee to any place, including a tax on persons who are admitted free of charge or at reduced rates shall pay to the person who receives payment for admission charge to any place and by him collected at the time of said admission is paid or person admitted at reduced rate or fees, an admission charge of five percent of each one dollar or fraction thereof of the amount of the regular admission fee after excluding from said admission fee an amount, if any, levied by state and/or federal agencies. (Ord. 521 §1, 1981; Ord. 285 §1, 1963).

3.08.030 Payment to clerk. The person or persons collecting said admission fee as set forth in Section 3.08.020, shall, on or before the tenth day of each month, pay to the clerk of the town, the admission fees collected for the prior month and shall submit proof of the accuracy of said admission fees to said clerk. (Ord. 285 §2, 1963).

Chapter 3.12SALES AND USE TAXSections:

3.12.010 Imposition.

3.12.020 Rate.

3.12.030 Administration and collection.

3.12.040 Records inspection.

3.12.050 Contracts with state for administration of tax.

3.12.010 Imposition. A. There is imposed a sales or use tax, as the case may be, upon every taxable event, as defined in Section 3, Chapter 94, Laws of 1970, First Extraordinary Session, occurring within the town.

B. The tax shall be imposed upon and collected from those persons from whom the state sales or use tax is collected pursuant to Chapters 82.08 and 82.12 RCW. (Ord. 326 §1, 1970).

3.12.020 Rate. The rate of the tax imposed by Section 3.12.010 shall be one-half of one percent of the selling price or value of the article used, as the case may be; provided, however, that during such period as there is in effect a sales or use tax imposed by the county, the rate of tax imposed by this chapter shall be four hundred twenty-five/one thousandths of one percent. (Ord. 326 §2, 1970).

3.12.030 Administration and collection. The administration and collection of the tax imposed by this chapter shall be in accordance with the provisions of Section 6, Chapter 94, Laws of 1970, First Extraordinary Session. (Ord. 326 §3, 1970).

3.12.040 Records inspection. The town consents to the inspection of such records as are necessary to qualify the town for inspection of records of the Department of Revenue, pursuant to RCW 82.32.330. (Ord. 326 §4, 1970).

3.12.050 Contracts with state for administration of tax. The mayor and town clerk of the town are authorized and directed to execute such contracts with the state, Department of Revenue, as may be necessary from time to time for the administration of the tax imposed by this chapter. (Ord. 326 §5, 1970).

Chapter 3.14

ADDITIONAL SALES AND USE TAX

Sections:

- 3.14.010 Imposition--Statutory authority.
- 3.14.020 Rate.
- 3.14.030 Administration and collection.
- 3.14.040 Records inspection.
- 3.14.050 Contract for administration--Mayor and clerk authorized.
- 3.14.060 Violation--Penalty.

3.14.010 Imposition--Statutory authority. A. There is imposed a sales or use tax, as the case may be, as authorized by RCW 82.14.030(2), upon every taxable event, as defined in RCW 82.14.020, occurring within the town.

B. The tax shall be imposed upon and collected from those persons from whom the state sales tax or use tax is collected pursuant to RCW Chapters 82.08 and 82.12. (Ord. 542 §1, 1982).

3.14.020 Rate. The rate of the tax imposed by Section 3.14.010 shall be one-half of one percent of the selling price or value of the article used, as the case may be; provided, however, that during such period as there is in effect a sales tax or use tax imposed by the county under Section 17(2), Chapter 49, Laws of 1982, First Extraordinary Session, at a rate equal to or greater than the rate imposed by this section, the county shall receive fifteen percent of the tax imposed by Section 3.14.010; provided, further, that during such period as there is in effect a sales tax or use tax imposed by the county under Section 17(2), Chapter 49, Laws of 1982, First Extraordinary Session, at a rate which is less than the rate imposed by this section, the county shall receive from the tax imposed by Section 3.14.010 that amount of revenues equal to fifteen percent of the rate of the tax imposed by the county under Section 17(2), Chapter 49, Laws of 1982, First Extraordinary Session. (Ord. 542 §2, 1982).

3.14.030 Administration and collection. The administration and collection of the tax imposed by this chapter shall be in accordance with the provisions of RCW 82.14.050. (Ord. 542 §3, 1982).

3.14.040 Records inspection. The town consents to the inspection of such records as are necessary to qualify the town for inspection of records of the Department of Revenue, pursuant to RCW 82.32.330. (Ord. 542 §4, 1982).

3.14.050 Contract for administration--Mayor and clerk authorized. The mayor and clerk are authorized to enter into a contract with the Department of Revenue for the administration of this tax. (Ord. 542 §5, 1982).

3.14.060 Violation--Penalty. Any seller who fails or refuses to collect the tax as required with the intent to violate the provisions of this chapter or to gain some advantage or benefit, either direct or indirect, and any buyer who refuses to pay any tax due under this chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be fined no more than one hundred dollars or imprisoned for not more than thirty days, or by both such fine and imprisonment. (Ord. 542 §7, 1982).

Chapter 3.16COPY WORK AND MAP SALESSections:

- 3.16.010 Authority to copy--Fees.
- 3.16.020 Authority to keep map supply--Charge per map.

3.16.010 Authority to copy--Fees.

The city clerk is authorized to perform and allow copy work for the benefit of the residents of the city; provided, that the same does not interfere with the normal operation of the city office, and shall charge the following rates for copy work:

- A. Twenty-five cents per copy, if the work is done by the city clerk;
- B. Ten cents per copy, if work is done by an individual who is knowledgeable with the workings of the copy machine, as may be determined and approved by the city clerk. (Ord. 477 § 1, 1979).

3.16.020 Authority to keep map supply--Charge per map.

The city clerk is further authorized to keep a supply of maps of the city in stock, and upon request, shall sell the same to any individual for the sum of one dollar per map. (Ord. 360 § 2, 1973).

Chapter 3.18CREDIT CARD USE POLICYSections:

- 3.18.010 Purpose.
- 3.18.020 Departments effected.
- 3.18.030 References.
- 3.18.040 Policy.
- 3.18.050 Procedures.
- 3.18.060 Control.

3.18.010 Purpose.

To authorize the city's policy on the use of city credit cards to transact official city business.
(Ord. No. 1184, § 1(Exh., § 1.0), 2-26-2013)

3.18.020 Departments effected.

Mayor, council, department heads and employees.
(Ord. No. 1184, § 1(Exh., § 2.0), 2-26-2013)

3.18.030 References.

Ordinance 1184 and RCW 43.09.2855 [Attachment C].
(Ord. No. 1184, § 1(Exh., § 3.0), 2-26-2013)

Editor's note—Attachment C, referenced above, is set out at the end of this chapter.

3.18.040 Policy.

A. The city council has authorized the city clerk treasurer to implement procedures for the use of city credit cards for the following uses:

- Travel: Credit cards may be used by the above assigned individuals (Section 3.18.020) for official business -- related expenditures for hotel, parking, ferry, taxi, meals, gas, airline tickets, emergency city vehicle repairs and other travel related expenses as authorized by the mayor or city clerk treasurer. In addition the assigned individual may use the city credit card for conference and class registrations. Out of state travel and out of state registration require the mayor's pre-approval.
- Purchases: The assigned credit cards may be used for ordering supplies, including on line purchases, under five hundred dollars for city purposes, when pre-approved by the department head.
- Purchases where an open charge account exists may be utilized for convenience at the time of purchase with the approval of the department head.
- Credit limit: The credit limit for each assigned city credit card shall be two thousand five hundred dollars.
- City credit cards shall not be used for cash advances or personal purchases.

B. Credit cards may be issued to departments as follows:

Administration: Mayor, council, financial administration, public works department police department and fire department.

- C. The city has the following credit cards:
1. Visa Cards for each department (five total cards).
 2. Staples Credit Card.
 3. Lowes Credit Card.
 4. Cash and Carry--United Grocers.
 5. Office Depot Credit Card.
 6. Wal-Mart.
- (Ord. No. 1184, § 1(Exh., § 4.0), 2-26-2013)

3.18.050 Procedures.

A. Authorization: Payment of all credit card expenditures is contingent upon the city clerk treasurer or department head's approval of the monthly statement of transactions. If expenditure is deemed inappropriate, the assigned credit card holder will be responsible for reimbursing the city.

B. Receipts/verification:

1. Receipts must be obtained for each credit card transaction.
2. The purpose of the charge and the name of the individual(s) involved must be clearly written on the receipt. Meal receipts must note who ate and the purpose of the meeting. All receipts must be attached to the City of Granger's Credit Card Purchases and Uses Form (Attachment A).

3. Receipts or purchase verification for on-line charges are to be saved and retained by the assigned individual or designee and attached to the City of Granger Credit Card Purchases and Uses Form.

C. Each assigned department will enter the transaction into the finance accounts payable program and provide the finance department:

1. The completed City of Granger Credit Card Purchases and Uses Form with all attached corresponding credit card receipts.

D. The finance department will:

1. Verify all credit card expenditures against the monthly transaction summary.
 2. Notify the department head of missing receipts within five days of receiving the monthly statement.
- (Ord. No. 1184, § 1(Exh., § 5.0), 2-26-2013)

Editor's note—Attachment A, referenced above, is set out at the end of this chapter.

3.18.060 Control.

A. The assigned department is responsible for contacting the vendor when supplies purchased with the credit card are not acceptable (incorrect order, damaged, etc.) and for arranging a return for credit or exchange.

B. The city clerk treasurer is responsible for administration of the cards to include, but not limited to, selection of the card provider, payment of credit card bills, managing the issuance of cards and ensuring proper use.

The city clerk treasurer will disallow the use of the assigned city credit card for violation or misuse of the credit card in accordance with this policy. The following will be considered an unauthorized purchase or use of any city purchasing/credit card:

1. Cash advances.
2. Payment of invoices or statements.
3. Purchases where an open charge account would be utilized.
4. Personal purchases of any kind.

C. Any exceptions to this policy must be approved in writing in advance by the mayor.

D. Assigned individuals will sign a Credit Card User Agreement (Attachment B) before they are eligible to use the card.

E. Credit cards are to be returned to the city immediately upon ending employment with the city.

F. Misuse of a city credit card may result in disciplinary action or termination or legal action.

G. Failure to provide detailed documentation as required by the policy will result in the user being responsible for the charge.

(Ord. No. 1184, § 1(Exh., § 6.0), 2-26-2013)

Editor's note—Attachment B, referenced above, is set out at the end of this chapter.

ATTACHMENT A

CITY OF GRANGER
Credit Card Purchases and Uses Form
RCW. 43.09.2855

Date: _____

Purchaser: _____

Department: _____

Card: _____

Where Purchased : _____

Items Purchased: _____
(An attached receipt with items listed)

Additional Information (example: purchases made over the phone or via the net)

If the purchaser is not a department head, the form will need the signature of the department head.

Employee

Department Head

“where dinosaurs roam”



ATTACHMENT B

CITY OF GRANGER

CREDIT CARD USER AGREEMENT

I, _____, as an employee of the City of Granger accept personal responsibility for the safeguard and proper use of the City credit card # _____ which has been assigned to me for use in the performance of my job, in accordance with the terms outlined below.

Credit cards are to be used solely for travel related business expenses (within and outside the city), and conference/class registrations incurred by the assigned individual only.

Credit cards may be used for purchasing department supplies up to \$500 only if prior approved by the assigned card holder's Department Head.

I have read and understand the credit card policies and procedures as set out in Ordinance 1184 and Work Related Travel, Chapter Thirteen of the City of Granger Personnel Policy Manual.

I understand the City Clerk Treasurer will disallow my use of a City credit card for violation or misuse of the credit card and/or credit card policies and procedures and that such violation or misuse may subject me to discipline, including termination, under the City's Personnel Policies.

I understand that each time I use, or authorize the use thereof, that I am adhering to the following statement:

"I hereby certify under penalty of perjury that this is a true and correct claim for necessary expenditures incurred by me and that no payment has been received by me on account thereof."

I understand that I will be held personally liable for inappropriate charges I incur to the City credit card, and payment for any such inappropriate charges is hereby authorized to be withheld from my paycheck.

The undersigned individual has read and understands the above statements.

Employee

Date

ATTACHMENT C
BACKGROUND

The 1995 legislature passed legislation making the following finding:

Findings--1995 C30: The legislature finds that (1) the use of credit cards is a customary and economical business practice to improve cash management, reduce costs and increase efficiency; and (2) local governments should consider and use credit cards when appropriate.

RCW 43.09.2855 reads as follows:

- (1) Local governments, including counties, cities, towns and special purpose districts, municipal and quasi-municipal corporations, and political subdivisions, are authorized to use credit cards for official government purchases and acquisitions.
- (2) A local government may contract for issuance of the credit cards.
- (3) The legislative body shall adopt a system for:
 - a. The distribution of the credit cards
 - b. The authorization and control of the use of credit card funds
 - c. The credit limits available on the credit cards
 - d. Payment of the bills
 - e. Any other rule necessary to implement or administer the system under this section.
- (4) As used in this section, "credit card" means a card or device issued under an arrangement pursuant to which the issuer gives a card holder the privilege of obtaining credit from the issuer.
- (5) Any credit card system adopted under this section is subject to examination by the state auditor's officer pursuant to chapter 43.09 RCW.
- (6) Cash advances on credit cards are prohibited.

Chapter 3.20REAL ESTATE EXCISE TAXSections:

- 3.20.010 Real estate excise tax imposed.
- 3.20.020 Rate of tax.
- 3.20.030 Administration and collection.
- 3.20.040 Creation of capital improvement fund.
- 3.20.050 Additional real estate excise tax.

3.20.010 Real estate excise tax imposed.

There is imposed an excise tax on each sale of real property within the corporate limits of the city. This tax shall be imposed and collected from those persons from whom the excise tax on real estate sales is collected pursuant to Chapter 82.45 of the Revised Code of Washington. The Yakima County Treasurer is responsible for collection of this tax and shall be notified of this chapter on or before the effective date hereof. (Ord. 638 § 1, 1986).

3.20.020 Rate of tax.

The rate of tax imposed by Section 3.20.010 shall be one-fourth of one percent of the selling price of the real property, as is permitted by RCW 82.46.010(1). (Ord. 638 § 2, 1986).

3.20.030 Administration and collection.

The administration and collection of this real estate excise tax imposed by this chapter shall be in conjunction with the tax imposed by RCW 82.45.010 et seq., which is primarily the responsibility of the Yakima County Treasurer. The Yakima County Treasurer shall withhold one percent of the proceeds of all taxes imposed pursuant to this chapter in the Yakima County current expense fund to defray the cost of collections. The remaining proceeds collected shall be distributed back to the City of Granger by the Yakima County Treasurer's office and shall be placed in the municipal capital improvement fund. (Ord. 638 § 3, 1986).

3.20.040 Creation of capital improvement fund.

There is hereby created a capital improvement fund for local public works improvements including those public works improvements described and listed in RCW 35.43.040. The city Treasurer shall deposit such moneys in this fund which are received from the imposition of the excise tax on real estate sales imposed by this chapter. Moneys shall not be expended from this fund without the approval of the city council in accordance with an ordinance describing the amount of funds to be expended and the specific capital public works improvement toward which said funds are to be expended. The city treasurer shall maintain an accurate accounting of all funds going into and coming out of said fund as required by this chapter and by law. (Ord. 638 § 4, 1986).

3.20.050 Additional real estate excise tax.

In accordance with RCW 82.46.035, and in addition to the excise tax on the sale of real property imposed by GMC 3.20.010 and 3.20.020, there is hereby imposed an excise tax on each sale of real property located within the corporate limits of the city of Granger at the rate of one quarter of one percent of the selling price to be collected by the county as prescribed in RCW 82.46.060. Proceeds from this additional tax shall be deposited in a separate account in the municipal capital improvements fund and expended as authorized by law under RCW 82.46.035. (Ord. 1237 § 1, 2015).

Chapter 3.28WATER AND SEWER CONSTRUCTION FUNDSections:

3.28.010 Established.

3.28.010 Established.

The city clerk is authorized to establish a water and sewer construction fund for the purpose of distributing the funds specifically for water and sewer construction through the community development block grant and public works trust fund grants. The fund shall be designated as: 355 Water/Sewer Construction. (Ord. 672 § 1, 1987).

Chapter 3.32IRRIGATION CHARGES AND IRRIGATION FUNDSections:

- 3.32.010 Irrigation charges established.
- 3.32.020 Unpaid charges.
- 3.32.030 Irrigation fund established.

3.32.010 Irrigation charges established.

There is hereby established an irrigation assessment charge of one hundred fifty-two dollars and thirty-six cents per parcel under one acre, and one hundred fifty-two dollars and thirty-six cents per acre for each parcel over one acre within the city, for all premises within the city of Granger, for which it has agreed to assume the operation and maintenance thereof. To determine the acreage of each parcel, when dealing with partial acres, each parcel shall be rounded off to the nearest whole number. (Ord. 1394 § 1, 2022; Ord. 1345 § 1, 2019; Ord. 1321 § 1, 2018; Ord. 1297 § 1, 2017; Ord. 1262 § 1, 2016; Ord. 1245 § 1, 2016; Ord. 1205 § 1, 2014; Ord. 1195 § 1, 2013; Ord. 1164 § 1, 2012; Ord. 1150 § 1, 2011; Ord. 1133 § 1, 2010; Ord. 1124 § 1, 2009; Ord. 1049 § 1, 2005; Ord. 1033 § 1, 2004; Ord. 1000 § 1, 2003; Ord. 983 § 1, 2003; Ord. 959 § 1, 2001; Ord. 936 § 1, 2001; Ord. 932 §§ 1, 2, 2000; Ord. 900 § 1, 1999; Ord. 881 § 1, 1998; Ord. 864 § 1, 1998; Ord. 821 § 1, 1996; Ord. 802 § 1, 1996; Ord. 675 § 1, 1988; Ord. 674 § 1, 1988).

3.32.020 Unpaid charges.

Any irrigation water assessments that are unpaid at the due date, shall bear interest at one percent per month; provided, that for the year 1988, the interest shall be payable beginning October 15, 1988, due to the late mailing. (Ord. 676 §1, 1988).

3.32.030 Irrigation fund established.

There shall be established an irrigation fund, from which to collect and disburse funds in the operation and maintenance of the irrigation system. (Ord. 674 §2, 1988).

Chapter 3.34IRRIGATION RESERVE FUNDSections:

- 3.34.010 Established.
- 3.34.020 Maintained.
- 3.34.030 Source of funds.

3.34.010 Established.

The city clerk shall establish an irrigation reserve fund, and the moneys from such fund shall be used as follows:

- A. To help pay for the enclosed conduit irrigation system;
- B. Help pay cost per acre to bring lines to water boxes;
- C. Help pay for upgrading the city's irrigation lines;
- D. For such other purposes as may be deemed proper in the construction and maintenance of the enclosed conduit irrigation system. (Ord. 919 §1, 2000).

3.34.020 Maintained.

Such funds shall be maintained in the manner provided in the Bars Manual accounting procedures, and such funds shall be audited by the city clerk on a monthly basis. (Ord. 919 §2, 2000).

3.34.030 Source of funds.

An initial transfer to such irrigation reserve fund shall be from the Granger Rehabilitation Fund in the sum of forty thousand dollars. (Ord. 919 §3, 2000).

Chapter 3.35HOME IRRIGATION DISTRICT FUNDSections:

- 3.35.010 Created.
3.35.020 Use.

3.35.010 Created.

There shall be established a separate fund by the city clerk in which to deposit any and all monies currently due the home irrigation district at the time of their merger with Sunnyside Valley Irrigation District, presently to be transferred, or to be received, from future delinquent payments, into the following fund:

"Home Irrigation District Fund"

(Ord. 989 § 1, 2003)

3.35.020 Use.

A. This money received by the City of Granger shall be used exclusively for the irrigation system improvements and maintenance only for the properties that were formerly in the home irrigation district until such fund is used in full.

B. All funds received from the property owners formerly in the home irrigation district beginning in 2004 shall be used by the city for the general maintenance and improvement of the total irrigation system maintained by the City of Granger, under agreement with Sunnyside Valley irrigation district, within the boundaries of the City of Granger. (Ord. 989 § 2, 2003)

Chapter 3.36CLAIMS/PAYROLL CLEARING FUNDSections:

- 3.36.010 Claims payroll clearing fund.
3.36.020 Transfer of funds.
3.36.030 Issuance of warrants.

3.36.010 Claims payroll clearing fund.

There is created a fund, known and designated as the claims/payroll clearing fund, into which shall be paid and transferred from the various departments an amount of money equal to the various claims against the city for any purpose. (Ord. 693 § 1, 1989).

3.36.020 Transfer of funds.

Whenever it is deemed necessary, the city clerk is authorized, empowered and directed to transfer from the funds of the various departments to the claims/payroll clearing fund sufficient moneys to pay the claims against the various departments of the city. (Ord. 693 § 2, 1989).

3.36.030 Issuance of warrants.

The city clerk is authorized, empowered and directed to issue warrants on and against the fund in payment of salaries, wages, materials furnished, services rendered or expense or liability incurred by the various departments and offices of the city. The warrant shall be issued only after there has been filed with the city clerk proper vouchers, approved by the city council, stating the nature of the claim/payroll, the amount due or owing and the person, firm or corporation entitled thereto. All warrants issued on or against the fund shall be solely and only for the purposes herein set forth and shall be payable only out of and from the fund. Each warrant issued under the provisions of this section shall have in its face the words, "Claims/Payroll Clearing Fund." (Ord. 693 § 4, 1989).

Chapter 3.40FEDERAL HOUSING REHAB GRANT FUNDSections:

- 3.40.010 Created.
- 3.40.020 Source of funds.
- 3.40.030 Findings and purpose.

3.40.010 Created.

There is created a special fund of the city to be known as the 1989-1 Housing Construction Fund (hereinafter called the "federal housing rehab grant fund"). Out of such fund shall be paid all costs of planning, design, acquisi-

tion, construction and installation of the above described improvement under the H.U.D. grant moneys. (Ord. 695 § 1, 1989).

3.40.020 Source of funds.

There shall be paid into the federal housing rehab grant fund the proceeds of grant moneys received to pay the costs of the above described improvements, and all other moneys which may be received, transferred or set aside for the payment of costs. (Ord. 695 § 2, 1989).

3.40.030 Findings and purpose.

It is found, declared and determined that the necessity for the making of the above described improvements to the local housing of the city and accomplishing the goals of the community development block grant contract with the Department of Community Development could not have been reasonably foreseen at the time of the filing of the preliminary budget for the current fiscal year. The successful grant application and subsequent grant award for housing rehabilitation requires the expenditure of money not provided for in the annual budget for the current fiscal year. The estimated required expenditure is the total amount of the grant, namely five hundred thousand dollars. The annual budget of the city is hereby amended to include expenditure of the sum of five hundred thousand dollars for such purpose. (Ord. 695 § 3, 1989).

Chapter 3.48

PARKS AND RECREATION RESERVE FUND

Sections:

3.48.010 Fund established.

3.48.010 Fund established.

A. There is established a "parks and recreation reserve fund" for the improvement of the city parks.

B. The fund is established and held in trust as an ongoing method to improve the parks in the city.

C. The city council shall transfer and set aside the sum of twenty thousand dollars, and shall be designated as:
"Parks and Recreation Reserve Fund"

and that the fund shall be available for the improvements of the city parks as deemed by the city council. (Ord. 735 §§ 1-3, 1992).

Chapter 3.50

PARKS AND RECREATION PROGRAM AND FUND

Sections:

- 3.50.010 Program established.
- 3.50.020 Costs.
- 3.50.030 Activities.
- 3.50.040 Fund established.
- 3.50.050 Deposits.

3.50.010 Program established.

A parks and recreation program ("program") of and for the city of Granger, Washington, is hereby created and established for the purpose of providing youth sports activities to children. The program shall be overseen, managed, and supervised by the mayor. The mayor may appoint a director to conduct and manage the day-to-day operations of the program. Any such director shall perform the services and work required by that position gratuitously and on a voluntary basis. The director may be paid a stipend of up to three hundred dollars to cover out-of-pocket expenses incurred by the director relating to the program, provide reasonable benefits to the director, and as a nominal fee. Any stipend paid to the director shall not be a substitute for wages. The payment of a stipend to the director and/or the amount of the stipend shall not be conditioned upon or tied to the productivity of the director, the number of children or teams participating in the program, the amount of time the director spends engaged in activities related to the program, the proficiency or skill of the director, or the performance of any team or child participating in program activities. (Ord. 1308A § 1, 2018).

3.50.020 Costs.

Costs, fees and expenses relating to the program shall be paid out of the city of Granger parks and recreation program fund. (Ord. 1308A § 2, 2018).

3.50.030 Activities.

During its first year in existence the only activities the program may offer are soccer and t-ball. After the first year the mayor may expand the activities offered by the program so long as it does not result in exhausting or exceeding the amount of available money in the parks and recreation program fund. (Ord. 1308A § 3, 2018).

3.50.040 Fund established.

A new fund of the city of Granger, Washington, designated as the parks and recreation program fund is hereby established for the purpose of paying costs and expenses relating to the parks and recreation program of the city. (Ord. 1309 § 1, 2018).

3.50.050 Deposits.

Pursuant to a resolution of the city council of equal date as the ordinance codified in this chapter, an initial deposit of five thousand dollars shall be placed in the fund. Costs, fees and other revenues relating to activities offered by the parks and recreation program shall be deposited in the parks and recreation program fund. (Ord. 1309 § 2, 2018).

Chapter 3.52ARTERIAL STREET CONSTRUCTION FUNDSections:

3.52.010 Fund established.

3.52.010 Fund established.

A. There is created a special fund of the city to be known as the "arterial street construction fund." Out of such fund shall be paid all costs of planning, design, and construction of the above described improvement under the T.I.A. grant monies.

B. There shall be paid into the arterial street construction fund the proceeds of grant monies received to pay the costs of the above described improvements, and all other monies which may be received, transferred or set aside for the payment of costs. (Ord. 736 §§ 1, 2, 1992).

Chapter 3.56EMERGENCY MEDICAL SERVICE FUNDSections:

3.56.010 Fund established.

3.56.010 Fund established.

A. There is established a fund for emergency medical services to be provided by the Granger Police and Fire Departments.

B. The fund is established as an ongoing method to promote the funding of emergency medical services by the Granger Fire and Police Departments.

C. The fund shall be designated as: "Emergency Medical Service Fund" and that said fund shall be available for the deposit of any funds that may be received by way of state tax monies and any funds that may be received by way of donations and contributions.

D. There is presently the sum of eight thousand two hundred forty-one dollars in the general fund to be transferred to the emergency medical service fund.

E. The funds in the emergency medical service fund shall be available exclusively for emergency medical services and for no other purpose. (Ord. 740 §§ 1--5, 1992).

Chapter 3.60CRIMINAL JUSTICE FUNDSections:

3.60.010 Fund established.

3.60.010 Fund established.

A. There is established a criminal justice fund for state tax moneys.

B. The fund is established as an ongoing method to promote the funding of criminal justice projects.

C. The fund shall be designated as: "Criminal Justice Fund" and that the fund shall be available for all tax assessments that may be received by the City of Granger.

D. There is presently no money in the general fund to be transferred to the criminal justice fund.

E. The funds in the criminal justice fund shall be available for criminal justice projects available under RCW 82.14.330(B). (Ord. 741 §§ 1--5, 1992).

Chapter 3.68

BELL FUND

Sections:

3.68.010	Fund established.
3.68.020	Source of funds.
3.68.030	Purpose.

3.68.010 Fund established.

There is established a separate fund in memory of Jim and Lena Bell. This fund shall be known as the Bell Fund. (Ord. 818 § 1, 1996).

3.68.020 Source of funds.

This fund is established to receive a donation from the Lena Bell estate and other donations from individuals in the names of Jim and Lena Bell. All moneys received in their names shall be deposited to said account. (Ord. 818 § 2, 1996).

3.68.030 Purpose.

This fund shall be used to help fund improvements to the Old Town Park, renovation of the building commonly referred to as the Scout Cabin, and landscaping the surrounding area of said Scout Cabin and its pathways and historical preservation. (Ord. 818 § 3, 1996).

Chapter 3.72COPS GRANT FUNDSections:

- 3.72.010 Fund established.
- 3.72.020 Source of funds.
- 3.72.030 Annual budget amended.

3.72.010 Fund established.

There is created a special fund of the city to be known as the COPS grant fund. Out of such fund shall be paid all wages and personnel benefits. (Ord. 819 § 1, 1996).

3.72.020 Source of funds.

There shall be paid into the COPS grant fund the proceeds of all moneys which may be received and transferred from the grant. (Ord. 819 § 2, 1996).

3.72.030 Annual budget amended.

The annual budget of the city is amended to included expenditures of the sum of three thousand dollars needed for payroll. (Ord. 819 § 3, 1996).

Chapter 3.76FESTIVAL/FLOAT FUNDSections:

- 3.76.010 Fund established.
- 3.76.020 Source of funds.
- 3.76.030 Purpose, initially.
- 3.76.040 Purpose, continuing.

3.76.010 Fund established.

There is established a separate fund for the city to be known as the festival/float fund. (Ord. 836 § 1, 1997).

3.76.020 Source of funds.

This fund is established to receive moneys as budgeted by the city council, or donations from organizations and individuals, in support of the city community festival program. (Ord. 836 § 2, 1997).

3.76.030 Purpose, initially.

This fund shall be initially used to finance the construction of a building to house the community float, to purchase a truck to pull the float, to construct the structure of a float, and to provide insurance coverage. (Ord. 836 § 3, 1997).

3.76.040 Purpose, continuing.

This fund shall also be used to finance the involvement of the city in community festivals, including, but not limited to, the Cherry Festival, Annual Light Parade, Easter Egg Hunt, and Dynamite Fourth of July Celebration. (Ord. 836 § 4, 1997).

Chapter 3.80SECURITY CONTRACT FUNDSections:

- 3.80.010 Fund established.
- 3.80.020 Source of funds.
- 3.80.030 Purpose.

3.80.010 Fund established.

There is established a special fund of the city to be known as the security contract fund. (Ord. 837 § 1, 1997).

3.80.020 Source of funds.

This fund is established to receive and expend moneys from the security contract with Granger School District No. 204. (Ord. 837 § 2, 1997).

3.80.030 Purpose.

Expenditures from this fund shall be used to finance specific activities of the Granger Police Department as approved by the Granger City Council. (Ord. 837 § 3, 1997).

Chapter 3.82AQUATIC CENTER/SWIMMING POOL FUNDSections:

- 3.82.010 Established.
- 3.82.020 Use.
- 3.82.030 Disbursement.

3.82.010 Established.

There shall be established a separate financial account for the planning, construction and maintenance of an aquatic center/swimming pool for the City of Granger. The fund shall be:

"Aquatic Center/Swimming Pool Fund"

(Ord. 992A § 1, 2003)

3.82.020 Use.

This fund shall be used exclusively as above provided and shall be a deposit of monies collected for such purposes. (Ord. 992A § 2, 2003)

3.82.030 Disbursement.

A. Any disbursement of these funds shall be the sole responsibility of the city council, but they shall accept recommendations from any group or groups that may be promoting an aquatic center/swimming pool facility.

B. In the event there are unexpended monies remaining in said fund on January 1, 2023, the balance may be expended by the city council for capital facility improvements in its parks and recreation program. (Ord. 992A § 3, 2003)

Chapter 3.83PAYMENT OF CLAIMS AND OTHER OBLIGATIONS BY CHECKSections:

3.83.010 Authorized.

3.83.010 Authorized.

A. All claims or other obligations of the city, which are payable out of solvent funds, shall be paid by check. However, no check shall be issued at any time the applicable fund is not solvent at the time payment is ordered; in such a case a warrant shall be issued for the claim or obligation.

B. The public depository on which the checks referred to above shall be drawn shall be the banking institution under contract with the city to provide primary banking services.

C. The mayor, the mayor pro tem, the city clerk, and deputy city clerks shall be the officers of the city authorized to sign the checks on behalf of the city.

D. Any reference to warrants in any ordinance, resolution or municipal code section of the city shall include checks as authorized by the ordinance codified in this chapter and RCW 35A.40.020. (Ord. 1269 §§ 1--4, 2016).

Chapter 3.84SERVICE CHARGE FOR CHECKS RETURNED TO THE CITY FOR
NONSUFFICIENT FUNDS OR OTHER ERRORSSections:

3.84.010 Fee for returned checks.

3.84.020 Repeat violation.

3.84.030 Termination of service.

3.84.010 Fee for returned checks.

There shall be charged to the maker of any check returned to the city for insufficient funds, nonsufficient funds, stop payment or other wrongful dishonor of check the sum of thirty-six dollars. (Ord. 1190, 2013; Ord. 838 § 1, 1997).

3.84.020 Repeat violation.

In the event the payee has two checks returned or dishonored in a one year period, the city may exercise the right to refuse further checks until one year has elapsed. Payment will be accepted in the form of cash, certified check or money order. (Ord. 838 § 2, 1997).

3.84.030 Termination of service.

If the payment for the nonsufficient funds check has not been paid within five working days after written notice has been served or mailed, service will be terminated until said account has been paid. (Ord. 838 § 3, 1997).

Chapter 3.90CRIME PREVENTION ASSESSMENT FUND AND SPECIAL INVESTIGATIVE
DRUG ACCOUNT FUNDSections:

- 3.90.010 Established.
- 3.90.020 Maintained.
- 3.90.030 Crime prevention assessment fund.
- 3.90.040 Special investigative drug account fund.
- 3.90.045 Transfer of funds.
- 3.90.050 Administration.

3.90.010 Established.

There is established a crime prevention assessment fund for funds assessed under Section 1.18.010(A) and (B); and a special investigative drug account fund for funds assessed under Section 1.18.010(C). (Ord. 894 § 1, 1999).

3.90.020 Maintained.

Such funds shall be maintained in the manner provided in the Bars Manual accounting procedures, section on petty cash, Chapter 3, Section E and such additional requirements as set forth in Chapter 12, Part 3, Section 7 of the Bars Manual. (Ord. 894 § 2, 1999).

3.90.030 Crime prevention assessment fund.

Monies received pursuant to Section 1.18.010(A) and (B) shall be deposited in a crime prevention assessment fund, and disbursed according to the provisions thereof. (Ord. 894 § 3, 1999).

3.90.040 Special investigative drug account fund.

Monies received pursuant to Section 1.18.010(C) shall be deposited in a special investigative drug account and disbursed according to the provisions thereof. (Ord. 894 § 4, 1999).

3.90.045 Transfer of funds.

The special investigative drug account as set forth in Section 3.90.040 is dissolved, and any funds remaining in such account are transferred to the crime prevention assessment fund and disbursed according to the provisions

therein as provided in Section 1.18.010(A). (Ord. 920 § 1, 2000).

3.90.050 Administration.

A. The city clerk is authorized to establish the above accounts.

B. Such funds shall be audited by the city clerk on a monthly basis. (Ord. 894 §§ 5, 6, 1999).

Chapter 3.92

COURT BOND FUND

Sections:

3.92.010 Created.

3.92.010 Created.

The court bond fund is hereby created. The city clerk/treasurer is directed to set up this fund with the appropriate beginning fund balance. All deposits and cash bonds will be recorded to this fund as nonrevenue/nonexpenditure transactions and shall be reconciled. (Ord. 1246 § 2, 2016).

Chapter 3.95

PETTY CASH FUND FOR MUNICIPAL COURT

Sections:

3.95.010 Created.

3.95.020 Purpose.

3.95.010 Created.

That there is hereby established a petty cash/change fund for the Granger Municipal Court in the sum of fifty dollars, which shall be maintained by the court clerk; and said amount shall be issued by the city clerk. (Ord. 968 § 1, 2002).

3.95.020 Purpose.

The petty cash/change fund shall be in addition to the petty cash funds maintained by the city clerk in the sum of five hundred dollars, and the city police department in the

sum of two hundred dollars as established by Resolution 2000-2, passed on the 25th day of January, 2000. (Ord. 968 § 2, 2002).

Chapter 3.98

NORTHWEST COMMUNITY SERVICE CENTER PROGRAM PROJECT FUND

Sections:

- 3.98.010 Fund created.
- 3.98.020 Finding of necessity.

3.98.010 Fund created.

There is created a special city fund to be known as the Northwest Community Service Center program project fund from which all project costs shall be paid with CDBG program funds in accordance with all CDBG program federal and state requirements. (Ord. 1058 § 1, 2006).

3.98.020 Finding of necessity.

The city council finds that it is necessary to create a special fund pursuant to Section 3.98.010 in order to fulfill the obligations set forth within the project grant contract between the city of Granger and the State of Washington Office of Community Development for the administration of CDBG program funds on behalf of the project developer. (Ord. 1058 § 2, 2006).

Chapter 3.102

CAPITAL PROJECT FUND

Sections:

- 3.102.010 Created.
- 3.102.020 Expenditures of fund.

3.102.010 Created.

The capital project fund is created. Said fund shall be available for deposit of moneys received from an SIED grant/loan (SIED Contract No. YC TP 06) from Yakima County for design and/or construction of infrastructure improvements extending to, and located within, a portion of the Granger Travel Plaza Development, moneys received from interest accrued, or moneys received from developers

responsible for repayment of said loan. A copy of the Reimbursement Agreement is attached to the ordinance codified in this chapter as Exhibit A and by this reference fully incorporated herein. (Ord. 1059 § 1, 2006).

3.102.020 Expenditures of fund.

Moneys in the capital project fund shall be expended for the design and/or construction of infrastructure improvements extending to, and located within, a portion of the Granger Travel Plaza Development as shown in Exhibit A attached to the ordinance codified in this chapter, as a transfer to the debt service fund for repayment of debt associated with the SIED loan with Yakima County pursuant to SIED Contract No. YC TP 06, and any other expenditures associated within the project. (Ord. 1059 § 2, 2006).

Chapter 3.110

WATER/SEWER RESERVE FUND

Sections:

3.110.010 Fund established.

3.110.010 Fund established.

A. There shall be established a water/sewer fund in support of the operation and improvements of the water/ sewer fund.

B. Said fund shall be established as an ongoing method to fund needed improvements in general support.

C. The city treasurer shall transfer from the water/ sewer fund and set aside the sum of one hundred thousand dollars and shall be designated as: "Water and Sewer Reserved Fund" and that said fund shall be available for improvements of the water/sewer water system as deemed by the city council. (Ord. 1080 §§ 1--3, 2007).

Chapter 3.114

SCOUT CABIN FEE

Sections:

3.114.010 Rental charge.
3.114.020 Damage deposit.
3.114.030 Priority.

3.114.010 Rental charge.

The city shall hereby charge a fee of fifty dollars for the rental or use of the Scout Cabin. The city shall hereby charge registered nonprofit organizations a fee of twenty-five dollars for the rental or use of the Scout Cabin. (Ord. 1268 § 1, 2016).

3.114.020 Damage deposit.

In addition to the fee set forth in GMC 3.114.010, the city shall require a damage deposit from all users of the Scout Cabin in the amount of one hundred dollars. This damage deposit may be refunded in whole, or in part, if the city determines that the user has removed all trash, debris and refuse from the Scout Cabin, and has returned the Scout Cabin to the same condition it was in when prior to their use of the Scout Cabin. (Ord. 1268 § 2, 2016).

3.114.030 Priority.

The city has, and shall continue to have, priority in the use of the Scout Cabin. Any request to rent or use the Scout Cabin shall be secondary and subject to the needs of the city in regards to the Scout Cabin. (Ord. 1268 § 4, 2016).

Chapter 3.118PUBLIC FACILITIES FEE SCHEDULESections:

3.118.010 Public facilities fee schedule.

3.118.010 Public facilities fee schedule.

Public Facilities Fee Schedule	
Hisey Park	\$40 per 4-hour increments per section
Main Street Park	\$40 per 4-hour increments per section
Raptor Park	\$40 per 4-hour increments per section
DinoStore Patio	\$40 per 4-hour increments per section
Gazebo	City council approval or contract
Amphitheatre	City council approval or contract
Electricity	\$10

Public Facilities Fee Schedule	
Deposit	\$25 required with each rental, other than gazebo and amphitheatre, which would be negotiated with contract

(Ord. 1319 § 1 (Exh. A), 2018).

Title 4

(RESERVED)

Title 5

BUSINESS TAXES, LICENSES AND REGULATIONS

Chapters:

<u>5.04</u>	<u>Utility License Fee and Tax</u>
<u>5.08</u>	<u>Special Events/Special Use Permit</u>
<u>5.12</u>	<u>Junk Dealers</u>
<u>5.16</u>	<u>Pinball Machines</u>
<u>5.20</u>	<u>Poolrooms and Billiard Halls</u>
<u>5.24</u>	<u>Amusement Devices</u>
<u>5.28</u>	<u>Yard Sales</u>
<u>5.32</u>	<u>Flea Markets</u>
<u>5.36</u>	<u>Peddlers</u>
<u>5.40</u>	<u>Street Vendors</u>
<u>5.44</u>	<u>Business Licenses</u>
<u>5.45</u>	<u>Adult Cabarets</u>
<u>5.48</u>	<u>Itinerant Merchants</u>

Chapter 5.04

UTILITY LICENSE FEE AND TAX

Sections:

5.04.010	Generally.
5.04.020	Definitions.
5.04.030	Rate.
5.04.040	Payment procedure.
5.04.050	Exclusions.
5.04.060	License fee or tax--Payment required.
5.04.070	License fee or tax--Payment and records.
5.04.080	Responsibility upon sale or transfer.
5.04.090	Application and returns--Confidentiality.
5.04.100	Procedure for refunds or balances due.
5.04.110	Failure to make return.
5.04.120	Unlawful acts.
5.04.130	Additional to other taxes levied.

- 5.04.140 Unpaid license fee or taxes constitute debt to city--Collection.
- 5.04.150 Appeals.
- 5.04.155 Referendum petition.
- 5.04.160 Violation.

5.04.010 Generally.

The provisions of this chapter is an exercise of the power of the city to license for revenue. (Ord. 353 \$1, 1972).

5.04.020 Definitions.

In construing this chapter, save when otherwise plainly declared or clearly apparent from the context, the following definitions shall be applied:

A. "Gross income" means the value proceeding or accruing from the sale of tangible property or service, and receipts, (including all sums earned or charged whether received or not) by reason of the investment or capital in the business engaged in, including rentals, royalties, fees

or other emoluments, however designated derived from business activities conducted within the corporate limits of the town (excluding receipts or proceeds from the use or sale of real property or any interest therein and proceeds from the sale of notes, bonds, mortgages or other evidence of indebtedness or stocks and the like) and without any deduction on account of the cost of the property sold, and the cost of materials used, labor costs, interest or any expenses whatsoever; provided, however, that only the gross income attributed to those taxable services or commodities as are specifically set forth in subsections A and B of Section 5.04.030 shall be subject to the tax provided in this chapter and any taxpayer deriving income from the sale of any other tangible property or services and receipts not so specifically set forth in Section 5.04.030 may exclude said income from gross income as defined in this subsection.

B. "Person" or "persons" means persons of either sex, firms, copartnerships, corporations, public utility districts, public or private utilities, water companies or districts and other associations, whether acting by themselves or by servants, agents or employees.

C. "Taxpayers" means any person liable to the license fee or tax imposed by this chapter.

D. "Tax year" or "taxable year" means the year commencing January 1st and ending on the last day of December of the same year, or, in lieu thereof, the taxpayer's fiscal year when permission is obtained from the town clerk to use the same as the tax period. (Ord. 353 §2, 1972).

5.04.030 Rate. On or after January 1, 1984, there is levied upon and there shall be collected from every person, firm or corporation engaged in carrying on the following business for hire, or for sale of a commodity or a service within or properly within the corporate limits of the town, the tax for the privilege of so doing business hereinafter defined. The occupation tax sometimes referred to in this chapter as tax against gross income of businesses and defined in Section 5.04.020 of this chapter for the three calendar months preceding the beginning of each quarterly period, the quarterly periods are as follows:

First quarter--January, February, March
 Second quarter--April, May, June
 Third quarter--July, August, September
 Fourth quarter--October, November, December.

A. Upon any telephone business there shall be levied a tax equal to six percent of the total gross operating revenues, including revenues from intrastate toll, derived

from the operation of such businesses with the town. Gross operating revenues for this purpose shall not include charges which are passed on to the subscribers by a telephone company pursuant to tariffs required by regulatory order to compensate for the cost to the company of the tax imposed by this chapter.

"Telephone business" means the business of providing access to a local telephone network, local telephone switching service, toll service, cellular telephone service, coin operated telephone service, or providing telephonic, video, data or similar communication or transmission for hire, via a local telephone network, toll line or channel, or similar communication or transmission system. "Telephone business" does not include the providing of competitive telephone service or cable television services.

"Competitive telephone service" means the providing by any person of telephone equipment, apparatus, or service other than toll service, which is a type which can be provided by persons that are not subject to regulation as telephone companies under RCW Title 80 and for which a separate charge is made.

"Cellular telephone service" is a two-way voice and data telephone/telecommunications system based in whole or substantially in part on wireless radio communications and which is not subject to regulation by the Washington Utilities and Transportation Commission. This includes cellular mobile service. The definition of "cellular mobile service" includes other wireless radio communications services such as specialized mobile radio, personal communications services, and any other evolving wireless radio communications technology which accomplishes a purpose similar to cellular mobile service.

B. There is levied a tax on the sale, delivery or distribution of electricity and electrical energy and for the privilege of carrying on the business, such tax to be equal to six percent of the total gross operating revenue derived from sales of such electricity to ultimate users within the town; provided, however, that there shall not be any tax levied for the installation charges of electrical units.

C. There is levied a tax on the sale of natural, manufactured or mixed gas for residential, commercial or industrial consumption and for the privilege of carrying on the business, such tax to be equal to six percent of gross operating revenues from such sales of natural, manufactured or mixed gas within the limits of the town.

D. There shall be levied a tax on the sale, delivery or distribution of cable television picture or signal and for the privilege of carrying on the business, such tax to be equal to six percent of the total gross operating revenues derived from the sale of such cable signal to ultimate users within the town; provided that there shall not be any

tax levied for the installation charges for cable service. (Ord. 820 \$1, 1996; Ord. 627 \$1, 1986; Ord. 581 \$1, 1983; Ord. 557 \$1, 1982; Ord. 486 \$1, 1979; Ord. 353 \$3, 1972).

5.04.040 Payment procedure. A. The license fee or tax imposed by this chapter except the annual license fee required to accompany the application for the license, shall be due and payable in quarterly installments and remittance shall be made on or before the thirtieth day of the month next succeeding the end of the quarterly period in which the tax accrued. The remittance shall be made as provided in this chapter and shall be accompanied by a return on a form to be provided and prescribed by the town clerk. To the return the taxpayer shall be required to swear or affirm that the information therein given is full and true and that the taxpayer knows the same to be so.

B. In lieu of the quarterly payment of the tax provided in this chapter, the taxpayer may, when permission is obtained from the town clerk, pay said tax on a monthly basis.

C. Whenever a taxpayer commences to engage in business during any quarterly period, his first return and license fee or tax will be based upon and cover the portion of the quarterly period during which he engaged in business.

D. First payments and returns under this chapter shall be for the gross income derived during the first quarter, 1973, as defined in Section 5.04.030 and the said tax shall be due and payable as provided in this chapter. Like payments and returns shall be made on a quarterly basis thereafter, said payments to be due and payable as provided in this section.

E. There is levied a tax upon every person, corporation or business engaged in carrying on the business of operating or conducting a garbage or solid waste refuse collection system for domestic or industrial use; a domestic water system and/or a domestic or industrial sewage system, a fee or tax equal to thirty-six percent of the total gross income derived from such business in the town during the period for which the license fee or tax is due. (Ord. 999 \$1, 2003; Ord. 961 \$1, 2002; Ord. 353 \$4, 1972).

5.04.050 Exclusions. A. There shall be excepted and deducted from the total gross income upon which the license fee or tax is computed so much thereof as is derived from transactions in interstate or foreign commerce or from business done for the government of the United States, its officers or agents, and any amount paid by the taxpayer to the United States, state, as excise taxes levied or imposed upon the sale or distribution of property or service.

B. There shall be excepted and deducted from the total gross income upon which the license fee or tax is computed all bad debts for services incurred, rendered or charged for during the tax year. Debts shall be deemed bad and uncollectable when the same have been written off the books of the taxpayer. In the event debts are subsequently collected, said income shall be reported in the return for the quarter in which said debts are collected and at the rate prevailing in the tax year when collected.

C. There shall be excepted and deducted from the total gross income upon which the license fee or tax is computed all cash discounts allowed and actually granted to customers of the taxpayer during the tax year.

D. Nothing in this chapter shall be construed as requiring a license or the payment of a license fee or tax, or the doing of any act, which would constitute an unlawful burden or interference in violation of the Constitution or laws of the United States or which would not be consistent with the Constitution or laws of the state. (Ord. 353 §5, 1972).

5.04.060 License fee or tax--Payment required. A. On and after the first day of January, 1973, no person subject to the payment of the tax provided in this chapter shall engage in any business or activity in the town for which a tax is imposed by this chapter without first having obtained and being the holder of a valid and subsisting license to do so, to be known as an occupation license issued under the provisions of this chapter as provided in this chapter, and without paying the license fee or tax imposed by this chapter. The fee or tax for the occupation license shall be the license fee or tax imposed by this chapter and in addition the sum of ten dollars as a license fee which shall accompany the application for license. Such license shall expire at the end of the calendar year in which it is issued and a new license shall be required for each calendar year. Application for license shall be made to and issued by the town clerk on forms provided by her or him.

B. Said license shall be personal and nontransferable. Each license shall be numbered, shall show the name place and character of business of the taxpayer and such other

information as the town clerk deems necessary and shall at all times be conspicuously posted in the place of business for which it is issued.

C. No person to whom a license has been issued pursuant to this chapter shall suffer or allow any other person for whom a separate license is required to operate under or display his license; nor shall such other person operate under or display such license. (Ord. 353 §6, 1972).

5.04.070 License fee or tax--Payment and records.

A. The license fee or tax payable thereunder shall at the time of the return being required to be filed under this chapter, be paid to the town treasurer by bank draft, certified check, cashier's check, personal check or money order or in cash. If payment is made by draft or check, the tax or fee shall not be deemed paid until the check or draft is honored in the usual course of business; nor shall the acceptance of any sum by the treasurer be an acquittance or discharge of the tax or fee due unless the amount of payment is in full and the actual amount due.

B. It shall be the duty of every person liable for the payment of any fee or tax imposed by this chapter to keep and preserve for the period of five years such books and records as will accurately reflect the amount of his gross income as defined in this chapter and from which can be determined the amount of any fee or tax for which he may be liable under the provisions of this chapter and all books as provided in this chapter shall be open for examination at all reasonable times by the town clerk or his or her duly authorized agent. (Ord. 353 §7, 1972).

5.04.080 Responsibility upon sale or transfer. Upon the sale or transfer during a quarterly period of a business on account of which a license fee or tax is required by this chapter, the purchaser or transferee shall, if the fee or tax has not been paid in full for said quarterly period, be responsible for the payment of the fee or tax for that portion of the quarterly period during which he carries on such business. (Ord. 353 §8, 1972).

5.04.090 Application and returns--Confidentiality. The application and returns made to the town clerk pursuant to this chapter shall not be made public, nor shall they be subject to the inspection of any person except the mayor, town attorney, town clerk, town treasurer or his or her duly authorized agent and members of the town council; and it is unlawful for any person to make public or to inform any other person as to the contents or any information contained in or to permit inspection of any application or return except as authorized in this section. (Ord. 353 §9, 1972).

5.04.100 Procedure for refunds or balances due. A. If the town clerk upon investigation or upon checking returns finds that the fee or tax paid on any of them is more than the amount required of the taxpayer, he shall refund the amount overpaid by a warrant upon the current expense fund.

B. If the clerk finds that the fee or tax is less than required, he or she shall mail a statement to the taxpayer showing the balance due, who shall within three days pay the amount shown thereon. (Ord. 353 §10, 1972).

5.04.110 Failure to make return. If any taxpayer fails, neglects or refuses to make his or her return as and when required in this chapter, the clerk is authorized to determine the amount of tax payable, and by mail notify such taxpayer of the amount so determined. The amount so fixed shall thereupon become the tax and be immediately due and payable. (Ord. 353 §11, 1972).

5.04.120 Unlawful acts. It is unlawful for any person liable to tax under this chapter to fail or refuse to secure the license, to make the returns as and when required, or to pay the fee or tax when due, or for any person to make any false or fraudulent application or return or any false statement or representation in, or in connection with, any such application or return, or to aid or abet another in an attempt to evade payment of the fee of tax, or any part thereof, or for any person to fail to appear and/or testify in response to subpoena issued pursuant hereto, and to testify falsely upon any investigation of the correctness of a return, or upon the hearing of any appeal, or in any manner to hinder or delay the town or any of its officers in carrying out the provisions of this chapter. (Ord. 353 §12, 1972).

5.04.130 Additional to other taxes levied. The license fee and tax levied in this chapter shall be additional to any license or tax imposed or levied under any law or any other ordinance of the town. (Ord. 501 §1, 1980: Ord. 353 §13, 1972).

5.04.140 Unpaid license fee or taxes constitute debt to city--Collection. Any license or tax due and unpaid under this chapter, and all penalties thereon, shall constitute a debt to the town and may be collected by court proceedings in the same manner as any other debt in like amount, which remedy shall be in addition to all other existing remedies. (Ord. 353 §14, 1972)..

5.04.150 Appeals. A. Any taxpayer aggrieved by the amount of the fee or tax found by the clerk to be required under the provisions of this chapter, may appeal to the town

council from such finding by filing a written notice of appeal with the town clerk within five days from the time such taxpayer was given notice of such amount. The clerk shall, as soon as is practicable, fix a time and place for the hearing of such appeal which time shall be not more than ten days after the filing of the notice of appeal, and he or she shall cause a notice of the time and place thereof to be mailed to the appellant. At such hearing the taxpayer shall be entitled to be heard and to introduce evidence in his own behalf. The town council shall thereupon ascertain the correct amount of the fee or tax by resolution and the town clerk shall immediately notify the appellant thereof by mail, which amount, together with costs of the appeal, if appellant is unsuccessful therein, must be paid within three days after such notice is given.

B. The mayor may, by subpoena, require the attendance thereat of any person and may also require him to produce any pertinent books or records. Any person served with such subpoena shall appear at the time and place therein stated and produce the books and records required, if any, and shall testify truthfully under oath administered by the chairman in charge of the matter required of him pertinent to the appeal and it is unlawful for him to fail or refuse to do so. (Ord. 353 §17, 1972).

5.04.155 Referendum petition. A referendum petition may be filed within seven days of passage of an ordinance imposing or increasing a business and occupation tax with the town clerk. Within ten days, the town clerk shall confer with the petitioner concerning form and style of the petition, issue the petition an identification number, and secure an accurate, concise and positive ballot title from the designated local official. The petitioners shall have thirty days in which to secure the signatures of not less than fifteen percent of the registered voters of the town, as of the last municipal general election, upon petition forms which contain the ballot title and the full text of the measure to be referred. The town clerk shall verify the sufficiency of the signatures on the petition and, if sufficient, valid signatures are properly submitted, shall certify the referendum measure to the next election ballot within the town or at a special election ballot as provided pursuant to RCW 35.17.260(2).

This referendum procedure shall be exclusive in all instances and shall supersede the procedures under RCW Chapters 35.17 and all other statutory or charter provisions for initiative or referendum which might otherwise apply. (Ord. 627 §2, 1986).

5.04.160 Violation. Any taxpayer who engages in, or carries on, any business subject to a tax under this chapter without having his "occupation license" to do so shall be guilty of a violation of this chapter for each day during which the business is so engaged in, or carried on; and any taxpayer who fails or refuses to pay the license fee or tax, or any part thereof, on or before the due date, shall be deemed to be operating without having his or her license to do so. (Ord. 782 §1(part), 1995; Ord. 353 §15, 1972).

Chapter 5.08SPECIAL EVENTS/SPECIAL USE PERMIT*Sections:

5.08.010	Definitions.
5.08.020	Permit required--Exemptions.
5.08.030	Application--Form--Contents.
5.08.040	Review of application.
5.08.050	City clerk to issue permit--Criteria for issuance.
5.08.060	Prohibitions.
5.08.070	Revocation or suspension of permit.
5.08.090	Appeals.
5.08.100	Violations--Penalties.
5.08.110	Authorization for city clerk to prepare forms.

*Code reviser's note--Ord. No. 1252 § 1, adopted April 26, 2016, amended Chapter 5.08 in its entirety to read as herein set out. Formerly, Chapter 5.08 pertained to similar subject matter, and derived from Ord. No. 972 §§ 1--7, adopted 2003.

5.08.010 Definitions.

As used in this chapter, the following terms shall have the meaning set forth below:

A. "Special event" means an event or happening organized by any person which will generate or invite considerable participation by invitees, the public and/or spectators, for a particular and limited purpose and time, including, but not limited to, fun runs, roadway foot races, fundraising walks, bikeathons, parades, carnivals, shows, exhibitions, circuses, fairs, dances, wedding receptions, quinceneras, reunions, retirement parties, birthdays, holiday parties and similar types of functions. Special events are not limited to those events conducted on the public streets or property but may occur entirely on private property.

B. "Use" means to construct, erect or maintain in, on, over or under any street, right-of-way or other public place, any building, structure, sign, equipment or scaffolding, to deface any public right-of-way by painting, spraying or writing on the surface thereof, or to otherwise occupy in such a manner as to obstruct the public use of any public street,

right-of-way or other public place within the city, including any use related to special events. (Ord. 1252 § 1(part), 2016).

5.08.020 Permit required--Exemptions.

A. It is unlawful for any person to hold or conduct any special event in the city, or to use any street, right-of-way, or other public place in the city for any purpose unless such person has obtained and has in full force and effect a permit to do so, issued by the city.

B. The following special events, when conducted entirely upon private property or on property streets or rights-of-way not owned by the city, shall be exempt from the requirement to obtain a permit under this chapter:

1. Dances and other events conducted by schools or churches;
 2. Temporary sales conducted by licensed businesses, such as holiday sales, grand opening sales or anniversary sales; and
 3. The exhibition of films or motion pictures.
- (Ord. 1252 § 1(part), 2016).

5.08.030 Application--Form--Contents.

A. Any person desiring to apply for a special event or special use permit shall do so by filing a written application therefor with the city clerk at City Hall. The application shall be made on forms provided by the city and shall include, at a minimum, the following information:

1. The name, address, telephone number and date of birth of the applicant;
2. A full and complete description of the special event sought to be held, the duration of such special event and whether a permit will be required from the Washington State Liquor and Cannabis Board for the consumption of liquor, beer, wine or cannabis;
3. The proposed location of the special event and the dimensions and plans for any structure to be utilized or erected or constructed in connection with the special event;
4. Whether the special event will require the use of any city street or right-of-way or city property and if so, the location and dimensions of the proposed use, together with a statement as to the dimensions of remaining unobstructed street or right-of-way or city property;

5. An estimate of the number of persons who will or who are expected to attend the special event;

6. If the permit sought is for the use of a city street not connected with a special event, a full and complete description of the use sought to be made of the street by the applicant and the duration of such use;

7. If the permit sought is for the use of a city street not connected with a special event, the location and dimensions of the proposed use and of any structure to be constructed on the street, together with a statement as to the dimensions of remaining unobstructed street or right-of-way; and

8. Such other and further information as the city clerk may reasonably require to determine whether the application and proposed use meet all of the requirements for permit issuance established by this chapter.

B. All applications shall be accompanied by a nonrefundable application fee of fifty dollars; provided, that the city clerk may waive such fee if, in the opinion of the city clerk, the imposition of such fee will create an undue hardship for the applicant. (Ord. 1252 § 1(part), 2016).

5.08.040 Review of application.

The fully completed application shall be submitted at least twenty days prior to the event or use. Even if submitted twenty days prior to the event or use, there is no assurance of action on the application. Applicants are encouraged to submit applications well in advance of the event or use. Upon receipt of a completed special event/special use permit application, the city clerk shall refer the same to the appropriate departments for their investigation and review concerning compliance of the proposed special event or use with the criteria for issuance set forth in GMC 5.08.050. The departments shall forward the results of their investigation and review to the city clerk within ten working days. (Ord. 1252 § 1(part), 2016).

5.08.050 City clerk to issue permit--Criteria for issuance.

A. All permits issued under this chapter shall be issued by the city clerk or the clerk's designee. Upon receipt of the comments and approvals of the chief of police, public works director and the fire chief on the application, the city clerk shall proceed to consider whether or not the per-

mit should be issued. A permit may be issued to the applicant only if all of the following criteria and conditions for issuance are met:

1. The proposed special event will not unreasonably endanger the participants, spectators, the public or property;

2. The proposed special event will not unreasonably interfere with vehicular or pedestrian traffic flow at the proposed location;

3. Adequate plans for parking exist to meet the need generated by the proposed special event;

4. The proposed special event or proposed use of any street will not intrude onto or over any portion of a public right-of-way open to vehicle or pedestrian travel in such a manner as to create a likelihood of endangering vehicles or pedestrians. In addition, in the event the requested permit involves encroachment or partial obstruction of a sidewalk or other walkway open to the public, a minimum of three feet of unobstructed sidewalk or other walkway shall be maintained at all times;

5. If the special event or use of the street involves an obstruction of a portion of a public sidewalk or other walkway, the city clerk shall establish the specific period of the permit;

6. In the case of special events such as fun runs, marathons, etc., or in the case of any street use which requires the closure of any public street or walkway, the proposed event or use will not require closure for a period longer than that established by the city clerk;

7. Whenever the requested permit is for an action which will require the use of any city street, or other city property, whether or not such use is connected with a special event, the applicant must agree to indemnify, defend and hold the city harmless from any and all claims for bodily injury or property damage that may arise out of or in connection with the applicant's permitted special event or use;

8. Whenever the requested permit is for an action which will require the use of any city street or other city property, whether or not such use is connected with a special event, the applicant must secure and maintain in full force and effect throughout the duration of the permit comprehensive general liability insurance for bodily injury and property damage in such amounts as the city clerk deems necessary, and shall have the city of Granger named as an ad-

ditional named insured on the policy of insurance which shall include a provision prohibiting cancellation of said policy except upon thirty days' prior written notice to the city;

9. Whenever any special event or other use requires the use of any city street or other city property and will require the use of city services, including, but not limited to, the employment of police officers or the provision of a standby aid car or fire protection services, the applicant shall agree to reimburse the city for the same and pay in advance an estimate of the cost of such services, along with a fifty-dollar administrative fee; if the city's costs for such services as determined after the event are less than the estimate, the city shall promptly reimburse the applicant for the difference between the estimate and the city's costs, and if the city's costs are in excess of the estimate, the applicant shall be billed for such excess amount which shall be due upon receipt;

10. Whenever any special event will occur on private property and the chief of police determines that security services will be necessary for the safety of the participants, the public and/or property, the applicant shall agree to provide and shall provide licensed security officers during the event contracted and paid for by the applicant in such number as the chief of police determines; and the applicant shall provide the signed agreement with the security firm to the city clerk who shall retain a copy for the city records;

11. If a permit will be required from the Washington State Liquor and Cannabis Board for the consumption of liquor, beer, wine or cannabis, whether the applicant has been convicted for violating any state or federal law pertaining to drugs or alcohol; and

12. Such other and further conditions as the city clerk deems necessary to reasonably ensure that the proposed special event does not in any way create a likelihood of endangering the participants, spectators, the public or property.

B. If any of the above criteria are not met by the proposal, the city clerk shall deny the permit or may issue the permit with such conditions as the city clerk deems necessary for the application to meet all of the criteria set forth above.

C. All conditions of the permit shall be subscribed on or attached to the permit. (Ord. 1252 § 1(part), 2016).

5.08.060 Prohibitions.

Upon the obtaining of a permit, the permittee shall be responsible to ensure that the special event or special use is conducted in a reasonable and safe manner and in accordance with all terms and conditions of the permit. In addition, the following prohibitions shall apply to any special event or use:

A. The security officers approved for the special events shall be required to be on the premises at all times and shall not be a participant in the event;

B. No firearms, knives or any other type of dangerous weapon or object shall be permitted in or about the event or permitted area;

C. The permittee shall comply with all laws of the state of Washington, including the laws and regulations of the Washington State Liquor and Cannabis Board; and

D. Dancing and other social activities, which is included in the description of the special event, shall be permitted as long as the same are conducted in a safe and reasonable manner, provided no nude or lewd conduct shall be permitted at any gathering. (Ord. 1252 § 1(part), 2016).

5.08.070 Revocation or suspension of permit.

All permits issued pursuant to this chapter shall be temporary, shall vest no permanent rights in the applicant, and may be revoked by the city clerk as follows:

A. The permit may be immediately revoked by the city clerk or clerk's designee in the event of a violation of this chapter or any of the terms or conditions of the permit; or

B. The permit may be immediately revoked by the city clerk or clerk's designee in the event the permitted special event or street use shall become, for any reason, dangerous to persons or property, or if any structure or obstruction permitted becomes insecure or unsafe; or

C. The permit may be revoked by the city clerk upon thirty days' notice if the permit was not for a specified period of time and is not covered by either of the preceding subsections.

D. If any event, use or occupancy for which the permit has been revoked is not immediately discontinued, the city clerk or clerk's designee may remove any structure or obstruction, or cause to be made, without obligation to do so, such repairs upon the structure or obstruction as may be necessary to render the same secure and safe, or adjourn any

special event. The cost and expense of such removal, repair or adjournment shall be assessed against the permittee, including all professional fees associated with enforcement of the collection of the same. (Ord. 1252 § 1(part), 2016).

5.08.090 Appeals.

All decisions of the city clerk with respect to the issuance, denial, revocation or suspension of any permit under this chapter shall be final unless appealed by any aggrieved party in writing to the city council within ten days of such action. (Ord. 1252 § 1(part), 2016).

5.08.100 Violations--Penalties.

In addition to any other penalties provided in this chapter, any person who violates any of the provisions of this chapter shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine in any sum not to exceed five thousand dollars, or by imprisonment for any term not to exceed one year, or by both such fine and imprisonment. In addition, each and every day during any portion of which any violation of any provision of this chapter is committed, continued or permitted by any person constitutes a separate offense. (Ord. 1252 § 1(part), 2016).

5.08.110 Authorization for city clerk to prepare forms.

The city clerk is hereby authorized to prepare and revise as necessary a form of application for a special event and/or special use permit and all other forms to implement this chapter. The form of application for special event and/or special use permit prepared by the city clerk, as revised from time to time, shall be the form of application for special event and/or special use permit required of applicants under this chapter. (Ord. 1252 § 1(part), 2016).

Chapter 5.12

JUNK DEALERS

Sections:

- 5.12.010 Defined.
- 5.12.020 Licensed--Required--Application requirements.
- 5.12.030 License--Fee.

5.12.010 Defined. "Junk dealer", as used in this chapter shall be held to include every person, firm or corporation in any manner engaged in the business of buying or selling old rope, rubber, chain, iron, copper, brass or other metals, parts of machinery, bottles, rags or other similar used articles. (Ord. 144 \$1, 1946).

5.12.020 License--Required--Application requirements. A. It is unlawful for any person, firm or corporation to in any manner engage in the business of buying or selling any of the articles mentioned in Section 5.12.010 as a junk dealer in the town without first obtaining a license to do so.

B. Applications for a license shall be made in writing accompanied by the license fee and filed with the city clerk. (Ord. 144 \$2, 1946).

5.12.030 License--Fee. The license fee for a junk dealer carrying on business within the town shall be the sum of five dollars, per year. (Ord. 144 \$3, 1946).

Chapter 5.16

PINBALL MACHINES

Sections:

- 5.16.010 License--Fee--Term.
- 5.16.020 Locational restrictions.

5.16.010 License--Fee--Term. A. The yearly license fee for each pinball machine or game of skill machine, shall be twelve dollar per year, payable in advance.

B. Each license shall run from January 1st to December 31st, and any new license secured during the year shall pay a fee based upon one dollar per month for the balance of said year. (Ord. 288 §1, 1963).

5.16.020 Locational restrictions. No license shall be granted for any pinball machines or games of skill machines within three hundred feet of any public school in the town. (Ord. 150 §2, 1946: Ord. 136 §2, 1939).

Chapter 5.20

POOLROOMS AND BILLIARD HALLS

Sections:

- 5.20.010 License--Required.
- 5.20.020 License--Application procedure.
- 5.20.030 License--Issuance--Fee.
- 5.20.040 License--Forfeiture.
- 5.20.050 License--Transfer procedure.
- 5.20.060 Violation--Penalty.

5.20.010 License--Required. No parson shall himself, or by or through his agents, or through any other person, or persons, firm, corporation, or partnership, nor shall any firm, persons, partnership, or corporation conduct, run or operate any billiard hall, or poolroom, or public place of amusement where games of pool or billards are played, without first obtaining from said town a license therefor. (Ord. 520 §1(part), 1981; Ord. 9 §1, 1909).

5.20.020 License--Application procedure. Any person desiring to obtain a license for running, conducting or operating any billiard hall or poolroom, or other public

place of amusement, where games of pool or billiards are played, shall file his application with the town clerk, who shall present such application at the first session of the council thereafter; such application shall particularly describe the premises where the business of the applicant is to be conducted during the continuance of such license. (Ord. 520 §1(part), 1981; Ord. 9 §2, 1909).

5.20.030 License--Issuance--Fee. The council shall consider the application for license, and may, if it deems advisable, grant the application, and direct an order entered on the journal directing the clerk to issue a license to said applicant for a period of one year, provided the applicant files with the clerk a certified check payable to the town in the sum of ten dollars for each and every billiard table and fifteen dollars for each and every pool table. (Ord. 520 §1(part), 1981; Ord. 9 §3, 1909).

5.20.040 License--Forfeiture. No license hereafter granted, nor any license granted under the provisions of this chapter, shall be assignable without the consent of the council as provided in this chapter; and if any holder of such license violates any of the provisions of this ordinance codified in this chapter, or of another ordinance, or part thereof, regulating the conducting and operating of billiard or poolrooms in the town, said license shall by said council be declared to be forfeited and terminated upon five days' notice to licensee to show cause before the said council why said license should not be forfeited, and said licensee shall have no right of action against said town for the return of any portion of the license money, or for any damage because of said forfeiture. (Ord. 9 §4, 1909).

5.20.050 License--Transfer procedure. Any license holder desiring to transfer or assign his license to any other person may make application in writing to that effect to the council, which application shall be accompanied by five dollars as a transfer fee to be paid to the town clerk, and by him to be paid into the current expense fund, and if the council is satisfied that the person to whom the license is sought to be transferred is a suitable person to conduct such business, the council may by resolution permit such transfer to be made. (Ord. 9 §5, 1909).

5.20.060 Violation--Penalty. Any person violating any of the provisions of this chapter shall, upon conviction thereof, be fined in any sum not exceeding fifty dollars, or imprisonment for any longer than ten days, or both such fine and imprisonment. (Ord. 9 §6, 1909).

Chapter 5.24AMUSEMENT DEVICESSections:

- 5.24.010 Definitions.
- 5.24.020 License--Required.
- 5.24.030 License--Application and issuance.
- 5.24.040 License--Form and display--Town clerk notice required when.
- 5.24.050 License fees--Payable when--Nonrefundable.
- 5.24.060 License--Display required--Transferability.
- 5.24.070 License--Nontransferable--Substitute required when.
- 5.24.080 Confiscation and padlocking of devices--When --Town clerk authority.
- 5.24.090 Police department enforcement authority--Inventory.
- 5.24.100 License--Suspension and cancellation--Town council authority.
- 5.24.110 Violation--Penalty.

5.24.010 Definitions. A. "Amusement device" means any machine, table, game, or other apparatus designed to be operated or used for playing a game or otherwise to provide amusement upon the insertion of a coin, trade check, slug or other token, including without limitation, shuffleboards, flipper games, miniature bowling or tenpins machines or boards, ray guns, dart-throwing devices and similar amusement devices; provided, however, that as used in this chapter, the term shall not include any amusement device, whether machines, table, game or otherwise, designed to be operated or used for playing a game either upon insertion of a coin, trade check, slug or other token which will permit the insertion of a multiple of coins, trade checks, slug or other tokens with advancing odds.

B. "Amusement operator" means any person, firm or corporation who leases or rents to or places with others any amusement device as defined in subsection A of this section for use, play or operation.

C. "Person" means and includes an individual, corporation, copartnership or association. (Ord. 553 §1, 1982).

5.24.020 License--Required. A. Before any amusement device as defined in this chapter shall be displayed or placed for use or otherwise used, the following licenses shall be required. It is unlawful to display, place for use or otherwise use such amusement devices without first having

secured the following licenses:

1. Amusement operator's license;
2. Amusement device license.

B. A separate license shall be required for each amusement device. (Ord. 553 §2, 1982).

5.24.030 License--Application and issuance. All applications for licenses provided for in this chapter shall be filed by the applicant therefor with the town clerk and shall be referred to the chief of police for investigation and recommendation prior to approval and license issuance by the town clerk. (Ord. 553 §3, 1982).

5.24.040 License--Form and display--Town clerk notice required when. The town clerk shall prescribe the form of all licenses provided in this chapter and each license covering the operation of an amusement device shall show thereon the name of the licensee, the make, model and serial number, if available, type, and any other information which may be necessary to identify the device, and shall also show thereon the location at which such device is operated. No such device shall be moved from the location shown on the license issued therefor without the licensee notifying the town clerk. (Ord. 553 §4, 1982).

5.24.050 License fees--Payable when--Nonrefundable. A. The fees for licenses issued hereunder per year or any fraction thereof shall be in the sums set forth in this section, and shall be payable on an annual basis, in advance, on the first day of July on each year, except for the initial license for which the fee, in the full amount, shall be payable at the time application is made therefor:

1. Amusement operator's license;
2. Amusement device license: Fifteen dollars per

year.

B. No surrender, revocation or other cancellation, irrespective of the cause therefor, of any license issued hereunder shall entitle the licensee to any refund of any license fee paid hereunder or any part thereof. (Ord. 553 §5, 1982).

5.24.060 License--Display required--Transferability. Amusement device licenses must at all times be plainly displayed upon the licensed device and shall not be transferred from one device to another. (Ord. 553 §6, 1982).

5.24.070 License--Nontransferable--Substitute required when. No license issued under the provisions of this chapter shall be transferable. If one device is to be replaced by another, a substitute license must be secured from the town clerk for the replacement device. (Ord. 553 §7, 1982).

5.24.080 Confiscation and padlocking of devices--
When--Town clerk authority. Any device operated in violation of this chapter may be confiscated by the town and may be padlocked or otherwise rendered unplayable as the town clerk may see fit, and no person shall remove the padlock from the device or make such device playable without the permission of the town clerk. (Ord. 553 §8, 1982).

5.24.090 Police department enforcement authority--
Inventory. The police department shall be charged with enforcement of this chapter and shall make periodic checks of all amusement devices and shall keep an inventory at all times of the number, type and location of such devices within the town and shall submit a copy of such inventory to the town clerk quarterly. (Ord. 553 §9, 1982).

5.24.100 License--Suspension and cancellation--Town council authority. In the event of the violation of any of the terms of this chapter, such violations shall be grounds for suspension or cancellation of any license issued under this chapter. The town council shall be the sole judge of whether or not there has been a violation of the terms of this chapter warranting such suspension or cancellation, and in the event the town council determines that there are grounds for suspension, it shall determine the period of time for which such suspension shall be effective. (Ord. 553 §10, 1982).

5.24.110 Violation--Penalty. Any violation or failure to comply with any of the provisions of this chapter shall in addition to any suspension or cancellation of license provided for in Section 5.24.100, constitute a misdemeanor and upon conviction thereof, such violation shall be punishable as set forth in Chapter 1.16 of this code. (Ord. 553 §11, 1982).

Chapter 5.28

YARD SALES

Sections:

- 5.28.010 Definitions.
- 5.28.020 Frequency and duration of sales.
- 5.28.030 Signage.
- 5.28.040 Permits.
- 5.28.050 Violation--Penalty.

5.28.010 Definitions. As used in this chapter, unless the context indicates otherwise, the following words

shall have the following meanings:

A. "Person," as used herein, means any corporation, individual, or members of a family residing in a household conducting the sale.

B. "Personal property" shall not include farm equipment, automobiles, lumber, fruit and vegetables being sold and displayed in commercially zoned areas of the town.

C. "Yard sale" means retail sale of personal property labeled as such, or any retail sale of personal property conducted in or near a residence, under cover, partially under cover, or completely outside of any building, in the open. (Ord. 705 §1, 1990).

5.28.030 Frequency and duration of sales. No person shall operate, conduct, manage or permit a yard sale upon his premises or other property under his control more than once each month, and said sale shall not be continued for a period of more than three consecutive days, nor more than three days in any month, and shall be conducted during daylight hours only. (Ord. 705 §2, 1990).

5.28.030 Signage. No person shall place any cards or placards advertising a yard sale on any property other than property owned by the person conducting the sale without the consent of the owner. Said signs shall not be posted more than seventy-two hours prior to the sale and shall be removed within twelve hours after the close of the sale. It is unlawful for any person who conducts a yard sale or a garage sale to advertise said sale by posting a notice or advertisement thereof on or within any right-of-way owned by the town, or on any utility pole within the limits of the town. (Ord. 705 §3, 1990).

5.28.040 Permits. Any person desiring to hold a yard sale shall obtain a permit from the office of the town clerk, who shall issue the permit upon the payment of a fee of five dollars, if the police department determines the yard sale at the location applied for will not create a traffic hazard and the application is in compliance with this chapter. The permit shall be posted in public view at the site of the sale. No more than five families shall participate in any yard sale. (Ord. 824 §1, 1997; Ord. 705 §4, 1990).

5.28.050 Violation--Penalty. Any person found to be in violation of this chapter shall be fined the sum of not less than fifty dollars per violation. Each day the violation continues shall be considered a separate violation. (Ord. 705 §5, 1990).

Chapter 5.32FLEA MARKETSSections:

5.32.010	Definitions.
5.32.020	License required.
5.32.030	Records to be kept by licensee.
5.32.050	Garbage control.
5.32.060	Unlawful transactions.
5.32.070	Exemptions.
5.32.080	Violation--Penalty.

5.32.010 Definitions.

As used in this chapter, the following terms shall have the following meanings:

"Flea market" means a site or location, where new or used items are sold by two or more individual vendors, with each vendor operating independently from the other vendors.

Transient. "Transient" (as in "transient merchant" or "transient photographer") means a person who sells or offers to sell any goods, food, beverage, wares or merchandise within the town and who temporarily occupies any building, trailer, motor vehicle, table, stand, tent, hotel or motel room, or other structure while engaged in such activity, or who is not permanently located and regularly taxed in the town and has no manifest intention of permanently locating in the town.

"Vendor" means a transient business, selling items or offering items for sale at a flea market. (Ord. 730A § 1, 1992).

5.32.020 License required.

No person, firm or corporation shall rent or allocate space to vendors without first obtaining a license therefor. No vendor shall sell or offer to sell items to the public except at a duly licensed flea market. Applications for flea market licenses shall be made to the town clerk, on forms to be provided by the town clerk. Only one license shall be required for each flea market, and the individual vendor shall not be required to obtain a license under this section. The fee for such license shall be one hundred dollars per year, plus five dollars per vendor per day. The per diem assessment for each vendor shall be due and payable no later than the

Tuesday immediately following the flea market held any time during the previous week. It being common business practice that said five dollar per diem charge will in fact be collected by or reimbursed to the holder of the flea market license by the individual vendor, it shall be optional to vendors to pay said per diem charges to the license holder, or to obtain an individual license as a transient merchant or secondhand dealer, whichever is most appropriate. (Ord. 730A §2, 1992).

5.32.030 Records to be kept by licensee.

Each person, firm or corporation required by this chapter to obtain a flea market license shall keep very accurate records of the names and addresses of each and every vendor, together with a brief description of the items offered for sale by that seller, and the dates upon which each seller engages in business at the flea market. (Ord. 730A §3, 1992).

5.32.050 Garbage control.

Garbage receptacles shall be strategically located outside and of sufficient capacity to accommodate the vendors and numbers of the public in attendance. In addition, the area shall be kept clean of rubbish, junk, waste paper, paper, plastic or styrofoam cups, sacks, bags, food, food or candy wrappers, napkins and other waste. The license holder shall be responsible to keep the area clean. The area to be kept clean shall include the ground upon which the flea market is located together with the immediately surrounding sidewalks and streets. (Ord. 730A §5, 1992).

5.32.060 Unlawful transactions.

No person, firm or corporation shall sell or offer for sale at any flea market any items known or believed by such person, firm or corporation to be stolen. (Ord. 730A §6, 1992).

5.32.070 Exemptions.

The provisions of this chapter shall not apply to: (a) any farmer, gardener or other person who sells fruits, vegetables, or other farm produce or edibles produced by such person within Yakima County, Washington; (b) nonprofit or charitable organizations located in Granger where the income from the flea market entirely benefits such organization and its purpose. (Ord. 730A §8, 1992).

5.32.080 Violation--Penalty.

Any person, firm or corporation violating any provision of this ordinance shall be fined no more than five hundred dollars for each offense, and a separate offense shall be deemed committed on

each day during or on which a violation occurs or continues. In addition, the suspension and revocation provisions of Section 5.06.090 of this code shall apply. (Ord. 730A §7, 1992).

Chapter 5.36

PEDDLERS

Sections:

- 5.36.010 Definition of peddler.
- 5.36.020 License required--Investigation fee--Exemptions.
- 5.36.030 License application--Information required.
- 5.36.040 Investigation of applicants.
- 5.36.050 Issuance of license.
- 5.36.060 Time restrictions.
- 5.36.070 Carrying of license required.
- 5.36.080 Prohibited practices.
- 5.36.090 Revocation of license.
- 5.36.100 Appeal procedure.
- 5.36.110 Purchase orders--Form and content.
- 5.36.120 Loud noises, speaking devices--Prohibited when.
- 5.36.130 Violation--Penalty.

5.36.010 Definition of peddler.

A peddler within the meaning of this chapter is defined as follows:

A. All persons, including both principals and agents, as well as employers and employees, who go from place to place, or house to house, or by indiscriminately approaching individuals, trading, dealing, carrying, exposing or offering for sale goods, wares, merchandise or services of any type;

B. Sales by sample or for future delivery, and executory contracts of sale by peddlers are embraced within subsection A of this section; provided, however, that this chapter is not deemed applicable to any salesperson or canvasser while soliciting trade from wholesale or retail dealers in the town. (Ord. 1014 §1(part), 2004: Ord. 866 §1 (part), 1998).

5.36.020 License required--Investigation fee--Exemptions.

A. No person, corporation, partnership or other organization shall engage in the business of peddling within the town limits without first obtaining a permit therefor as provided in this chapter. If an individual is acting as an agent for or is employed by an individual, corporation, partnership or other organization, both the individual and the employer or principal for whom the individual is peddling must obtain a permit as provided in this chapter. Permission for street vendors and merchandise displays on public streets and sidewalks is provided for in a separate ordinance.

B. 1. Applications for a peddler shall be submitted with a fee of one hundred fifty dollars per annum for each person and each representative for a firm or corporation; provided, however, that no license shall issue for no less than one year except at the rate of twenty-five dollars per day for each person and for each representative of a firm or corporation.

2. All circuses, exhibitions, performances and plays of any kind maintained or conducted for pay within limits of the town of Granger, Washington, shall be licensed and taxed as follows: every show, exhibition, circus or menagerie and every concern, person, firm or partnership using the word "circus" in its advertising in any form whatsoever shall pay a license fee of fifty dollars per day; every other person, corporation or partnership engaging in any other show, exhibition or performance of any kind or nature whatsoever for profit shall pay a license fee at the rate of ten dollars per day. Providing nothing contained herein shall be construed to include nonprofit organizations nor business solicited by the town of Granger.

C. The following persons shall be exempt from the requirements of this chapter:

1. Newspaper carriers;
2. Any person acting in his or her capacity as a member of a nonprofit civic, charitable, fraternal, religious or youth organization such as Little League, Boy Scouts, Girl Scouts and similarly situated nonprofit organizations;
3. Any person who peddles fruits, vegetables, berries, butter, eggs, fish, milk, poultry, meats or any

farm produce or edibles raised by such person in the local area; and

4. Persons who, after having been specifically requested by another to do so, call upon that other person for the purpose of displaying for possible purchase goods, literature or giving information about any article, thing, product or service. (Ord. 1014 §1(part), 2004: Ord. 866 §1 (part), 1998).

5.36.030 License application--Information required.

Licenses are obtained as follows:

A. Any person, firm or other organization desiring to secure peddler's license shall file a sworn application in writing to the town clerk on forms provided by the town. The peddler application shall set forth as to the principal or employer applicant the following information:

1. The name, address and telephone number of the applicant person, corporation, partnership or other organization;

2. In the event the name or address of the applicant has changed within the last two years, each name and address used over the last two-year period;

3. If a corporation, the names, addresses and telephone numbers of the corporation's board of directors and principal officers, unless the town determines that providing such information will prove unduly burdensome;

4. A list of all other cities, towns and counties where the applicant has obtained a peddler's permit or similar permit within the past five years;

5. The nature or character of the goods, wares, merchandise or services to be offered by each principal applicant;

6. Any and all facts relating to any conviction of crimes during the past ten years as such information may be required by the town on the application form;

7. A list of the persons originally contemplating peddling within the town, and the information required in subsection B of this section as to each;

8. The name, address and telephone number (business and home) of the individual acting as manager of the principal applicant;

9. Such other information as reasonably required by town officials; and

10. If foodstuffs are being handled, a health permit for each person peddling such foodstuffs shall be required, if such permit is required by the department of health of Yakima County.

B. For each person peddling within the town, including those who serve as an agent or employee pursuant to a principal application and license as required by this chapter, the following information shall be provided to the town clerk on forms provided by the town and shall set forth as to each such person the following:

1. Name, address and telephone number;
2. In the event the name or address of the applicant as changed within the last two years, each name and address used over the last two-year period;
3. The name, address and telephone number of the person, firm or other organization holding the principal license;
4. Date of birth and general personal description as required by the town;
5. Any and all facts relating to any conviction of crimes for the past ten years as such information may be required by the town on the application form;
6. The nature or character of the goods, wares, merchandise or services to be offered by the applicant; and
7. Such other information as reasonably required by town officials. (Ord. 1014 §1(part), 2004: Ord. 866 §1 (part), 1998).

5.36.040 Investigation of applicants.

A. It shall be the duty of the town marshal to investigate each application under Section 5.24.030 of this code, in which investigation the town marshal shall determine:

1. The genuineness of all credentials presented by the principal applicant and/or the individual applicant;
2. If the principal applicant and/or the individual applicant has a criminal record; and
3. The truth of the facts set forth in the application.

B. The town marshal shall endeavor to complete such investigation within five working days after receipt of the application. (Ord. 1014 §1(part), 2004: Ord. 866 §1 (part), 1998).

5.36.050 Issuance of license.

If, after the completion of the investigation, the town marshal determines that the facts set forth in the application are true, then the town marshal shall approve the application, and the town clerk may issue the license. Such license shall expire on the thirty-first day of December of the year in which such license has been issued. The license shall not be transferable and the fee submitted shall not be prorated. No license shall be issued until the conclusion of the police chief's investigation of the application. A license shall not be issued to a principal applicant if the investigation reveals the principal applicant has been convicted of any crime involving fraud or misrepresentation within the past ten years. If the applicant is an individual, he or she shall not be issued a license if the application investigation reveals that he or she has been convicted of any crime involving fraud or misrepresentation, burglary or rape within the past ten years. (Ord. 1014 §1(part), 2004: Ord. 866 §1 (part), 1998).

5.36.060 Time restrictions.

No person shall engage in peddling within the town except between the hours of nine a.m. and nine p.m. (Ord. 1014 §1(part), 2004: Ord. 866 §1 (part), 1998).

5.36.070 Carrying of license required.

The license required by this chapter and a photo identification shall be carried at all times by each peddler for whom issued when peddling in the town and shall be exhibited by any such peddler whenever and wherever he or she shall be requested to do so by any police officer, town official or any person solicited. (Ord. 1014 §1(part), 2004: Ord. 866 §1 (part), 1998).

5.36.080 Prohibited practices.

It is unlawful for any person, while engaging or attempting to engage in peddling within the town, to:

A. Enter upon any other person's private property, any home, residence, apartment complex or business that prominently displays a "No Peddlers" or "No Solicitors" sign or any other similar sign that communicates the occupants' desire not to be contacted by peddlers or solicitors;

B. Persist or continue in any solicitation or attempted solicitation of any particular member or members of the general public if such person or persons do not wish or desire any further solicitation efforts;

C. Deliver any handbills or other material of any nature, whatsoever, without ensuring that all handbills and materials which are discarded in any public place are removed and cleared by the person making the solicitations from such public place or places, within three hours of the distribution of the handbills.

D. Engage in such peddling within Dinosaur Pond Park (Hisey Park) or Main Street, separating such park. (Ord. 1014 §1(part), 2004: Ord. 866 §1 (part), 1998).

5.36.090 Revocation of license.

Such license may be revoked by the town for the violation by an individual peddler of any of the ordinances of the town. Such license may be revoked by the town for the violation by a principal of any of the ordinances of the town which revocation will effectively revoke the licenses of its agent peddlers. The revocation of an agent peddler license for violation of town ordinances will revoke the principal's license and the licenses of its other agent peddlers only if three or more agent peddlers of the same principal have their licenses revoked for violating town ordinances. (Ord. 1014 §1(part), 2004: Ord. 866 §1 (part), 1998).

5.36.100 Appeal procedure.

A. Whenever the town clerk determines that there is cause for denying any license application or revoking any license issued pursuant to this chapter, the clerk shall notify the person holding the license by registered or certified mail, return receipt requested, of the clerk's determination. Notice mailed to the address on the license shall be deemed received three days after mailing. The notice shall specify the grounds for the denial or revocation.

B. The licensee may appeal the decision of the town clerk to deny or revoke a peddler's license by filing a written notice of appeal to the town council within ten days of the town clerk's decision.

C. Upon timely receipt of the notice of appeal, the town clerk shall set a date for hearing the appeal. The

town clerk shall mail notice of the date of the hearing to the licensee at least twenty days prior to the hearing date.

D. The hearing shall be de novo. The town council may affirm, reverse or modify the town clerk's decision.

E. The decision of the town council shall be final. Any person desiring to appeal must file an appropriate action in Yakima County superior court within fourteen days of the town council's decision. (Ord. 1014 §1(part), 2004: Ord. 866 §1 (part), 1998).

5.36.110 Purchase orders--Form and content.

All orders taken by licensed peddlers shall be in writing, in duplicate, stating the name as it appears on the license, the address of the peddler, the address of the principal, if applicable, the terms thereof and the amount paid in advance, and one copy shall be given to the purchaser. (Ord. 1014 §1(part), 2004: Ord. 866 §1 (part), 1998).

5.36.120 Loud noises, speaking devices--Prohibited when.

No peddler, nor any person on the peddler's behalf, shall blow a horn, ring a bell or use any sound device, including any loud-speaking radio or sound-amplifying system upon any of the streets, alleys, parks or other public places of the town or upon any private premises in the town where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys, parks or other public places for the purpose of attracting attention to any goods, wares or merchandise which such peddler proposes to sell. (Ord. 1014 §1(part), 2004: Ord. 866 §1 (part), 1998).

5.36.130 Violation--Penalty.

Violation of this chapter, including peddling without a permit or with an expired permit, is a misdemeanor and shall be subject upon conviction thereof to the general penalty provision of the ordinances of the town of Granger. (Ord. 1014 §1(part), 2004: Ord. 866 §1 (part), 1998).

Chapter 5.40STREET VENDORSSections:

- 5.40.010 Regulations established.
- 5.40.020 Purpose.
- 5.40.030 Definitions.
- 5.40.040 License required.
- 5.40.050 Permit application procedure.
- 5.40.060 License regulations.
- 5.40.070 Business regulations.
- 5.40.080 Permit re-registration.
- 5.40.090 Permit revocation.
- 5.40.100 Exemptions.
- 5.40.110 Town not liable.
- 5.40.120 Appeals.
- 5.40.130 Decisions final.
- 5.40.140 Violations--Penalties.

5.40.010 Regulations established.

This chapter establishes regulations for street vendors and merchandise displayers on public streets and sidewalks and for vending operations on private property which impact the use of sidewalks and public ways such as take-out windows and the use of vending carts, trailers or other vending stands which are located adjacent to sidewalks or the public way. Licenses are required to street vendors, who are subject to certain restrictions such as size and placement of vending carts, goods permitted to be sold, etc. Permission must also be obtained from the abutting property owner. Merchandise displayers (i.e., those displaying merchandise in front of their shops without carts) are subject to certain restrictions, but need not obtain a license. (Ord. 1017 \$1, 2004).

5.40.020 Purpose.

It is the purpose of this chapter to provide for safe, efficient and convenient pedestrian and vehicle travel upon the streets and sidewalks of the town; to protect the beauty and aesthetic appeal of the town by con-

trolling visual and physical clutter; to do so through the provisions of this chapter by licensing, regulation and control of street and sidewalk vendors and other business purposes; to carry out the purposes as also hereafter expressed in this chapter; and to further public health, welfare and safety within the town. (Ord. 1017 §2, 2004).

5.40.030 Definitions.

Throughout the chapter, unless the context otherwise requires, the following definitions shall apply:

"Abutting property owner" means the owner of the building or lot immediately fronting the proposed location of a vending cart or temporary stand.

"Hawking" means a loud, repeated oral solicitation of business by the vendor or displayer or their agents, employees or contractors.

"Merchandise displayer" means any person owning or operating a business of any kind which displays goods, wares or merchandise on a public sidewalk, street or alley or on private property adjacent to a public way or sidewalk where direct access from a public right-of-way or sidewalk could occur.

"Person" means and includes any person, partnership, corporation, association or other entity.

"Street vendor" means any person, and their principals and agents, who engage or conduct in the town, either in one locality or in traveling from place to place, a temporary or transient business for the purpose of selling, renting or soliciting offers for the sale of beverages, remedies, food, wares, merchandise or products of any kind whatsoever, and who, for the purposes of carrying on such business, use, or occupy any temporary stand, vending car or take-out window on any public street, alley or sidewalk, or any part thereof, or on private property adjacent to a public way or sidewalk where direct access to the business from a public right-of-way or sidewalk could occur, for the purpose of exhibition and sale or rental such as food, beverages, services, goods, wares, merchandise or products.

"Street vendor license" means the license provided by this chapter.

"Take-out window" means any window or opening into a structure through which products of any kind are offered

for sale directly to persons passing by on the sidewalk or public way.

"Temporary stand" means any tables, chairs or combination thereof, or any booth, tent, trailer, storeroom, street or sidewalk stand, temporary and/or open lunch counter, sandwich counter or soft drink and/or portable food containers, or other temporary place for the sale of goods, beverages or consumption or the sale of any wares or merchandise of any kind and located upon or operated from alleyways, street or sidewalk easements, public streets or sidewalks or any other public space, or located directly adjacent to a public way or sidewalk in such fashion that direct access to the stand from a public right-of-way of sidewalk could occur.

"Vending cart" means a movable cart or vehicle that is operated from a fixed location from which food, flowers and/or nonalcoholic beverages are offered or provided, or offered for sale or sold, to the public with or without charge are provided for under Chapter 5.36 of this code relating to peddler's carts. (Ord. 1017 §3, 2004).

5.40.040 License required.

It is unlawful for any person to act as a street vendor or operate a take-out window adjacent to public right-of-way unless that person or his or her employees shall have first received a street vendor license. A street vendor license shall not be required in order to display merchandise on a public sidewalk if the display is by the abutting permanent business and conforms in all respects to the restrictions set forth in this chapter. A street vendor license shall not be required for vending activities located on private property where the vending cart, temporary stand, take-out window or merchandise display is set back from the public way or sidewalk by six feet or more. (Ord. 1017 §4, 2004).

5.40.050 Permit application procedure.

The following procedure shall be utilized in reviewing permit applications:

A. Application. Any person desiring to obtain a street vendor license shall apply therefor to the town on forms provided by the town and such application shall set forth as to each principal street vendor applicant the following:

1. The name, address and telephone number of the principal applicant and principal operator, if different;

2. The nature or character of the food, beverages, or flowers to be offered or displayed by the applicant;

3. The name, address and both home and business telephone numbers of the individual acting as manager or operator for the principal applicant;

4. The address of the abutting building of the proposed street or sidewalk location of the business;

5. The name, address and telephone number of the abutting property owner of the proposed street or sidewalk location;

6. The length of time during which it is proposed that the business or display will be conducted;

7. The proposed hours of operation or display;

8. The maximum number of persons proposed to work at the location at any given time;

9. The Washington State retail sales tax number for the street vendor;

10. The town business license of the street vendor;

11. A drawing or set of specifications for any vending cart to be used which is of sufficient detail to allow the director to determine that the cart will be structurally sound and safe;

12. Written approval on a form provided by the town of the proposed vending site from the abutting property owner;

13. The application shall be signed by the applicant and if the applicant is not the actual street vendor, the applicant shall verify his or her authority to act as agent for the street vendor.

B. Application Fee. The completed application shall be filed with the town clerk with a nonrefundable application fee in the amount of one hundred fifty dollars. The clerk shall not accept any application which appears incomplete or is not accompanied by the required fee.

C. Application Review. The application together with any additional information deemed relevant by the director, shall be reviewed by the director to determine whether the proposed business or display shall be permitted at the proposed location. This determination shall be

made within fourteen days of the receipt of a complete application. In making his or her determination the director shall apply the following standards:

1. That the application and proposed business are in complete conformity with this chapter;
2. That the applicant and principals have conformed to this chapter and other applicable regulations when previously operating vending carts;
3. That the abutting property owners have given their approval;
4. That any proposed vending cart will be structurally sound and safe for its proposed use;
5. That the colors proposed for the vending facilities are consistent with the color guidelines adopted by the historic preservation commission unless the colors proposed have been separately approved by the historic preservation commission;
6. That the proposed business will be compatible with surrounding activities including nearby businesses; and
7. That the proposed business and location will not intrude into the sidewalk pedestrian zone pursuant to the Granger Streetscape Design Workbook and will not unreasonably interfere with use of the street or sidewalk right-of-way by pedestrians or vehicles.

E. Application Approval.

1. The director shall approve the application if the requirements of this chapter have been met. However, the director may specify reasonable conditions of approval to insure compatibility of the proposed business including hours of operation.

2. If the requirements of this chapter have not been met, the application shall be denied in writing addressed to the applicant, setting forth the reason for denial.

3. If an existing license is outstanding for the proposed location, a new application shall not be approved unless the previous licensee terminates his or her license.

F. License Issuance. Upon approval of the application, a license will be issued to the applicant after the applicant has submitted to the director the following:

1. A copy of an approved sign permit, if applicable;

2. A copy of any applicable health department permit;

3. A copy of any applicable town business license or temporary business license;

4. Proof of liability insurance naming the town as additional insured in amount and policy provisions as approved by the clerk of the town;

5. Payment of a nonrefundable license fee in the amount of one hundred fifty dollars.

Upon receipt of the above, the license shall be issued, which shall contain such restrictions and conditions as contained in, and necessary to, properly administer the terms of this chapter.

G. License Term. Each license shall be for a term not to exceed three years, commencing on January 1st of the calendar year in which the license is issued, and terminating on December 31st of the third next succeeding calendar year, unless otherwise revoked pursuant to this chapter. (Ord. 1017 §5, 2004).

5.40.060 License regulations.

The following regulations shall apply for all licenses issued pursuant to this chapter:

A. Nontransferability. No license issued under this chapter may be transferred or assigned to any other person.

B. Display of License Required. The license shall be prominently displayed at all times on the vending cart. The license shall be exhibited to any police officer or to the director or his or her designee upon his or her request.

C. Compliance with Other Laws and Permits. The licensee shall at all times comply with all laws, regulations and permits applicable to the licensee's business, however, that no off-street parking requirements shall exist or be imposed for any operation or that part thereof being conducted solely under a license issued under this chapter. (Ord. 1017 §6, 2004).

5.40.070 Business regulations.

The following regulations shall apply to all street vendor license holders and merchandise displayers and their agents, employees and contractors, and to the conduct, operation and location of the business:

A. Area Restrictions. If the location is a sidewalk, a minimum sidewalk clearance of seven feet shall be maintained between any vending cart or merchandise display and any other fixed or temporary obstruction or planting. Vending carts shall be placed no further than six feet from the adjoining building face or right-of-way limit. Merchandise displays may not be placed further than four feet from the adjoining building face or right-of-way limit. If located on a street, the business shall be oriented and operated to sidewalk traffic and not to vehicle traffic. No street vending cart or merchandise display shall be permitted, nor shall any permit be issued for any area within the town other than the commercial zone under the town zoning ordinances.

B. Assigned Location. The street vendor shall at all times locate and operate the business together with the vending cart in the assigned location. Mobile vending is not permitted.

C. Size. The maximum permissible size for any vending cart shall be three feet wide by five feet long by five feet high, except that umbrellas which meet the other provisions of this chapter may be allowed, and except the incidental accessories may be attached or placed within eighteen inches of the ends of the cart where approved by the director. Take-out windows shall not exceed the maximum length for vending carts allowed under these regulations.

D. Goods. Food, nonalcoholic beverages and flowers are the only goods permitted to be offered, displayed or sold from vending carts. Merchandise displays who are operating without use of a vending cart or temporary stand may display merchandise which is also on display within the permanent, abutting building. No other goods, merchandise or services of any kind are permitted.

E. Removal of Carts and Merchandise. Each vending cart and all merchandise must be removed from the public right-of-way upon close of business each day.

F. Loud Noises/Sound Devices. Mechanical audio or noise-making devices, sound amplification or reproduction devices or hawking are not permitted.

G. False Statements. If at any time it is found that any false statements were made in the application, any license issued under the provisions of this chapter may be revoked.

H. Obstruction of Right-of-Way. No vending cart, temporary stand, take-out window or merchandise display shall be located or operated in a way which unreasonably obstructs pedestrian or vehicle traffic. No lines of persons or customers shall be permitted which reduce the required sidewalk clearance.

I. Cleanup/Maintenance. Each vending cart or merchandise display site must be kept clean and orderly at all times, and each street vendor shall provide a refuse container. Food product vendors shall also provide recycling facilities.

J. Annual Fee. An annual fee in the amount of one hundred fifty dollars shall be paid at the time of issuance of a street vendor license and on or before January 1st of each succeeding calendar year in which the license remains valid. (Ord. 1017 §7, 2004).

5.40.080 Permit re-registration.

Whenever a licensed vendor ceases doing business in the town for a period of thirty days or more, prior to resumption of business, the vendor shall register by notifying the director in writing. Any such re-registration shall not be valid beyond the three-year term of the original license. (Ord. 1017 §8, 2004).

5.40.090 Permit revocation.

A license may be summarily revoked under the following conditions:

A. Failure to comply with any of the terms of this chapter;

B. Failure to comply with any of the terms of the license;

C. Misrepresentation of facts in the licensee's application for the license or any other necessary permit;

D. Creation of any unreasonable hazard to the public health or unreasonably interfering with parking availability, vehicle or pedestrian access or travel;

E. Whenever a licensed vendor ceases doing business within the town for a period of one hundred eighty days, or for any consecutive fourteen-day period between April 15th and October 15th of any calendar year;

F. As otherwise provided for in this chapter.
(Ord. 1017 §9, 2004).

5.40.100 Exemptions.

The following persons or activities shall be exempt from the licensing requirements under this chapter. (Ord. 1017 §10, 2004).

5.40.110 Town not liable.

Neither the town nor its officers, employees or contractors shall be liable for any claim, loss, injury or damage to persons or property of whatsoever kind or nature, caused in whole or in part by or arising directly or indirectly out of the issuance of any license under this chapter, or the conduct or operation of any such street vending business or merchandise display by any person. As a further condition to issuance of any license under this chapter, the town may require the licensee to execute, in such form and substance as is acceptable to the town, a hold harmless and indemnification agreement by which the licensee agrees to hold harmless and indemnify the town, its officers, agents, employees and contractors from and against any and all liability arising out of the conduct and operation of the licensee's business. (Ord. 1017 §11, 2004).

5.40.120 Appeals.

A decision made by the director under this chapter may be appealed in writing by the aggrieved party of the town council within twenty-five days following the date of the decision directly to the town council. (Ord. 1017 §12, 2004).

5.40.130 Decisions final.

Any decision, finding, ruling, order or determination of the director or the town council made pursuant to this title shall be final at the time a final order or decision is issued in written form, and no action to set aside or modify the same shall be brought in the superior court or other tribunal unless the action shall be filed within thirty days from the effective date of such decision, finding or ruling, order or determination. (Ord. 1017 §13, 2004).

5.40.140 Violations--Penalties.

Any person who is found to have violated any term or provision of this chapter or of any permit hereunder shall

be guilty of a civil infraction.

For the first such infraction, the civil penalty shall be in the amount of one hundred fifty dollars.

For the second infraction by the same person within a period of two years, the penalty shall be one hundred fifty dollars.

Upon the third violation with a period of two years, such violation shall constitute a misdemeanor, and be punishable upon conviction by a fine in any such not to exceed three hundred dollars, or by imprisonment for a term not to exceed ninety days, or by both fine and imprisonment.

Any civil penalties under this chapter may be collected in a civil action in any court of competent jurisdiction. The city may also seek injunctive relief in superior court to restrain any violations of the provisions of this chapter.

Prior to a person being charged with a violation, the city shall mail written notice of the alleged violation to the person at the address shown on the license, giving the person five days to cure the violation. Upon failure to cure, a citation or complaint may be issued. If no license has previously been issued, a citation may be given directly without notice. (Ord. 1017 § 14, 2004).

Chapter 5.44

BUSINESS LICENSES

Sections:

5.44.005	Definitions.
5.44.007	Definition of "engaging in business."
5.44.010	Business license required.
5.44.015	Exemptions.
5.44.017	Exemption to business license requirements based upon income or sales--Business registration required.
5.44.020	Investigations.
5.44.030	Building and premises.
5.44.040	Inspections.
5.44.050	Suspension or revocation.
5.44.060	Posting license.
5.44.070	Regulations.
5.44.075	Excise tax returns--State of Washington Department of Revenue.
5.44.080	Business license fee.

5.44.085 Business license penalty.
 5.44.090 Master license.
 5.44.100 Penalties.

5.44.005 Definitions.

Unless otherwise provided in this title, the following terms, when used in this title, shall mean:

"Business" means all vocations, occupations, professions, and activities which are conducted for private profit, directly or indirectly. Business does not include schools, recognized churches, or other not-for-profit organizations which are recognized by the Internal Revenue Service as a nontaxable entity.

"Business Licensing Service" or "BLS" means the service maintained by the Washington State Department of Revenue through which the city's general business licensing is administered.

"City" means the City of Granger, Washington.

"Employee" means any and all persons, including managers, entertainers and independent contractors, who work in or at or render any services directly related to the operation of any business.

"Food and beverages" means its usual and ordinary meaning and shall include edibles and drinks cooked, mixed, prepared, sold, or distributed for consumption.

"Hawker" means all persons, both principals and agents, who sell or barter any goods, wares or merchandise at auction or public outcry; provided, however, that nothing herein shall apply to any administrator or executor selling property of deceased persons, or to private individuals or their agents selling their household property or furniture, or farming tools, implements or livestock, or any produce grown or raised by such person.

"Itinerant vendor or merchant" means any person, firm, or corporation, whether as owner, agent, consignee, or employee, whether a resident of the city or not, who engages in a business of selling and delivering goods, wares, food or merchandise of any kind or description, who conducts such a business outside of a permanent structure affixed to real property.

"Landlord" shall mean anyone who rents or leases two or more properties including land, houses, apartments or businesses.

"License" means authorization to operate a business within the city.

"Master license" means a special license with no fee that is available to the nonprofit community organizations for community events held on city property with the approval of the city council.

"Mobile vending unit" means any business conducted from a vehicle or trailer, not permanently fixed as to location, and from which sales or other distribution of food or beverages is conducted.

"Nonprofit" means a business conducted not for monetary gain of any person other than the organization itself, or when for religious, educational, or charitable purposes and certified as a 501(c) tax-exempt organization by the federal Internal Revenue Service.

"Operator" means any person who manages, directs, administers or is in charge of the affairs and/or conduct of any portion of any activity occurring at any business premises.

"Person" means any individual, partnership, joint venture, corporation, company, firm, association or any group of individuals acting as a unit.

"Public place" means any area generally visible to public view and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, schools, city or county property or buildings, the interior and exterior area surrounding public buildings, playgrounds, and automobiles, whether moving or not.

"Stationary vendor" means any vendor engaged in the sale of any goods, foods, beverages, wares or merchandise within the city who is permanently located and regularly taxed within the city.

"Temporary food service establishment" means a food service establishment operating at a fixed location for not more than 21 consecutive days in conjunction with a single event or celebration.

"Transient vendor" means any person who sells or offers to sell any goods, food, beverages, wares or merchandise within the city or operates any type of public entertainment such as a circus, carnival or road show, and who temporarily occupies any building, trailer, motor vehicle, table, stand, tent, hotel or motel room or other structure or is in the open while engaged in such activity, or who is not permanently located and regularly taxed in the city and has no

manifest intention of permanently locating in the city. (Ord. 1336 § 1, 2019; Ord. No. 1099A, § 1, 9-9-2008).

5.44.007 Definition of "engaging in business."

A. The term "engaging in business" means commencing, conducting, or continuing in business, and also the exercise of corporate or franchise powers, as well as liquidating a business when the liquidators thereof hold themselves out to the public as conducting such business.

B. This section sets forth examples of activities that constitute engaging in business in the city, and establishes safe harbors for certain of those activities so that a person who meets the criteria may engage in de minimis business activities in the city without having to pay a business license fee. The activities listed in this section are illustrative only and are not intended to narrow the definition of "engaging in business" in subsection (A) of this section. If an activity is not listed, whether it constitutes engaging in business in the city shall be determined by considering all the facts and circumstances and applicable law.

C. Without being all inclusive, any one of the following activities conducted within the city by a person, or its employee, agent, representative, independent contractor, broker or another acting on its behalf, constitutes engaging in business and requires a person to register and obtain a business license:

1. Owning, renting, leasing, maintaining, or having the right to use, or using, tangible personal property, intangible personal property, or real property permanently or temporarily located in the city.
2. Owning, renting, leasing, using, or maintaining an office, place of business, or other establishment in the city.
3. Soliciting sales.
4. Making repairs or providing maintenance or service to real or tangible personal property, including warranty work and property maintenance.
5. Providing technical assistance or service, including quality control, product inspections, warranty work, or similar services on or in connection with tangible personal property sold by the person or on its behalf.
6. Installing, constructing, or supervising installation or construction of, real or tangible personal property.

7. Soliciting, negotiating, or approving franchise, license, or other similar agreements.

8. Collecting current or delinquent accounts.

9. Picking up and transporting tangible personal property, solid waste, construction debris, or excavated materials.

10. Providing disinfecting and pest control services, employment and labor pool services, home nursing care, janitorial services, appraising, landscape architectural services, security system services, surveying, and real estate services including the listing of homes and managing real property.

11. Rendering professional services such as those provided by accountants, architects, attorneys, auctioneers, consultants, engineers, professional athletes, barbers, baseball clubs and other sports organizations, chemists, psychologists, court reporters, dentists, doctors, detectives, laboratory operators, teachers, veterinarians.

12. Meeting with customers or potential customers, even when no sales or orders are solicited at the meetings.

13. Training or recruiting agents, representatives, independent contractors, brokers or others, domiciled or operating on a job in the city, acting on its behalf, or for customers or potential customers.

14. Investigating, resolving, or otherwise assisting in resolving customer complaints.

15. In-store stocking or manipulating products or goods, sold to and owned by a customer, regardless of where sale and delivery of the goods took place.

16. Delivering goods in vehicles owned, rented, leased, used, or maintained by the person or another acting on its behalf.

D. If a person, or its employee, agent, representative, independent contractor, broker or another acting on the person's behalf, engages in no other activities in or with the city but the following, it need not register and obtain a business license:

1. Meeting with suppliers of goods and services as a customer.

2. Meeting with government representatives in their official capacity, other than those performing contracting or purchasing functions.

3. Attending meetings, such as board meetings, retreats, seminars, and conferences, or other meetings wherein

the person does not provide training in connection with tangible personal property sold by the person or on its behalf. This provision does not apply to any board of directors member or attendee engaging in business such as a member of a board of directors who attends a board meeting.

4. Renting tangible or intangible property as a customer when the property is not used in the city.

5. Attending, but not participating in, a "trade show" or "multiple vendor events." Persons participating at a trade show shall review the city's trade show or multiple vendor event ordinances.

6. Conducting advertising through the mail.

7. Soliciting sales by phone from a location outside the city.

E. A seller located outside the city merely delivering goods into the city by means of common carrier is not required to register and obtain a business license; provided, that it engages in no other business activities in the city. Such activities do not include those in subsection (D) of this section.

F. The city expressly intends that engaging in business include any activity sufficient to establish nexus for purposes of applying the license fee under the law and the constitutions of the United States and the state of Washington. Nexus is presumed to continue as long as the taxpayer benefits from the activity that constituted the original nexus-generating contact or subsequent contacts. (Ord. 1336 § 2, 2019; Ord. 1322 § 1, 2018).

5.44.010 Business license required.

All businesses are required to be licensed except as hereinafter provided. No person shall operate a business which generates income within the limits of the city for which a license or license fee is required without first obtaining such a license and paying such fee. This section applies to landlords and/or individuals owning land, houses or apartments and leasing or renting two or more properties to others. All such licenses shall be effective for one year, except the license term and fee may be prorated to synchronize the expiration date with the business license account expiration established by the Business Licensing Service.

Applications for business licenses must be submitted through the Business Licensing Service and must be accompanied by all information required for all licenses requested

and total fees due for all licenses, as well as the handling fee required by RCW 19.02.075. (Ord. 1336 § 3, 2019: Ord. No. 1099A, § 1, 9-9-2008).

5.44.015 Exemptions.

The provisions of this chapter shall not apply to the following:

A. Suppliers who do not have a place of business in the city and who are engaged solely in wholesale selling to licensed retailers;

B. Any fraternal or social corporation or organization whose purpose is charitable and nonprofit;

C. Any religious organization or church, or other religious assemblage;

D. Any person who is by the laws of the United States of America or the state, exempt from such tax;

E. Any municipality or political subdivision of the United States or the state of Washington;

F. Any charitable or fund raising organization;

G. Vendors in a temporary bazaar or community fair for which a master license has been given to the sponsor thereof. (Ord. 1336 § 4, 2019: Ord. No. 1099A, § 1, 9-9-2008).

5.44.017 Exemption to business license requirements based upon income or sales--Business registration required.

For purposes of the license required by this chapter, any person or business whose annual value of products, gross proceeds of sales, or gross income of the business in the city is equal to or less than two thousand dollars and who does not maintain a place of business within the city shall submit a business license registration to the city clerk or his or her designee. The threshold does not apply to regulatory license requirements or activities that require a special permit. The city shall not require a fee from any person or business relating to the submittal of a business license registration as provided by this section. (Ord. 1336 § 5, 2019: Ord. 1322 § 2, 2018).

5.44.020 Investigations.

Within three business days of the time of the receipt of an application for a license where ordinances of the city necessitate an inspection or investigation before the issuance of such licenses, the public works office shall refer

such application to the proper city department for making such investigation. The person charged with the duty of making the investigation shall make a report thereon, favorable or otherwise, within seven days after receiving the application information or a copy thereof. (Ord. 1336 § 6, 2019: Ord. No. 1099A, § 1, 9-9-2008).

5.44.030 Building and premises.

Before a license is issued, the applicant may be required to certify to the city that to the best of their knowledge and belief the premises and building where the business is to be conducted are in substantial compliance with the requirements of the city ordinances, including but not limited to the zoning ordinance, fire code, building code, plumbing code, electrical code, and any other applicable ordinance or regulations. (Ord. 1336 § 7, 2019: Ord. No. 1099A, § 1, 9-9-2008).

5.44.040 Inspections.

Whenever inspections of the premises used for or in connection with the operation of a licensed business are provided for or required by ordinance, or are reasonably necessary to secure compliance with any ordinance provision or to detect violations hereof, it shall be the duty of the licensee, or the person in charge of the premises to be inspected, to admit thereto for the purpose of making the inspection any officer or employee of the city who is authorized or directed to make such inspection at any reasonable time that admission is requested. Additional more thorough owner requested inspections can be made at the request and expense of owner at rates established through the building permit office. (Ord. No. 1099A, § 1, 9-9-2008).

5.44.050 Suspension or revocation.

A. Any license may be suspended or revoked at any time during the term of such license for any violation of the licensee of any of the provisions of this Code related to the license, the subject matter of the license, or to the premises occupied or upon the following grounds:

1. Illegal issuance of the permit or license;
2. Issuance of the permit or license without authority or power;
3. Issuance under an unauthorized ordinance or under an ordinance illegally adopted;

4. Issuance in violation of an ordinance;
5. When the business license or permit was procured by fraud or false representation of facts;
6. When issued through mistake or inadvertence;
7. When the license or permit application contains false or misleading statements, evasions or suppression of material facts; or upon:

- a. Substantial violations of the terms and conditions on which a license or permit is issued;

- b. Violation of ordinances or laws authorizing or regulating the license or permit, or regulating the business activity or purpose for which the license or permit is issued;

- c. Conviction of infractions or offenses under such an ordinance or law;

- d. Wrongful behavior of a substantial character and of a public concern in relation to the licensed activity. Conviction of a crime is not necessary to establish wrongful behavior of a substantial character;

8. When reasonably necessary in the interests of protection of the public health, safety, peace or welfare.

B. Such suspension or revocation may be in addition to any fine imposed.

C. If a determination is made that a licensee has violated any of the provisions of this title or any of the provisions of this Code, such licensee shall be subject to a suspension not to exceed 30 days, or revocation, as the case be, as determined by the public works director. The public works director shall mail written notice of such determination to the licensee at the address stated on the license application. The licensee may obtain an appeal of such suspension or revocation by appealing in writing to the city council within ten days of the date of mailing of such notice. Such appeal must state the grounds upon which the licensee is appealing. The city council or appointed examiner shall schedule a hearing no later than two regularly scheduled council meeting dates after the filing of the notice of appeal to gather facts upon which to make a decision. The licensee shall be given notice of the hearing and may be represented at such hearing. After the hearing, the city council may affirm the decision of the city clerk, extend or reduce the period of suspension, or may revoke the license based upon the facts presented at such hearing.

After such hearing, the city clerk shall mail written notice of this decision to the licensee at the address stated on the license application. The decision of the city council shall be final, but shall be appealable to the Yakima County superior court only upon the grounds of being arbitrary or capricious, and provided that notice of appeal is given within 14 days of the date of the mailing of the decision of the city council. (Ord. No. 1099A, § 1, 9-9-2008).

5.44.060 Posting license.

It shall be the duty of any person conducting a licensed business in the city to keep the license posted in a prominent place on the premises used for such business at all times, except that transient licensees shall carry their license with them and make their license available upon request. (Ord. 1336 § 8, 2019: Ord. No. 1099A, § 1, 9-9-2008).

5.44.070 Regulations.

The regulations set forth in this chapter are not exclusive. Other regulations set forth in other sections of this title shall apply when appropriate from their meaning and context, and may each require specific licensing or permits in addition to the business license required under this chapter. A violation of the provisions of this title, including the business regulations, shall be punishable as provided in GMC 5.44.100. (Ord. 1336 § 9, 2019: Ord. No. 1099A, § 1, 9-9-2008).

5.44.075 Excise tax returns--State of Washington Department of Revenue.

All persons, firms and corporations who perform labor, services and construction, or who sell goods or any other items deemed taxable by the state department of revenue within the city (as provided in Rule II, WAC 458-20-145), shall report the city "Location Code Number 3902" on their excise tax returns to the state department of revenue. On any violation hereof the amount of the local sales and use taxes due the city shall be paid to the city by the violator, together with a penalty of 100 percent in addition to all other penalties, fines and remedies provided in this chapter. (Ord. No. 1099A, § 1, 9-9-2008).

5.44.080 Business license fee.

A. Unless otherwise provided in the chapter dealing with specific types of businesses, the city fee for a new city business license shall be fifty dollars and the city fee for an annual renewal of a city business license shall be twenty-five dollars. The fee may be prorated as required, as described in GMC 5.44.010. This annual city license fee is a basic fee for the privilege of doing and conducting business within the city limits.

B. Unless otherwise exempted in this chapter, the business license fee applies to any business located outside the city that engages in some business activity inside the city limits.

C. If any person is engaged in business at more than one location in the city, then such person shall apply for and pay the license fee herein prescribed for as many of said businesses' locations as are carried on by such person. (Ord. 1336 § 10, 2019: Ord. No. 1099A, § 1, 9-9-2008).

5.44.085 Business license penalty.

Application for, and payment of all fees due for, a business license must be completed prior to commencing business in the city. Any person conducting business without a license will incur a penalty. The penalty shall be double the basic fee, and is payable directly to the city. Failure to pay the fee and penalty is grounds for denial of the application and/or imposition of penalties as provided for in GMC 5.44.100.

The business license expires on the date established by the Business Licensing Service and must be renewed on or before that date. Failure to renew the license by the expiration date will incur the late fee authorized by RCW 19.02.085. Failure to renew the license within one hundred twenty days after the expiration will result in cancellation of the license and may require reapplication for a license to continue business in the city. (Ord. 1336 § 11, 2019: Ord. No. 1099A, § 1, 9-9-2008).

5.44.090 Master license.

A. Where any business activities, except carnivals, take place as part of an event being held entirely within the confines of the city parks which event is sponsored by the city parks and recreation department, a master license may be is-

sued by the city to the department for the event. There shall be no fee for such master license.

B. Community events in city parks, streets or property, nonprofit community organizations from the city, such as the Chamber of Commerce, Rotary Club, Lions Club, Kiwanis, and other similar nonprofit community organizations from the city, may obtain a master business license. Business or fund-raising activities which are conducted at a community event sponsored by a nonprofit community organization shall not be required to obtain a business license if registered with and operating under the master license of

the sponsoring nonprofit community organization. Businesses not registered with the sponsoring organization shall be licensed in accordance with Section 5.44.010. For purposes of this section, a community event shall mean any event sponsored by a nonprofit community organization. Such master license shall be valid only for community events which are conducted on city property with the prior approval of the city council. There shall be no fee for the master license. (Ord. No. 1099A, § 1, 9-9-2008)

5.44.100 Penalties.

A. In addition to the suspension or revocation provided in Section 5.44.050, any violation of this chapter shall be a misdemeanor and may be punishable by a fine of up to \$100.00 per day for any such violation of this chapter.

B. In addition to the remedies and penalties provided in this chapter, and as distinct and separate remedies, the city may sue in any court of competent jurisdiction to obtain a judgment and enforce collection thereof by execution for any license fee due under this chapter, or the city may seek an injunction prohibiting a person from engaging in any unlicensed business. In any action or suit authorized by this section, the city, if it prevails, shall be entitled to recover a reasonable attorney's fee to be set by the court along with its costs and disbursements. (Ord. No. 1099A, § 1, 9-9-2008)

Chapter 5.45

ADULT CABARETS

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5.45.005 Findings.

The City of Granger has reviewed the findings of municipalities having live adult entertainment establishments within their respective jurisdictions. The findings reviewed include findings from the cities of Federal Way, Shoreline, Tukwila, and Lake Forest Park, Washington. Those findings, which amply demonstrate the adverse secondary impacts generated by live adult entertainment establishments, are adopted as the city council's findings supporting the adoption and continuation of this chapter in force as amended. (Ord. No. 1117, § 1, 7-14-2009)

5.45.010 Intent.

This chapter is intended to protect the general public health, safety and welfare of the citizenry of the city through the regulation of the operations of public places of adult entertainment. The regulations set forth in this chapter are intended to prevent health and safety problems in and around public places of adult entertainment and to prevent dangerous and unlawful conduct in and around public places of adult entertainment. (Ord. No. 1117, § 1, 7-14-2009)

5.45.020 Definitions.

For the purpose of this chapter the words and phrases used in this chapter, unless the context otherwise indicates, shall have the following meanings:

(a) "Adult entertainment" means:

(1) Any exhibition, performance or dance of any type conducted in a premises where such exhibition, performance or dance involves a person who is unclothed or in such costume, attire or clothing as to expose any portion of the female breast below the top of the areola or any portion of the pubic region, anus, buttocks, vulva or genitals, or wearing any device or covering exposed to view which simulates the appearance of any portion of the female breast below the top of the areola or any portion of the pubic region, anus, buttocks, vulva or genitals, or human male genitals in a discernibly turgid state, even if completely and opaquely covered; or

(2) Any exhibition, performance or dance of any type conducted in a premises where such exhibition, performance or dance is distinguished or characterized by a predominant emphasis on the depiction, description, simulation, or relation to the following specified sexual activities:

(A) Human genitals in a state of sexual stimulation or arousal;

(B) Acts of human masturbation, sexual intercourse or sodomy;

(C) Fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts; or

(3) Any exhibition, performance or dance which is intended to sexually stimulate any member of the public and which is conducted on a regular basis or as a substantial part of the premises activity. This includes, but is not limited to, any such exhibition, performance or dance performed for, arranged with or engaged in with fewer than all members of the public on the premises at that time, with separate consideration paid for, either directly or indirectly for such performance, exhibition or dance.

(b) "Adult cabaret" means any premises open to members of the public in which there is at any time an exhibition or dance constituting "adult entertainment" as defined herein, provided for the use or benefit of a member or members of the adult public, or advertised for the use or

benefit of a member or members of the adult public; provided, that "adult cabaret" does not include any tavern or other business that maintains a liquor license.

(c) "Clerk" means the city clerk or other official of the city who is designated by the mayor as licensing official under this chapter. It also includes his or her designee.

(d) "Employee" means any and all persons, including entertainers, who work in or at, or render any services directly or indirectly related to the operation of an adult cabaret.

(e) "Entertainer" means any person who performs any entertainment, exhibition or dance of any type within an adult cabaret, whether or not such person or anyone else charges or accepts a fee for such entertainment, exhibition, or dance.

(f) "Entertainment" means any exhibition or dance of any type, pantomime, modeling or any other performance.

(g) "Manager" means any person who manages, directs, administers or is in charge of, the affairs and/or conduct of any portion of any activity involving adult entertainment occurring at any place offering adult entertainment and is licensed as a manager under this chapter.

(h) "Mayor" means the Mayor of the City of Granger and or his or her designee.

(i) "Member of the public" means any customer, patron, club member, or person, other than an employee as defined in this section, who is invited or admitted to an adult cabaret.

(j) "Operator" means all persons who own, operate, direct, oversee, conduct, maintain, or effectively exert management control or authority over an adult cabaret or its affairs, without regard to whether such person(s) owns the premises in which the adult entertainment cabaret does business.

An operator "effectively exerts management control or authority" when he or she actually does, or is in a position to, participate in the management, direction or oversight of an adult cabaret or its affairs, whether or not such person's name appears on any public record filed

with any government agency in connection with an adult entertainment establishment or any parent company or affiliate.

An operator's "parent company or affiliate" means any other person which owns fifty percent or more of any class of an operator's stock, or which effectively exerts management control or authority over an operator.

(k) "Performance area" means a stage elevated at least eighteen inches above ground level and includes an area no larger than the area beginning six feet away from the nearest member of the public, and running parallel to, the front edge of a stage on which adult entertainment is permitted to occur, and which extends away from the front end of the stage no deeper than the depth of that stage.

(l) "Person" means any individual, partnership, corporation, trust, incorporated or unincorporated association, marital community, joint venture, governmental entity, or other entity or group of persons, however organized.

(Ord. No. 1117, § 1, 7-14-2009)

5.45.030 License fees--Term--Assignment--Renewals.

(a) No adult cabaret shall be operated or maintained in the city, unless the owner or lessee thereof has obtained a current license from the mayor or his/her designee, as hereinafter set forth; provided, that it is unlawful for any entertainer, employee, manager, or operator to knowingly work in or about, or to knowingly perform any service directly related to the operation of an unlicensed adult cabaret.

(b) The license year shall be from January 1st to December 31st of each year. All licenses shall expire on the thirty-first day of December each year. Except as hereinafter provided, all license fees shall be payable on an annual basis and shall not be refundable. Annual license fees shall be five hundred dollars per year for an adult cabaret license.

(c) License fees shall not be prorated. Licenses issued under this chapter may not be assigned or transferred.

(d) Applications for renewal of licenses issued under this chapter shall be filed with the clerk on or before the expiration date provided for in this section in the same

manner as the original application providing the mayor with current information accompanied by payment of the same fees as are in effect for the original application for that license for the license year applied for.
(Ord. No. 1117, § 1, 7-14-2009)

5.45.040 License for managers and entertainers
required--Fee.

(a) No person shall work as a manager or entertainer at an adult cabaret without having first obtained a manager's or an entertainer's license from the mayor pursuant to this chapter. It shall be unlawful for any person to work as a manager or to provide adult entertainment at an adult cabaret in the city unless that person first obtains a manager's or entertainer's license as provided herein.

(b) The license year for a manager's license or an entertainer's license shall be from January 1st to December 31st of each year. Each such license shall expire on December 31st of each year.

(c) The license fee for a manager's license or entertainer's license is one hundred dollars. This fee includes the cost of the picture required by this chapter. The license fee for each such license is payable for a full year only and is not refundable.

(d) A manager's license or entertainer's license issued under this chapter shall not be assigned or transferred.

(e) No person under eighteen years of age may obtain a manager's license or entertainer's license under this chapter.

(f) In order to obtain renewal of a current manager's license or entertainer's license for the next year, a license holder must file an application for renewal with the clerk. The renewal fee for each year is one hundred dollars.

(Ord. No. 1117, § 1, 7-14-2009)

5.45.050 License applications.

(a) Adult Cabaret License. All applications for an adult cabaret license or renewal thereof shall be submitted in the true name of the operator of the adult cabaret at the business or commercial premises to which the application pertains. The operator must disclose the name of the true owner of the adult cabaret business on the applica-

tion. The operator, under penalty of perjury, shall sign and notarize or certify that all of the operators as defined in this chapter are listed, the true owner has been disclosed, and all of the information provided is true and correct. Any change in ownership in the adult cabaret must be reported to the city clerk within twenty days of such change(s).

(b) All applications shall be submitted on a form supplied by the clerk, which shall require the following information:

(1) If the applicant is an individual or partnership, the name, home address, home telephone number, date and place of birth, and social security number of the applicant and of any operator(s). If the applicant is a partnership, all such information must be provided for all general partners;

(2) The business name, address, and telephone number of the establishment;

(3) If the applicant is a corporation, the names, addresses, telephone numbers, and social security numbers of all operators and of all corporate officers and directors. The same information shall be required from each parent company or affiliate;

(4) The name, address, and telephone number of the true owner of the adult cabaret;

(5) The name, address and telephone number of the owner of the property on which the adult cabaret is located;

(6) The names, addresses, and telephone numbers of all employees of the adult cabaret;

(7) A statement detailing whether the applicant or any operator, partner, corporate officer, director, or shareholder of fifty percent or more of any class of an operator's stock, holds any other licenses under this chapter or any similar adult cabaret, adult entertainment or sexually oriented business ordinance, including motion picture theaters and panorams from the city or another city, county, or state, and if so, the names and addresses of each other licensed business and the jurisdiction(s) in which such businesses are located; and

(8) A description of the adult cabaret or sexually oriented adult entertainment business history of the applicant; whether such person or entity, in previously operating in this or another city, county or state, has had a

business license or adult entertainment license revoked or suspended, the reason therefore, and the activity or occupation of the applicant subsequent to such action, suspension or revocation.

(c) Application for Manager or Entertainer License. All applications for a manager's or entertainer's license, or any renewal thereof, shall be signed by the applicant and notarized or certified to be true under penalty of perjury. At the time of the application, a picture shall be taken of the applicant by the mayor. All applications shall be submitted on a form supplied by the mayor, which shall require the following information:

(1) The applicant's name, home address, home telephone number, date and place of birth, social security number, and the name, address and phone number of the adult cabaret or adult cabarets at which the applicant will work, any stage names or nicknames used in entertaining, and any aliases past and present;

(2) The form shall also require the applicant to disclose all prior criminal convictions, including the crime(s) convicted of, place, and the approximate date of each such conviction;

(3) With the application an applicant shall present picture identification, which shall include:

(A) A motor vehicle operator's license, issued by the State of Washington, bearing the applicant's photograph and date of birth; or

(B) A Washington State issued identification card bearing the applicant's photograph and date of birth; or

(C) Any other form of reliable picture identification bearing the applicant's photograph and date of birth.

(d) The clerk shall issue the adult cabaret license, manager license, or entertainer license promptly upon receipt of the application, the information required to be in the application, the investigation by the police department in accordance with subsection (e) of this section and the applicable license fee.

(e) The clerk, upon presentation of such applications and before acting upon the same, shall refer such applications to the police department, which shall make a full investigation as to the truth of the statements contained therein.

(f) Duty to supplement application. In the event that any information on any application for a license under this chapter becomes outdated or otherwise inaccurate or incomplete, including but not limited to substantial changes to an applicant's hair style and color, or facial or other features including tattoos, an applicant or license holder shall appear before the clerk within twenty days and provide current information, including, when applicable, being photographed by the clerk to accurately reflect any change in appearance when compared to the most recent photograph available as required under Section 5.45.050(c) of this chapter.

(g) Manager as agent for owner or operator. In addition to the other licensing requirements set forth in this section, applicants for manager's licenses shall verify under penalty of perjury that the applicant is an authorized agent of the owner and operator and that the manager is acting on behalf of and in furtherance of the owner's and operator's interest in operating and maintaining an adult cabaret.

(Ord. No. 1117, § 1, 7-14-2009)

5.45.060 Issuance of licenses and renewals.

(a) Upon receipt of any complete application for a license or for a renewal of a license under this chapter, the clerk shall refer the application to the police department which shall investigate the truth of the statements in the application and shall investigate the applicant's compliance with the standards of this chapter pursuant to Section 5.45.050(d). Upon receipt of any complete application for a license, the mayor shall further issue a temporary license, pending disposition of the application. The temporary license shall expire upon issuance of a license or renewal thereof or a notice of non-issuance of the license. The holder of a temporary license is subject to all of the requirements, standards, and penalty provisions of this chapter.

(b) After an investigation, the mayor shall issue a license if the police department finds:

- (1) That the applicant complies with all applicable requirements and standards of this chapter; and
- (2) That the applicant, his or her employee, agent, partner, director, officer, stockholder, operator, or

manager has not made any false, misleading or fraudulent statement of fact in the application for a license, or in any report or record required to be filed with the mayor.

(c) In the event the applicant has not met the enumerated requirements after the required investigations, the mayor shall issue a notice of non-issuance of the license. Notice of non-issuance shall specify the reasons therefor.

(d) Each adult cabaret shall maintain on the premises of the adult cabaret and retain for a period of two years the names, addresses, home telephone numbers, social security numbers and ages of each person employed or otherwise permitted to appear or perform on the premises as an entertainer, including independent contractors and employees. This information shall be available for inspection by the mayor or the police department during the adult cabaret's regular business hours.

(Ord. No. 1117, § 1, 7-14-2009)

5.45.070 Standards of conduct and owner, operator, and manager responsibility for preventing lewd conduct within an adult cabaret.

The following standards of conduct must be adhered to by employees and entertainers of any adult cabaret. Further, each owner, operator, or manager is specifically required to ensure compliance with [the] following requirements by all persons within the adult cabarets over which that owner, operator, or manager is responsible:

(a) No employee or entertainer shall be unclothed or in such attire, costume or clothing so as to expose to view any portion of the breast below the top of the areola, or any portion of the pubic hair, anus, buttocks, vulva and/or genitals, except upon a stage at least eighteen inches above the immediate floor level and removed at least six feet from the nearest member of the public.

(b) No employee or entertainer shall wear or use any device or covering exposed to view which simulates the breast below the top of the areola, vulva or genitals, anus, and/or buttocks, or any portion of the pubic hair, except upon a stage at least eighteen inches above the immediate floor level and removed at least six feet from the nearest member of the public.

(c) No employee or entertainer shall touch, fondle or caress any member of the public or any other person for the purpose of arousing or exciting the member of the

public's or other person's sexual desires or touch, fondle or caress any member of the public or other person where such conduct has the effect of arousing or exciting the member of the public's or other person's sexual desires.

(d) No employee or entertainer shall allow nor shall any member of the public or other person touch, fondle or caress an employee or entertainer for the purpose of arousing or exciting the sexual desires of either party or touch, fondle or caress an employee or entertainer where such conduct has the effect of arousing or exciting the sexual desires of either party.

(e) The owner, operator, manager, employee or any other person in the adult cabaret's premises shall not operate or maintain any kind of warning device, or employ any other method whatsoever, for the purpose of warning employees, entertainers, members of the public, or anyone else within the adult cabaret that police officers or other city inspectors are approaching or have entered the adult cabaret.

(f) At least two licensed managers shall be on the premises of an adult cabaret at all times that the adult cabaret is open to the public and shall be clearly identified at all times by means of a nameplate no less than three-quarters-inch high and three inches long which reads "ON DUTY MANAGER." Such nameplate shall be conspicuously affixed to the managers' clothing and clearly visible at all times. The names and licenses of the managers on duty shall be prominently posted and illuminated in an area open to the public during such managers' shifts. The managers shall be responsible for verifying that any person who provides entertainment within the premises possesses a current and valid entertainer's license and that such persons comply with the provisions of this chapter. At least one licensed manager shall have, at all times, a clear, continuous, and unobstructed view of all stages on which adult entertainment is permitted to occur. Managers must ensure that the standards of conduct set forth in this section are complied with during all times that the adult cabaret is open to the public.

(g) Any owner, operator, manager, entertainer, or employee violating the provisions of this section shall be guilty of a gross misdemeanor as provided for in Section 5.45.160. In addition, because owners, operators, and managers are responsible for ensuring compliance with the pro-

visions of this section within the adult cabaret, the adult cabaret license shall be subject to suspension or revocation based upon any violation of these provisions regardless of whether the city can pursue criminal prosecution or other legal remedies against an individual entertainer or individual manager for violations of this chapter and the city need not first pursue the individuals before seeking adult cabaret license suspension or revocation for violations.

(Ord. No. 1117, § 1, 7-14-2009)

5.45.080 Premises configuration requirements.

Every adult cabaret shall be arranged in such a manner that:

(a) Adult entertainment shall occur only on a stage, at least eighteen inches above the immediate floor level and at least six feet removed from the nearest member of the public. No members of the public shall be permitted on a stage or within six feet of a stage while adult cabaret entertainment is in progress.

(b) No adult entertainment shall be visible at any time from the outside [of] an adult cabaret.

(c) Sufficient lighting shall be provided and equally distributed throughout the public areas of the premises so that all objects are plainly visible at all times to a person of ordinary eyesight.

(d) No interior walls shall be allowed other than to segregate restrooms, employee dressing rooms, manager's office, or other areas reasonably necessary to the business operation of the adult cabaret. No member of the public shall be allowed in any such segregated area, other than restrooms.

(e) The stage on which adult entertainment is provided shall be visible from all of the public areas of the adult cabaret and visibility shall not be blocked or obscured by doors, curtains, drapes, or any other obstruction whatsoever.

(f) There shall be posted on each interior wall visible to the public, a well illuminated and conspicuously displayed sign, at least three feet long and two feet high, containing the following text:

It is a crime for entertainers to:

1. Expose their breasts below the top of the areola, any portion of the pubic hair, buttocks, genitals or vulva and/or anus, except upon a stage; or

2. Touch, fondle, or caress a patron or other person for the purpose of sexual arousal; and

It is a crime for members of the public or other persons to:

1. Touch, fondle, or caress any entertainer or other employee.

Such sign shall be printed in letters of sufficient size so that the list is clearly legible by persons of ordinary eyesight from any location where members of the public are permitted.

(g) Violation of the premises configuration requirements found in this section will subject managers, operators, and owners to criminal penalties under Section 5.45.160. The owner's/operator's adult cabaret license will also be subject to suspension and/or revocation. (Ord. No. 1117, § 1, 7-14-2009)

5.45.090 Minors--Hours.

(a) Minors.

(1) No adult cabaret shall employ any person under the age of eighteen years as an entertainer or allow an entertainer on its premises for the purpose of providing adult entertainment who is under eighteen years of age.

(2) No person under the age of eighteen years shall be admitted to an adult cabaret.

(3) No person under the age of eighteen years shall be licensed as a manager or an entertainer for an adult cabaret.

(b) Business Hours. An adult cabaret shall be closed between two a.m. and eight a.m.

(Ord. No. 1117, § 1, 7-14-2009)

5.45.100 Exemptions.

(a) This chapter shall not be construed to prohibit:

(1) Plays, operas, musicals, or other dramatic works that are not obscene;

(2) Classes, seminars and lectures that are held for serious scientific or educational purposes that are not obscene; or

(3) Exhibitions, performances, expressions or dances that are not obscene.

(b) For purposes of this chapter, any activity is obscene:

(1) Which the average person, applying contemporary standards would find, when considered as a whole, appeals to the prurient interest; and

(2) Which explicitly depicts or describes patently offensive representations of:

(A) Ultimate sexual acts, normal or perverted, actual or simulated; or

(B) Masturbation, fellatio, cunnilingus, bestiality, excretory functions or lewd exhibition of the genitals or genital area; or

(C) Violent or destructive sexual acts including but not limited to human or animal mutilation, dismemberment, rape or torture; and

(3) Which, when considered as a whole, and in the context in which it is used, lacks serious literary, artistic, political or scientific value.

(c) The exemptions found in this section shall apply to first amendment speech or expression and shall not apply to the prohibited sexual conduct described in and prohibited by Section 5.45.070.

(Ord. No. 1117, § 1, 7-14-2009)

5.45.110 Business records requirement.

(a) No later than March 1st of each year an adult cabaret licensee shall file a verified report with the clerk showing the licensee's gross receipts and amounts paid to entertainers for the preceding calendar year.

(b) An adult cabaret licensee shall maintain and retain for a period of two years the names, addresses and ages of all persons employed as or contracted as entertainers or managers by the licensee regardless of the person's status as an employee or as an independent contractor.

(Ord. No. 1117, § 1, 7-14-2009)

5.45.120 Revocation or suspension of licenses--Managers and entertainers.

(a) The mayor shall suspend any manager or entertainer license issued under this chapter for a period of thirty days if the manager or entertainer is guilty of violating any provision of Section 5.45.070. If any manager or entertainer is guilty of a second violation of any provision of Section 5.45.070, the mayor shall revoke the manag-

er's or entertainer's license for the remaining portion of the then current year and shall not issue a manager of entertainer's license to the manager of entertainer for the following year.

(b) The mayor shall revoke any manager or entertainer license issued under this chapter for the remaining portion of the then current year if the license was procured by fraud, by a materially false or misleading representation of fact in the license application or in any report or record required to be filed with the mayor.

(c) Upon determination that grounds for suspension or revocation of a manager or entertainer license exist, the mayor shall send the license holder a notice of suspension or revocation by first class mail, postage prepaid. The suspension or revocation shall become final and be effective upon the expiration of the ten-day appeal period set forth in Section 5.45.150, unless a timely notice of appeal is filed as specified therein.

(Ord. No. 1117, § 1, 7-14-2009)

5.45.130 Revocation or suspension of licenses--Adult cabaret.

(a) The mayor shall notify the owner/operator of a licensed adult cabaret in writing if a violation or violations of this chapter have been found to occur at the adult cabaret over which the owner/operator is responsible.

(b) The mayor shall suspend an adult cabaret license for a period of thirty days if, after receiving notice that a violation(s) of this chapter is/are occurring within its adult cabaret as required under subsection (a) of this section, violation(s) of this chapter is/are occurring at the adult cabaret and the mayor shall impose a monetary penalty of five hundred dollars against the owner/operator;

(c) The mayor shall suspend an adult cabaret license for a period of six months if, after having been subject to a previous thirty-day license suspension under this section, violation(s) of this chapter is/are occurring at the adult cabaret and the mayor shall impose a monetary penalty of one thousand dollars against the owner/operator; and

(d) The mayor shall revoke any adult cabaret license issued under this chapter for the remaining portion of the then current year and shall not issue an adult cabaret license to the owner/operator for the following year if, after having been subject to a previous six month suspension

under this section, violation(s) of this chapter is/are occurring within the adult cabaret and the mayor shall impose a monetary penalty of two thousand five hundred dollars against the owner/operator.

(e) Notice of violation(s) to the owner/operator provided for under this section shall be issued by the mayor and sent by first class mail, postage prepaid.

(f) The mayor shall suspend any adult cabaret license issued under this chapter for a period of one year if the license was procured by fraud, if the application contains materially false or misleading representation(s) of fact or if there is any materially false or misleading representation in any report or record required to be filed with the mayor shall impose a monetary fine of five hundred dollars.

(g) Upon determination that grounds for suspension or revocation of an adult cabaret license exist, the mayor shall send the license holder a notice of suspension or revocation by first class mail, postage prepaid. The suspension or revocation shall become final and be effective upon the expiration of the ten-day appeal period set forth in Section 5.45.150, unless a timely notice of appeal is filed as specified therein.

(Ord. No. 1117, § 1, 7-14-2009)

5.45.140 Licensing--Compliance with other city ordinances--Inspections.

(a) All other city approvals and permit issuance other than those specifically set forth in this chapter including but not limited to fire, building and zoning, are separate from the licensing process set forth in this chapter. The granting of any license or the providing of any approval pursuant to this chapter shall not be deemed to be an approval of any city permit or approval not specifically set forth in this chapter.

(b) Licensees operating premises licensed under this chapter shall hold those areas upon the premises which are accessible to the public open for routine regulatory inspections by the city during business hours to ensure compliance with the requirements of this chapter. This section shall not restrict or limit the right of entry vested in any law enforcement agency or the fire department.

(Ord. No. 1117, § 1, 7-14-2009)

5.45.150 Appeals.

(a) Upon notice of non-issuance, suspension, or revocation of any license under this chapter, the applicant or license holder may appeal by filing a notice of appeal, specifying the particular reason(s) upon which the appeal is based, with the clerk within ten days of and including the date of the notice of non-issuance, suspension or revocation. A timely notice of appeal shall stay the effect of non-issuance, suspension or revocation. An untimely notice of appeal shall be rejected as such by the mayor and no appeal hearing shall be scheduled.

(b) Upon timely filing of a notice of appeal, the clerk shall schedule a hearing on the appeal before a hearing examiner. The hearing shall be conducted no later than thirty days from the date of the notice of appeal, unless the appellant agrees to an extension or for good cause shown. The hearing examiner shall have the authority to issue subpoenas for persons and documents relevant to the appeal upon request of a party.

(c) Within twenty days, excluding holidays recognized by the city from the date of the hearing on an appeal under this section, the hearing examiner shall issue a written decision, which shall set forth the reasons therefore.

(d) The decision of the hearing examiner to reject an appeal as untimely or his decision following an appeal hearing shall be final and conclusive, unless an application for a writ of review is filed with the Yakima County Superior Court and properly served upon the City of Granger within thirty calendar days of and including the date of the hearing examiner's decision. A timely filed action to Superior Court or any other court with jurisdiction shall stay the effect of the non-issuance, revocation or suspension.

(Ord. No. 1117, § 1, 7-14-2009)

5.45.160 Violation a misdemeanor.

Any person knowingly violating any of the provisions of this chapter is guilty of a gross misdemeanor and upon conviction thereof, shall be punishable by a fine not to exceed five thousand dollars or imprisonment in jail not to exceed one year, or both imprisonment and fine. Each separate day or any portion thereof, during which any violation of any provision of this chapter occurs or continues, shall be deemed a separate and distinct offense.

(Ord. No. 1117, § 1, 7-14-2009)

5.45.170 Civil remedies--Declaration of nuisance--Abatement.

The violation of or failure to comply with any of the provisions of this chapter is unlawful and the city council declares that such violation constitutes a public nuisance. The city may seek legal or equitable relief to enjoin or abate any act or practice that constitutes or will constitute a violation of any regulation herein adopted.
(Ord. No. 1117, § 1, 7-14-2009)

5.45.180 Other remedies.

The remedies provided herein for violations of or failure to comply with provisions of this chapter, whether civil or criminal, shall be cumulative and shall be in addition to any other remedy provided by law or at equity.
(Ord. No. 1117, § 1, 7-14-2009)

5.45.190 Knowledge of adult cabaret owner, operators and managers.

(a) An adult cabaret owner is responsible for the type of conduct occurring within its adult cabaret and is deemed to have knowledge of, and is strictly liable for, the conduct of its operators and managers in complying with the provisions of this chapter.

(b) Operators and managers are responsible for the conduct of employees, independent contractors, and others, while present within the adult cabarets over which they serve as operators or managers. Operators and managers are deemed to have knowledge of, and are strictly liable for, the conduct of employees, independent contractors, and others on the adult cabaret premises.
(Ord. No. 1117, § 1, 7-14-2009)

5.45.200 No private right of action.

Nothing contained in this chapter is intended to be, nor shall be construed to create or form the basis for any civil or criminal liability on the part of the city, its officers, employees or agents, for any injury or damage resulting from the failure of an applicant or license holder to comply with the provisions of this chapter, or by reason of or in consequence of any inspection, notice, order, certificate, permission or approval authorized or issued or done in connection with the implementation or enforcement of this chapter by the city, its officers, employees or

agents. This section is specifically intended to include, but not be limited to, a complete grant of immunity from prosecution in favor of police officers and other city employees and agents engaged in cover or overt enforcement of the chapter.

(Ord. No. 1117, § 1, 7-14-2009)

5.45.210 Severability.

Should any section, paragraph, sentence, clause or phrase of this chapter, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this chapter be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this chapter or its application to other persons or circumstances.

(Ord. No. 1117, § 1, 7-14-2009)

Chapter 5.48

ITINERANT MERCHANTS

Sections:

- 5.48.020 License fee.
- 5.48.030 Mobile vending unit operation restrictions.
- 5.48.035 Stationary vendor operation restrictions.
- 5.48.040 License not a waiver of other regulations.
- 5.48.050 Violation--Penalty.

5.48.020 License fee.

The license fee for itinerant merchants operation within the city shall be the sum of \$150.00 per year per mobile or stationary unit; provided, the license for the period commencing after July 1st of any year shall be \$75.00. A monthly license can be purchased for \$22.50 and remain valid not longer than 31 calendar days. These fees may be amended by resolution.

(Ord. No. 1102, § 1, 9-23-2008)

5.48.030 Mobile vending unit operation restrictions.

No mobile vending unit shall operate in any public place in violation of any ordinance of the city. Any vendor engaged in the sale of food or beverages shall also be re-

ferred to the local health department for approval of a health permit in addition to the regular vending license. Such vendor's equipment shall be subject to inspections by the city and/or the health department at the time of application and at periodic intervals thereafter. The location of operation is to be approved by the director of public works or his designated assistant.

A. Geographical restrictions. All mobile vendors licensed under this chapter shall conform to the following standards:

1. Cannot operate within 300 feet of any public park of the city where any city-authorized concession stand is located during times other than during the course of a public celebration except as approved by the parks and recreation department of the city.

B. No mobile vendor shall conduct business so as to violate the traffic and sidewalk ordinances of the city as now in effect or hereafter amended.

C. No mobile vendor shall obstruct or cause to be obstructed the passage of any sidewalk, street, avenue, alley or any other public place, by causing people to congregate at or near the place where food is being sold or offered for sale.

D. No vendor may sound any device which produces a loud or raucous noise, or use or operate any loudspeaker, public address system radio, sound amplifies, or similar device to attract public attention.

E. No mobile vending unit shall be left unattended and must be occupied by the permittee or by his/her agent.

F. All mobile vendors shall provide garbage receptacles for customer use.

G. No mobile vendor shall locate his or her vehicle or other conveyance in such a manner to cause a traffic hazard.

H. At the conclusion of business activities at a given location the mobile vendor shall clean all the public way surrounding his or her vehicle of all debris, trash and litter generated by the vendor's business activities.

I. All mobile vendors preparing food by cooking, frying or other means shall be equipped with at least one fire extinguisher with a minimum rating of 2A-40:BC.
(Ord. No. 1102, § 1, 9-23-2008)

5.48.035 Stationary vendor operation restrictions.

No stationary vendor shall operate in any public place in violation of any ordinance of the city. Any vendor engaged in the sale of food or beverages shall also be referred to the local health department for approval of a health permit in addition to the regular vending license. Such vendor's equipment shall be subject to inspections by the city and/or the health department at the time of application and at periodic intervals thereafter. No stationary vendor operation shall be placed directly abutting a business which specializes in any item that the stationary vendor offers for sale, unless the applicant owns the establishment or has written consent from the proprietor of the establishment. All stationary vendors must have written consent from the owner of the property where the vending operation shall be placed. All stationary vendors licensed under this chapter shall conform to the following standards:

A. No stationary vendor shall be licensed for a location in a residential zoning district or commercial office district, as defined in title 17.

B. Stationary vendors shall be licensed only at those sites on which there is a permanent business operating and licensed under this title that has a restroom for use by the vendor.

C. No stationary vendor shall locate his or her vehicle, other conveyance, temporary stand or merchandise within 20 feet of any public right-of-way or within 20 feet of the intersection of any public right-of-way and private driveway.

D. No vehicle, other conveyance or temporary stand shall be located closer than 20 feet from any building or structure on the licensed property or adjoining property.

E. No electrical cords shall be placed on the ground or in the air between the retail business and the stationary vendors unit.

F. All stationary vendors shall place at least one 30-gallon garbage receptacle adjacent to their structure upon the site of business for customer use.

G. Vendor sites shall be cleaned of all debris, trash and litter at the conclusion of daily business activities.

H. All merchandise, goods, wares or food shall only be displayed or offered for sale from the vendors conveyance.

I. All vehicles, other conveyances or temporary stands shall be equipped with at least one fire extinguisher with a minimum rating of 2A-40:BC.

(Ord. No. 1102, § 1, 9-23-2008)

5.48.040 License not a waiver of other regulations.

The granting of any city license pursuant to this chapter shall not be construed as waiving any other law or regulation provided by the city or any other governmental agency with regard to health, conditions of labor, taxes and similar items.

(Ord. No. 1102, § 1, 9-23-2008)

5.48.050 Violation--Penalty.

An individual, partnership or corporation, upon being found in violation of this chapter, shall, in addition to suspension or revocation of license as provided in section 5.44.050, be subject to the penalties as provided in section 5.44.100 and the itinerant merchant involved may be banned from the city for a period of not more than six months.

(Ord. No. 1102, § 1, 9-23-2008)

Title 6

ANIMALS*

Chapters:

- 6.04 Dogs
- 6.06 Dangerous Dogs
- 6.08 Reserved
- 6.12 Horses, Cattle and Swine
- 6.16 Animals in Public Places
- 6.20 Livestock

Chapter 6.04

DOGS

Sections:

- 6.04.010 Definitions.
- 6.04.020 Licensing and registration
 requirements--Fees.

***Editor's note**—Ord. No. 1100, § 1, adopted September 9, 2008, amended title 6 in its entirety to read as herein set out. Formerly, title 6 pertained to similar subject matter, and derived from Ord. No. 13, § 1, adopted 1910; Ord. No. 370, § 1, adopted 1973; Ord. No. 472, §§ 101--121, 123, adopted 1979; Ord. No. 496, § 1, adopted 1980; Ord. No. 575, §§ 1, 3, 4, 6--10, adopted 1983; Ord. No. 650, § 1, adopted 1987; Ord. No. 750, § 1, adopted 1993; Ord. No. 760, § 1, adopted 1994; Ord. No. 783, § 1, adopted 1995; Ord. No. 867, §§ 1, 2, adopted 1998, and Ord. No. 868, § 1, adopted 1998.

Ord. No. 1120, § 1, adopted Dec. 15, 2009, states: "As the terms "town marshall," "police chief," "police department," "public works director," or "public works" are referenced throughout Title 6, "Animals," to the Granger Municipal Code, those terms shall mean "city."

"City" is defined to mean, within the context of Title 6, the mayor or his or her designee. Thus, at the mayor's discretion, any given department, department head, or employee within a department may be authorized to enforce the provisions of Title 6 to the Granger Municipal Code."

6.04.030	Tag requirements--Retention of certificate by owner--Records open to the public.
6.04.040	Unlawful to remove collar or tag and/or microchip.
6.04.050	Unlawful to harbor strays.
6.04.060	Impoundment authority.
6.04.070	Impoundment--Records kept.
6.04.075	Surrender of dog to the city--Fee required.
6.04.080	Impoundment--Notice.
6.04.090	Impoundment--Redemption--Disposal.
6.04.100	Vicious dogs.
6.04.110	Rabid dogs--Reporting.

- 6.04.120 Rabid dogs—Observational quarantine.
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- 6.04.170 Giving accurate information to the chief of police required.
- 6.04.180 Police chief and police department—Duties.
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- 6.04.200 Chief of police and police department—Authority and conditions for entering private property.
- 6.04.210 Exhibition of registration certificate or tag or microchip scan.
- 6.04.220 Abatement of nuisances.
- 6.04.230 City pound.
- 6.04.240 Violation—Penalty.

6.04.010 Definitions.

The following words and phrases used or referred to in this chapter shall have the following meanings unless a different meaning appears from the context:

"Adopted" means an impounded animal released to a purchaser who assumes all responsibility of the animal.

"Adult dog" means any dog having a set of permanent canine teeth or older than six months of age.

"Aggressively bites" means any physical bite by a dog in combination with any of the following: snarling, baring teeth, chasing, growling, snapping, pouncing, lunging, multiple attacks, multiple lunges, or multiple bites.

"Animal" means any dog; cat; exotic, wild or dangerous animal; or livestock.

"At large" means, with regard to dogs, being physically present on public property and not under the actual control of a competent person or being physically present on private property without permission of the person in control of such premises. Exception: "At large" does not include dogs exhibited in dog shows, field trials, obedience training or trials, or the training of dogs therefore.

"City" means the City of Granger.

"Council" means the City Council of the City of Granger, Washington.

"Dangerous dog" means any dog that:

1. Without provocation bites or otherwise inflicts serious physical injury on a human being on public or private property;
2. Injures or kills a domestic animal without provocation while off the dog owner's property; or
3. Aggressively bites, attacks, threatens, or endangers the safety of humans or domestic animals after such dog has been previously found to be potentially dangerous by an appropriate authority, including but not limited to any law enforcement officer, animal control officer or court, and the owner of such dog has received notice that the dog has been determined to be potentially dangerous.

"Dog owner" means a person who owns, keeps or harbors a dog.

"Head of the household" means any person who owns, leases or otherwise controls any private premises.

"Kennel" definitions:

1. "Kennel" means any buildings, animal runs, enclosures, and/or any other facilities used for the keeping or housing of four or more dogs over four months of age, sufficient to secure the dogs on the premises. Exception: "Kennel" does not include a veterinarian business operated by a veterinarian licensed by the State of Washington.
2. "Commercial kennel" means the business of boarding, breeding, letting for hire, selling, bartering, or giving away dogs; provided, selling of three or fewer litters of offspring per year by a hobby kennel shall not be construed as commercial.
3. "Foster shelter kennel" means a kennel where four or more adult dogs are kept and temporary housing and care of owner-released dogs is provided for the purpose of placing them in permanent homes.
4. "Hobby kennel" means a kennel where four or more, but less than ten, adult dogs are kept for hunting, breeding, exhibition, organized events, field working, working of livestock or obedience trials.

"Litter" means two or more viable offspring.

"Livestock" means cattle, sheep, horses, llamas, buffalo, deer, elk, rabbits, mules, donkeys, goats, swine,

fowl, poultry, and any fur-bearing animal bred and maintained commercially or otherwise within pens, fences, cages or hutches.

"Microchip" means a device implanted for identification purposes.

"Nuisance" means any unlawful act or failure to perform a duty, which act or failure to act either annoys, injures or endangers the comfort, repose, health or safety of other persons, or interferes with other persons' use of property.

"Owner" means any person or legal entity having a possessory property right in an animal or who harbors, cares for, exercises control over, or knowingly permits any animal to remain on premises occupied by that person.

"Permit" means and includes human conduct that is intentional, deliberate, careless, inadvertent or negligent in relation to any animal owned by that person.

"Person" means any individual, natural person, association, firm, partnership, corporation or other legal entity.

"Physical injury" means impairment of physical condition or substantial pain which is directly caused by a dog's behavior, and includes scratches, cuts, scrapes, punctures or other evidence of physical injury.

"Potentially dangerous dog" means:

1. Any dog that without provocation:
 - a. Bites or otherwise injures a human person or a domestic animal on either public or private property; or
 - b. Chases, threatens or approaches a person on either public or private property in a menacing fashion or apparent attitude of aggression or attack; or
2. Any dog which reasonably should be known by its owner to be disposed:
 - a. To attack or chase or approach persons in a menacing fashion or apparent attitude of aggression or attack without provocation; or
 - b. To cause injury or otherwise threaten the safety of humans or domestic animals.

"Premises" means the area of land to which a person has legal or equitable rights of possession, use and control.

"Quarantine area" means any area defined by a veterinarian, physician or public health official where, for a specific period, a dog is to be kept separated from other animals or people.

"Secure enclosure" means the secure confinement of a dangerous dog or a potentially dangerous dog on its owner's premises, either indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top and shall also provide protection from the elements for the dog. Such pen, kennel or structure shall have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two feet. Any pen, kennel or structure erected shall comply with all zoning and building regulations of the city. Any pen, kennel or structure shall be adequately lighted and ventilated and kept in a clean and sanitary condition.

"Serious physical injury" means any physical injury that creates a substantial risk of death or causes permanent loss or protracted impairment of any bodily organ or function, or substantial disfigurement.

"Severe injury" means any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

"Tag" means a prenumbered metal or plastic identification license sold to an owner/custodian for a specific pet animal. Rabies identification or other identification may not be substituted or accepted in lieu of a license tag.

"Tattoo" means a predesignated identification number inked into the inside of the ear, lip or flank of the dog. (Ord. No. 1100, § 1, 9-9-2008)

6.04.020 Licensing and registration requirements-Fees.

A. All dogs over the age of three months, kept, harbored or maintained by any person in the city shall be licensed and registered.

B. Dog licenses shall be issued by the city clerk upon payment of a license fee of \$10.00 for each and every dog, of either sex, and whether altered, or not.

C. The owner shall state at the time application is made for such license his name and address, and the sex, breed and color of each dog owned or kept by him.

D. The license fee shall cover the period of one year (12 months) commencing on April 1st and terminating on March 31st of the following year, or any part thereof.

E. 1. Any person owning four or more dogs, which are over four months of age, will be charged a kennel fee of one hundred fifty dollars per year. No other license shall be required.

2. No kennels license shall be issued until the applicant has secured a special use permit under the zoning ordinance, includes special application fees.

3. Holders of kennel permits at the time of passage of the ordinance codified in this section shall not be required to secure a special use permit, but shall be limited to existing number of animals as provided for in said permit application. If the kennel permit at any time is allowed to lapse for one year or more, then a special use permit shall be required.

(Ord. No. 1100, § 1, 9-9-2008; Ord. No. 1160, § 1, 4-24-2012)

6.04.030 Tag requirements--Retention of certificate by owner--Records open to the public.

A. Upon payment of the license fee to the city clerk, the latter shall issue to the owner a certificate and metallic tag for each dog so licensed.

B. Said tag shall have the month and year in which it expires, the words "Granger, WA." and the license number corresponding with the tag number of the certificate.

C. Every owner shall be required to provide each dog with a collar or harness to which the license tag must be affixed, and shall be responsible for seeing to it that the collar and tag are constantly worn.

D. Duplicate dog tags shall be issued upon payment of \$0.50 for each tag so issued to replace the original tag which has been lost, destroyed or damaged beyond further use.

E. The dog tag shall not be transferable from one dog to another, and no refunds shall be made on any dog license fee for any reason whatsoever, and the license fees shall not be prorated.

F. The original certificate of registration shall be retained by the owner or harbinger of the licensed dog for inspection by the chief of police or his designated agents.

G. A careful record of each number and the accompanying license and certificate shall be maintained by the city clerk and available as a free public record, particularly for identifying lost, strayed or impounded animals. (Ord. No. 1100, § 1, 9-9-2008)

6.04.040 Unlawful to remove collar or tag and/or microchip.

No person shall remove or cause to be removed the collar, harness, metallic tag, or microchip from any animal without the consent of the owner, keeper or harbinger thereof.

(Ord. No. 1100, § 1, 9-9-2008)

6.04.050 Unlawful to harbor strays.

A. It is unlawful for any person to harbor or keep within the city any lost or strayed animal.

B. Whenever an animal is found which appears to be lost or strayed, it shall be the duty of the finder to notify the police department personnel who shall impound said animal and dispose of the same as provided in this chapter for the disposition of an animal impounded for running at large contrary to the terms of this chapter.

C. If there is attached to such dog a license tag for the then current year, said animal control person or police department shall notify the person to whom such license was issued at the address given in said license. (Ord. No. 1100, § 1, 9-9-2008)

6.04.060 Impoundment authority.

The provisions of this chapter shall be enforced by the appropriate clerical and law enforcement officers of the city and by the animal control person or agency designated by the chief of police. Law enforcement officers and the animal manager shall have concurrent jurisdiction to effect such enforcement.

(Ord. No. 1100, § 1, 9-9-2008)

6.04.070 Impoundment-Records kept.

The chief of police shall keep a record of each animal impounded, the date of the receipt of such animal, the date and manner of its disposal, and if redeemed, reclaimed or sold, the name of the person by whom redeemed, reclaimed or purchased, the address of such person and the amount of all

fees received or collected for or because of the impounding, reclaiming or purchasing thereof, together with the number of any tag and the date of any exhibited or issued upon the redemption or sale of any such dog. (Ord. No. 1100, § 1, 9-9-2008).

6.04.075 Surrender of dog to the city--Fee required.

The owner of a licensed or unlicensed dog who desires to surrender the same to the city shall first pay a fee to the city in the amount of forty dollars. The city shall not accept the surrender of any dog unless and until the fee required by this section has been paid. (Ord. 1342 § 1, 2019).

6.04.080 Impoundment--Notice.

The chief of police or his designee shall give written notice within 24 hours after impounding a dog, to the owner, if known. Said notice shall specify the time of taking and a description of the dog and shall post the same at the city pound and in the police department, each in a public place. (Ord. No. 1100, § 1, 9-9-2008).

6.04.090 Impoundment--Redemption--Disposal.

A. 1. Any dog impounded as a licensed or unlicensed dog may be redeemed and taken from such pound by the owner or any authorized person upon exhibiting to the person having charge of said pound a certificate of registry as provided in section 6.04.020 showing that the license in said section imposed has been paid for such dog and upon paying the city clerk an impound fee of \$25.00 for the first time a dog is impounded, \$50.00 for the second time a dog is impounded, and \$100.00 for the third time and repeated impounds that an animal is impounded, together with a notice fee of \$2.00.

2. The impound fee for the first violation shall be reimbursed to the authorized person upon proof that the animal has been spayed or neutered within 15 days of the redemption.

3. Prior to any licensed or unlicensed dog impounded by the city being redeemed by and/or released to its owner or any authorized person, a fee in the amount of two dollars per day shall be imposed upon, and must be paid by, said owner or authorized person to cover and/or offset the costs of caring for said dog during the term of its impoundment. The care fee required by this section is in addition to any other fees that may be imposed under this chapter.

B. All impounded animals not redeemed within 48 hours may be adopted by a new owner for a fee of \$5.00. Such new purchaser will sign a letter of intent to assume all responsibility of animal.

C. All animals that are not redeemed in the required time or are not adopted shall be turned over to the Yakima County Humane Society to be dealt with along humane principles. The chief of police may segregate from the unclaimed animals such worthy or valuable animals, which he deems likely to be claimed by the owners, or because previous requests have been made with desire to adopt the animal; provided, that no unclaimed animals shall be kept longer than a total of 14 calendar days after the date of impound. (Ord. 1342 § 2, 2019; Ord. No. 1100, § 1, 9-9-2008).

6.04.100 Vicious dogs.

No person owning or having custody or control of any dog known by such person to be potentially dangerous, vicious or dangerous shall permit it to run at large or permit it to run loose on or within the premises of such person in such a manner as to endanger the life or limb of any person lawfully entering such premises. Violation of this section constitutes a criminal misdemeanor and subjects a person convicted to a penalty up to \$1,000.00 and to imprisonment up to 90 days or both.

(Ord. No. 1100, § 1, 9-9-2008)

6.04.110 Rabid dogs-Reporting.

A. Anyone having knowledge of the whereabouts of a dog known to have or suspected of having rabies shall report the fact immediately to the police department.

B. The police department shall likewise be notified of any person or animal bitten by a rabid or suspected rabid dog.

C. It is also the duty of any physician upon treatment of any person bitten by any dog or other animal to immediately report the name and address of such person to the police department.

(Ord. No. 1100, § 1, 9-9-2008)

6.04.120 Rabid dogs-Observational quarantine.

A. A dog which is known to have bitten or injured any person so as to cause an abrasion of the skin or a suspected rabid dog, shall be placed in confinement under observation of a veterinarian, which shall be at the sole expense of the owner, and shall not be killed or released until at least 14 days after observation.

B. Any animal of a species subject to rabies that has bitten a person shall likewise be confined and observed for at least 14 days.

C. No person shall fail, refuse or neglect to allow the chief of police department, or his designees, to make an inspection or examination thereof at any time during such period.

(Ord. No. 1100, § 1, 9-9-2008)

6.04.130 Disturbance to neighborhood prohibited.

A. No person or persons shall own, keep or harbor any dog which by loud, continued or frequent barking, howling or yelping, annoys or disturbs any neighborhood.

B. Any such dog is declared to be a nuisance and may be seized and impounded as provided in this chapter.

C. For the purpose of this section a dog may not be seized until three complaints have been received, whether consecutive or reported over a period no more than four months.

(Ord. No. 1100, § 1, 9-9-2008)

6.04.140 Running at large unlawful.

A. It is unlawful for any owner, possessor or person who keeps any animal to permit the same to run at large upon the private premises of others or upon the streets, alleys, sidewalks, highways, vacant lots, school yards or other public places in the city.

B. An animal shall be deemed to be running at large, when off or away from the premises of the owner, possessor, keeper thereof, and not under the immediate control of such owner, possessor, keeper or his agent, or servant or a member of his immediate family, either by leash cord, chain or otherwise.

C. Procuring a license and tag shall not authorize the running at large of said animal.

D. In addition, the violation of the provisions of this section is a nuisance and a menace to the public health and safety, and said animal or animals shall be taken up and impounded as provided in this chapter.

(Ord. No. 1100, § 1, 9-9-2008)

6.04.150 Snarling or growling dogs.

It is unlawful for any person to keep or harbor any dog that frequently or habitually snarls or growls at or snaps or jumps upon or threatens persons lawfully upon the public sidewalks, streets, alleys or public places of the city and the same is a nuisance; and, any such dog may be seized or impounded as provided in this chapter.

(Ord. No. 1100, § 1, 9-9-2008)

6.04.160 Keeping animal in nauseous conditions prohibited.

It is unlawful for any person to keep, harbor or maintain any animal, or any pen, or any yard, enclosure or building in which an animal is kept, in the city in such a manner as to be nauseous, foul or offensive, and any such animal or condition or manner of maintenance is a nuisance.

(Ord. No. 1100, § 1, 9-9-2008)

6.04.170 Giving accurate information to the chief of police required.

A. The chief of police, or his designee shall not receive any animal into the pound from any person unless such person signs a record which shall be registered in a proper book kept by the chief of police or his designee.

B. It is unlawful for any person to give any false information or statement concerning the owner, keeper or harbinger of any animal, or concerning any animal brought into the city pound or impounded therein.

(Ord. No. 1100, § 1, 9-9-2008)

6.04.180 Police chief and police department-Duties.

It shall be the duty of the chief of police, law enforcement officers, and other designees to carry out and enforce all the provisions of this chapter and any amendment thereof, and any ordinance later enacted relating to dogs, including but not limited to filing complaint in the city court against any person or persons failing to license any dog as provided in this chapter, or otherwise fails to comply with any of the provisions of this chapter as hereafter amended.

(Ord. No. 1100, § 1, 9-9-2008)

6.04.190 Chief of police and police department-Obstructing prohibited.

It is unlawful for any person to hinder, delay, interfere with or obstruct the chief of police or his designee while engaging in the capturing, securing or taking to the pound any animal or animals liable to be impounded, or who shall break open or in any manner directly or indirectly aid, council or advise the breaking open of any animal pound, wagon or other vehicle use for the collection or conveying of animals to the animal pound.

(Ord. No. 1100, § 1, 9-9-2008)

6.04.200 Chief of police and police department-Authority and conditions for entering private property.

In the enforcement of any provisions of this chapter, any police officer and/or the chief of police or his designees are authorized to enter the premises of any person to take the possession of the licensed or unlicensed, fierce, dangerous or vicious animal when in fresh pursuit of such animal at the time the animal goes onto private property.

(Ord. No. 1100, § 1, 9-9-2008)

6.04.210 Exhibition of registration certificate or tag or microchip scan.

It is unlawful for any person keeping or harboring a dog for which a license is required by this chapter to fail or refuse to exhibit the registration certificate or license tag or scanning of microchip upon demand by police officers, the chief of police or his designees.
(Ord. No. 1100, § 1, 9-9-2008)

6.04.220 Abatement of nuisances.

A. Any person violating any provisions of this chapter in the keeping or maintaining of any nuisance as defined in this chapters shall, in addition to the fine or imprisonment, or both, provided for in section 6.04.240, by order of the court in such action be ordered to forthwith abate and remove such nuisance, and if the same is not done by such offender within 24 hours thereafter, the same shall be abated and removed under the direction of the officer authorized by order of the court, which said order abatement shall be entered upon the docket of the court and made a part of the judgment in said action.

B. Any such person shall be liable for all costs and expenses of abating the same when such nuisance has been abated by an officer of the city.
(Ord. No. 1100, § 1, 9-9-2008)

6.04.230 City pound.

A. The city shall provide suitable premises and facilities to be used as a city animal pound.

B. It shall be maintained in some convenient location and be operated upon a schedule and pursuant to rules and regulations prescribed by the city mayor.
(Ord. No. 1100, § 1, 9-9-2008)

6.04.240 Violation-Penalty.

Any person violating any of the provisions of this chapter or who creates, keeps or maintains any nuisance as defined in this chapter, shall, upon conviction thereof, be deemed guilty of a misdemeanor and punished by a fine of not to exceed \$500.00, or by imprisonment for a period of not to exceed 60 days, or by both such fine and imprisonment unless specified otherwise herein.
(Ord. No. 1100, § 1, 9-9-2008)

Chapter 6.06DANGEROUS DOGSSections:

- 6.06.010 Definitions.
- 6.06.020 Unconfined dangerous dog on premises of owner.
- 6.06.030 Dangerous dog off premises.
- 6.06.040 Applicability to adult dogs only.
- 6.06.050 Disposal of dangerous dog.
- 6.06.060 Impounding authority.

6.06.010 Definitions.

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section:

"Dangerous dog" means:

1. Any dog with a known propensity, tendency or disposition to attack, unprovoked, to cause injury to, or to otherwise endanger the safety of humans or other domestic animals; or
2. Any dog which attacks a human being or other domestic animal without provocation; or
3. Any dog known by the owner to be a pit bull terrier, which shall hereinafter be defined as any American Pit Bull Terrier or Staffordshire Bull Terrier or American Staffordshire Terrier or dog, or any mixed breed of dog which contains as an element of its breeding the breed of American Pit Bull Terrier, Staffordshire Bull Terrier or American Staffordshire Terrier as to be identifiable as partially of the breed of American Pit Bull Terrier, Staffordshire Bull Terrier or American Staffordshire Terrier;
4. Any dog that frequently or habitually snarls or growls at or snaps or jumps upon or threatens persons lawfully upon the public sidewalks, streets, alleys or public places of the city.

A dangerous dog is "unconfined" if such dog is not securely confined indoors or confined in a securely enclosed or locked pen or structure upon the premises of the owner of such dog. Such pen or structure must have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides must be embedded into the ground no less than one foot in depth.

"Owner" means any person or legal entity having a possessors property right in a dog or who harbors, cares for, exercises control over, or knowingly permits any animal to remain on the premises occupied by them.
(Ord. No. 1100, § 1, 9-9-2008)

6.06.020 Unconfined dangerous dog on premises of owner.

The owner of a dangerous dog shall not suffer or permit such dog to go unconfined upon the premises of such owner. Violation of this provision constitutes a criminal misdemeanor crime punishable by fine up to \$1,000.00 or imprisonment up to 90 days or both.
(Ord. No. 1100, § 1, 9-9-2008)

6.06.030 Dangerous dog off premises.

The owner of a dangerous dog shall not suffer such dog to go beyond the premises of such person unless such dog is securely leashed and muzzled or otherwise securely restrained and muzzled. Violation of this provision constitutes a criminal misdemeanor crime punishable by fine up to \$1,000.00 or imprisonment up to 90 days or both.
(Ord. No. 1100, § 1, 9-9-2008)

6.06.040 Applicability to adult dogs only.

The provisions of this chapter shall apply to adult dogs only, which shall mean any dog over the age of six months.
(Ord. No. 1100, § 1, 9-9-2008)

6.06.050 Disposal of dangerous dog.

Whenever any dog shall be determined to be dangerous, pursuant to this chapter, by reason of said dog's viciousness, molesting people, or attacking people or other animals, where such behavior results in conviction for a violation under this chapter, then, in the discretion of the judge who presides over the court hearing wherein the conviction was entered, and based upon the severity of the behavior involved, said dog shall be impounded and destroyed in a humane manner.
(Ord. No. 1100, § 1, 9-9-2008)

6.06.060 Impounding authority.

The animal control person or any police officer shall have the authority to impound a dangerous dog, pursuant to the procedures provided in chapter 6.04.
(Ord. No. 1100, § 1, 9-9-2008)

Chapter 6.08RESERVED*Chapter 6.12HORSES, CATTLE AND SWINESections:

6.12.010 Running at large prohibited.

6.12.010 Running at large prohibited.

No horses, stallions, geldings, mares, and no cattle, studding bulls, steer, heifers, cows, calves, and no asses, and no ewe or sheep or goats, shall be permitted to run at large, picketed or tethered upon any street, alley, or thoroughfare within the corporate limits of the city.
(Ord. No. 1100, § 1, 9-9-2008)

Chapter 6.16ANIMALS IN PUBLIC PLACESSections:

6.16.010 Hoofed animals on sidewalks or in parks prohibited.

***Editor's note**—Ord. No. 1116, § 1, adopted June 16, 2009, repealed Ch. 6.08, §§ 6.08.010, 6.08.020, which pertained to domestic fowl and derived from Ord. No. 1100, § 1, adopted Sept. 9, 2008.

6.16.010 Hoofed animals on sidewalks or in parks prohibited.

A. It is unlawful for any person to knowingly and willingly ride, walk or in any other way cause any horse or horses, or other hoofed animals, within the limits of a city park; and, it is further unlawful for any person or persons to knowingly and willfully ride, walk or otherwise allow any horse, or horses, or other hoofed animals upon the sidewalks within the city.

B. Said animals are to be ridden, led, driven or otherwise permitted upon the public streets only of the city.

(Ord. No. 1100, § 1, 9-9-2008)

Chapter 6.20

LIVESTOCK

Sections:

- 6.20.010 Purposes.
- 6.20.020 Definitions.
- 6.20.030 Livestock lot area-Maintenance and other requirements.
- 6.20.040 Industrial zones not affected.
- 6.20.050 Fencing of livestock.
- 6.20.060 Humane treatment required.
- 6.20.070 Complaints and grievances.
- 6.20.080 Notification of violation.
- 6.20.090 Violation-Penalty.
- 6.20.100 Butchering of livestock.

6.20.010 Purposes.

The purpose of this chapter is to regulate the husbandry of livestock and domesticated animals other than dogs and cats within the city. These regulations are deemed necessary to protect and secure the public health, safety and general welfare of the residents of the city by enforcing reasonable sanitary, noise, maintenance and other standards. In addition, this chapter establishes regulations to ensure the humane treatment of animals within the jurisdiction of the city.

(Ord. No. 1100, § 1, 9-9-2008)

6.20.020 Definitions.

"Livestock" means any horses, mules, sheep, goats, cattle, fowl and rabbits.

"Owner" means any person owning, having an interest in or right of possession to an animal or any person having control, custody or possession of such animal.

"Person" means, firms, corporations, associations, partnerships, societies and individuals.

"Residence" means any building or part of a building used for the purpose of human habitation or dwelling.
(Ord. No. 1100, § 1, 9-9-2008)

6.20.030 Livestock lot area-Maintenance and other requirements.

Livestock may be kept for personal noncommercial use in all residential zones within the city subject to the following conditions:

A. No swine shall be permitted in any residential zone of the city.

B. No livestock shall be kept on property less than 4,000 square feet in area.

C. A maximum of two goats or two sheep are permitted on a 4,000 square foot lot. Any and all additional sheep or goats shall require an additional 1,000 square feet per animal.

D. No horses, mules or cattle shall be permitted on property less than 6,000 square feet in area. Where horses, mules and cattle kept, an additional 1,000 square feet shall be required for each and every additional animal in excess of the first animal resulting in 6,000 square feet for one animal, 9,000 square feet for two animals and 12,000 square feet for three animals, etc.

E. All accessory buildings used for keeping any cattle, sheep, goats, horses, mules, fowl and rabbits shall conform to the setback requirements of the applicable zone as prescribed in Ordinance No. 548 on file in the city clerk-treasurer's office. In addition, all coops, barns, pens or other structures used to keep any livestock shall not be located less than 30 feet from any portion of any neighboring residence.

F. All stables, pens, barns, coops, or other structures shall be cleaned of manure or other refuse at least twice a week and such manure or refuse shall be placed in a fly proof container until disposed of in a manner approved by the county health officer.

G. Grounds shall be limited or treated to control odors and the breeding of flies.

H. Barns, pens, coops and other animal enclosures shall be sprayed as needed with an adequate insecticide from April 1st to November 1st each year.

I. With the exception of hay, all feed shall be stored in rodent proof containers.

J. All barns, pens, coops and other animal enclosures shall be kept free of rodents and rodent habitat. (Ord. No. 1100, § 1, 9-9-2008)

6.20.040 Industrial zones not affected.

The provisions of section 6.20.030 shall not affect the operation of feed lots conforming to the provisions of Ordinance No. 548 on file in the city clerk-treasurer's office, or the keeping, husbandry or commercial production of livestock on property zoned industrial within the city. (Ord. No. 1100, § 1, 9-9-2008)

6.20.050 Fencing of livestock.

All livestock shall be contained on private property. Fences shall be of adequate construction to keep the livestock restrained and enclosed at all times on the property of the person owning the livestock or property rented, leased or provided to the owner for the purpose of raising livestock provided that:

A. No barbed wire fences are located within three feet of any public sidewalk.

B. No electrical fences are permitted. (Ord. No. 1100, § 1, 9-9-2008)

6.20.060 Humane treatment required.

Adequate feed, water and shelter shall be available at all times for livestock in the city. (Ord. No. 1100, § 1, 9-9-2008)

6.20.070 Complaints and grievances.

In the event that three residents living within 300 feet of the property of a person not conforming to the requirements of this chapter sign a complaint regarding the keeping of fowl or livestock, it shall be the duty of the police chief to make an investigation and render an opinion to the mayor as to remedial action necessary to address the complaint, if deemed valid by the police chief. If, how-

ever, there are not three residents within 300 feet the police chief shall investigate all grievances where more than one resident files a complaint with the city.

(Ord. No. 1100, § 1, 9-9-2008)

6.20.080 Notification of violation.

Upon receipt and consideration of the remedial action recommended to the mayor by the police chief, the mayor shall notify the person of the violation and order appropriate corrective action in writing within a specified period of time. Upon the expiration of the time allowed for corrective action, a second inspection will be performed to assure compliance with the mayor's order. If the condition persists the violation shall be prosecuted.

(Ord. No. 1100, § 1, 9-9-2008)

6.20.090 Violation-Penalty.

Any person violating this chapter shall be guilty of a misdemeanor and punished by a fine of not less than \$5.00 or more than \$100.00 plus court costs. Each and every day a violation is allowed to persist may be construed as a separate violation subject to additional penalties and fines.

(Ord. No. 1100, § 1, 9-9-2008)

6.20.100 Butchering of livestock.

No person other than a licensed butcher shall kill any animal or fowl within the city limits. Butchering of animals and/or fowl shall be conducted inside buildings and in such a manner so as to eliminate any and all potential for public viewing. No carcasses and/or parts thereof shall be in public view within the city limits except for regulated butcher shops and/or lockers approved by the city, state and/or federal authorities. No person shall dispose of carcasses and/or parts thereof in any manner other than in a type of container which prevents any and all accessibility by other animals and/or viewing by the public.

(Ord. No. 1100, § 1, 9-9-2008)

Title 7

(RESERVED)

Title 8

HEALTH AND SAFETY

Chapters:

<u>8.08</u>	<u>Weed Control</u>
<u>8.12</u>	<u>Garbage and Solid Waste</u>
<u>8.16</u>	<u>Public Nuisances</u>
<u>8.20</u>	<u>Burning Regulations</u>
<u>8.24</u>	<u>Fireworks</u>
<u>8.28</u>	<u>Littering</u>
<u>8.32</u>	<u>Abandoned Vehicles</u>
<u>8.34</u>	<u>Code Enforcement</u>
<u>8.36</u>	<u>Recycling Center</u>

Chapter 8.08WEED CONTROLSections:

- 8.08.010 Removal of hazardous material required.
- 8.08.020 Notice to owner to remove--Posting.
- 8.08.030 Failure of owner to remove--Removal by town--Lien on property.
- 8.08.040 Entitlement of town for costs.
- 8.08.050 Enforcement.
- 8.08.060 Violation--Penalty.

8.08.010 Removal of hazardous material required.

Henceforth it is unlawful for the owner, lessee, or any other person entitled to possession of property in the town to permit or fail to remove from such property all grass, weeds, shrubs, bushes, trees or vegetation which have grown and died upon such property and which are a fire hazard or a menace to public health, safety or welfare. (Ord. 400 §1, 1975).

8.08.020 Notice to owner to remove--Posting. A.

When a condition is found to exist as is described in Section 8.08.010, the enforcing officer of this chapter or the city council shall cause a notice to be given to the owner of the property and his tenant in possession, if there is one.

B. Said notice shall advise its addressee of the offending condition and require the removal or destruction of said condition and notify the addressee that the town would adopt a resolution on or after five days directing the town employees to remove or destroy the offending condition and that all costs therefor are to be borne by the property owner and become a lien upon said property.

C. Said notice shall be delivered personally to the owner; or if his whereabouts is unknown or his identity undisclosed by county tax records, then by posting said notice in three places in the public ways adjoining said land. (Ord. 400 §2, 1975).

8.08.030 Failure of owner to remove--Removal by town--Lien on property. If the removal or destruction is not made or accomplished by the owner after such notice and within five days, the town shall cause the removal or destruction and notice of lien as described in Section 8.08.020 shall be filed in the office of the county auditor and foreclosure of said lien shall be in the manner provided by RCW 35.21.310. (Ord. 400 §3, 1975).

8.08.040 Entitlement of town for costs.

In addition to labor and machine hire the town shall be entitled to its costs and reasonable attorney fees for filing and foreclosure of said lien. (Ord. 400 §4, 1975).

8.08.050 Enforcement.

The town police department and the building official shall be primarily responsible for enforcement of this chapter. (Ord. 833 § 1, 1997; Ord. 400 §6, 1975).

8.08.060 Violation--Penalty.

Any person found guilty of a violation of Section 8.08.010, may, in addition to other remedies, be fined not less than twenty-five dollars, nor more than one hundred dollars for each such offense. (Ord. 400 §5, 1975).

Chapter 8.12GARBAGE AND SOLID WASTESections:

8.12.010	Territorial range of coverage.
8.12.020	Intent.
8.12.030	Definitions.
8.12.040	Sanitation committee.
8.12.050	Authority to administer removal.
8.12.060	Disposal--Requirements--Containers.
8.12.070	Disposal--Restrictions.
8.12.080	Frequency of collection.
8.12.090	Refuse separation--Selling of swill.
8.12.100	Restrictions on placement of containers in public places.
8.12.110	Removal of dead animals.
8.12.120	Contracts between town and collector of refuse--Applications--Bond.
8.12.130	Compliance with chapter provisions required.
8.12.140	Charges--Billing--Suspension of service--Lien.
8.12.150	Schedule of service charges--Cans.
8.12.160	Schedule of service charges--Bins.
8.12.165	Overfull containers.
8.12.170	Powers of town to regulate and execute chapter provisions.

8.12.010 Territorial range of coverage.

Except as expressly excepted in this chapter, this chapter shall apply to all territory embraced within the corporate limits of the town. (Ord. 278 § 1, 1962).

8.12.020 Intent. The maintenance of health and sanitation require, and it is the intention of this chapter, to make the collection, removal and disposal of garbage, refuse, swill and dead animals within the town, compulsory and universal. (Ord. 278 §2, 1962).

8.12.030 Definitions. For the purposes of this chapter, the following words shall have the following meanings:

A. "Collector of refuse" means the town or the person entering into a contract with the town for the removal of garbage and refuse as provided by this chapter.

B. "Garbage" includes all putrescible wastes, carcasses of dead animals, and recognized industrial byproducts.

C. "Health officer" means the town or county health officer, as defined in Section 6085, 6091 and 6092 of Remington's Revised Statutes of Washington, or their authorized representatives.

D. "Person" means every person, firm, partnership, association, institution and corporation. The term also includes the occupant and/or the owner of the premises for which services mentioned in this chapter is rendered.

E. "Refuse" means all waste matter not subject to decay or putrefaction, which for the purpose of this chapter excludes earth, sand, gravel, building material, building waste, trade waste occasioned by goods condemned in case lots or greater quantities, automobile bodies and large automotive parts, trees, limbs of trees, grass, lawn clippings, fire refuse and extraordinary waste not resulting from natural waste of ordinary daily living.

F. "Swill" means and includes every refuse accumulation of animal, fruit or vegetable matter, liquid or otherwise, that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit and vegetables. (Ord. 278 §3, 1962).

8.12.040 Sanitation committee. A. For the purpose of carrying into effect the provisions and aims of this chapter there is created a sanitation committee, which shall have supervision under the direction of the county health officer, of the collection of garbage, and shall have full charge and the control of all the work provided for and contemplated under this chapter and as may be provided for by rules and regulations adopted by the town council and shall have charge of the collections and the enforcement of all charges for services rendered, and shall exercise the duties under such regulations and restrictions as shall be approved by the health officer in a contract to be entered into between the town and the collector of refuse.

B. The sanitation committee shall be appointed by the mayor with the confirmation of the town council. (Ord. 278 §4, 1962).

8.12.050 Authority to administer removal. This chapter empowers the town to buy, maintain or lease and operate equipment for the removal and disposal of garbage, swill and refuse from within the town. (Ord. 278 §5, 1962).

8.12.060 Disposal--Requirements--Containers. The town shall provide all containers for the collection of garbage, refuse and swill. Each residence and business will be provided with the necessary containers or bins and charged according to the rates as hereinafter provided. All garbage, refuse and swill must be placed within the containers for collection. The town has acquired mechanized garbage trucks to pickup and empty the containers. Any garbage or refuse outside of the containers will not be collected or emptied by hand. (Ord. 609 §2, 1984: Ord. 278 §6, 1962).

8.12.070 Disposal--Restrictions. A. It is unlawful for any person to burn, dump, collect, remove, or in any other manner dispose of garbage, refuse, or swill upon any streets, alley, public place or private property within the town, otherwise than as provided in this chapter;

B. Burn barrels or furnaces for the purpose of burning wastepaper, boxes, rubbish and debris, brush, leaves, grass, woods and cuttings from trees, lawns, shrubs and gardens are prohibited.

C. It is unlawful for any person to bury, burn or dump wastepaper, boxes, rubbish, debris, grass, leaves, weeds and cuttings from trees, lawns, shrubs, and gardens, upon any street, alley or public place, unless expressly provided for by ordinance.

D. It is unlawful for any person to collect and remove garbage, refuse and swill over any public right-of-way in the town, except as provided in this chapter. (Ord. 413 §1, 1975; Ord. 278 §7, 1962).

8.12.080 Frequency of collection. The collector of refuse shall collect, remove and dispose of all garbage, swill and refuse in the residential sections of the town at least once a week, and from hotels, restaurants, boarding-houses, eating places, apartment houses, schools and hospitals and in the business sections of the town as designated from time to time by the sanitation committee, at least three times a week, or in either of said districts as often as required by need. (Ord. 278 §8, 1962).

8.12.090 Refuse separation--Selling of swill. A. The town reserves the right to and may at its option require the separation of paper or swill or other component parts of garbage and refuse, or any of them, may require the deposit thereof in separate cans or receptacles, and may prescribe the methods of disposal thereof.

B. Until otherwise provided, with the approval of the garbage sanitation committee and subject to the rules and regulations of the town council, swill may be sold or used by the persons producing the same and removed beyond the town limits by the person using and/or purchasing the same. (Ord. 278 §9, 1962).

8.12.100 Restrictions on placement of containers in public places. A. It is unlawful for any person, firm or corporation conducting any hotel, restaurant, or any public eating place to deposit, throw or place swill or other refuse food matter in a lane, alley, street, or other public place, or to deposit, throw or place any swill upon any private property, regardless of ownership, unless said swill is enclosed in vessels or tanks of a type approved by the sanitation committee, and which are perfectly watertight and have tightly fitting covers, which shall not be removed, except when absolutely necessary for the depositing and removal of swill. Such vessels or tanks shall be kept in the rear of the premises, or other place authorized by the sanitation committee, so as to be readily accessible for collection, and shall not be kept upon the street alley or sidewalk or public place. All such tanks or vessels shall be promptly delivered to the collector when called for and shall be returned by him without unnecessary delay.

B. It is unlawful for any person, except for purposes of collection as provided in this chapter, to interfere with said vessels or tanks referred to in this section or with the contents thereof in any manner. (Ord. 278 §10, 1962).

8.12.110 Removal of dead animals. No person, firm or corporation shall allow the dead carcass of any animal or fowl owned by him to remain within the limits of the town, for a period of more than twenty-four hours after the death of the same, and any person, firm or corporation owning any animal which dies, or having the custody or being liable for the keeping of the same, shall, upon the death of such animal, cause the same to be removed from the limits of the town, within twenty-four hours after the discovery of the death thereof. (Ord. 278 §11, 1962).

8.12.120 Contracts between town and collector of refuse--Applications--Bond. A. The town council shall enter into a contract with a collector of refuse covering the

exclusive right to collect, remove and dispose of all refuse, garbage and swill; said exclusive right shall be subject to the provisions of subsection H of Section 8.12.060, Section 8.12.080 and subsection B of Section 8.12.090. The collector of refuse shall be a person who, in the minds of the town council, is best qualified and best equipped to perform the contract contemplated in the rendering of the services made. Such contract shall be made every five years, or more frequently if required; provided, however, that the town council may at its option, handle the collection and disposal of garbage under municipal ownership. Applicants for a contract with the town as collector of refuse shall file their applications, together with their proposals of services to be rendered and equipment to be used, with the town clerk at least one week prior to the dates of the council meetings at which time said applicants shall be considered. Such applicant shall be considered by the town council at its first regular meeting in the month of April of each and every fifth year, or more frequently if required.

B. The collector of refuse shall furnish a corporate surety bond to the town in the sum of five thousand dollars conditioned upon the faithful performance of his contract and compliance with all ordinances of the town and all rules, regulations, laws and statutes relating to his business, including the provisions of this chapter.

C. Any contract with the collector of refuse may be terminated by the town at any time for cause, or for failure to comply with the terms of this contract with the town or the provisions of this chapter and reasonable regulations imposed pursuant to this chapter. (Ord. 278 §12, 1962).

8.12.130 Compliance with chapter provisions required. Every person shall dispose of all garbage, refuse and swill promptly according to the terms of this chapter and the rules and regulations and no person shall perform any of the provisions of the contract referred to in Section 8.12.120 except the collector of refuse (or the town,) unless otherwise expressly authorized in this chapter. (Ord. 278 §13, 1962).

8.12.140 Charges--Billing--Suspension of service--Lien. A. Charges for refuse, garbage and swill collection and disposal shall be compulsory and may be billed in conjunction and simultaneously with statements issued by the town for water or as separate billing.

B. Said charges or accounts shall be paid at the town clerk's office by the owner or tenant, on or before the fifteenth day of each month following date of billing, and if not paid shall become delinquent after the fifteenth day of the following month.

C. Service may be suspended for nonpayment of such accounts; however, such suspension shall not relieve the person owing such account from the duty of complying with the provisions of this chapter.

D. All delinquent charges shall become a lien against the property for which the garbage collection service is rendered; the lien shall be made effective by the filing of a notice thereof specifying the charges, the period covered by the charges, and giving a legal description of the premises.

E. The lien shall be filed within the time and shall be foreclosed within the time and manner prescribed by law for filing and foreclosing liens and encumbrances filed subsequent to the filing of such lien but shall be subject to all general taxes and legal improvement assessments whether levied prior or subsequent thereto.

F. All delinquent charges shall bear interest at the rate of eight percent per year from date of delinquency until paid and, in the event of foreclosure, the lienable charge shall include all costs and fees of foreclosing the lien. (Ord. 278 § 14, 1962).

8.12.150 Schedule of service charges--Cans.

The rates of garbage, refuse and swill service will be as follows:

Residential, twenty-one dollars and sixty-seven cents per month for the first ninety-gallon container furnished by the city of Granger and twenty-one dollars and sixty-seven cents each for each additional ninety-gallon container required by each residence. Special rates not included in this section will be determined by the sanitation committee and the city council as needed. All containers will be placed within reach of the garbage truck; otherwise, it will not be removed. Said charge is based upon one pick-up per week; the charge will be computed by multiplying said charge by the number of days per week upon which pick-ups are made. There shall be an additional charge of nine dollars and ninety-nine cents per container in addition to the regular charge for special pick-ups requested by the customer. (Ord. 1395 § 1, 2022; Ord. 1050 § 1, 2005; Ord. 1032 § 1, 2004; Ord. 1001 § 1, 2003; Ord. 982 § 1, 2003; Ord. 958 § 1, 2002; Ord. 935 § 1, 2001; Ord. 879 § 1, 1999; Ord. 854 § 1, 1998; Ord. 822 § 1, 1996; Ord. 734 § 1, 1992; Ord. 713 § 1, 1991; Ord. 667 § 1, 1987; Ord. 646 § 1, 1986; Ord. 609 § 1, 1984; Ord. 556 § 1, 1982; Ord. 534 § 1, 1981; Ord. 513 § 1, 1981; Ord. 462

§ 1, 1978; Ord. 383-A § 1, 1974; Ord. 315 § 1, 1968; Ord. 278 § 15, 1962).
 (Ord. No. 1105, § 1, 12-9-2008; Ord. No. 1123, § 1, 12-22-2009; Ord. No. 1165, § 1, 12-11-2012, eff. 1-1-2013)

8.12.160 Schedule of service charges--Bins.

The rate for the collection of the bulk metal containers or bins shall be assessed as follows, based upon the number of collections per week and the size of the bin:

A. Three-hundred-gallon bins: Fifty-one dollars and forty-five cents per pick-up, per bin. There shall be an additional charge of twenty dollars and fourteen cents in addition to the regular charge for special pick-ups requested by the customer.

B. Additional size shall be negotiated between the city and the customer. (Ord. 1395 § 2, 2022; Ord. 1050 §2, 2005; Ord. 1032 §2, 2004; Ord. 1001 §2, 2003; Ord. 982 §2, 2003; Ord. 935 §2, 2001; Ord. 879 §2, 1999; Ord. 854 §2, 1998; Ord. 822 §2, 1996; Ord. 734 §2, 1992; Ord. 713 §2, 1991; Ord. 646 §3, 1986; Ord. 534 §2, 1981; Ord. 513 §2, 1981; Ord. 462 §2, 1978; Ord. 383-A §2, 1974; Ord. 334, 1971).
 (Ord. No. 1105, § 2, 12-9-2008; Ord. No. 1123, § 2, 12-22-2009; Ord. No. 1165, § 2, 12-11-2012, eff. 1-1-2013)

8.12.165 Overfull containers.

Whenever the lid is not flush with top of container, city collectors may choose to collect or leave for special pickup. If collectors pick up the overfull container, a fee shall be assessed of three dollars for a ninety-gallon container and nine dollars for a three-hundred-gallon container and fees shall be included in the monthly utility bill. (Ord. 1356 § 1, 2020).

8.12.170 Powers of city to regulate and execute chapter provisions.

The city shall have the power, from time to time, in an appropriate manner to set forth and determine rules and regulations and rates, duties and responsibilities, and such other matters as may be necessary in the discretion of its city council for the proper execution of this chapter. (Ord. 278 § 16, 1962).

Chapter 8.16PUBLIC NUISANCESSections:

8.16.010	Definitions.
8.16.020	Public nuisances declared.
8.16.021	Public nuisance on private property--Weeds and prohibition thereof.
8.16.030	Prohibited conduct.
8.16.040	Snow and ice removal.
8.16.050	Enforcement--Notice to abate.
8.16.060	Abatement--City action.
8.16.070	Abatement--Owner action.
8.16.080	Abatement--Right of appeal.
8.16.090	Summary abatement.
8.16.100	Violation--Penalty.
8.16.105	Liability of abutter.
8.16.110	Remedies not exclusive.
8.16.120	Severability.

8.16.010 Definitions.

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

"Abate" means to repair, replace, remove, destroy or otherwise remedy the condition in question by such means and in such a manner and to such an extent as the enforcement officer, in his or her judgment, determines is necessary in the interest of the general health, safety and welfare of the community.

"Building materials" means and includes lumber, plumbing materials, wallboard, sheet metal, plaster, brick, cement, asphalt, concrete block, roofing material, cans of paint and similar materials.

"Enforcement officer" means a uniformed officer or the mayor's designated appointee.

"Premises" means any building, lot, parcel, real estate, land or portion of land whether improved or unimproved, including adjacent sidewalks and parking strips.

"Property" means any object of value that a person may lawfully acquire and hold.

"Public nuisance" means a thing, act, omission to act, occupation or use of property which:

1. Annoys, injures or endangers the comfort, repose, health or safety of the public;
2. Offends public decency;
3. Unlawfully interferes with, obstructs or renders dangerous for passage any stream, channel, public park, square, street, alley, highway or sidewalk;
4. In any way renders the public insecure in life or use of property.

"Responsible person" means any agent, lessee, renter, owner or other person occupying or having charge or control of any premises. (Ord. 845 §2(part), 1997).

8.16.020 Public nuisances declared. Each of the following conditions unless otherwise permitted by law, is declared to constitute a public nuisance, and whenever the enforcement officer determines that any of these conditions exist upon any premises the officer may require or provide for the abatement thereof pursuant to this chapter:

The erecting, maintaining, using, placing, depositing, causing, allowing, leaving or permitting to be or remain in or upon any private lot, building, structure or premises, or in or upon any street, avenue, alley, park, parkway or other public or private place in the city, any one or more of the following conditions, things, or acts:

A. Accumulations of manure or rubbish except a compost pile so covered or concealed as not to affect the health, safety or depreciation of adjoining property;

B. Except to the extent allowed by lawful terms of a permit issued by the governmental authority having jurisdiction thereof, burning or disposal of refuse, sawdust or other material in such a manner to cause or permit ashes, sawdust, soot or cinders to be cast upon the streets or alleys of the town, or to cause or permit dense smoke, noxious fumes, ashes, soot or gases arising from such burning;

C. Any pools of standing water created by irrigation of private property that could serve as breeding areas for flies or mosquitoes;

D. All limbs of trees overhanging a public sidewalk which are less than ten feet above the surface of such

sidewalk, or overhanging a town street which are less than fourteen feet above the surface of such street or alley;

E. The existence of any vines or climbing plants growing into or over any street, alley, public hydrant, pole or electrolier, or the existence of any shrub, vine or plant, growing on, around or in front of any hydrant, stand pipe, sprinkler system connection or any other appliance or facility provided for fire protection purposes in such a way as to obscure the view thereof or impair the access thereto; or obstruct, or interfere with the proper delusion from the light from any street lamp;

F. Any use of property abutting on a public street or sidewalk or any use of public street, alley or sidewalk which causes any obstructing of traffic and the free use of the streets or sidewalks; provided, that this subsection shall not apply to events, programs or parades authorized by the town council;

G. Any poisonous or harmful substance which is reasonably accessible to persons or to animals;

H. All unused, abandoned or discarded refrigerators, ice boxes, or like containers which are left in any place exposed or accessible to children;

I. The existence of any tree, shrub or foliage, unless by consent of the town, which is apt to destroy, impair, interfere or restrict:

1. Streets, alleys, sidewalks, sewers, utilities or other public improvements,

2. Visibility on, or free use of, or access to such improvements;

J. Any grass, weeds, shrubs, bushes, trees or vegetation growing or which has grown and died upon any property and is a fire hazard or a menace to public health, safety or welfare;

K. The depositing or burning or causing to be deposited or burned in any street, alley, sidewalk, park, parkway, or other public place which is open to travel, any hay, straw, grass, grass clippings, paper, wood, boards, boxes, leaves, manure, or other rubbish or material;

L. The storage or keeping on any premises for more than sixty days of any demolition materials, without a special permit from the building official; providing that nothing herein shall:

1. Prohibit such storage without a permit when done in conjunction with a construction project for which a building permit has been issued and which is being prosecuted diligently to completion,

2. Prohibit such storage without a permit on the premises of a bona fide lumberyard, dealer and building materials or other commercial enterprise when the same is

permitted under the zoning ordinance and other applicable ordinances,

3. Make lawful any such storage or keeping when it is prohibited by other ordinances or laws;

M. The existence of any fence or other structure or thing on private property which is in a sagging, leaning, fallen, decayed or other dilapidated or unsafe condition abutting or fronting upon any public street, alley, sidewalk or place;

N. The existence of any drainage onto or over any sidewalk or public pedestrian way, street and/or alley or another property;

O. Privies, vaults, cesspools, sumps, pits, or like places which are not securely protected from flies or rats, or which are foul or malodorous;

P. Any tin cans, bottles, glass, cans, ashes, small pieces of scrap iron, wire, pipe, metal articles, bric-a-brac, broken stone or cement, broken crockery, broken glass, broken plaster, and all other trash or abandoned material, unless the same is kept in covered bins or metal receptacles approved by the building official that will prevent litter from being carried away or deposited by the elements on any part of owner's or adjacent property;

Q. Any trash, litter, rags, accumulations or empty barrels, boxes, crates, packing cases, mattresses, bedding, excelsior, packing hay, straw or other packing material, lumber not neatly piled, scrap iron, tin or other metal not neatly piled, or anything whatsoever in which flies, insects, rats or other rodents may breed and multiply; and, any portion of the above listed and similar fissionable nature, stored within an area, open or confined, that would constitute a fire hazard;

R. All places not properly fenced which are used or maintained as junkyards or dumping grounds, or for the wrecking, disassembling, repair or rebuilding of automobiles, trucks, tractors or machinery of any kind, or for the storing or leaving of worn-out, wrecked or abandoned automobiles, trucks, tractors or machinery of any kind or of any of the parts thereof, or for the storing or leaving of any machinery or equipment used by contractors or builders or by other persons, which said places are kept or maintained so as to essentially interfere with the comfortable enjoyment of life or property of others;

S. Any putrid, unsound or unwholesome bones, meat, hides, skins, or the whole or any part of any dead animal, fish or fowl, butcher's trimmings and offal, or any waste vegetable or animal matter in any quantity, garbage, human excreta or other offensive substance; provided, nothing

contained in this chapter shall prevent the temporary retention of waste in receptacles in the manner approved by the building official of the town;

T. The erection, continuance or use of any building, room or other place in the town for the exercise of any trade, employment or manufacture which, by occasioning noxious exhalations, offensive odors or other annoyances, is discomforting or offensive or detrimental to the health of individuals or of the public;

U. The playing or causing to be played, in front of any building where any show, moving picture exhibition or theatrical performance is given, or in the open vestibule or area of any building of any automatic or mechanical musical instrument for the attraction of customers;

V. Any unguarded or abandoned excavation, pit, well or holes which would endanger safety;

W. The existence of snow and ice on the sidewalk or sidewalks adjacent to commercial-type premises during the time snow remains on the ground after twelve noon on every day after a snowfall;

X. Every place (1) wherein any fighting between people or animals or birds shall be conducted; or (2) wherein any intoxicating liquors are kept for unlawful use, sale or distribution; or (3) where vagrants resort. (Ord. 845 §2(part), 1997).

8.16.021 Public nuisance on private property--Weeds and prohibition thereof. It is declared to be a public nuisance and as such unlawful for any owner and/or person, firm or corporation occupying or having charge or control of any property within the town to permit weeds to become uncontrolled or unabated on such property. Such weeds are a fire hazard and a detriment to the adjoining property and farmlands.

A. "Weeds" are defined as any desired, uncultivated plant growing in profusion, including, but not limited to jimson, burdock, ragweed, thistle or cocklebur.

B. Upon discovery of a violation of this section the enforcement officer shall proceed to abate the nuisance by giving the person responsible a notice to abate the condition. If said person shall fail to abate the condition the enforcement officer shall proceed as provided in Sections 8.16.050 or 8.16.090. (Ord. 870 §1, 1998).

8.16.030 Prohibited conduct. It is unlawful for any responsible person or owner to create, permit, maintain, suffer, carry on or allow, upon any premises, any of the acts or things declared by this chapter to be a public nuisance. (Ord. 845 §2(part), 1997).

8.16.040 Snow and ice removal. Further regulation relating to the provisions of Section 8.16.020(W), relating

to the removal of snow and ice; any responsible person or owner shall, during the winter season and during the time snow remains on the ground, by twelve noon on every day after a snowfall, and whenever necessary, clear the sidewalk or sidewalks adjacent to or in front of commercial properties from snow and ice and shall keep them conveniently free therefrom during the day, and when removing such snow or ice, so scatter the same over the adjacent street, so as not to blockade or obstruct, or interfere with travel thereon, or fill up the gutter adjoining the sidewalk to prevent drainage of the streets. (Ord. 845 §2(part), 1997).

8.16.050 Enforcement--Notice to abate. A. Before any person is charged with a violation of this chapter, an attempt shall be made to give such person a written notice either by personal service or by certified mail, return receipt requested, stating the existence of a nuisance and that a criminal citation is contemplated and that such person shall have ten days from the date of notice or attempted notification to abate the nuisance. A copy of such notice, together with proof of service or attempted service thereof, shall be kept and filed in court with any criminal complaint filed. If after the notice or attempted notice provided for herein, the nuisance has not been abated, the town may abate the same at the person's expense. Upon abatement of the nuisance, if the town shall incur any expenses thereby, all such expenses shall constitute a civil debt owing to the town jointly and severally by such persons who have been given notice or upon whom service of notice was attempted. The debt shall be collectible in the same manner as any other civil debt owing to the town.

B. The notice required under subsection A of this section shall be given to the owner or other responsible person of the premises upon which the nuisance is located, by the enforcement officer who shall be the town public works director or any alternate designated by him, and shall be in substantially the following form:

NOTICE TO ABATE NUISANCE

TO: (Name and address of person notified)

As owner, lessee or other person having ownership or control of the lot or premises at (street address) you are hereby notified that the undersigned, pursuant to Chapter 8.16 of the Granger Municipal Code, has determined that uncontrolled weeds are located upon said premises contrary to the provisions of Section 8.16.020(J) or 8.16.021.

You are hereby notified to abate said nuisance to the satisfaction of the unsigned enforcement officer within ten (10) days of the date of this notice. If you do not abate such nuisance within ten (10) days, the Town will cause the weeds to be removed at your expense. If you do not abate the nuisance as required by this notice, you may be issued a criminal citation to appear before the Granger Municipal Court, and upon conviction you may be fined in an amount not to exceed one thousand dollars, or by imprisonment in jail not to exceed ninety (90) days, or by both such fine and imprisonment. Such criminal penalty will be in addition to liability for expenses incurred by the Town in abating the nuisance.

You may accomplish the abatement of the weeds by removing or destroying them by such means and in such manner and to such extent as the undersigned enforcement officer in his/her judgment, determine is necessary in the interest of the general health, safety and welfare of the community.

Dated: _____

(Name of Enforcement Officer)

In all cases where the Town may elect to proceed as provided in GMC 8.16.090(1) or 8.16.090(2) by petitioning the Superior Court for a warrant to enter and abate said nuisance, said notice should provide substantially as follows:

NOTICE TO ABATE UNSAFE OR UNLAWFUL CONDITION

TO: (Name and address of person notified)

As owner, lessee or other person having ownership or control of the lot or premises at (street address) you are hereby notified that the undersigned, pursuant to Chapter 8.16 of the Granger Municipal Code, has determined that a nuisance exists upon or adjoining said premises, contrary to the provisions of 8.16. _____ of the Granger Municipal Code:

(Nature of nuisance)

You are hereby notified to abate said nuisance to the satisfaction of the unsigned enforcement officer within ten (10) days of the date of this notice. If you do not abate such nuisance within ten (10) days, the Town may petition the Yakima County Superior for a warrant to enter and abate said nuisance; to call for

bids, if necessary, to abate the nuisance; to award the bid to the lowest responsible bidder; and, to have all costs and assessments for said abatement process, including the original costs of the enforcement officer, the contractor's costs of removal, attorney fees and court costs, be made a lien against the property;

OR IN THE ALTERNATIVE, if you do not abate the nuisance as required by this notice, you may be issued a criminal citation to appear before the Granger Municipal Court, and upon conviction you may be fined in an amount not to exceed one thousand dollars, or by imprisonment in jail not to exceed ninety (90) days, or by both such fine and imprisonment.

DATED: _____

(Name of Enforcement Officer)

(Ord. 870 §2, 1998: Ord. 845 §2(part), 1997).

8.16.060 Abatement--Town action. In all cases where the enforcement officer has determined to proceed with abatement, ten days after giving notice the town shall acquire jurisdiction to abate the condition at the persons' expense as herein provided. Upon the abatement of the condition or any portion thereof by the city, all the expenses thereof shall constitute a civil debt owing to the town jointly and severally by such of the persons who have been given notice as herein provided. The debt shall be collectible in the same manner as any other civil debt owing to the town. (Ord. 845 §2(part), 1997).

8.16.070 Abatement--Owner action. If and when an owner or other responsible person shall undertake to abate any condition described in this chapter, whether by order of the enforcement officer or otherwise, all needful and legal conditions pertinent to the abatement may be imposed by the enforcement officer. It is unlawful for the owner or other responsible person to fail to comply with such conditions. Nothing in this chapter shall relieve any owner or other responsible person of the obligation of obtaining any required permit to do any work incidental to the abatement. (Ord. 845 §2(part), 1997).

8.16.080 Abatement--Right of appeal. Any person notified of the existence of a condition specified in this chapter shall have the right to appeal to the council of the town. Such appeal shall be taken by filing with the town council, within seven calendar days after notice as provided in Section 8.16.050 has been given, a written statement setting forth fully the grounds for the appeal. The council shall set a time and place for hearing on such appeal and notice of such hearing shall be given to the appellant in writing setting forth specifically the grounds for the complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the appellant at his last known address, at least five days prior to the date set for the hearing. Further action on the abatement as specified in the original notice shall be stayed pending the decision of the council on the appeal shall be final and conclusive. (Ord. 845 §2(part), 1997).

8.16.090 Summary abatement. A. Whenever any condition on or use of property causes or constitutes or reasonably appears to cause or constitute an imminent or immediate danger to the health or safety of the public or a significant portion thereof, the enforcement officer shall have the authority to summarily and without notice abate the same as hereafter provided.

B. Should the owner or his/her agent fail to abate the nuisance within the time set, the enforcement officer,

or other designated building official, may request the town attorney to commence an action in the name of the town to:

1. Commence a criminal action against such owner, or his/her agent pursuant to Section 8.16.050 of this code; or

2. Petition the Superior Court for a warrant to enter and abate said nuisance; to call for bids, if necessary, to abate the nuisance; to award the bid to the lowest responsible bidder; and to have all costs and assessments for such abatement process, including the original costs of the enforcement officer; and that all the above costs be made lien against the property; provided, however, that anyone especially damaged by a nuisance as set forth in this chapter may bring an action in any court having jurisdiction and the action of the enforcement officer, or his/her authorized agent shall not be a condition precedent to bringing such action by such individual or individuals. (Ord. 845 §2(part), 1997).

8.16.100 Violation--Penalty. A. Any person violating any of the provisions of this chapter, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed one thousand dollars, or by imprisonment in jail not to exceed ninety days, or by both such fine and imprisonment.

B. The abatement of weeds as a nuisance by the town or by any person or persons shall not preclude the charging of a violation of any provisions of this chapter on account of which such nuisance was abated. (Ord. 870 §4, 1998; Ord. 845 §2(part), 1997).

8.16.105 Liability of abutter. Whenever any injury or damage to any person or property is proximately caused by any of the dangerous, defective or hazardous conditions prohibited by the provisions of Section 8.16.020, the abutting property where the injury or damage occurs, and the owner and/or any person, firm or corporation occupying or having charge or control of said abutting property, shall be liable to the town for all damages or injuries, costs and disbursements which the town may be required to pay to the person injured or damaged; provided, however, that where the dangerous, defective or hazardous condition was actively caused, created or constructed by the town or its employees, no liability shall attach to the abutter by reason thereof, provided, further, that except in those cases where the abutting property owner or the person, firm or corporation occupying or having charge or control of said abutting property shall have caused, created or contributed to the dangerous, defective or hazardous condition, the said abutting property owner or any person, firm or corporation occupying or having charge or control of said abutting property shall not be liable to the town, if

prior to the date of injury, a notice in writing was given to the enforcement officer or his/her authorized representative setting forth the nature and location of the defect and a statement that the defect was not created by, caused by, or contributed to by the abutting owner and/or any person, firm or corporation having charge or control of said abutting property. (Ord. 870 §3, 1998).

8.16.110 Remedies not exclusive. The remedies prescribed in this chapter are in addition to all other remedies provided or authorized by law. (Ord. 845 §2(part), 1997).

8.16.120 Severability. If any section, sentence, clause or phrase of this chapter is for any reason held illegal, invalid or unconstitutional by the decision of any court, such decision shall not affect the validity of the remaining portions hereof. The town council declares that it would have approved the ordinance codified in this chapter and each section, subsection, sentences, clause and phrase hereof, irrespective of the fact that any one or more sections, subsections, sentence, clauses or phrases be declared illegal, invalid or unconstitutional. (Ord. 845 §2(part), 1997).

Chapter 8.20

BURNING REGULATIONS

Sections:

- 8.20.010 Designated.
- 8.20.020 Violation--Penalty.

8.20.010 Designated. A. It is unlawful for any person to kindle a fire upon any street, alley, land, lot or block, within the corporate limits of the town, which is not so enclosed or guarded as to prevent the same from spreading or being transmitted to any adjoining property belonging to or occupied by any other person or persons.

B. In determining whether said fire is so enclosed or guarded as to prevent the same from spreading or being transmitted to any adjoining property belonging to or occupied by any other person or persons, the following guide shall be used:

1. All papers, store and household trash must be burned in a suitable covered container that will prevent the debris from flowing or scattering.

2. All leaves or rakings may be burned in the open provided that they are guarded by a person being present while said leaves or rakings are burning. (Ord. 252 §2, 1958).

8.20.020 Violation-Penalty.

Any person convicted of violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be punished by fine in any sum not exceeding one hundred dollars or by imprisonment in the city jail for a term not exceeding ninety days, or by both such fine and imprisonment. (Ord. 252 § 3, 1958).

Chapter 8.24

FIREWORKS

Sections:

8.24.010	Definitions.
8.24.020	Fireworks ban.
8.24.030	Permit for public display.
8.24.040	Public display--Employee compensation insurance--Liability insurance.
8.24.050	Special purchase and use permits.
8.24.060	General purchase and use permits.
8.24.070	Selling--Time period restriction.
8.24.080	Sale of consumer fireworks from temporary stand--Standards and conditions.
8.24.090	Permissible dates on which consumer fireworks shall be sold and discharged.
8.24.100	Unclassified fireworks--Sale, possession, etc., prohibited.
8.24.110	Nonprohibited commodities and acts.
8.24.120	Enforcement.
8.24.130	Seizure and forfeiture.
8.24.140	Seizure without process permitted.
8.24.150	Violation--Penalty.
8.24.160	Violation--Each day a separate, continuing offense.
8.24.170	Severability.
8.24.180	Effective date.

8.24.010 Definitions.

A. The words and phrases herein used for the purpose of this chapter shall have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

1. "Person" includes any individual, firm, partnership, joint venture, association, concern, corporation, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit.

2. "Consumer fireworks" means any small firework device designed to produce visible effects by combustion and which must comply with the construction, chemical composition, and labeling regulations of the United States Consumer Product Safety Commission, as set forth in 16 C.F.R. Parts 1500 and 1507, and including some small devices designed to produce audible effects, such as whistling devices, ground devices containing fifty mg or less of explosive materials, and aerial devices containing one hundred thirty mg or less of explosive materials and classified as fireworks UN0336 by the United States Department of Transportation at 49 C.F.R. Section 172.101 as of June 13, 2002, and not including fused set pieces containing components which together exceed fifty mg of salute powder.

3. "Display fireworks" means large fireworks designed primarily to produce visible or audible effects by combustion, deflagration, or detonation and includes, but is not limited to, salutes containing more than two grains (one hundred thirty mg) of explosive materials, aerial shells containing more than forty grams of pyrotechnic compositions, and other display pieces which exceed the limits of explosive materials for classification as "consumer fireworks" and are classified as fireworks UN0333, UN0334, or UN0335 by the United States Department of Transportation at 49 C.F.R. Section 172.101 as of June 13, 2002, and including fused set pieces containing components which exceed fifty mg of salute powder.

4. "Public display of fireworks" means an entertainment feature where the public is or could be admitted or allowed to view the display or discharge of display fireworks.

5. "Sale at retail" includes any sale or transfer, including contracts or orders for sales or transfers, wherein any person at a fixed location or place of business sells, transfers or gives fireworks to a consumer or user.

6. "Sale at wholesale" includes a sale or transfer to a retailer or any other person for resale, and which also includes any sale or transfer of display fireworks to public display licensees.

7. "Fireworks" means any composition or device designed to produce a visible or audible effect by combustion, deflagration, or detonation, and which meets the definition of articles pyrotechnic or consumer fireworks or display fireworks.

8. "Pyrotechnic operator" includes any individual who by experience and training has demonstrated the required skill and ability for safely setting up and discharging display fireworks.

9. "Permittee" means a person to whom a permit has been issued pursuant to the provision of GMC 8.24.060. (Ord. 1283B § 2(part), 2018).

8.24.020 Fireworks ban.

Except as otherwise provided in this chapter, it is unlawful for any person to store, offer for sale, expose for sale, use, possess, fire or discharge any fireworks. (Ord. 1283B § 2(part), 2018).

8.24.030 Permit for public display.

A. It is unlawful for any person to make a public display of fireworks within the city of Granger without having first obtained a permit to do so. Application to make such a display shall be made in writing to the city clerk or his/her designee on forms provided for that purpose, and shall be accompanied by a fee of fifty dollars for each display; provided, however, that the mayor may waive the fee of fifty dollars for student organizations. Application shall be made at least ten days in advance of the proposed display.

B. The fire chief or his/her designee shall investigate whether the character and location of the display as proposed would be hazardous or dangerous to any person or property. Based on the investigation, the fire chief or his/her designee shall submit a report of findings and a recommendation for or against the issuance of a permit, together with reasons, to the city clerk. The city clerk may grant or deny the application and may place reasonable conditions on any such permit issued.

C. A permit for the public display of fireworks shall not be issued unless the person applying for the permit is

a holder of a valid license issued by the State Fire Marshal to make such a display. If the city clerk grants a permit for the public display of fireworks, the sale, possession and use of fireworks for the public display is lawful for that purpose only. No such permit shall be transferable. Every public display of fireworks shall be handled or supervised by a competent and experienced pyrotechnic operator approved by the fire chief or his/her designee. (Ord. 1283B § 2(part), 2018).

8.24.040 Public display--Employee compensation insurance
--Liability insurance.

The applicant for a permit for a public display of fireworks shall, at the time of application, submit his license issued by the State Fire Marshal for inspection. In addition, the applicant shall submit to the city clerk or his/her designee a certificate of insurance in an amount not less than one million dollars combined single limit covering bodily injury liability, property damage liability, including products liability, premises liability, and contractual liability for each event respectively. Such certificate of insurance shall also name, as additional insured parties, the city of Granger, its officers and employees acting in their capacity as agents of the city. The city clerk or his/her designee with the assistance of the city attorney, if needed, shall approve such certificate of insurance if it meets the requirements of this section. (Ord. 1283B § 2(part), 2018).

8.24.050 Special purchase and use permits.

A. Religious organizations, or private organizations, or persons may purchase or use consumer fireworks if:

1. Purchased from a manufacturer, importer or wholesaler licensed pursuant to Chapter 70.77 RCW;
2. For use on prescribed dates and locations;
3. For religious or specific purposes; and
4. A permit is obtained from the city clerk or his/her designee.

B. Applications for a permit required under this section shall be made in writing to the city clerk or his/her designee on forms provided for that purpose and shall be accompanied by a fee of fifty dollars for each private or religious use of fireworks authorized by this section.

The fire chief or his/her designee shall investigate whether the character and location of the proposed use would

be hazardous or dangerous to any person or property. Based on such investigation, the fire chief or his/her designee may grant or deny such permit and either the fire chief or his/her designee may place reasonable conditions on any permit that may be issued.

No such permit shall be transferable. If such permit is issued, it shall be lawful only for the uses set forth in the permit.

A permit authorized by this section shall not be issued unless the applicant is over the age of eighteen years and files with the city clerk or his/her designee a certificate of insurance in the amount of one million dollars. Such insurance shall be combined single limit covering bodily injury liability, property damage liability, including products liability, premises liability, and contractual liability, with the applicant named as insured thereon and which insurance certificate shall also name, as additional insured parties, the city of Granger, its officers and employees acting in their capacity as agents of the city. (Ord. 1283B § 2(part), 2018).

8.24.060 General purchase and use permits.

A. The general fireworks ban set forth above at GMC 8.24.020 notwithstanding, residents of the city of Granger may obtain a permit from the city authorizing the person to whom the permit is issued to possess, use, fire, and/or discharge consumer fireworks during the dates and times set forth below.

B. Any person who desires to obtain the permit referred to in subsection (A) of this section must first submit an application, along with a fee of fifty dollars, to the city clerk evidencing the following requirements are satisfied:

1. That, as of the date of the application, the applicant is a resident of the city of Granger;

2. That, as of the date of the application, the applicant has attained the age of eighteen years. Proof of an applicant's age shall be made by presenting the city with some form of current governmentally issued photographic identification such as a driver's license, identification card, passport, or military identification;

3. Stating the address of the real property at which the applicant desires to possess, use, fire, and/or discharge consumer fireworks;

4. That the applicant is the owner or a lessee of the real property at which the applicant desires to possess, use, fire, and/or discharge consumer fireworks. If the applicant is a lessee of the real property, the application must also be signed by the owner of the real property;

5. A certificate of insurance establishing that, as of the date of the application, the applicant maintains and has in place a liability insurance policy applicable to and covering the real property at which the applicant desires to possess, use, fire, and/or discharge consumer fireworks that provides coverage for bodily injury liability, property damage liability, including products liability, premises liability, and contractual liability; and

6. That, in the event the city grants a permit to the applicant, the applicant agrees to indemnify and hold the city harmless against any claims or causes of action arising out of, or based upon, the applicant's possession, use, firing, and/or discharge of consumer fireworks and/or the city's issuance of a permit to the applicant.

C. The city shall prepare and make available to the public the application referred to in subsection (B) of this section.

D. If the city approves the permit application referred to in this section, at the time the permit is provided to the permittee, the city will also provide the permittee with a sign reflecting that such permit has been granted. During the period of time during which the permittee's permit is valid, the sign must be posted in a location on the real property to which the permit pertains that is conspicuous, visible, and unobstructed from plain view from the street, sidewalk or public right-of-way. The permittee shall return the sign to the city within seventy-two hours of the expiration of their permit. A permittee who fails to comply with the requirements of this section shall be subject to a civil fine in the amount of seventy-five dollars and will be ineligible to apply for a similar permit in the following calendar year. This penalty is in addition to whatever criminal penalty may be imposed against such person pursuant to this chapter.

E. Any time a permittee is using, firing, and/or discharging consumer fireworks pursuant to a permit issued under this section, the permittee shall have a hose connected to a water source on the real property to which the permit pertains that is of sufficient length to allow the permittee to

dowse with water a fire that may arise on said property resulting from the use, firing, and/or discharging of consumer fireworks thereon. In addition, the permittee shall have a bucket or similar vessel that is capable of holding and storing five gallons of liquid on the property to which the permit pertains for the purpose of dowsing any such fire with water. A permittee who fails to comply with the requirements of this section shall be subject to a civil fine in the amount of two hundred dollars and will be forever ineligible to apply for a similar permit in the future. This civil penalty is in addition to whatever criminal penalty may be imposed against such person pursuant to this chapter.

F. A permit issued pursuant to this section is nontransferable. A permittee whose permit is posted or displayed anywhere on real property other than that identified in the application for said permit shall be subject to a civil fine in the amount of two hundred dollars and will be forever ineligible to apply for a similar permit in the future. This civil penalty is in addition to whatever criminal penalty may be imposed against such person pursuant to this chapter.

G. If any firework is discharged on real property for which a permit has not been issued pursuant to this section, the owner of said real property shall be subject to criminal liability under this chapter. (Ord. 1283B § 2(part), 2018).

8.24.070 Selling--Time period restriction.

A. No person, organization, company or corporation shall sell at retail or offer for sale any fireworks as defined in Chapter 70.77 RCW within the City of Granger at any time, except from twelve noon on the twenty-eighth day of June to midnight on the fourth day of July in any year.

B. No person, firm or corporation shall receive more than one permit for the sale of fireworks during one calendar year.

C. A permit granted pursuant to this chapter for the sale of fireworks shall entitle the permittee to maintain only one retail outlet. All permits issued pursuant to this chapter shall be used only by the designated permittee and shall be nontransferable. Any transfer and purported transfer of such a permit shall be deemed a violation of this chapter.

D. A permit for the sale of fireworks shall be issued only upon the following terms and conditions:

1. The applicant shall have a valid and subsisting license issued by the state authorizing the holder thereof to engage in the fireworks business;

2. The applicant shall own or have the right to possess a temporary fireworks stand complying with the standards set forth in this chapter;

3. The applicant shall submit to the city clerk or his/her designee a certificate of insurance in an amount not less than one million dollars combined single limit covering bodily injury liability, property damage liability, including products liability, premises liability, and contractual liability for each event respectively. Such certificate of insurance shall also name, as additional insured parties, the city of Granger, its officers and employees acting in their capacity as agents of the city. The city clerk or his/her designee with the assistance of the city attorney, if needed, shall approve such certificate of insurance if it meets the requirements of this section. (Ord. 1381 § 1, 2021; Ord. 1306 § 1, 2018; Ord. 1283B § 2(part), 2018).

8.24.080 Sale of consumer fireworks from temporary stand
 --Standards and conditions.

A. All consumer fireworks except "toy caps" shall be sold only from temporary fireworks stands.

B. The temporary firework stands of all permittees shall conform to the following minimum standards and conditions:

1. Temporary fireworks stands need not comply with all provisions of the city's building code; provided, however, that all such stands shall be erected under the supervision of the city's fire chief or the fire chief's duly authorized representative, who shall require all stands to be constructed in a safe manner, insuring the safety of attendants and patrons. In the event any temporary stand is wired for electricity, then the wiring shall conform with the city's electrical code.

2. No temporary fireworks stand shall be located within twenty feet of any other building or structure or within fifty feet of any gasoline station, oil storage tank or premises where flammable liquids are kept or stored.

3. Each temporary fireworks stand shall have at least two exits which shall be unobstructed at all times.

4. Each temporary fireworks stand shall have, in a readily accessible place, a fire extinguisher duly approved

in advance by the fire chief of the city or his duly authorized representative.

5. All weeds, grass and combustible material shall be cleared from the location of the temporary fireworks stand and the surrounding area for a distance of not less than twenty feet measured from the exterior walls on each side of said temporary fireworks stand.

6. No smoking shall be permitted in or near a temporary fireworks stand, and the temporary fireworks stand shall be posted with a sign indicating that smoking is prohibited.

7. At all times that the temporary fireworks stand is open for business, there must be at least one employee of the fireworks stand present who is at least eighteen years of age or older. No person under the age of twelve years shall be allowed inside any temporary fireworks stand.

8. All unsold stock and any litter, debris, signs, or any other material shall be removed from the temporary fireworks stand. (Ord. 1283B § 2(part), 2018).

8.24.090 Permissible dates on which consumer fireworks shall be sold and discharged.

A. Consumer fireworks may be sold only at retail and are further limited to the requirement of this chapter. Consumer fireworks may only be sold at retail within the city from noon on July 1st through midnight of July 4th in any given year.

B. No person shall use, ignite or discharge any consumer firework pursuant to a permit issued in accordance with this chapter except between the hours of noon on July 1st and midnight of July 4th of any year, except for public displays authorized by permit issued pursuant to this chapter. (Ord. 1283B § 2(part), 2018).

8.24.100 Unclassified fireworks--Sale, possession, etc., prohibited.

The sale, transportation, possession or discharge of fireworks not marked with the manufacturer's license number and the State Fire Marshal's classification, as required by Chapter 70.77 RCW, is prohibited. (Ord. 1283B § 2(part), 2018).

8.24.110 Nonprohibited commodities and acts.

The provisions of this chapter shall not apply to any explosive or flammable compound, blasting caps or similar items used for industrial purposes, or to any blank cartridges for use by persons for bona fide ceremonial purposes, athletic or sports events or military ceremonies or demonstrations. This chapter shall not be construed so as to prohibit the use of torpedoes, flares or fuses by motor vehicles, railroads or other transportation agencies for signal purposes, or the assembling, compounding, use and display of fireworks of whatever nature by any person engaged in the production of motion pictures, theatricals or operas when such use and display are a necessary part of the production and such person possesses a valid permit to purchase, possess, transport or use dangerous fireworks; nor shall this chapter prohibit any manufacturer, wholesaler, dealer or jobber having a license and a permit, if a permit is required by this chapter, from manufacturing or selling any kind of fireworks for direct shipment out of this state, manufacturing or selling at wholesale any dangerous fireworks to properly licensed persons holding a permit, if a permit is required by this chapter, or selling fireworks to persons having a license and a permit for public displays of fireworks. (Ord. 1283B § 2(part), 2018).

8.24.120 Enforcement.

A. The provisions of this chapter may be enforced by peace officers of the city's police department, city code enforcement officers, the city's fire chief, and any other employee of the city for whom a limited commission has been granted to do so. Violations of any provision of Chapter 70.77 RCW, this chapter, or a permit issued hereunder, or any failure or refusal on the part of the permittee to obey any rule, regulation or request of the fire chief or his/her designee concerning fireworks, shall be grounds for the revocation of a fireworks permit.

B. Enforcement of this chapter shall not be construed for the particular benefit of any individual person or group of persons, other than the general public. In the event of a conflict between the intent of this section and any other section of this chapter, this section shall govern insofar as applicable.

C. The civil enforcement of this chapter shall be in accordance with the provisions of GMC 8.34.050 and the appeal

proceedings and procedure set forth at GMC 8.34.050 and 8.34.090. (Ord. 1283B § 2(part), 2018).

8.24.130 Seizure and forfeiture.

Any fireworks prohibited by law shall be subject to seizure and forfeiture and no property rights will exist in them. (Ord. 1283B § 2(part), 2018).

8.24.140 Seizure without process permitted.

Seizure of fireworks without process may be made if the seizure is incident to the discharge of fireworks in a manner or at a time not permitted by this chapter, in the presence of or witnessed by a law enforcement officer; or a law enforcement officer has probable cause to suspect that the seized fireworks were used or intended to be used in violation of this chapter. (Ord. 1283B § 2(part), 2018).

8.24.150 Violation--Penalty.

Failure to perform any act required by this chapter, or the performance of any act prohibited by this chapter, is designated as a violation and classified as a misdemeanor. (Ord. 1283B § 2(part), 2018).

8.24.160 Violation--Each day a separate, continuing offense.

A person is guilty of a separate offense for each day during which he/she commits or continues a violation of any provision of this chapter. (Ord. 1283B § 2(part), 2018).

8.24.170 Severability.

If any provision of this chapter, or its application to any person or circumstance, is held invalid, the remainder of the chapter or the application of the provisions to other persons or circumstances is not affected. (Ord. 1283B § 2(part), 2018).

8.24.180 Effective date.

To the extent any provision of this chapter is more restrictive than state law, that provision shall become effective one year from the date of adoption of the ordinance enacting this chapter. Otherwise, the provisions of this chapter shall be immediately effective. (Ord. 1283B § 2(part), 2018).

Chapter 8.28LITTERINGSections:

- 8.28.010 Adoption of statutes by reference.
- 8.28.020 Copies on file.

8.28.010 Adoption of statutes by reference. The Model Litter Control Act (RCW 70.93) is adopted by reference by the town, and further, the rules and regulations as set forth in WAC 173-310, as amended, also are adopted by reference by the town. (Ord. 369 §1, 1973).

8.28.020 Copies on file. Three copies of the Model Litter Control Act (RCW 70.93) and the rules and regulations (WAC 173-310) are on file in the office of the town clerk of the town. (Ord. 369 §2, 1973).

Chapter 8.32ABANDONED VEHICLESSections:

- 8.32.010 Intent.
- 8.32.020 Definitions.
- 8.32.030 Unlawful to keep--Exceptions.
- 8.32.040 Impoundment--Entitling circumstances.
- 8.32.050 Impoundment--Removal and storage--Notice to owner.
- 8.32.060 Impoundment--Failure to claim--Authority of county sheriff to dispose.
- 8.32.070 Impoundment--Lien on vehicle for costs--Redemption.
- 8.32.080 Tow truck operator--Appointment for removal and storage.
- 8.32.090 Tow truck operator--Actions taken for removal--Notice to owner.
- 8.32.100 Tow truck operator--Conducting auction sale--Conditions for release of owner liability.
- 8.32.110 Tow truck operator--Entitled to lien on vehicle for costs.
- 8.32.120 Storage or retention--Abatement--Generally.
- 8.32.130 Storage or retention--Abatement--Assessment against owner--Lien on real property.
- 8.32.140 Storage or retention--Abatement--Notice to owner.

Sections: (Continued)

- 8.32.150 Storage or retention--Abatement--Request for hearing--Hearing notice.
- 8.32.160 Storage or retention--Abatement--Hearing.
- 8.32.170 Storage or retention--Abatement--Disposal as scrap.
- 8.32.180 Storage or retention--Abatement--Filing claim for lien with county.
- 8.32.190 Storage or retention--Abatement--Exemptions.

8.32.010 Intent. This chapter shall be deemed an exercise of the police powers of the town for the protection and preservation of the health, welfare and safety of its citizens and shall be liberally construed to accomplish such purposes. (Ord. 328 §1, 1970).

8.32.020 Definitions. For the purposes of this chapter, the words set out in this section shall have the following meanings:

A. "Abandoned automobile hulk" means the abandoned remnant or remains of a motor vehicle which is inoperative and cannot be made mechanically operative without the addition of vital parts or mechanisms and the application of a substantial amount of labor to effect repairs.

B. "Abandoned vehicle" means:

1. Any vehicle left within the limits of any highway or upon the property of another without the consent of the owner of such property for a period of twenty-four hours, or longer, except that a vehicle shall not be considered abandoned if its owner or operator is unable to remove it from the place where it is located and so notifies law enforcement officials and requests assistance.

2. Any vehicle impounded pursuant to Section 8.32.040 and left unclaimed for a period of fifteen days as provided in Section 8.32.060. (Ord. 328 §2, 1970).

8.32.030 Unlawful to keep--Exceptions. It is unlawful for any person or corporation to place or keep an abandoned vehicle, an abandoned automobile hulk, a discarded or junk automobile or portion thereof, upon any public or private property within the town; or, as owner, occupant, or party in control, of any real property within the town, to permit or allow any such vehicle, hulk, automobile, or portion thereof, to be placed or kept upon said property, unless:

A. Such vehicle, hulk, automobile, or portion thereof is completely enclosed within a building, or hidden by a fence, where it is not visible from the street, or other public or private property;

B. Such vehicle, hulk, automobile, or portion thereof is stored or parked in a lawful manner on private property

in connection with the business as a licensed dismantler or licensed vehicle dealer, fenced according to the provisions of RCW 46.80.130;

C. Any vehicle which is mechanically incapable of moving under its own power and is stationary on a single parcel of property, with or without consent of the owner of the property, for a period of time in excess of ninety days;

D. Any vehicle which has expired vehicle license plates, operating tabs or no vehicle license tabs for a period of time in excess of ninety days whether the vehicle is located on public or private property. (Ord. 841 §1, 1997; Ord. 833 §3, 1997; Ord. 328 §3, 1970).

8.32.040 Impoundment--Entitling circumstances. The police department is authorized to remove and impound vehicles from any public street, alley, or other public place within the town in any of the following circumstances:

A. When a vehicle is obstructing traffic on any public street, alley, or other public place, and the person in charge of the vehicle is unable or refuses to remove it or provide for its removal;

B. When a vehicle is left unattended upon any public street, alley, or other public place, and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic;

C. When any vehicle has been parked or left standing in any public street, alley, or other public place for a continuous period of time of more than twenty-four hours. (Ord. 328 §4, 1970).

8.32.050 Impoundment--Removal and storage--Notice to owner. A. Vehicles impounded pursuant to this chapter shall be removed to a place of storage designated or maintained by the police department or to such other place of safety as the town marshal may direct.

B. In the event private towage and storage services are used, the police department shall provide the private firm with a written order to tow and store the vehicle.

C. Further, when a vehicle is so impounded, the police department shall report the same to the Chief of the Washington State Patrol and to Yakima County sheriff and shall give notice to the registered and/or legal owner thereof, if the name and address of such owner, or owners, can be ascertained. (Ord. 328 §5, 1970).

8.32.060 Impoundment--Failure to claim--Authority of county sheriff to dispose. Any vehicle impounded pursuant to this chapter and left unclaimed for a period of fifteen days after notice of such impounding has been given pursuant to Section 8.32.050, shall be deemed to be an abandoned vehicle, and at the expiration of such period such vehicle

shall be deemed to be in the custody of the sheriff of the county for disposition as provided by RCW 46.52.116; provided, that if the vehicle is of a model ten or more years prior to the calendar year in which such vehicle is stored, the sheriff of the county is authorized to declare that such vehicle is a public nuisance, and may dispose of such vehicle without notice of sale as provided in RCW 46.52.116. (Ord. 328 §6, 1970).

8.32.070 Impoundment--Lien on vehicle for costs--Redemption. A. The town shall have a lien upon any vehicle impounded pursuant to this chapter for all costs incurred by the town in the removal and storage of such vehicle.

B. The owner of an impounded vehicle may redeem the same, prior to its sale or other disposal as an abandoned vehicle, by the payment of all such costs. (Ord. 328 §7, 1970).

8.32.080 Tow truck operator--Appointment for removal and storage. A. The town marshal may appoint any towing truck operator engaged in removing and storing of abandoned vehicles for the purpose of disposing of certain abandoned vehicles and automobile hulks.

B. Each such appointment shall be contingent upon the submission of an application to the town marshal and the making of subsequent reports in such form and frequency as may be required by rule and regulation and upon the posting of a surety bond in the amount of three thousand dollars to ensure compliance with Sections 8.32.090 and 8.32.100 and to compensate the owner of any vehicle that has been unlawfully sold as a result of any negligence or misconduct of the tow truck operator.

C. Any appointment may be cancelled by the town marshal upon evidence that the appointed tow truck operator is not complying with all laws, rules and regulations relative to the handling and disposition of abandoned motor vehicles. (Ord. 328 §8, 1970).

8.32.090 Tow truck operator--Actions taken for removal--Notice to owner. A. Such tow truck operator shall take custody of such abandoned vehicle or automobile hulk, remove the same to the established place of business of the tow truck operator where the same shall be stored, and such tow truck operator shall have a lien upon such vehicle or hulk for services provided in the towing and storage of the same, and shall also have a claim against the last registered owner of such vehicle or hulk for services provided in the towing and storage of the same, not to exceed the sum of one hundred dollars.

B. A registered owner who has complied with RCW 46.52.104 in the transfer of ownership of the vehicle or hulk shall be relieved of liability under this section.

C. Within five days after receiving custody of such abandoned vehicle or automobile hulk, the tow truck operator shall give notice of his custody to the Department of Motor Vehicles and the Chief of the Washington State Patrol and within five days after having received the name and address of the owner, he shall notify the registered and legal owner of the same with copies of such notice being sent to the Chief

of the Washington State Patrol and to the Department of Motor Vehicles.

D. The notice to the registered and legal owner shall be sent by the tow truck operator to the last known address of said owner appearing on the records of the Department of Licenses, and such notice shall be sent to the registered and legal owner by certified or registered mail with a five-day return receipt requested.

E. Such notice shall contain a description of the vehicle or hulk including its license number and/or motor number if obtainable, and shall state the amount due the tow truck operator for services in the towing and storage of the same and the time and place of public sale if the amount remains unpaid. (Ord. 328 §9, 1970).

8.32.100 Tow truck operator--Conducting auction sale--Conditions for release of owner liability. A. If, after the expiration of fifteen days from the date of mailing of notice to the registered and legal owner, the vehicle or automobile hulk remains unclaimed and has not been listed as a stolen or recovered vehicle, then the tow truck operator having custody of such vehicle or hulk shall conduct a sale of the same at public auction after having first published a notice of the date, place and time of auction in a newspaper of general circulation in the county in which the vehicle is located not less than three days before the date of such auction.

B. Such abandoned vehicle or automobile hulk shall be sold at such auction to the highest bidder.

C. The proceeds of such sale, after deducting the towing and storage charges due the tow truck operator, including the cost of sale, which shall be computed as in a public auction sale of personal property by the sheriff, shall be certified one-half to the county treasurer of the county in which the vehicle is located, and one-half to the state treasurer to be credited to the highway safety fund.

D. If the amount bid at the auction is insufficient to compensate the tow truck operator for his towing and storage charges and the costs of sale, such tow truck operator shall be entitled to assert a claim for any deficiency, not to exceed one hundred dollars less the amount bid at the auction, against the last registered owner of such vehicle or automobile hulk.

E. A registered owner who has complied with RCW 46.52.104 in the transfer of ownership of the vehicle or hulk shall be relieved of liability under this section. (Ord. 328 §10, 1970).

8.32.110 Tow truck operator--Entitled to lien on vehicle for costs. A. A tow truck operator bonded in accordance with the provisions of this chapter who tows, transports or stores any vehicle whether by contract or at the direction of any public officer authorized by the provisions of this chapter to direct such towing, transportation, or storage, shall have a lien upon such vehicle so long as the same remains in his possession, for the charges for such towing, transportation, or storage.

B. If such a vehicle remains unclaimed for five days, it may be deemed abandoned and subject to the provisions of Sections 8.32.090 and 8.32.100. (Ord. 328 §11, 1970).

8.32.120 Storage or retention--Abatement--Generally. The storage or retention of abandoned, wrecked, dismantled or inoperative vehicles or automobile hulks or parts thereof on any private property in the town is declared to be a public nuisance which shall be abated and removed in accordance with the provisions of Sections 8.32.130 through 8.32.190. (Ord. 328 §12(part), 1970).

8.32.130 Storage or retention--Abatement--Assessment against owner--Lien on real property. Costs of abatement and removal of such vehicle shall be assessed against the last registered owner of the vehicle or automobile hulk if the identity of such owner can be determined, unless such owner in the transfer of ownership of such vehicle or automobile hulk has complied with RCW 46.52.104, provided, if the identity of the last registered owner of the vehicle or automobile hulk cannot be determined, or if such owner has complied with RCW 46.52.104, then the costs of abatement and removal shall be assessed against the owner of the real property on which the vehicle is stored and shall be a lien upon such real property. (Ord. 328 §12(a), 1970).

8.32.140 Storage or retention--Abatement--Notice to owner. A. Before the abatement or removal of such vehicle or automobile hulk, notice in writing shall be given by the town marshal of the town to the last registered owner thereof of record and the real property owner of record that the abatement and removal of the vehicle or automobile is being considered.

B. Such notices shall be sent by registered or certified mail, return receipt requested within five days, and shall state that a public hearing may be requested before the town council and that if no hearing is requested within ten days after the date of mailing of the notice, the vehicle or automobile hulk will be abated and removed and the costs thereof assessed in accordance with this chapter.

C. Such notices shall be mailed to the last-known addresses of said persons. (Ord. 328 §12(b), 1970).

8.32.150 Storage or retention--Abatement--Request for hearing--Hearing notice. If a request for hearing is received by the town council within the ten-day period, a notice giving the time, location and date of such hearing on the question of abatement and removal of the vehicle or part thereof as a public nuisance shall be mailed by the town marshal by certified or registered mail, with a five-day return requested, to the owner of the real property as shown on the last equalized assessment roll and to the last registered and legal owner of record of such vehicle unless the vehicle is in such condition that identification numbers are not available to determine ownership. (Ord. 328 §12(c), 1970).

- 8.32.160 Storage or retention--Abatement--Hearing.
- A. The owner of the real property on which the vehicle is located may appear in person at the hearing or present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the real property, with his reasons for such denial.
- B. If it is determined at the hearing that the vehicle was placed on the real property without the consent of the real property owner and that he has not subsequently acquiesced in its presence, then the town council shall not assess costs of administration or removal of the vehicle against the real property upon which the vehicle is located or otherwise attempt to collect such cost from the real property owner. (Ord. 328 §12(d), 1970).

8.32.170 Storage or retention--Abatement--Disposal as scrap. A. After notice has been given of the intent of the town to dispose of the vehicle or automobile hulk, and after hearing, if requested, has been held, the vehicle or part thereof, shall be removed, at the request of the town marshal, and disposed of to a licensed auto wrecker or tow truck operator, with notice to the Washington State Patrol and the Department of Motor Vehicles that the vehicle has been wrecked.

B. The town may operate such a disposal site when the town council determines that commercial channels of disposition are not available or are inadequate, and the town may make final disposition of such vehicle or parts, or may transfer such vehicle or parts to another governmental body provided such disposal shall be only as scrap. (Ord. 328 §12(e), 1970).

8.32.180 Storage or retention--Abatement--Filing claim for lien with county. The town may within thirty days after the removal by the town marshal of an abandoned, wrecked, dismantled or inoperative vehicle or automobile hulk or parts thereof from real property, file for recording

with the county auditor a claim for lien for the costs of removal, which shall be in substance in accordance with provisions covering mechanics' liens in Chapter 60.04.RCW, and said lien may be foreclosed in the same manner as such lien. (Ord. 328 § 12(f), 1970).

8.32.190 Storage or retention-Abatement-Exemptions.

Sections 8.32.120 through 8.32.180, shall not apply to:

A. A vehicle or part thereof which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property; or

B. A vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler or licensed vehicle dealer, fenced according to the provisions of RCW 46.80.130. (Ord. 328 § 12(part), 1970).

Chapter 8.34

CODE ENFORCEMENT

Sections:

8.34.010	Purpose.
8.34.020	Scope.
8.34.030	Violations.
8.34.040	Enforcement.
8.34.050	Investigation, civil infraction citations, and notices of violation.
8.34.060	Time in which to comply.
8.34.070	Stop work orders.
8.34.080	Emergency orders.
8.34.090	Right of appeal-Timeliness.
8.34.095	Appeal procedure.
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8.34.110	Voluntary correction.
8.34.120	Requests for city assistance.
8.34.130	Costs associated with city assisted clean up and disposal.
8.34.140	Costs for clean up to be added to water utility bill.

8.34.010 Purpose.

The purpose of this chapter is to establish an efficient process for enforcement of Code violations. The is

chapter is cumulative to and in addition to any other processes or remedies that may be available to address civil code compliance issues under this Code and state law, whether legal or equitable.
(Ord. No. 1091, § 1, 5-3-2008)

8.34.020 Scope.

The procedures set forth in this chapter shall be utilized to enforce violations of this Code, as such violations are described within the Code, and as this chapter is referenced throughout the Code.
(Ord. No. 1091, § 1, 5-3-2008)

8.34.030 Violations.

A. It is unlawful for any person to initiate, maintain, or cause to be initiated or maintained, the use of any structure, land or property within the city without first obtaining the permits or authorizations required for the use by the applicable provisions of any of this Code.

B. It is unlawful for any person to use, construct, locate, demolish or cause to be used, constructed, located, or demolished, any structure, land, or property within the city in any manner that is not permitted by the terms of any permit or authorization issued pursuant to the applicable provisions of this Code.

C. It is unlawful for any person to engage in or conduct business within the city without first obtaining appropriate business licensing.

D. It is unlawful to:

1. Remove or deface any sign, notice, complaint or order required by or posted in accordance with this chapter;

2. Misrepresent any material fact in any application, plans, or other information submitted to obtain any building or construction authorization; and

3. Fail to comply with any of the requirements of an order to cease activity issued under this chapter or issued pursuant to authority provided in other chapters of this Code.

E. It is unlawful to:

1. Maintain, allow, permit or fail to prevent a nuisance as defined in chapter 8.16 or as defined throughout this Code, and

2. Fail to comply with any other applicable provisions of this Code.
(Ord. No. 1091, § 1, 5-3-2008)

8.34.040 Enforcement.

A. The code enforcement officer(s) is/are the person(s) authorized by the mayor to enforce the civil provisions of this Code.

B. The code enforcement officer shall have the responsibility for enforcement of this chapter. The code enforcement officer may call upon the police, fire, building, public works or other appropriate city departments to assist in enforcement. As used in this chapter, "code enforcement officer" shall also mean his or her duly authorized designee.

C. This chapter shall be enforced for the benefit of the health, safety, and welfare of the general public, and not for the benefit of any particular person or class of persons.

D. It is the intent of this chapter to place the obligation for complying with its requirements upon the owner, occupier, tenant, manager, agent, or other person responsible for the condition of land and buildings situated within the city and within the scope of this Code.

E. No provision or any term used in this chapter is intended to impose any duty upon the city or any of its officers or employees which would subject them to damages in a civil action.

(Ord. No. 1091, § 1, 5-3-2008)

8.34.050 Investigation, civil infraction citations, and notices of violation.

A. Authority to enter. The code enforcement officer may, with the consent of the owner or occupier of a building or premises, enter at reasonable times any building or premises in order to perform the duties imposed by this chapter.

B. Investigation upon complaint or personal knowledge. The code enforcement officer may investigate any structure or use when he or she receives a complaint or when the code enforcement officer reasonably believes, based on personal knowledge, that any structure or use does not comply with the applicable standards and requirements of this Code.

C. Civil infraction citation. If after investigation the code enforcement officer has probable cause to believe that the applicable standards or requirements of this Code have been violated, the code enforcement officer may issue a civil infraction citation in accordance with RCW 7.80, which is incorporated herein by this reference, upon the owner, tenant, occupier, manager, agent, or other person responsible for the condition.

D. Notice of violation and order/administrative proceeding. Alternatively, after investigation, the code enforcement officer may serve a notice of violation and order upon the owner, tenant, occupier, manager, agent, or other person responsible for the condition. The notice of violation shall contain the following information:

1. The notice of violation and order shall contain a brief and concise description of the conditions alleged to be in violation of this Code, the provisions of this Code alleged to have been violated.

2. The notice of violation and order shall contain a statement of the corrective action required and shall specify a reasonable time within which the action must be accomplished.

3. The notice of violation and order shall contain an explanation of the appeal process and the specific information required to file an appeal.

E. Service of a notice of violation and order. A notice of violation and order shall be served on the owner, tenant, occupier, manager, agent, or other person responsible for the condition by personal service, registered mail, or certified mail with return receipt requested, addressed to the last known address of such person. If, after a reasonable search and reasonable efforts are made to obtain service, the whereabouts of the person(s) is unknown or service cannot be accomplished and the code enforcement officer makes an affidavit to that effect, then service of the notice of violation and order upon such person(s) may be made by:

1. Publishing the notice of violation and order once each week for two consecutive weeks in the city's official newspaper; and

2. Mailing a copy of the notice of violation and order to each person named on the notice by first class mail to the last known address if known, or if unknown, to the address of the property involved in the proceedings.

F. Posting. A copy of the notice of violation and order shall be posted at a conspicuous place on the property, unless posting the notice is not physically possible.

G. Amendment. A notice of violation and order may be amended at any time in order to:

1. Correct clerical errors, or
2. Cite additional authority for a stated violation.

H. Final orders. Any notice of violation and order issued by the code enforcement officer pursuant to this chapter shall become a final order unless, no later than ten calendar days after the notice of violation and order is served, any person aggrieved by the notice of violation and order files an appeal with the code enforcement officer in accordance with sections 8.34.090 and 8.34.095.

I. Separate offenses. For enforcement purposes, each day, defined as the 24-hour period beginning at 12:01 a.m., in which a violation of this chapter occurs, shall constitute a separate violation.

(Ord. No. 1091, § 1, 5-3-2008)

8.34.060 Time in which to comply.

A. Civil infraction citations. Civil infraction citations will be issued and processed in accordance with RCW 7.80, which is incorporated herein by reference. The city municipal court shall have jurisdiction over all civil infraction citations issued under this chapter.

B. Determination of time for compliance with notices of violation and order. Persons receiving a notice of violation and order shall rectify the Code violations identified within the time period specified by the code enforcement officer pursuant to subsection 8.34.050 D.2.

(Ord. No. 1091, § 1, 5-3-2008)

8.34.070 Stop work orders.

Whenever a continuing violation of this Code will materially impair the code enforcement officer's ability to secure compliance with this Code, or when the continuing violation threatens the health or safety of the public, the code enforcement officer may issue a stop work order specifying the violation and prohibiting any work or other activity at the site. Any violation of a stop work order is hereby declared to be a nuisance and the code enforcement officer is authorized to enjoin or abate such nuisance sum-

marily by any legal or equitable means as may be available. The costs for injunction or abatement shall be recoverable by the city from the owner, tenant, occupant, manager, agent, or other responsible person in the manner provided by law.

(Ord. No. 1091, § 1, 5-3-2008)

8.34.080 Emergency orders.

Whenever any use or activity in violation of this Code threatens the health and safety of the occupants of the premises or any member of the public, the code enforcement officer may issue an emergency order directing that the use or activity be discontinued and the condition causing the threat to the public health and safety be corrected. The emergency order shall specify the time for compliance and shall be posted in a conspicuous place on the property, if posting is physically possible. Any condition described in the emergency order which is not corrected within the time specified is hereby declared to be a public nuisance and the code enforcement officer is authorized to enjoin or abate such nuisance summarily by any legal or equitable means as may be available. The cost of such abatement shall be recoverable from the owner, tenant, occupant, manager, agent, or other person responsible in the manner provided by law. (Ord. No. 1091, § 1, 5-3-2008)

8.34.090 Right of appeal-Timeliness.

A. Civil infractions may be contested in the manner specified for such infractions pursuant to RCW 7.80.

B. Any person aggrieved by the code enforcement officer's action, other than the issuance of a civil infraction, (defined as an order, decision, ruling or interpretation by the code enforcement officer), may appeal the code enforcement officer's action by filing a written request for appeal with the code enforcement officer within ten calendar days after receiving or otherwise being served with notice of the code enforcement officer's action. When the last day of the period so computed is a Saturday, Sunday, or state recognized holiday, the period shall run until 4:30 p.m. on the next business day. Failure to file a written request for appeal within time prescribed will result in the code enforcement officer's action becoming a final order and the appellant shall be bound thereby.

C. A timely filed appeal will be heard by the city's hearing examiner as set forth in section 8.34.095. Following an appeal to the hearing examiner, the code enforcement officer's action may be affirmed, reversed or modified in the hearing examiner's final written order. The decision of the hearing examiner shall be a final order and the appellant and the code enforcement officer shall be bound thereby unless, within 21 days from the date of the issuance of the hearing examiner's final order, a person with standing to appeal files a petition to the superior court. The cost for transcription of all records ordered certified by the superior court for such review shall be borne by the appellant. (Ord. No. 1091, § 1, 5-3-2008)

8.34.095 Appeal procedure.

A. An aggrieved person who desires to file an appeal of the code enforcement officer's action must do so pursuant to the provisions set forth in this section. The appellant shall file a written appeal to the code enforcement officer within the time period prescribed in subsection 8.34.090 B. and shall pay a filing fee of \$100.00. The written appeal shall contain the following information:

1. The names of all appellants participating in the appeal;
2. A brief statement of the specific code enforcement officer's action protested, together with any material facts claimed to support the contentions of the appellant;
3. A brief statement of the relief sought, and the reason why the protested code enforcement officer's action should be reversed, modified, or otherwise set aside;
4. The signatures of all parties named as appellants and their mailing addresses; and
5. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

B. Upon the receipt of the appeal and the filing fee, the code enforcement officer shall transmit the same to the city clerk who shall schedule an appeal hearing before the hearing examiner and give due notice thereof to the appellants.

C. At or after the appeal hearing, the hearing examiner may affirm, reverse, or modify the code enforcement officer's action or continue the hearing to a date certain for receipt of additional information.

D. The hearing examiner shall issue a written decision within 30 days after the hearing and shall cause copies thereof to be sent to the code enforcement officer and appellants.

E. All written orders by the hearing examiner pursuant to this section shall include a report giving findings of fact, conclusions, and the hearing examiner's decision.

F. The written decision of the hearing examiner shall be a final order, and the appellant and the code enforcement officer shall be bound thereby unless the order is appealed to superior court within the time period prescribed in subsection 8.34.090C. by a person with standing to appeal.

(Ord. No. 1091, § 1, 5-3-2008)

8.34.100 Penalties.

A. Violations of this Code.

1. Civil infraction citation.

a. Any person violating or failing to comply with the provisions of this Code may be issued a civil infraction citation pursuant to subsection 8.34.050B. Each civil infraction shall carry with it a monetary penalty of \$250.00.

2. Notice of violation and order.

a. Any person violating or failing to comply with the provisions of this Code, may, in the alternative, be issued a notice of violation and order which shall carry with it a cumulative monetary penalty of \$500.00 per day for each violation from the date set for compliance in the notice of violation and order until compliance with the notice of violation or order is achieved. Each day that a violation of the chapter occurs constitutes a separate offense per subsection 8.34.050I.

b. In addition to any penalty that may be imposed by the city, any person violating or failing to comply with any of the provisions of this Code shall be liable for all damage to public or private property arising from such violation, including the cost of restoring the affected area to its condition prior to the violation.

c. The penalty imposed by this section under a notice of violation and order may be collected by civil action brought in the name of the city. The code enforcement officer may notify the city attorney of the name

of any person subject to the penalty, and the city attorney may, with the assistance of the code enforcement officer, take appropriate action to collect the penalty.

3. Criminal penalties. Every offense defined by this chapter or conduct made unlawful hereby shall also constitute an offense under the city criminal code and the code enforcement officer is free to pursue a criminal action notwithstanding the provisions related to civil infraction citations or notices of violation and order. Any person convicted of such an offense shall be punished by a fine not to exceed \$1,000.00 or by imprisonment in the jail not to exceed 90 days, or both imprisonment and fine.

B. Additional relief. The code enforcement officer may seek legal or equitable relief to enjoin any acts or practices and abate any condition that constitutes or will constitute a violation of this Code. The remedies provided in this chapter are cumulative and shall be in addition to any other remedy provided by law. In the event that the code enforcement officer seeks injunctive relief or an abatement order, the costs for the injunction or abatement shall be recovered by the city from the owner, tenant, occupant, manager, agent, or other responsible person in the manner provided by law.

C. Subdivision violations. Any person, firm, corporation, or association or any agent of any person, firm, corporation, or association who violates any provision of RCW 58.17 or this Code on subdivisions, relating to the sale, offer for sale, lease, or transfer of any lot, tract, or parcel of land, shall be guilty of a gross misdemeanor and each sale, offer for sale, lease or transfer of each separate lot, tract, or parcel of land shall be deemed a separate and distinct offense.

(Ord. No. 1091, § 1, 5-3-2008)

8.34.110 Voluntary correction.

A. Notwithstanding the provisions of this chapter concerning enforcement through the issuance of infraction citations, notices of violation and orders, criminal citations, or injunctive relief, the code enforcement officer, as an additional tool to gain compliance with this Code may require, in lieu of issuing an infraction citation, notice of violation and order, or criminal citation, that the person responsible for the code violation enter into a voluntary correction agreement.

B. A voluntary correction agreement may be entered into between the person responsible for the violation and the city, acting through the code enforcement officer.

1. Content. The voluntary correction agreement is between the city and the person responsible for the violation. Under the voluntary correction agreement the person agrees to abate the violation within a specified time and according to specified conditions. The voluntary correction agreement shall include the following:

(a) The name and address of the person responsible for the violation;

(b) The street address or a description sufficient for identification of the building, structure, premises, or land upon or within which the violation has occurred or is occurring;

(c) A description of the violation and a reference to the provision(s) of the city ordinance or regulation that has been violated;

(d) The necessary corrective action to be taken, and a date or time by which correction must be completed;

(e) An agreement by the person responsible for the violation that the city may abate the violation and recover its costs and expenses and a monetary penalty pursuant to this chapter from the person responsible for the violation if terms of the voluntary correction agreement are not met; and

(f) An agreement that by entering into the voluntary correction agreement the person responsible for the violation waives the right to an administrative appeal of the violation and/or the required corrective action.

2. Right to a hearing waived. The person responsible for the violation waives the right to an administrative appeal of the violation and the required corrective action upon entering into a voluntary correction agreement.

3. Extension-modification. An extension of the time limit for correction or a modification of the required corrective action may be granted by the mayor if the person responsible for the violation has shown due diligence and/or substantial progress in correcting the violation but unforeseen circumstances rendered correction under the original conditions unattainable.

4. Abatement by the city. The city may abate the violation if the terms of the voluntary correction agreement are not met.

5. Collection of costs. If the terms of the voluntary correction agreement are not met, the person responsible for the violation shall be assessed a monetary penalty commencing on the date set for correction and thereafter, in accordance with subsection 8.34.100A.2.a., plus all costs and expenses of abatement, as set forth in subsection 8.34.100B.

(Ord. No. 1091, § 1, 5-3-2008)

8.34.120 Requests for city assistance.

A. A property owner who is or may become the subject of a nuisance abatement action involving the accumulation of garbage, refuse, debris, or other items constituting a nuisance on the owner's property may request the assistance of the city in removing such material. When the city receives such a request the city may, at the public work director's discretion, provide services to assist in the removal of the material constituting a nuisance and the disposal of the material at an appropriate landfill or dump site.

B. Property owners making such a request to the city shall be responsible for the payment of all costs associated with the clean up as set forth in section 8.32.130. The city will provide the property owner with an estimated cost figure, but the property owner will remain responsible for payment of the actual costs involved in the clean up and disposal.

(Ord. No. 1104, § 1, 11-25-2008)

8.34.130 Costs associated with city assisted clean up and disposal.

A. The following costs are associated with a city assisted clean up of property and the requesting property owner shall be responsible for payment of the same:

\$20.00 per one-half hour of dump truck use.

\$18.00 per one-half hour of backhoe use.

Fee for material disposal shall be same as 2009 Yakima County disposal rates.

B. In addition to the costs set forth above, the requesting property owner shall also be responsible for pay-

ment of the costs of labor needed to conduct the clean up and disposal at the current hourly rate including benefits of the employee(s) providing the service. Fees for labor shall be charged in one-half-hour increments.
(Ord. No. 1104, § 1, 11-25-2008)

8.34.140 Costs for clean up to be added to water utility bill.

When a requesting property owner seeks the assistance of the city in cleaning up a nuisance and in disposing of debris, the requesting party is responsible for payment of associated costs as set forth in section 8.32.140. Such costs may be paid for at the receipt of service or shall be added to the water utility bill of the requesting party and will appear on the water utility bill in the next billing cycle following the clean up or payment schedule may be made at the discretion of the mayor for an administrative fee of \$10.00. Payments due for clean shall be collected in the same manner as water utility bills. Delinquent accounts shall be treated and processed in the same manner as other delinquent water utility bills are treated and processed.
(Ord. No. 1104, § 1, 11-25-2008)

Chapter 8.36

RECYCLING CENTER

Sections:

- 8.36.010 Deposit of green waste.
- 8.36.020 Restrictions.
- 8.36.030 Fees.
- 8.36.040 Hours of operation.
- 8.36.050 Violation-Penalty.

8.36.010 Deposit of green waste.

The city shall provide an area wherein residents may deposit their grass clippings, tree prunings and other natural trimmings, which shall be restricted to private residents only of the city. Commercial use is prohibited. (Ord. 949 § 1, 2001).

8.36.020 Restrictions.

Only natural vegetation shall be allowed. No garbage or other trash shall be allowed, including appliances,

other furniture, car bodies or parts. (Ord. 949 § 2, 2001).

8.36.030 Fees.

A. A resident must first secure and pay for a permit to deposit such natural vegetation and prunings, and the clerk shall assess five dollars for a pickup load or anything smaller, and fifteen dollars for anything larger than a pickup. No fee shall be required for newspapers, aluminum, glass, used motor oil, etc.

B. The city council may provide free dump days, not to exceed two consecutive days each, in the spring and the fall seasons, in order to aid in keeping the city clean and to coincide with its present annual free removal program of removing of garbage, trash and junk and as part of the present charges for city residents for garbage removal. (Ord. 953 § 1, 2001; Ord. 949 § 3, 2001).

8.36.040 Hours of operation.

The dumping area shall be open only on week days, Monday through Friday, from nine a.m. until five p.m. (Ord. 949 § 4, 2001).

8.36.050 Violation-Penalty.

Any person, individually or representing a firm or corporation, violating any of the provisions of this chapter shall be guilty of a misdemeanor and subject to the penalties provided for by ordinance. (Ord. 949 § 5, 2001).

Title 9GRANGER CRIMINAL CODEChapters:

<u>9.01</u>	<u>Preliminary Article</u>
<u>9.03</u>	<u>Adoption of RCW Sections Not Specifically Set Forth</u>
<u>9.05</u>	<u>Adoption of Specific RCW Sections</u>
<u>9.06</u>	<u>Offenses Against Public Decency</u>
<u>9.07</u>	<u>Crimes Against Property</u>
<u>9.08</u>	<u>Weapons</u>
<u>9.10</u>	<u>Town Park Hours</u>
<u>9.26</u>	<u>Nuisances</u>
<u>9.36</u>	<u>Criminal Street Gangs and Gang-Related Activities</u>
<u>9.84</u>	<u>Loitering</u>
<u>9.86</u>	<u>Juvenile Curfew and Parental Responsibility</u>
<u>9.88</u>	<u>Disposition of Stolen or Personal Property</u>
<u>9.90</u>	<u>Sale of Aerosol Containers of Paint to Minors</u>
<u>9.101</u>	<u>Savings and Severability</u>

Chapter 9.01PRELIMINARY ARTICLESections:

9.01.010	Preliminary article.
9.01.015	Jurisdiction.

9.01.010 Preliminary article.

- A. This title shall be known and may be cited as the "Granger Criminal Code."
- B. As used in this title, "RCW" shall mean the Revised Code of Washington.
- C. As used in this title, "GMC" shall mean the Granger Municipal Code.

D. If any chapter, section, subsection, sentence, or provision of this title, or its application to any person or circumstance, is held invalid, the remainder of this title, or the application of the chapter, section, subsection, sentence, or provision to other persons or circumstances, is not affected, and to this end, the chapters, sections, subsections, sentences and provisions of this title are declared to be severable.

E. By adopting Washington State statutes by reference in this title, the city intends to assume jurisdiction over and become the jurisdictional authority for the enforcement and prosecution of misdemeanor and gross misdemeanor crimes committed within the city of Granger. Whenever the word "state" shall appear in any statute adopted by reference in this title, the word "city" shall be substituted therefor; provided, however, the term "city" shall not be substituted for the term "state" in those circumstances that set forth administrative or licensing duties of the state and its subdivisions.

F. Whenever a state statute specifically adopted in this title refers to another state statute not specifically adopted in this title, the statute referred to shall be given the force and effect necessary to enforce the statute specifically adopted in this title.

G. Any state statute that is adopted by reference in this title and which is later amended, repealed, or recodified shall remain in full force and effect until the effective date of the legislative act that repeals, recodifies, or amends the state statute. The amendment or recodification of any state statute adopted by reference in this title shall retain its full force and effect as part of this title subsequent to the effective date of its amendment or recodification.

H. When issuing a citation, information, or complaint for the violation of any section of the RCW adopted by this title, it shall be sufficient for a commissioned officer or prosecutor to cite to and refer to the RCW section number.

I. Title, chapter, section and subsection captions are for organizational purposes only and shall not be construed as part of this title.

J. The provisions of this title do not apply to or govern the construction of or punishment of any offense committed prior to the effective date of the ordinance codified in this title or to the construction and application of any

defense to a prosecution for such offense. Such an offense shall be construed and punished according to the provisions of the law existing at the time of the commission of the offense in the same manner as if this title had not been enacted. The provisions of this title shall apply to any offense committed on or after its effective date unless otherwise expressly provided or unless the context otherwise requires and shall also apply to any defense to prosecution for such an offense.

K. As used in this title, words used in the present tense include the future tense; the masculine includes the feminine and neutral genders; and the singular includes the plural and vice versa.

L. The provisions of this title are intended to create a duty to the public in general and not to create any duty to individuals or to any particular class of individuals. These provisions are not for the protection of any person or class of persons.

M. Unless otherwise provided in this title, violation of any provision of this title shall be punishable by:

1. Gross Misdemeanor. Every person convicted of a gross misdemeanor shall be punished by imprisonment in jail for a maximum term fixed by the court of up to three hundred sixty-four days, or by a fine in an amount fixed by the court of not more than five thousand dollars, or by both such imprisonment and fine; or

2. Misdemeanor. Every person convicted of a misdemeanor shall be punished by imprisonment in jail for a maximum term fixed by the court of not more than ninety days, or by a fine in an amount fixed by the court of not more than one thousand dollars, or by both such imprisonment and fine. (Ord. 1287 § 3(part), 2017).

9.01.015 Jurisdiction.

The following persons are subject to punishment:

A. A person who commits in the city any crime as defined by ordinance, in whole or part;

B. A person who commits out of the city any act which, if committed within it, would be theft and is afterward found in the city with any of the stolen property;

C. A person who, being out of the city, counsels, causes, procures, aids, or abets another to commit a crime in the city;

D. A person who commits an act out of the city which affects persons or property within the city which, if committed within the city, would be a crime. (Ord. 1287 § 3(part), 2017).

Chapter 9.03

ADOPTION OF RCW SECTIONS NOT SPECIFICALLY SET FORTH

Sections:

9.03.010 Adoption of RCW sections not specifically set forth.

9.03.010 Adoption of RCW sections not specifically set forth.

A. Notwithstanding the RCW sections that are specifically adopted by reference in this title, all RCW sections that constitute misdemeanors and gross misdemeanors and the RCW sections necessary for the investigation, arrest, prosecution, sentencing, confinement, and enforcement of misdemeanors and gross misdemeanors are hereby adopted by reference as currently enacted or as hereafter amended or recodified from time to time, and shall be given the same force and effect as if set forth herein in full.

B. All class C felony crimes set forth in the RCW are hereby adopted by reference for the purposes of charging a gross misdemeanor for a violation of any of the crimes set forth in Chapter 9A.28 RCW. The adoption of class C felonies shall be subject to the provisions of subsection (A) of this section and of Chapter 9.05 GMC.

C. The following RCW section is not adopted by the city of Granger:

RCW

9A.16.110 Defending against violent crime--
Reimbursement.

(Ord. 1287 § 4, 2017).

Chapter 9.05

ADOPTION OF SPECIFIC RCW SECTIONS

Sections:

9.05.010 Chapter 2.48 RCW, entitled: "State Bar Act"--Adoption by reference.

- 9.05.020 Chapter 7.21 RCW, entitled: "Contempt of Court"--Adoption by reference.
- 9.05.030 Chapter 7.80 RCW, entitled: "Civil Infractions"--Adoption by reference.
- 9.05.040 RCW Title 9, entitled: "Crimes and Punishments"--Adoption by reference.
- 9.05.050 RCW Title 9A, entitled: "Washington Criminal Code"--Adoption by reference.
- 9.05.060 RCW Title 10, entitled: "Criminal Procedure"--Adoption by reference.
- 9.05.070 Chapter 13.32A RCW, entitled: "Family Reconciliation Act"--Adoption by reference.
- 9.05.080 RCW Title 26, entitled: "Domestic Relations"--Adoption by reference.
- 9.05.090 Chapter 28A.635 RCW, entitled: "Offenses Relating to School Property and Personnel"--Adoption by reference.
- 9.05.100 Chapter 46.80 RCW, entitled: "Vehicle Wreckers"--Adoption by reference.
- 9.05.110 RCW Title 66, entitled: "Alcoholic Beverage Control"--Adoption by reference.
- 9.05.120 RCW Title 69, entitled: "Food, Drugs, Cosmetics, and Poisons"--Adoption by reference.
- 9.05.130 RCW Title 70, entitled: "Public Health and Safety"--Adoption by reference.
- 9.05.140 Chapter 74.34 RCW, entitled: "Abuse of Vulnerable Adults"--Adoption by reference.

9.05.010 Chapter 2.48 RCW, entitled: "State Bar Act"--
Adoption by reference.

The following RCW section, as currently enacted or as hereafter amended or recodified from time to time, is hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW

2.48.180 Definitions--Unlawful practice a crime--Cause for discipline--Unprofessional conduct--Defense--Injunction--Remedies--Costs--Attorneys' fees--Time limit for action.

(Ord. 1287 § 5(part), 2017).

9.05.020 Chapter 7.21 RCW, entitled: "Contempt of Court"--Adoption by reference.

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW

- 7.21.010 Definitions.
- 7.21.020 Sanctions--Who may impose.
- 7.21.030 Remedial sanctions--Payment for losses.
- 7.21.040 Punitive sanctions--Fines.
- 7.21.050 Sanctions--Summary imposition--Procedure.
- 7.21.070 Appellate review.

(Ord. 1287 § 5(part), 2017).

9.05.030 Chapter 7.80 RCW, entitled: "Civil Infractions"--Adoption by reference.

For purposes of offenses under this title only, the following RCW section, as currently enacted or as hereafter amended or recodified from time to time, is hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW

- 7.80.120 Monetary penalties--Restitution.

(Ord. 1287 § 5(part), 2017).

9.05.040 RCW Title 9, entitled: "Crimes and Punishments"--Adoption by reference.

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW

- 9.01.055 Citizen immunity if aiding officer, scope--When.
- 9.01.110 Omission, when not punishable.
- 9.01.130 Sending letter, when complete.
- 9.02.050 Concealing birth.
- 9.03.010 Abandoning, discarding refrigeration equipment.
- 9.03.020 Permitting unused equipment to remain on premises.
- 9.03.040 Keeping or storing equipment for sale.
- 9.04.010 False advertising.

9.04.090 Advertising fuel prices by service stations.
 9.08.030 False certificate of registration of
 animals--False representation as to breed.
 9.08.065 Definitions.
 9.08.070 Pet animals--Taking, concealing, injuring,
 killing, etc.--Penalty.
 9.08.072 Transferring stolen pet animal to a research
 institution--Penalty.
 9.08.078 Illegal sale, receipt or transfer of pet
 animals--Separate offenses.
 9.12.010 Barratry.
 9.12.020 Buying, demanding, or promising reward by
 district judge or deputy.
 9.16.005 Definitions.
 9.16.010 Removing lawful brands.
 9.16.020 Imitating lawful brand.
 9.16.030 Counterfeit mark--Intellectual property.
 9.16.035 Counterfeiting--Penalties.
 9.16.041 Counterfeit items--Seizure and forfeiture.
 9.16.050 When deemed affixed.
 9.16.060 Fraudulent registration of trademark.
 9.16.070 Form and similitude defined.
 9.16.080 Petroleum products improperly labeled or
 graded--Penalty.
 9.16.100 Use of the words "sterling silver," etc.
 9.16.110 Use of words "coin silver," etc.
 9.16.120 Use of the word "sterling" on mounting.
 9.16.130 Use of the words "coin silver" on mounting.
 9.16.140 Unlawfully marking article made of gold.
 9.16.150 "Marked, stamped or branded" defined.
 9.18.080 Offender a competent witness.
 9.18.120 Suppression of competitive bidding.
 9.18.130 Collusion to prevent competitive bidding--
 Penalty.
 9.18.150 Agreements outside state.
 9.24.010 Fraud in stock subscription.
 9.24.040 Corporation doing business without license.
 9.26A.090 Telephone company credit cards--Prohibited
 acts.
 9.26A.100 Definitions.
 9.26A.110 Fraud in obtaining telecommunications
 service--Penalty.
 9.26A.120 Fraud in operating coin-box telephone or other
 receptacle.

9.26A.130	Penalty for manufacture or sale of slugs to be used for coin.
9.26A.140	Unauthorized sale or procurement of telephone records--Penalties--Definitions.
9.27.015	Interference, obstruction of any court, building, or residence--Violations.
9.35.005	Definitions.
9.35.030	Soliciting undesired mail.
9.38.010	False representation concerning credit.
9.38.015	False statement by deposit account applicant.
9.38.020	False representation concerning title.
9.40.040	Operating engine or boiler without spark arrester.
9.40.100	Tampering with fire alarm or firefighting equipment--False alarm--Penalties.
9.41.010	Terms defined.
9.41.040	Unlawful possession of firearms--Ownership, possession by certain persons--Penalties.
9.41.050	Carrying firearms.
9.41.060	Exceptions to restrictions on carrying firearms.
9.41.090	Dealer deliveries regulated--Hold on delivery.
9.41.098	Forfeiture of firearms--Disposition--Confiscation.
9.41.100	Dealer licensing and registration required.
9.41.110	Dealer's licenses, by whom granted, conditions, fees--Employees, fingerprinting and background checks--Wholesale sales excepted--Permits prohibited.
9.41.140	Alteration of identifying marks--Exceptions.
9.41.220	Unlawful firearms and parts contraband.
9.41.230	Aiming or discharging firearms, dangerous weapons.
9.41.240	Possession of pistol by person from eighteen to twenty-one.
9.41.250	Dangerous weapons--Penalty--Exemption for law enforcement officers.
9.41.260	Dangerous exhibitions.
9.41.270	Weapons apparently capable of producing bodily harm--Unlawful carrying or handling--Penalty--Exceptions.
9.41.280	Possessing dangerous weapons on school facilities--Penalty--Exceptions.

9.41.300 Weapons prohibited in certain places--Local laws and ordinances--Exceptions--Penalty.
 9.41.800 Surrender of weapons or licenses--Prohibition on future possession or licensing.
 9.41.810 Penalty.
 9.44.080 Misconduct in signing a petition.
 9.45.060 Encumbered, leased, or rented personal property--Construction.
 9.45.070 Mock auctions.
 9.45.080 Fraudulent removal of property.
 9.45.090 Knowingly receiving fraudulent conveyance.
 9.45.100 Fraud in assignment for benefit of creditors.
 9.45.270 Fraudulent filing of vehicle report of sale.
 9.46.1962 Cheating in the second degree.
 9.47A.010 Definition.
 9.47A.020 Unlawful inhalation--Exception.
 9.47A.030 Possession of certain substances prohibited, when.
 9.47A.040 Sale of certain substances prohibited, when.
 9.47A.050 Penalty.
 9.51.010 Misconduct of officer drawing jury.
 9.51.020 Soliciting jury duty.
 9.51.030 Misconduct of officer in charge of jury.
 9.61.230 Telephone harassment.
 9.61.240 Permitting telephone to be used.
 9.61.250 Telephone harassment--Offense, where deemed committed.
 9.61.260 Cyberstalking.
 9.62.010 Malicious prosecution.
 9.62.020 Instituting suit in name of another.
 9.68.015 Obscene literature, shows, etc.--Exemptions.
 9.68.030 Indecent articles, etc.
 9.68.050 "Erotic material"--Definitions.
 9.68.060 "Erotic material"--Determination by court--Labeling--Penalties.
 9.68.070 Prosecution for violation of RCW 9.68.060--Defense.
 9.68.080 Unlawful acts.
 9.68.100 Exceptions to RCW 9.68.050 through 9.68.120.
 9.68.110 Motion picture operator or projectionist exempt, when.
 9.68.130 "Sexually explicit material"--Defined--Unlawful display.
 9.68A.011 Definitions.

9.68A.080 Reporting of depictions of minor engaged in sexually explicit conduct--Civil immunity.
 9.68A.090 Communication with minor for immoral purposes--Penalties.
 9.68A.103 Permitting commercial sex abuse of a minor--Penalty.
 9.68A.110 Certain defenses barred, permitted.
 9.68A.120 Seizure and forfeiture of property.
 9.68A.150 Allowing minor on premises of live erotic performance--Definitions--Penalty.
 9.69.100 Duty of witness of offense against child or any violent offense--Penalty.
 9.73.010 Divulging telegram.
 9.73.020 Opening sealed letter.
 9.73.030 Intercepting, recording or divulging private communication--Consent required--Exceptions.
 9.73.050 Admissibility of intercepted communication in evidence.
 9.73.070 Persons and activities excepted from chapter.
 9.73.080 Penalties.
 9.73.090 Certain emergency response personnel exempted from RCW 9.73.030 through 9.73.080--Standards--Court authorizations--Admissibility.
 9.73.100 Recordings available to defense counsel.
 9.73.110 Intercepting, recording, or disclosing private communication--Not unlawful for building owner--Conditions.
 9.91.010 Denial of civil rights--Terms defined.
 9.91.020 Operating railroad, steamboat, vehicle, etc., while intoxicated.
 9.91.025 Unlawful transit conduct.
 9.91.060 Leaving children unattended in parked automobile.
 9.91.130 Disposal of trash in charity donation receptacle.
 9.91.140 Food stamps--Unlawful sale.
 9.91.142 Food stamps--Trafficking.
 9.91.160 Personal protection spray devices.
 9.91.170 Interfering with dog guide or service animal.
 9.91.175 Interfering with search and rescue dog.
 (Ord. 1287 § 5(part), 2017).

9.05.050 RCW Title 9A, entitled: "Washington Criminal Code"--Adoption by reference.

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW

9A.04.020	Purposes--Principles of construction.
9A.04.040	Classes of crimes.
9A.04.050	People capable of committing crimes-- Capability of children.
9A.04.060	Common law to supplement statute.
9A.04.070	Who amenable to criminal statutes.
9A.04.080	Limitation of actions.
9A.04.090	Application of general provisions of the code.
9A.04.100	Proof beyond a reasonable doubt.
9A.04.110	Definitions.
9A.08.010	General requirements of culpability.
9A.08.020	Liability for conduct of another--Complicity.
9A.08.030	Corporate and personal liability.
9A.12.010	Insanity.
9A.16.010	Definitions.
9A.16.020	Use of force--When lawful.
9A.16.060	Duress.
9A.16.070	Entrapment.
9A.16.080	Action for being detained on mercantile establishment premises for investigation-- "Reasonable grounds" as defense.
9A.16.090	Intoxication.
9A.16.100	Use of force on children--Policy--Actions presumed unreasonable.
9A.20.010	Classification and designation of crimes.
9A.20.030	Alternative to a fine--Restitution.
9A.28.020	Criminal attempt.
9A.28.030	Criminal solicitation.
9A.28.040	Criminal conspiracy.
9A.36.041	Assault in the fourth degree.
9A.36.050	Reckless endangerment.
9A.36.070	Coercion.
9A.36.150	Interfering with the reporting of domestic violence.
9A.36.160	Failing to summon assistance.
9A.36.161	Failing to summon assistance--Penalty.
9A.40.010	Definitions.

9A.40.070 Custodial interference in the second degree.
 9A.40.080 Custodial interference--Assessment of costs--
 Defense--Consent, defense, restricted.
 9A.42.010 Definitions.
 9A.42.035 Criminal mistreatment in the third degree.
 9A.42.037 Criminal mistreatment in the fourth degree.
 9A.42.040 Withdrawal of life support systems.
 9A.42.045 Palliative care.
 9A.42.050 Defense of financial inability.
 9A.42.080 Abandonment of a dependent person in the third
 degree--Exception.
 9A.42.090 Abandonment of a dependent person--Defense.
 9A.42.110 Leaving a child in the care of a sex offender.
 9A.44.010 Definitions.
 9A.44.030 Defenses to prosecution under this chapter.
 9A.44.096 Sexual misconduct with a minor in the second
 degree.
 9A.44.130 Registration of sex offenders and kidnapping
 offenders--Procedures--Definition--Penalties.
 9A.44.170 Custodial sexual misconduct in the second
 degree.
 9A.44.180 Custodial sexual misconduct--Defense.
 9A.46.010 Legislative finding.
 9A.46.020 Definition--Penalties.
 9A.46.030 Place where committed.
 9A.46.040 Court-ordered requirements upon person charged
 with crime--Violation.
 9A.46.050 Arraignment--No-contact order.
 9A.46.060 Crimes included in harassment.
 9A.46.080 Order restricting contact--Violation.
 9A.46.090 Nonliability of peace officer.
 9A.46.100 "Convicted," time when.
 9A.46.110 Stalking.
 9A.48.010 Definitions.
 9A.48.050 Reckless burning in the second degree.
 9A.48.060 Reckless burning--Defense.
 9A.48.090 Malicious mischief in the third degree.
 9A.48.100 Malicious mischief--"Physical damage"
 defined.
 9A.48.105 Criminal street gang tagging and graffiti.
 9A.48.110 Defacing a state monument.
 9A.49.001 Findings.
 9A.49.010 Definitions.

9A.49.030 Unlawful discharge of a laser in the second degree.
 9A.49.050 Exclusions.
 9A.50.010 Definitions.
 9A.50.020 Interference with health care facility.
 9A.50.030 Penalty.
 9A.50.070 Protection of health care patients and providers.
 9A.52.010 Definitions.
 9A.52.050 Other crime in committing burglary punishable.
 9A.52.060 Making or having burglar tools.
 9A.52.070 Criminal trespass in the first degree.
 9A.52.080 Criminal trespass in the second degree.
 9A.52.090 Criminal trespass--Defenses.
 9A.52.100 Vehicle prowling in the second degree.
 9A.52.120 Computer trespass in the second degree.
 9A.52.130 Computer trespass--Commission of other crime.
 9A.56.010 Definitions.
 9A.56.020 Theft--Definition, defense.
 9A.56.050 Theft in the third degree.
 9A.56.060 Unlawful issuance of checks or drafts.
 9A.56.096 Theft of rental, leased, lease-purchased or loaned property.
 9A.56.140 Possessing stolen property--Definition--Presumption.
 9A.56.170 Possessing stolen property in the third degree.
 9A.56.180 Obscuring the identity of a machine.
 9A.56.220 Theft of subscription television services.
 9A.56.240 Forfeiture and disposal of device used to commit violation.
 9A.56.260 Connection of channel converter.
 9A.56.270 Shopping cart theft.
 9A.56.330 Possession of another's identification.
 9A.60.010 Definitions.
 9A.60.045 Criminal impersonation in the second degree.
 9A.60.050 False certification.
 9A.61.010 Definitions.
 9A.61.020 Defrauding a public utility.
 9A.61.050 Defrauding a public utility in the third degree.
 9A.61.060 Restitution and costs.
 9A.72.010 Definitions.
 9A.72.040 False swearing.

9A.72.050 Perjury and false swearing--Inconsistent statements--Degree of crime.
 9A.72.060 Perjury and false swearing--Retraction.
 9A.72.070 Perjury and false swearing--Regularities no defense.
 9A.72.080 Statement of what one does not know to be true.
 9A.72.085 Unsworn statements, certification.
 9A.72.104 Jury tampering.
 9A.72.150 Tampering with physical evidence.
 9A.76.010 Definitions.
 9A.76.020 Obstructing a law enforcement officer.
 9A.76.030 Refusing to summon aid for a peace officer.
 9A.76.040 Resisting arrest.
 9A.76.050 Rendering criminal assistance--Definition of term.
 9A.76.060 Relative defined.
 9A.76.070 Rendering criminal assistance in the first degree.
 9A.76.080 Rendering criminal assistance in the second degree.
 9A.76.090 Rendering criminal assistance in the third degree.
 9A.76.100 Compounding.
 9A.76.130 Escape in the third degree.
 9A.76.160 Introducing contraband in the third degree.
 9A.76.170 Bail jumping.
 9A.76.175 Making a false or misleading statement to a public servant.
 9A.80.010 Official misconduct.
 9A.84.010 Riot.
 9A.84.020 Failure to disperse
 9A.84.030 Disorderly conduct.
 9A.84.040 False reporting.
 9A.88.010 Indecent exposure.
 9A.88.030 Prostitution.
 9A.88.050 Prostitution--Sex of parties immaterial--No defense.
 9A.88.090 Permitting prostitution.
 9A.88.110 Patronizing a prostitute.
 9A.88.120 Additional fee assessments.
 9A.88.130 Additional requirements.
 9A.88.140 Vehicle impoundment--Fees and fine.
 (Ord. 1287 § 5(part), 2017).

9.05.060 RCW Title 10, entitled: "Criminal Procedure"--
Adoption by reference.

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW

- 10.14.120 Disobedience of order--Penalties.
- 10.14.170 Criminal penalty.
- 10.99.010 Purpose--Intent.
- 10.99.020 Definitions.
- 10.99.030 Law enforcement officers--Training, powers, duties--Domestic violence reports.
- 10.99.040 Duties of court--No-contact order.
- 10.99.045 Appearances by defendant--Defendant's history--No-contact order.
- 10.99.050 Victim contact--Restriction, prohibition--Violation, penalties--Written order--Procedures--Notice of change.
- 10.99.055 Enforcement of orders.
- 10.99.060 Prosecutor's notice to victim--Description of available procedures.
- 10.99.070 Liability of peace officers.
- 10.99.080 Penalty assessment.

(Ord. 1287 § 5(part), 2017).

9.05.070 Chapter 13.32A RCW, entitled: "Family
Reconciliation Act"--Adoption by reference.

The following RCW section, as currently enacted or as hereafter amended or recodified from time to time, is hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW

- 13.32A.080 Unlawful harboring of a minor--Penalty--Defense--Prosecution of adult for involving child in commission of offense.

(Ord. 1287 § 5(part), 2017).

9.05.080 RCW Title 26, entitled: "Domestic Relations"--
Adoption by reference.

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW

26.09.300 Restraining orders--Notice--Refusal to comply--Arrest--Penalty--Defense--Peace officers, immunity.

26.10.220 Restraining orders--Notice--Refusal to comply--Arrest--Penalty--Defense--Peace officers, immunity.

26.26.138 Restraining order--Knowing violation--Penalty--Law enforcement immunity.

26.28.080 Selling or giving tobacco to minor--Belief of representative capacity, no defense--Penalty.

26.28.085 Applying tattoo to a minor--Penalty.

26.44.020 Definitions.

26.44.030 Reports--Duty and authority to make--Duty of receiving agency--Duty to notify--Case planning and consultation--Penalty for unauthorized exchange of information--Filing dependency petitions--Investigations--Interviews of children--Records--Risk assessment process.

26.44.040 Reports--Oral, written--Contents.

26.44.050 Abuse or neglect of child--Duty of law enforcement agency or department of social and health services--Taking child into custody without court order, when.

26.44.060 Immunity from civil or criminal liability--Confidential communications not violated--Actions against state not affected--False report, penalty.

26.44.063 Temporary restraining order or preliminary injunction--Enforcement--Notice of modification or termination of restraining order.

26.44.067 Temporary restraining order or preliminary injunction--Contents--Notice--Noncompliance--Defense--Penalty.

26.44.080 Violation--Penalty.

26.44.150 Temporary restraining order restricting visitation for persons accused of sexually or physically abusing a child--Penalty for violating court order.

26.50.110 Violation of order--Penalties.

26.50.140 Peace officers--Immunity.

26.52.010 Definitions.

26.52.050 Peace officer immunity.
 26.52.070 Violation of foreign orders--Penalties.
 (Ord. 1287 § 5(part), 2017).

9.05.090 Chapter 28A.635 RCW, entitled: "Offenses Relating to School Property and Personnel"--Adoption by reference.

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW

28A.635.010 Abusing or insulting teachers, liability for--Penalty.
 28A.635.020 Willfully disobeying school administrative personnel or refusing to leave public property, violations, when--Penalty.
 28A.635.100 Intimidating any administrator, teacher, classified employee, or student by threat of force or violence unlawful--Penalty.
 28A.635.110 Violations under RCW 28A.635.090 and 28A.635.100--Disciplinary authority exception.

(Ord. 1287 § 5(part), 2017).

9.05.100 Chapter 46.80 RCW, entitled: "Vehicle Wreckers"--Adoption by reference.

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW

46.80.010 Definitions.
 46.80.080 Records--Penalty.

(Ord. 1287 § 5(part), 2017).

9.05.110 RCW Title 66, entitled: "Alcoholic Beverage Control"--Adoption by reference.

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW

66.04.010 Definitions.

66.20.200	Unlawful acts relating to card of identification and certification card--Penalties.
66.28.200	Keg registration--Special endorsement for grocery store licensee--Requirements of seller.
66.28.210	Keg registration--Requirements of purchaser.
66.28.220	Keg registration--Identification of containers--Rules--Fees--Sale in violation of rules unlawful.
66.28.230	Keg registration--Furnishing to minors--Penalties.
66.44.010	Local officers to enforce law--Authority of board--Liquor enforcement officers.
66.44.040	Sufficiency of description of offenses in complaints, information, process, etc.
66.44.060	Proof of unlawful sale establishes prima facie intent.
66.44.070	Certified analysis is prima facie evidence of alcoholic content.
66.44.080	Service of process on corporation.
66.44.090	Acting without license.
66.44.100	Opening or consuming liquor in a public place--Penalty.
66.44.120	Unlawful use of seal.
66.44.130	Sales of liquor by drink or bottle.
66.44.140	Unlawful sale, transportation of spirituous liquor without stamp or seal--Unlawful operation, possession of still or mash.
66.44.150	Buying liquor illegally.
66.44.160	Illegal possession, transportation of alcoholic beverages.
66.44.170	Illegal possession of liquor with intent to sell--Prima facie evidence, what is.
66.44.175	Violations of law.
66.44.180	General penalties--Jurisdiction for violations.
66.44.200	Sales to persons apparently under the influence of liquor--Purchases or consumption by persons apparently under the influence of liquor on licensed premises--Penalty--Notice--Separation of actions.
66.44.210	Obtaining liquor for ineligible person.

- 66.44.240 Drinking in public conveyance--Penalty against carrier--Exception.
 - 66.44.250 Drinking in public conveyance--Penalty against individual--Restricted application.
 - 66.44.270 Furnishing liquor to minors--Possession, use--Penalties--Exhibition of effects--Exceptions.
 - 66.44.280 Minor applying for permit.
 - 66.44.290 Minor purchasing or attempting to purchase liquor--Penalty.
 - 66.44.300 Treats, gifts, purchases of liquor for or from minor, or holding out minor as at least 21, in public place where liquor sold.
 - 66.44.310 Minors frequenting off-limits area--Misrepresentation of age--Penalty--Classification of licensees.
 - 66.44.316 Certain persons 18 years and over permitted to enter and remain upon licensed premises during employment.
 - 66.44.318 Employees aged 18 to 21 stocking, merchandising, and handling beer and wine.
 - 66.44.325 Unlawful transfer to a minor of age identification.
 - 66.44.328 Preparation or acquisition and supply to persons under age 21 of facsimile of official identification card--Penalty.
 - 66.44.340 Employees 18 years and over allowed to sell and handle beer and wine for certain licensed employers.
 - 66.44.350 Employees 18 years and over allowed to serve and carry liquor, clean up, etc., for certain licensed employers.
 - 66.44.370 Resisting or opposing officers in enforcement of title.
- (Ord. 1287 § 5(part), 2017).

9.05.120 RCW Title 69, entitled: "Food, Drugs, Cosmetics, and Poisons"--Adoption by reference.

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW

69.41.010 Definitions.

69.41.030 Sale, delivery, or possession of legend drug without prescription or order prohibited--Exceptions--Penalty.

69.41.050 Labeling requirements--Penalty.

69.41.300 Definitions.

69.41.320 Practitioners--Restricted use--Medical records.

69.41.350 Penalties.

69.43.010 Report to state board of pharmacy--List of substances--Modification of list--Identification of purchasers--Report of transactions--Penalties.

69.43.105 Ephedrine, pseudoephedrine, phenylpropanolamine--Sales restrictions--Record of transaction--Exceptions--Penalty.

69.43.110 Ephedrine, pseudoephedrine, phenylpropanolamine--Sales restrictions--Electronic sales tracking system--Penalty.

69.43.120 Ephedrine, pseudoephedrine, phenylpropanolamine--Possession of more than 15 grams--Penalty--Exceptions.

69.43.130 Exemptions--Pediatric products--Products exempted by the state board of pharmacy.

69.50.101 Definitions.

69.50.102 Drug paraphernalia--Definitions.

69.50.201 Enforcement of chapter--Authority to change schedules of controlled substances.

69.50.202 Nomenclature.

69.50.204 Schedule I.

69.50.206 Schedule II.

69.50.208 Schedule III.

69.50.210 Schedule IV.

69.50.212 Schedule V.

69.50.4014 Possession of 40 grams or less of marijuana--Penalty.

69.50.4016 Provisions not applicable to offenses under RCW 69.50.410.

69.50.404 Penalties under other laws.

69.50.407 Conspiracy.

69.50.412 Prohibited acts: E--Penalties.

69.50.4121 Drug paraphernalia--Selling or giving--Penalty.

69.50.425 Misdemeanor violations--Minimum penalties.

- 69.50.445 Opening or consuming package containing marijuana, useable marijuana, or marijuana-infused product in view of general public--Penalty.
 - 69.50.505 Seizure and forfeiture.
 - 69.50.506 Burden of proof; liabilities.
 - 69.50.509 Search and seizure of controlled substances.
- (Ord. 1287 § 5(part), 2017).

9.05.130 RCW Title 70, entitled: "Public Health and Safety"--Adoption by reference.

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW

- 70.74.010 Definitions.
- 70.74.160 Unlawful access to explosives.
- 70.74.295 Abandonment of explosives.
- 70.74.300 Explosive containers to be marked--Penalty.
- 70.74.310 Gas bombs, explosives, stink bombs, etc.
- 70.74.400 Seizure and forfeiture.
- 70.93.060 Littering prohibited--Penalties--Litter cleanup restitution payment.
- 70.155.010 Definitions.
- 70.155.080 Purchasing, possessing by persons under the age of 18--Civil infraction--Courts of jurisdiction.

(Ord. 1287 § 5(part), 2017).

9.05.140 Chapter 74.34 RCW, entitled: "Abuse of Vulnerable Adults"--Adoption by reference.

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW

- 74.34.020 Definitions.
- 74.34.053 Failure to report--False reports--Penalties.
- 74.34.145 Protection of vulnerable adults--Notice of criminal penalties for violation--Enforcement under RCW 26.50.110.

(Ord. 1287 § 5(part), 2017).

Chapter 9.06OFFENSES AGAINST PUBLIC DECENCYSections:

- 9.06.010 Lewd conduct.
 9.06.020 Urinating or defecating in a public place.

9.06.010 Lewd conduct.

A. It is unlawful for any person to willfully perform a lewd act, as hereinafter defined, in a public place or at a place and under circumstances where such act may be observed by any member of the public when such act, or the simulation thereof, is done for the purpose of obtaining or giving of sexual gratification or stimulation.

B. As used in this section, "lewd act" means:

1. The touching, caressing, or fondling of the genitals of any person by that person or by another; the touching, caressing, or fondling of a female breast or breasts by that female or by another person; or
2. Sexual intercourse involving two or more persons, regardless of their sex, or any act of sexual conduct between persons involving the sex organs of one person and the mouth or anus of another; or
3. Masturbation, manual or instrumental; or
4. Penetration of the vagina or rectum by any object.

C. This section shall not be construed to prohibit lawful: plays, operas, musicals, singing performances, comedians' routines, or any other dramatic or performance works; or

1. Classes, seminars, and lectures held for serious scientific or educational purposes; or
2. Exhibitions or dances which constitute expressive nude activity; or
3. Political expression.

D. A violation of this section is a misdemeanor. (Ord. 1287 § 6(part), 2017).

9.06.020 Urinating or defecating in a public place.

A. It is unlawful for any person to urinate or defecate in any public place or place open or available to the public, other than in a facility designed or provided for that purpose.

B. A violation of this section is a misdemeanor. (Ord. 1287 § 6(part), 2017).

Chapter 9.07

CRIMES AGAINST PROPERTY

Sections:

- 9.07.010 Building fires in public place.
- 9.07.020 Defacing or attaching signs to utility poles.

9.07.010 Building fires in public place.

A. It is unlawful for any person or persons to build a fire upon any street, alley, lane, road, sidewalk, right-of-way, or other public thoroughfare or public place within the city.

B. A violation of this section is a misdemeanor. (Ord. 1287 § 7(part), 2017).

9.07.020 Defacing or attaching signs to utility poles.

A. It is unlawful for any person, corporation, partnership, association, or any other entity, to deface or attach any sign to a utility pole or a traffic sign pole within the city.

B. For the purposes of this section, a "sign" is defined as any item of paper, wood, or any other solid material upon which is written or printed a notice, information or direction.

C. Any person, corporation, partnership, association or other entity who shall violate the provisions of this section shall be guilty of a misdemeanor. Each day in which a violation shall occur and continue shall be deemed a separate offense and a posting of a prohibited sign upon more than one utility pole by the same person shall also be considered a separate offense. (Ord. 1287 § 7(part), 2017).

Chapter 9.08

WEAPONS

Sections:

- 9.08.010 Discharge prohibited.
- 9.08.020 Air rifles or pistols.

9.08.010 Discharge prohibited.

A. Other than law enforcement officer in the discharge of his duty or a person practicing within a licensed shooting gallery, it is unlawful for any person to fire or discharge any gun, pistol or other firearm or bomb within the corporate limits of the city.

B. A violation of this section is a misdemeanor. (Ord. 1287 § 8(part), 2017).

9.08.020 Air rifles or pistols.

A. As used in this section, the words "air gun" mean and include the following: air gun, air pistol, air rifle, BB gun and toy guns of any kind or nature when so designed, contrived, modified and used to propel, by compressed air or spring-loaded plunger, any pellet, dart, hard-tipped arrow, bean, pea, BB, rock or other hard substances a distance of more than twenty-five feet with sufficient force to break windows or inflict injury upon persons or animals.

B. It is unlawful for any person to fire off or discharge, or knowingly to permit to be fired off or discharged, any air gun of any description within the corporate limits of the city.

C. A violation of this section is a misdemeanor. (Ord. 1287 § 8(part), 2017).

Chapter 9.10TOWN PARK HOURSSections:

9.10.010 Closing of parks.

9.10.020 Dinosaur Lake Park.

9.10.010 Closing of parks.

All parks within the town of Granger shall be closed from one hour after dusk to dawn each day, except for special events licensed by the town pursuant to ordinance. (Ord. 1015 § 1, 2004).

9.10.020 Dinosaur Lake Park.

Dinosaur Lake Park (Hisey Park) shall be fitted with lock gates and extended fences as the town may deem necessary, and shall remain open during the hours of darkness only

for special events licensed by the town pursuant to ordinance. (Ord. 1015 §2, 2004).

Chapter 9.26

NUISANCES

Sections:

- 9.26.010 Public nuisance.
- 9.26.020 Unequal damage.
- 9.26.030 Maintaining or permitting nuisance.
- 9.26.040 Abatement of nuisance.
- 9.26.050 Deposit of unwholesome substance.
- 9.26.060 Throwing or depositing debris or waste upon public or private property or waters.
- 9.26.070 Littering.
- 9.26.080 Public disturbance noises.

9.26.010 Public nuisance.

A public nuisance is a crime against the order and economy of the city. Every place:

- A. Wherein any fighting between man or animals or birds is conducted; or
- B. Wherein any intoxicating liquors are kept for unlawful use, sale or distribution; or
- C. Where vagrants resort; and every act unlawfully done and every omission to perform a duty, which act or omission:
 - 1. Annoys, injures or endangers the safety, health, comfort or repose of any considerable number of persons; or
 - 2. Offends public decency; or

3. Unlawfully interferes with, befouls, obstructs or tends to obstruct or renders dangerous for passage, a lake, navigable river, bay, stream, canal or basin, or a public park, square, street, alley or highway; or

4. In any way renders a considerable number of persons insecure in life or the use of property; shall be a public nuisance. (RCW 9.66.010). (Ord. 613 § 1 (part), 1984).

9.26.020 Unequal damage.

An act which affects a considerable number of persons in any of the ways specified in Section 9.26.010 of this chapter, is no less a public nuisance because the extent of the damage is unequal. (RCW 9.66.020). (Ord. 613 § 1 (part), 1984).

9.26.030 Maintaining or permitting nuisance.

Every person who commits or maintains a public nuisance, for which no special punishment is prescribed, or who wilfully omits or refuses to perform any legal duty relating to the removal of such nuisance, and every person who lets, or permits to be used, any building or boat, or portion thereof, knowing that it is intended to be, or is being used, for committing or maintaining any such nuisance, shall be guilty of a misdemeanor. (RCW 9.66.030). (Ord. 613 § 1 (part), 1984).

9.26.040 Abatement of nuisance.

Any court or magistrate before whom there may be pending any proceeding for a violation of Section 9.26.030 of this chapter, shall, in addition to any fine or other punishment which it may impose for such violation, order such nuisance abated, and all property unlawfully used in the maintenance thereof destroyed by the sheriff at the cost of the defendant. The justice of the peace shall not issue the order and warrant of abatement, but on application therefor shall transfer the cause to the superior court, which shall proceed to try the issue of abatement in the same manner as if the action had been originally commenced therein. (RCW 9.66.040). (Ord. 613 § 1 (part), 1984).

9.26.050 Deposit of unwholesome substance.

Every person who deposits, leaves or keeps, on or near a highway or route of public travel, on land or water, any

unwholesome substance or who establishes, maintains or carries on, upon or near a highway or route of public travel, on land or water, any business, trade or manufacture which is noisome or detrimental to the public health, or who deposits or casts into any lake, creek or river, wholly or partly in the state, the offal from or the dead body of any animal shall be guilty of a misdemeanor. (RCW 9.66.050). (Ord. 613 § 1(part), 1984).

9.26.060 Throwing or depositing debris or waste upon public or private property or waters.

It is unlawful for any person to throw, to drop or to leave any discarded object, debris or any wastes upon any public or private property in the state, or any waters in this state unless:

A. Such property is designated by the state or by any of its agencies or political subdivisions for the disposal of garbage and refuse, and such person is authorized to use such property for such purpose;

B. Into a litter receptacle or container installed on such property;

C. He is the owner or a tenant in lawful possession of such property. (RCW 9.66.060). (Ord. 613 § 1(part), 1984).

9.26.070 Littering.

It is unlawful for any person to wilfully or negligently throw from any vehicle, or to place or deposit upon or along any street or alley, upon public or private property, except in containers provided therefor, any debris, paper, litter, glass bottle, glass, can, pail, tack, wire, trash or garbage, lighted material or other waste substance. (RCW 9.66.062). (Ord. 613 § 1(part), 1984).

9.26.080 Public disturbance noises.

A. It is unlawful for any person to cause, or for any person in possession of property to allow to originate from the property, sound that is a public disturbance noise.

B. The following sounds are public disturbance noises:

1. The frequent, repetitive or continuous sounding of any horn or siren attached to a motor vehicle, except as a warning of danger or as specifically permitted or required by law;

2. The creation of frequent, repetitive or continuous sounds in connection with the starting, operation, repair, rebuilding or testing of any motor vehicle, motorcycle, off-highway vehicle or internal combustion engine within a residential district, so as to unreasonably disturb or interfere with the peace and comfort of owners or possessors of real property;

3. Yelling, shouting, hooting, whistling or singing on or near the public streets, particularly between the hours of eleven p.m. and seven a.m. or at any time and place as to unreasonably disturb or interfere with the peace and comfort of owners or possessors of real property;

4. The creation of frequent, repetitive or continuous sounds which emanate from any public building, structure, apartment or condominium, which unreasonably disturbs or interferes with the peace and comfort of owners or possessors of real property, such as sounds from musical instruments, audio sound systems, band sessions or social gatherings;

5. Sound from motor vehicle auto sound systems, such as tape players, radios and compact disc players, operated at a volume so as to be audible greater than fifty feet from the source, and if not operated upon the property of the operator.

C. This section shall not apply to regularly scheduled events at parks, such as public address systems for baseball games or park concerts. (Ord. 716A § 1, 1991).

Chapter 9.36CRIMINAL STREET GANGS AND GANG-RELATED ACTIVITIESSections:

- 9.36.010 Purpose.
- 9.36.020 Definitions.
- 9.36.030 Criminal street gang activity prohibited-Penalty.
- 9.36.040 Solicitation or threats-Prohibited-Penalty.
- 9.36.050 Use of public place by criminal street gang-Prohibited-Penalty.
- 9.36.060 Penalty for violation-Enhanced penalty-Sentencing.
- 9.36.070 Declaration of public nuisance.
- 9.36.080 Reserved.
- 9.36.090 Exemption.
- 9.36.100 Powers of law enforcement officers not limited.
- 9.36.110 Severability.

9.36.010 Purpose.

The city council finds and declares that the ability to feel safe and secure in one's own home and in one's own community is of primary importance. The city council hereby finds and declares that it is the right of every person, regardless of race, color, creed, religion, national origin, gender, age, or handicap, to be secure and protected from fear, intimidation, and physical harm caused by the activities of violent groups and individuals. It is not the intent of this chapter to interfere with the exercise of the constitutionally protected rights of freedom of expression and association. The city council hereby recognizes the constitutional right of every citizen to harbor and express beliefs on any lawful subject whatsoever, to lawfully associate with others who share similar beliefs on any lawful subject whatsoever, to lawfully associate with others who share similar beliefs, to petition lawfully constituted authority for a redress of perceived grievances, and to participate in the electoral process.

The city council, however, further finds and recognizes that criminal street gangs and gang-related activities promote crime and jeopardize the health, safety and welfare of

citizens of the city. The city council finds that the city is in a state of crisis which has been caused by violent street gangs whose members threaten, terrorize, and commit a multitude of crimes against the peaceful citizens of their neighborhood. These activities, both individually and collectively, present a clear and present danger to public order and safety and are not constitutionally protected.

The city council finds that there are approximately 20 adult and 75 juvenile criminal street gang members operating in the city, and that the number of gang-related crimes is increasing. Criminal street gangs and gang-related activities jeopardize the life and health of residents, result in damage to property, cause public disturbances, create numerous calls for police service and assistance, and deplete the revenues available for promotion of the public welfare. It is the intent of the city council in enacting this chapter to seek the eradication of criminal activity by street gangs by focusing upon patterns of criminal gang activity and upon the organized nature of street gangs, which together are the chief source of terror created by street gangs. The purpose of this chapter is to provide the community with a tool that will help residents to restore the health, safety and quiet enjoyment of their community. (Ord. No. 1092, § 1, 5-13-2008)

9.36.020 Definitions.

As used in this chapter, the following terms have the following definitions:

"Criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, having a common name or common identifying sign or symbol, having as one of its primary activities the commission of criminal acts, and whose members or associates individually or collectively engage in or have engaged in a pattern of criminal street gang activity. This definition does not apply to employees engaged in concerted activities for their mutual aid and protection, or to the activities of labor and bona fide nonprofit organizations or their members or agents.

"Criminal street gang associate or member" means any person who actively participates in any criminal street gang and who intentionally promotes, furthers, or assists in any criminal act by the criminal street gang.

"Criminal street gang-related offense" means any felony or misdemeanor offense, whether in this state or elsewhere, that is committed for the benefit of, at the direction of, or in association with any criminal street gang, or is committed with the intent to promote, further, or assist in any criminal conduct by the gang, or is committed for one or more of the following reasons:

(a) To gain admission, prestige, or promotion within the gang;

(b) To increase or maintain the gang's size, membership, prestige, dominance, or control in any geographical area;

(c) To exact revenge or retribution for the gang or any member of the gang;

(d) To obstruct justice, or intimidate or eliminate any witness against the gang or any member of the gang;

(e) To directly or indirectly cause any benefit, aggrandizement, gain, profit, or other advantage for the gang, its reputation, influence, or membership; or

(f) To provide the gang with any advantage in, or any control or dominance over any criminal market sector, including, but not limited to, manufacturing, delivering, or selling any controlled substance (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88 RCW); human trafficking (RCW 9A.40.100); or promoting pornography (chapter 9.68 RCW).
(Ord. No. 1092, § 1, 5-13-2008)

9.36.030 Criminal street gang activity prohibited—
Penalty.

Any person who actively participates in any criminal street gang with knowledge that its members engage in or have engaged in criminal gang activity, and who willfully promotes, furthers, or assists in any criminal conduct by members of that gang, shall be guilty of a gross misdemeanor and shall be punished by imprisonment for a period not to exceed 365 days and a fine not to exceed \$5,000.00. In order to secure a conviction pursuant to this section, it is not necessary for the prosecution to prove that the person devotes all, or a substantial part, of his or her time or efforts to the criminal street gang, nor is it nec-

essary to prove that the person is a member of the criminal street gang. Active participation in the criminal street gang is all that is required.

(Ord. No. 1092, § 1, 5-13-2008)

9.36.040 Solicitation or threats-Prohibited-Penalty.

A. Solicitation. Any person who solicits or recruits another to actively participate in a criminal street gang, with the intent that the person solicited or recruited participate in criminal street gang activity, or with the intent that the person solicited or recruited promote, further or assist in any criminal conduct by members of the criminal street gang, shall be guilty of a gross misdemeanor and punished by imprisonment for a period not to exceed 365 days and a fine not to exceed \$5,000.00.

B. Threats. Any person who threatens another person with physical violence with the intent to coerce, induce, or solicit any person to actively participate in a criminal street gang, or to prevent any person from leaving any criminal street gang, or to intimidate any person who has ceased participation in any criminal street gang shall be guilty of a gross misdemeanor and punished by imprisonment for a period not to exceed 365 days and a fine not to exceed \$5,000.00.

(Ord. No. 1092, § 1, 5-13-2008)

9.36.050 Use of public place by criminal street gang-Prohibited-Penalty.

A. It is unlawful for any person who is a member of a criminal street gang or who is in the company of or acting in concert with a member of a criminal street gang to loiter or idle in a "public place" as defined in this section under any of the following circumstances:

1. With the intent to publicize a criminal street gang's dominance over certain territory in order to intimidate nonmembers of the gang from entering, remaining in, or using the public place or adjacent area; or

2. With the intent to conceal ongoing commerce in illegal drugs or other unlawful activity.

B. For purposes of this chapter, a "public place" means the public way and any other location open to the public, whether publicly or privately owned, including, but not limited to, any street, sidewalk, avenue, highway, road, curb area, alley, park, playground or other public

ground or public building, any common area of a school, hospital, apartment house, office building, transport facility, shop, privately owned place of business to which the public is invited, including any place of amusement, entertainment, or eating place. Any "public area" also includes the front yard area, driveway and walkway of any private residence, business, or apartment house.

C. Any person violating this section shall be guilty of a misdemeanor and shall be punished by imprisonment up to 90 days and/or a fine up to \$1,000.00.
(Ord. No. 1092, § 1, 5-13-2008)

9.36.060 Penalty for violation-Enhanced penalty-Sentencing.

A. Enhanced penalty.

1. Gross misdemeanor. Any person who is convicted of any gross misdemeanor offense, which is committed for the benefit of, at the direction of or in association with any criminal street gang with the specific intent to promote, further, or assist in any criminal conduct by gang members, shall be punished by imprisonment not to exceed 365 days, but not less than ten days for a first offense. Any subsequent conviction is subject to the mandatory sentencing provisions of subsection B.

2. Misdemeanor. Any person who is convicted of any misdemeanor offense, which is committed for the benefit of, at the direction of or in association with any criminal street gang with the specific intent to promote, further, or assist in any criminal conduct by gang members, shall be punished by imprisonment not to exceed 90 days, but not less than two days. Any subsequent conviction is subject to the mandatory sentencing provisions of subsection B.

3. Proof of active participation. In order to secure an enhanced penalty pursuant to this section, it is not necessary for the prosecution to prove that the person devotes all, or a substantial part, of his or her time or efforts to the criminal street gang, nor is it necessary to prove that the person is a member of the criminal street gang. Active participation in the criminal street gang is all that is required.

B. Sentencing-Mandatory Minimums.

1. First offense. In addition to any fine imposed, upon conviction of any first offense violation of any provision of this chapter, unless otherwise specifically

provided in any section, the violator shall be imprisoned not less than ten days for a gross misdemeanor and not less than two days for a misdemeanor.

2. Second offense. In addition to any fine imposed, upon conviction of any second offense violation of any provision of this chapter, unless otherwise specifically provided in any section, the violator shall be imprisoned not less than 30 days for a gross misdemeanor and not less than ten days for a misdemeanor.

3. Third and subsequent offense. In addition to any fine imposed, upon conviction of any third or subsequent offense violation of any provision of this chapter, unless otherwise specifically provided in any section, the violator shall be imprisoned not less than 180 days for a gross misdemeanor and not less than 45 days for a misdemeanor.
(Ord. No. 1092, § 1, 5-13-2008)

9.36.070 Declaration of public nuisance.

Criminal street gangs and criminal gang activity are each declared to be a public nuisance in violation of applicable city codes, including but not limited to the Uniform Code for the Abatement of Dangerous Buildings and Uniform Housing Code, subject to abatement through all available means. In addition thereto and without limitation, criminal gang activity upon, and the presence and use of property by, a criminal street gang, with the owner's knowledge or consent, constitutes a public nuisance and grounds for revocation of any permit or license regulating or authorizing the use of such property.
(Ord. No. 1092, § 1, 5-13-2008)

9.36.080 Reserved.

9.36.090 Exemption.

This chapter does not apply to employees engaged in concerted activities for their mutual aid and protection, or the activities of labor organizations or their members or agents.
(Ord. No. 1092, § 1, 5-13-2008)

9.36.100 Powers of law enforcement officers not limited.

Nothing in this chapter shall be construed in any way to limit the power or right of a law enforcement officer to

make any investigation, detention or arrest as such law enforcement officer would be permitted to make in absence of this chapter. (Ord. No. 1092, § 1, 5-13-2008)

9.36.110 Severability.

If any part or provision of this chapter, or the application thereof to any person or circumstance, is held invalid, the remainder of the chapter, including the application of that part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this chapter are severable. (Ord. No. 1092, § 1, 5-13-2008)

Chapter 9.84

LOITERING

Sections:

- 9.84.010 Definitions.
- 9.84.020 Order to disperse.
- 9.84.030 Responsibility of parents and others.
- 9.84.040 Loitering for the purpose of engaging in drug-related activity.

9.84.010 Definitions.

For the purpose of this chapter, the following definitions shall apply:

- A. "Loitering" means remaining idle in essentially one location and includes the concept of spending

time idly, to be dilatory, to linger, to stay, to saunter, to delay, to stand around, and also includes the colloquial expression "hanging around."

B. "Public place" means any place to which the general public has access and a right to resort for business, entertainment or other lawful purpose but does not necessarily mean a place devoted solely to the uses of the public. It also includes the front or immediate area of any store, shop, restaurant, tavern or other place of business and also public grounds, areas or parks. (Ord. 613 § 1 (part), 1984).

9.84.020 Order to disperse.

A. It is unlawful for any person to loiter, loaf, wander, stand or remain idle either alone and/or in consort with others in a public place in such manner so as to:

1. Obstruct any public street, public highway, public sidewalk or any other public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians;

2. Commit in or upon any public street, public highway, public sidewalk or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, public sidewalk or any other public place or building, all of which prevent the free and uninterrupted ingress, egress and regress, therein, thereon and thereto.

B. When any person causes or commits any of the conditions enumerated in subsection A of this section, a police officer or any law enforcement officer shall order that person to stop causing or committing such conditions and to move on or disperse. Any person who fails or refuses to obey such orders is guilty of a violation of this chapter. (Ord. 613 § 1(part), 1984).

9.84.030 Responsibility of parents and others.

It is unlawful for the parent, guardian or other adult person having the care or custody of a minor knowingly to permit such a minor to loiter in a public place within the city. (Ord. 613 § 1(part), 1984).

9.84.040 Loitering for the purpose of engaging in
drug-related activity.

A. It is unlawful for any person to loiter in or near any thoroughfare, place open to the public or near any public or private place in a manner and under circumstances manifesting the purpose to engage in drug-related activity contrary to any of the provisions of Chapters 69.41, 69.50 or 69.52 of the Revised Code of Washington.

B. No arrest shall be made for a violation of this section unless the arresting officer first affords such person an opportunity to explain his presence and such conduct. No person shall be convicted of violating this section if it appears at trial that the arresting officer did not comply with the preceding sentence, or if it appears at the trial that the explanation given was true and disclosed a lawful purpose.

C. Included among the circumstances which may be considered in determining whether such purpose is manifested, but not limited thereto, are:

1. Such person is a known, unlawful drug user, possessor, or seller;

2. It is known that such person has been convicted in any court within this state within a period of two years of any violation involving the use, possession or sale of any of the substances referred to in Chapters 69.41, 69.50 and 69.52 of the Revised Code of Washington or, within two years, such person has been convicted of any violation of any of the provisions of said chapters of the Revised Code of Washington;

3. The area involved is by public repute known to be an area of unlawful drug use and trafficking;

4. The premises involved are known to have been reported to law enforcement as a place suspected of drug activity pursuant to Chapter 69.52 of the Revised Code of Washington;

5. Any vehicle involved is known to be registered to a known unlawful drug user, possessor or seller or for which there is an outstanding warrant for a crime involving drug-related activity;

6. Such person behaves in such a manner as to raise a reasonable suspicion that he or she is about to engage in or is then engaged in an unlawful drug-related activity;

7. Such person takes flight upon the appearance of a police officer;

8. Such person manifestly endeavors to conceal himself or herself or any object that reasonably could be involved in an unlawful drug-related activity. (Ord. 704 § 1, 1984).

Chapter 9.86

JUVENILE CURFEW AND PARENTAL RESPONSIBILITY

Sections:

- 9.86.010 Short title.
- 9.86.020 Definitions.
- 9.86.030 Curfew for minors.
- 9.86.040 Parental responsibility.
- 9.86.050 Procedures.
- 9.86.060 Violation-Penalty.

9.86.010 Short title.

This chapter shall be known and may be cited as the "juvenile curfew and parental responsibility ordinance." (Ord. 791 § 1(part), 1995).

9.86.020 Definitions.

For the purposes of this chapter, the following terms shall have the meanings hereafter stated. When not inconsistent with the content, the singular shall include the plural, plural shall include singular, masculine shall include feminine, and present tense shall include future tense. The word "shall" is mandatory and not merely directory.

"Minor" means any person under the age of eighteen years of age.

"Parent" means the natural or adoptive mother or father, guardian or other adult person having the legal care, custody or control of a minor.

"Public place" means any street, alley, highway, sidewalk, park, playground, or other place to which the general public has access and a right to be for business, entertainment, or other lawful purpose.

A public place shall include but not be limited to any store, shop, restaurant, tavern, cafe, poolroom, grocery store, convenience store, fast food franchise, shopping

center, parking lot, gas station and any other place devoted to use of the general public. It shall also be the immediate surrounding area of the above. (Ord. 791 § 1(part), 1995).

9.86.030 Curfew for minors.

A. It is unlawful for any minor to be or remain in any public place between the hours of ten p.m. and five a.m. any day of the week, and the hours of nine a.m. and two-thirty p.m. Monday through Friday except on a holiday, or when school is not in session, or during school vacation. With respect to offenses during the hours between nine a.m. and two-thirty p.m., it shall be a defense that the minor has graduated from high school or received a general educational development (G.E.D.) diploma, or that the minor has permission to be absent from school from an authorized school official, or, in the case of a minor being educated at home, from the parent.

B. During school vacations and holidays, and on nights preceding school vacations and holidays, the curfew shall be extended from ten p.m. to eleven p.m.

C. The provisions of subsections A and B of this section shall not apply to the following circumstances:

1. When the minor is accompanied by a parent;
2. When the minor is engaged in lawful employment or is traveling by direct route to or from such place of employment;
3. When the minor is on an emergency errand or specific business or activity directed or permitted by his parent;
4. When the minor is in a motor vehicle and engaged in interstate travel with the consent of a parent;
5. When the minor is within one block of his or her legal residence;
6. When the minor is attending or traveling by direct route to or from an activity, including, but not limited to, a dance, movie or theater presentation, or sporting event. Minors attending such activities shall return to their residences within a reasonable time, but no more than one hour after the activity has ended if it ends during curfew hours. (Ord. 791 §1(part), 1995).

9.86.040 Parental responsibility.

It is unlawful for the parent of a minor to permit or, by insufficient control, to allow the minor to be or remain

in any public place in violation of Section 9.86.030 of this chapter. (Ord. 1042 §1, 2005: Ord. 791 §1(part), 1995).

9.86.050 Procedures.

A. Police officers may stop and question a person they reasonably believe to be a minor in order to obtain the name, address and age of such person, the nature of his or her presence in a public place, and the name and address of his or her parents.

B. Any police officer, upon finding a minor in violation of Section 9.86.030, shall advise the minor that he or she is in violation of curfew and shall direct the minor to proceed immediately to his or her place of residence. The police officer may report such action to the parents of the minor, or may report such action to the police department dispatcher, who in turn may notify the parents.

C. If such minor refuses to heed such warnings or direction by any police officer or refuses to give such police officer his or her correct name and address, or if the minor has been warned on a previous occasion that he or she is in violation of curfew, he or she may be taken to the police department and the parent shall be notified to come and take charge of the minor. If the parent cannot be located or fails to come and take charge of the minor, the minor shall be released to the juvenile authorities or to the Children's Protective Services of the Department of Social and Health Services.

D. If the minor is determined to be in violation of Section 9.86.030 and the police officer has reason to believe the minor is in danger, the officer may take the minor into protective custody and deliver or arrange to deliver the minor to:

1. The parent;
2. The police department; or
3. An appropriate facility of the Department of Social and Health Services. (Ord. 791 §1(part), 1995).

9.86.060 Violation-Penalty.

A. A violation of this chapter shall be a criminal violation and a person found to have committed a violation of this chapter shall be assessed a fine not to exceed one hundred dollars for a first offense.

B. The maximum penalty that may be assessed is a fine of five hundred dollars or a jail sentence of ninety (90) days, or both. (Ord. 791 § 1(part), 1995).

Chapter 9.88

DISPOSITION OF STOLEN OR PERSONAL PROPERTY

Sections:

- 9.88.010 Generally.
- 9.88.020 Public auction-Disposition of proceeds.
- 9.88.030 Notice of sale.
- 9.88.040 Receipt.

9.88.010 Generally.

When any personal property has come into the hands of the police department of the city for safekeeping or storage by reason of recovery of stolen property, being left for storage, or otherwise has remained in the possession of the police department for the period of sixty days, or more, without having been claimed, the same shall be disposed of by the police department as set forth in this chapter. (Ord. 613 § 1(part), 1984).

9.88.020 Public auction-Disposition of proceeds.

When any property as set forth in Section 9.88.010 of this chapter has come into the hands of the police department of the city, and has remained in the possession of the department for a period of sixty days, or more, without having been claimed, the same shall be sold by and under the direction of the chief of police auction, to the highest bidder for cash, in such lots or parcels as in the judgment of the chief of police will bring most money, and the proceeds or moneys received for the property shall be immediately deposited by the chief of police with the city treasurer to the credit of the general fund of the city. (Ord. 613 § 1(part), 1984).

9.88.030 Notice of sale.

Before any sale is made as provided in Sections 9.88.010 and 9.88.020 of this chapter, notice of such sale shall be given by publishing in a newspaper of general circulation in the city for at least two consecutive issues a notice of sale. The notice shall not be required to de-

scribe each article separately, and it shall be sufficient notice if such sale notice sets forth that such personal property has been in the possession of the police department of the city for more than sixty days without having been claimed. (Ord. 613 § 1(part), 1984).

9.88.040 Receipt.

Upon the sale of any article or articles as set forth in this chapter, a receipt shall be given the purchaser describing the property sold and stating that the same was sold at public auction by the police department as provided in this chapter. (Ord. 613 § 1 (part), 1984).

Chapter 9.90

SALE OF AEROSOL CONTAINERS OF PAINT TO MINORS

Sections:

- 9.90.010 Furnishing aerosol containers of paint to minors prohibited.
- 9.90.020 Purchase of aerosol containers of paint by minors prohibited.
- 9.89.030 Possession of aerosol containers of paint by minors in public place prohibited.
- 9.90.040 Parents and guardians liable for damages caused by graffiti done by minor child.

9.90.010 Furnishing aerosol containers of paint to minors prohibited.

A. It is unlawful for any person, firm or corporation to sell or give or in any way furnish to another person, who is in fact under the age of eighteen years, any aerosol container of paint.

B. For purposes of this section "bona fide evidence of identify and age of majority" is any document showing the age and identity of an individual which has been issued by a federal, state or local governmental entity, and includes, but is not limited to, a motor vehicle operator's license or an identification card issued by the State Department of Licensing of U.S. Immigration Office.

C. This section shall not apply to the furnishing of six ounces or less of an aerosol container of paint to a minor for the minor's lawful use under the immediate super-

vision of the minor's parent, guardian, instructor or employer. (Ord. 792 § 1(part), 1995).

9.90.020 Purchase of aerosol containers of paint by minors prohibited.

It is unlawful for any person under the age of eighteen years to purchase an aerosol container of paint. (Ord. 792 § 1(part), 1995).

9.90.030 Possession of aerosol containers of paint by minors in public place prohibited.

It is unlawful for any person under the age of eighteen years to possess an aerosol container of paint while on any public street, alley, sidewalk, or other public place, regardless of whether that person is or is not in any motor vehicle. (Ord. 792 § 1(part), 1995).

9.90.040 Parents and guardians liable for damages caused by graffiti done by minor child.

The court-appointed guardian, parent or parents of any minor child under the age of eighteen years who is living with the guardian, parent or parents and who shall put an inscription, figure or design on a building, wall, fence or other property owned by another person, whether by paint, spray paint, marker, or any other device or material, shall be liable to the owner of such property in a civil action at law for damages in an amount not to exceed five thousand dollars. Said damages may include costs incurred by the city in removing graffiti through the use of a soda blaster or otherwise. If a court-appointed guardian, parent or parents are found liable under this section, the court may, after considering the guardian or parent's ability to pay, and upon their request, permit the guardian, parent or parents to perform the labor and provide the materials necessary to remedy said damages in lieu of payment. The decision of the municipal court shall be subject to review in superior court by writ of review or on appeal. (Ord. 792 § 1(part), 1995).

Chapter 9.101

SAVINGS AND SEVERABILITY

Sections:

9.101.010 Savings clause.

9.101.020 Severability clause.

9.101.010 Savings clause.

Any ordinances repealed by the ordinance codified in this chapter shall remain in effect until the effective date of the ordinance codified in this chapter. (Ord. 1287 § 10(part), 2017).

9.101.020 Severability clause.

If any section, subsection, paragraph, sentence, clause, or phrase of this title is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this title. (Ord. 1287 § 10(part), 2017).

Title 10VEHICLES AND TRAFFICChapters:

<u>10.04</u>	<u>Model Traffic Ordinance</u>
<u>10.08</u>	<u>Speed Limits</u>
<u>10.12</u>	<u>Restrictions on Street Use</u>
<u>10.16</u>	<u>Bicycles</u>
<u>10.20</u>	<u>Vehicle Impoundment</u>
<u>10.56</u>	<u>Wheeled All-Terrain Vehicles</u>

Chapter 10.04MODEL TRAFFIC ORDINANCESections:

10.04.010	Adoption by reference.
10.04.020	Additional state laws adopted.
10.04.030	Disposition of traffic fines and forfeitures.
10.04.040	Official misconduct.
10.04.050	Copies of adopted MTO on file for public inspection.

10.04.010 Adoption by reference.

The "Washington Model Traffic Ordinance," Ch. 308-330 WAC, is adopted by reference as the traffic ordinance of the city as if set forth in full. (Ord. 769 § 1, 1994).

10.04.020 Additional state laws adopted.

The following sections are adopted by reference: Chapter 275, Laws of 1994, 4, 5, 6, 7, 10, 11, 12 and 23. Also adopted by reference is RCW 46.10.730, as amended by Section 23 of Chapter 275, Laws of 1994. (Ord. 769 § 2, 1994).

10.04.030 Disposition of traffic fines and forfeitures.

All fines or forfeitures collected upon conviction or upon the forfeiture of bail of any person charged with a violation of any of the provisions of this chapter shall be paid into the general fund of the city. (Ord. 499 § 4, 1980).

10.04.040 Official misconduct.

Failure, refusal or neglect on the part of any judicial or other officer or employee receiving or having custody of any such fine or forfeiture of bail, either before or after a deposit in said general fund, to comply with the provisions of Section 10.04.030, shall constitute misconduct in office and shall be grounds for removal therefrom, provided appropriate removal action is taken pursuant to state law relating to removal of public officials. (Ord. 499 §5, 1980).

10.04.050 Copies of adopted MTO on file for public inspection.

Incident to the adoption of the MTO by reference by this chapter, copies of the text of the adopted MTO and/or other adopted statutes shall be filed as required by RCW 35.21.180 for use and examination by the public. (Ord. 499 §6, 1980).

Chapter 10.08SPEED LIMITSSections:

- 10.08.010 Speed designated on Primary State Highway No. 3 within city limits.
- 10.08.020 Responsibility for marking highway.
- 10.08.030 Gravel and unpaved roads.

10.08.010 Speed designated on Primary State Highway No. 3 within city limits.

The speed for all motor vehicles on so much of Primary State Highway No. 3 (Inland Empire Highway) as is within the corporate limits of the city described as Primary State Highway No. 3 (Inland Empire Highway) from east corporate limits via Bailey Street produced and East "E" Street produced to north corporate limits shall not exceed thirty-five miles an hour. (Ord. 203 §1, 1952).

10.08.020 Responsibility for marking highway.

The highway shall be marked, showing such speed, by the State Highway Department. (Ord. 203 §2, 1952).

10.08.030 Gravel and unpaved roads.

The speed limit to all motor vehicles on all unpaved and gravel roads within the City of Granger is limited to

twenty miles per hour, and the speed on such streets shall be strictly enforced by the city police department. An emergency is hereby declared to exist and the streets shall be posted to show the new speed limit. (Ord. 1013 §§1, 2, 2004).

Chapter 10.12

RESTRICTIONS ON STREET USE

Sections:

- 10.12.010 Load restrictions--Restricted vehicles.
- 10.12.020 Vehicle and vehicle weight restrictions--Exceptions.
- 10.12.030 Designation of restricted street use--Signs.
- 10.12.040 Truck routes.
- 10.12.050 Certain vehicles prohibited.
- 10.12.060 Repair of vehicles prohibited--Exception.
- 10.12.070 Enforcement--Penalty.

10.12.010 Load restrictions--Restricted vehicles.

When truck route signs are erected giving notice thereof, no person shall operate or park any vehicle specified in Section 10.12.020, at any time, upon any of the streets, alleys, sidewalks, public rights-of-way or other public property not described in Section 10.12.040, except as hereinafter provided.

(Ord. No. 1183, § 1(Exh.), 2-12-2013)

10.12.020 Vehicle and vehicle weight restrictions--Exceptions.

A. Vehicle restrictions. Except as provided in subsection (B) of this section, no person shall operate or park at any time upon any of the streets, parts of streets or right-of-way not described in Section 10.12.040: (1) any vehicle consisting of a tractor-trailer, semi-tractor or truck, logging truck, pole trailer, or (2) any vehicle exceeding the weight limitations described below:

1. Any motor vehicle having a gross weight in excess of twelve thousand pounds; or
2. Any motor vehicle having three or more axles with a gross weight in excess of twelve thousand pounds; or

3. Any motor vehicle, trailer, pole trailer, truck, tractor, truck tractor, road tractor, bus, or semi-trailer used in combination when the gross weight of the combination exceeds twenty-six thousand pounds combined gross weight.

"Gross weight" means the scale weight of the motor vehicle, motor truck, tractor or truck tractor, plus the scale weight of any trailer, semi-trailer, converter gear, or pole trailer to be towed thereby, to which shall be added the weight of the maximum load to be carried thereon or towed thereby as determined by records of registration pursuant to RCW Title 46 or other applicable law or regulation.

B. Exceptions.

1. Notwithstanding the above restrictions, any vehicle exceeding the applicable weight limitations described above may be operated on streets or rights-of-way not described in Section 10.12.040 for the purposes of delivering or picking up material or merchandise, or obtaining service to said vehicle, and then only by entering such street at the intersection nearest the destination of the vehicle and proceeding thereon no further than the nearest intersection thereafter. Parking of any such vehicle in any area not described in Section 10.12.040 shall not exceed the time actually necessary to accomplish the delivery or loading of the materials or merchandise, and in no event shall such parking exceed such time unless necessary to complete repairs to such vehicle to render such vehicle immediately operable.

2. Where the vehicle is a recreational vehicle, utility trailer, travel trailer, horse trailer or boat trailer for the recreational use of the owner, and not for sale or commercial purposes, travel within and upon the streets and rights-of-way not described in Section 10.12.040 shall be permitted; provided, however, that such vehicles and trailers shall not be parked or stored within or upon any street, right-of-way, alleyway, sidewalk or other public property, except as provided in Section 10.08.214.

3. The restrictions in subsection (A) of this section do not apply to vehicles owned or operated by the city or any of its contractors, franchisees or permittees,

nor to vehicles or equipment operated by any other municipality, governmental agency or special purpose district when operated within the course and scope of the performance of their duties or employment, or pursuant to city-sanctioned public events.

(Ord. No. 1183, § 1(Exh.), 2-12-2013)

10.12.030 Designation of restricted street use--Signs.

The city mayor or his/her designee is authorized to determine and designate appropriate signage to be posted to provide additional notice as deemed necessary or appropriate of the street restrictions of this chapter.

(Ord. No. 1183, § 1(Exh.), 2-12-2013)

10.12.040 Truck routes.

Any and all vehicles subject to the restrictions in Section 10.12.020 shall restrict their operation and travel to the following routes or areas while in the city:

- A. Beginning at Ruel Way and its intersection of West Hudson Road; thence south on Ruel Way to 2nd Avenue; south on 2nd Avenue to its intersection with Bailey Avenue.
- B. All of Bailey Avenue through the city.
- C. Beginning at 3rd Street and its intersection of State Route 223; thence west on 3rd Street to its intersection with Main Street.
- D. All of Main Street through the city.
- E. All of Sunnyside Avenue through the city.
- F. All of Yakima Valley Highway through the city.
- G. All of State Route 223 through the city.
- H. All of Cherry Hill Road through the city.
- I. Beginning at E Street and its intersection of Yakima Valley Highway; thence south on E Street to its intersection with 3rd Street.

The city mayor may designate from time to time such temporary alternate truck routes deemed necessary or appropriate to accommodate public safety and welfare. The city mayor will cause appropriate notice to such temporary truck route to be posted and communicated to affected agencies or persons.

(Ord. No. 1183, § 1(Exh.), 2-12-2013)

10.12.050 Certain vehicles prohibited.

No person shall operate or cause to be operated on any street, alley or right-of-way a vehicle with traction devices made of or consisting of tracks, cleats, lugs or similar devices without first having received written authorization from the city mayor or his designee. In order for such person to receive written authorization, there shall be a showing of need which cannot be reasonably met through other methods. Because of the damage to streets from using such vehicles, the authorization may be conditioned on requirements for insurance bonding, cash deposit, or other security to provide reimbursement for costs of repairs in the event of such damage.

(Ord. No. 1183, § 1(Exh.); 2-12-2013)

10.12.060 Repair of vehicles prohibited--Exception.

No person shall make, or cause to be made, any repairs to any motor vehicle, vehicle engine, transmission, or other vehicle part, or conduct oil changes or other vehicle fluid change or maintenance, upon any street, sidewalk, right-of-way or other public property; provided, however, this prohibition shall not apply to emergency repairs necessary to make the vehicle immediately operable.

(Ord. No. 1183, § 1(Exh.), 2-12-2013)

10.12.070 Enforcement--Penalty.

This chapter shall be enforced by any authorized law enforcement officer. Any person violating any provision of this chapter shall be liable for a civil infraction and subject to assessment of a penalty up to five hundred dollars per violation. Each day of violation shall constitute a separate offense.

(Ord. No. 1183, § 1(Exh.), 2-12-2013)

Chapter 10.16BICYCLESSections:

- 10.16.010 License tag required for riding within city.
- 10.16.020 License fee and term.
- 10.16.030 Applicant qualifications.
- 10.16.040 Violation--Penalty.

10.16.010 License tag required for riding within city. No person shall ride or propel a bicycle upon any street or other public highway in the town, or upon any part thereof without first having secured and attached to such a bicycle a proper license tag, such tag to be supplied by the town and obtained from the town marshal. (Ord. 158 §1, 1947).

10.16.020 License fee and term. A. A bicycle license fee of fifty cents will be charged for the issuance of a bicycle license, in addition to the other requirements provided for in this chapter, and the same is to be collected on all bicycles operated within the corporate limits of the town.

B. Each license shall be good for a period of one year beginning on the first of April and expiring on the thirty-first of March of each and every year. (Ord. 297 §1, 1965; Ord. 158(part), 1947).

10.16.030 Applicant qualifications. All applicants must be able to answer all traffic rules and regulations as asked by the marshal at the time the applicant is applying for a license. (Ord. 158 §9, 1947).

10.16.040 Violation--Penalty. Any person violating the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not to exceed ten dollars, or the police judge may, in lieu of, or in addition to the penalty provided in this chapter, suspend the license of any person granted under this chapter for a period of not more than thirty days. (Ord. 158 §7, 1947).

Chapter 10.20VEHICLE IMPOUNDMENTSections:

- 10.20.010 Authority.
- 10.20.020 Purpose.
- 10.20.030 Definitions.
- 10.20.040 Establishment of secure impound facilities.
- 10.20.050 Impounding, transporting vehicles.
- 10.20.060 Period of impoundment.
- 10.20.070 Notification of impound.
- 10.20.080 Redemption of impounded vehicles.
- 10.20.090 Administrative hearing.
- 10.20.100 Administrative hearing procedures.
- 10.20.110 Administrative hearing fee.
- 10.20.120 Abandonment and sale.
- 10.20.130 Release of personal property.
- 10.20.140 Charges and fees.

10.20.010 Authority. The provisions of the ordinance codified in this chapter shall be deemed an exercise of the police powers of the town for the reasonable regulation of impounding motor vehicles as authorized by RCW 46.55.240, while at the same time providing for the health, safety, welfare, and general protection of the citizens of Granger. Nothing contained in this chapter shall create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by this chapter. (Ord. 924 §1, 2000).

10.20.020 Purpose. It is the intent of the town council to allow for the impoundment of motor vehicles by law enforcement officers whenever the driver of a vehicle is taken into custody as specified in RCW 46.55.113 and to hold impounded vehicles whenever the driver is arrested for violation of RCW 46.20.342 for the time periods specified in Section 10.20.060. It is the intent of the town council to adopt the legislative finding contained in RCW 46.55.105, "Findings - 1998 c 203." It is the intent of the town council to simplify the process of impounding, holding and releasing the vehicles to their registered owners by establishing a town-operated secure impound facility where such a facility does exist within the town limits of the town. (Ord. 924 §2, 2000).

10.20.030 Definitions. As used in this chapter, the following words and terms shall be defined as follows:

"Driving while license suspended or revoked" means whenever a person's privilege to drive has been suspended

or revoked by this state or any other state. Any person who has a valid Washington state driver's license shall not be considered to be driving with a suspended or revoked driver's license.

"Impound" means to take and hold a vehicle in legal custody. For the purpose of this chapter, all vehicle "impounds" shall be public impounds.

"Law enforcement officer" means commissioned officers of the Granger police department.

"Motor vehicle" means any vehicle which is self-propelled by the use of a mechanical motor, electrical motor or combustion motor.

"Public impounds" means that the vehicle has been impounded at the direction of a law enforcement officer or by a public official having jurisdiction over the public property upon which the vehicle was located.

"Registered tow truck operator" or "operator" means any town licensed business that is licensed by the Department of Licensing to engage in the impounding, transporting, or storage of unauthorized vehicles or the disposal of abandoned vehicles. (Ord. 924 §3, 2000).

10.20.040 Establishment of secure impound facilities.

This chapter authorizes the chief of police to establish a location within the town limits of the town, that complies with the provisions of the Washington Administrative Code Section 308-61-026 (2), as a secure impound area. The secure impound area shall be for the purpose of temporarily safeguarding vehicles while stored or held in compliance with this chapter.

A. The police department shall establish storage fees that are consistent with rates and fees charged within Yakima County. The police department shall post the fees in the lobby of the police department.

B. The impound yard shall have signs posted, visible to the outside that provide the following information:

TOWN OF GRANGER IMPOUND AREA

No Trespassing or entrance by unauthorized persons

Contact: Granger police department
111 7th Street, Granger, WA
(509) 854-2656

(Ord. 924 §4, 2000).

10.20.050 Impounding, transporting vehicles.

The chief of police shall enter into an agreement with a registered tow truck operator to impound vehicles to the secure impound facilities. The registered tow truck operator shall submit a claim to the town for payment after services are provided. (Ord. 924 §5, 2000).

10.20.060 Period of impoundment. Whenever the driver of a vehicle is arrested for a violation of RCW 46.20.342, the following period of impoundment shall apply:

A. Whenever the driver of a vehicle is arrested for violation of RCW 46.20.342, the vehicle shall be impounded, except when circumstances exist that make it unsafe or impractical for the officer to impound the vehicle. Impractical situations include the need for the officer to respond to other calls for service or an emergency situation.

B. If a vehicle is impounded because the driver is arrested for a violation of RCW 46.20.342 and the Washington Department of Licensing records show that the driver's status is suspended third degree, and the records show one previous violation of RCW 46.20.342 within five years the vehicle shall be impounded for fifteen days.

C. If a vehicle is impounded because the driver is arrested for a violation of RCW 46.20.342 and the Washington Department of Licensing records show that the driver's status is suspended third degree, and the records show two or more previous violations of RCW 46.20.342 within five years the vehicle shall be impounded for thirty days.

D. If a vehicle is impounded because the driver is arrested for a violation of RCW 46.20.342 and the Washington Department of Licensing records show that the driver's status is suspended first or second degree, and the records show no previous violations of RCW 46.20.342 within five years the vehicle shall be impounded for thirty days.

E. If a vehicle is impounded because the driver is arrested for a violation of RCW 46.20.342 and the Washington Department of Licensing records show that the driver's status is suspended first or second degree, and the records show one previous violation of RCW 46.20.342 within five years the vehicle shall be impounded for sixty days.

F. If a vehicle is impounded because the driver is arrested for a violation of RCW 46.20.342 and the Washington Department of Licensing records show that the driver's status is suspended first or second degree, and the records show two or more previous violations of RCW 46.20.342 within five years the vehicle shall be impounded for ninety days. (Ord. 924 §6, 2000).

10.20.070 Notification of impound. A. The Granger police department shall notify the registered owner and legal owner of any vehicle impounded by written notification within twenty-four hours, excluding Saturdays, Sundays and holidays, of the impound, by first class mail. The written notification shall include the location of the vehicle, the address and telephone number of the Granger police department for the owner to redeem their vehicle. The notice shall also include the written notice of the right of redemption and the opportunity for a hearing to

contest the validity of the impoundment pursuant to Sections 10.20.090 and 10.20.100 of this chapter.

B. No notices need to be sent to the legal or registered owners of an impounded vehicle if the vehicle has been redeemed. (Ord. 924 §7, 2000).

10.20.080 Redemption of impounded vehicles. Vehicles impounded by the town shall be redeemed only under the following circumstances:

A. Only the registered owner, a person authorized in writing by the registered owner, or one who has purchased the vehicle from the registered owner, who produces ownership or authorization and signs a receipt therefor, may redeem an impounded vehicle. In addition, a vehicle impounded because the operator is in violation of RCW 46.20.342, and the operator was the driver at the time of impound, shall not be released until proof that all outstanding fines and/or failures to appear with the town have been paid is presented. No person shall redeem a vehicle until payment has been made for towing fees, and storage fees or satisfactory arrangements have been made and approved by the chief of police.

B. The chief of police is authorized to release a vehicle impounded prior to the expiration period of impoundment upon written petition of a spouse or other adult person having a legal interest in the vehicle, based on economic or personal hardship to such spouse or other person resulting from unavailability of the vehicle and after consideration of the threat to public safety that may result from the release of the vehicle, including, but not limited to, the driver's criminal history, driving record, license status and access to the vehicle. If such release is authorized, the person redeeming the vehicle must satisfy all towing, administrative and storage fees.

C. A rental car business may immediately redeem a rental vehicle it owns by payment of the costs of removal, towing, and storage fees, whereupon the vehicle will not be held for a suspended license impound.

D. A motor vehicle dealer or lender with a perfected security interest in the vehicle may redeem or lawfully repossess a vehicle immediately by payment of the costs of removal, towing, and storage fees whereupon the vehicle will not be held for a suspended license impound. A motor vehicle dealer or lender with a perfected security interest in the vehicle may not knowingly and intentionally engage in collusion with a registered owner to repossess and then return or resell a vehicle to the registered owner in an attempt to avoid a suspended license impound. However, this perfected security interest in the vehicle from repossessing the vehicle and the selling, leasing, or otherwise disposing of it in accordance with Chapter 62A.9 RCW, including providing redemption rights to the debtor under RCW

62A.9-506. If the debtor is the registered owner of the vehicle, the debtor's right to redeem the vehicle under RCW 62A.9-506, is conditioned upon the debtor obtaining and providing proof from the impounding authority or court having jurisdiction that any fines, penalties, and forfeitures owed by the registered owner, as a result of the suspended license impound, have been paid, and proof of the payment must be tendered to the vehicle dealer or lender at the time the debtor tenders all other obligations required to redeem the vehicle. Vehicle dealers or lenders are not liable for damages if they rely in good faith on an order from the impounding agency or a court in releasing a vehicle held under a suspended license impound.

E. Persons seeking to redeem a vehicle held at the town secure impound facility shall be provided written notice of the right of redemption and opportunity for a hearing, which notice shall be accompanied by a form to be used for requesting a hearing, and a copy of the towing and storage invoice. The police department shall maintain a record evidenced by the redeeming person's signature that such notification was provided. (Ord. 924 §8, 2000).

10.20.090 Administrative hearing. Any person seeking to redeem a vehicle impounded as a result of this chapter has a right to a hearing before an administrative hearings officer to contest the validity of an impoundment or the amount of towing and storage charges if such request for a hearing is in writing, in a form approved by the chief of police and signed by such person, and received by the chief of police within ten days (including Saturdays, Sundays and holidays) of the vehicle impound. The administrative hearings officer shall be the chief of police, unless he or she was directly or indirectly involved with the impound, then such administrative hearings officer shall be the acting court commissioner or judge pro tem. Such hearing shall be provided as follows:

A. If all of the requirements to redeem the vehicle, including expiration of any period of impoundment under RCW 46.20.342, have been satisfied, then the impounded vehicle shall be released immediately and a hearing shall be held within ninety days of the written request for hearing.

B. If all of the requirements to redeem the vehicle, including expiration of any period of impoundment under RCW 46.20.342, have not been satisfied, then the impounded vehicle shall not be released until after the hearing which shall be held within two business days (excluding Saturdays, Sundays, and holidays) of the written request for hearing.

C. Any person seeking a hearing who has failed to request such hearing with the time specified in this section may petition the chief of police for an extension to file a request for hearing. Such extension shall only be

granted upon demonstration of good cause as to the reason(s) the request for hearing was not timely filed. For the purpose of this section, good cause shall be defined as circumstances beyond the control of the person seeking the hearing that prevented such person from filing a timely request for hearing. In the event such extension is granted, the person receiving such extension shall be granted a hearing in accordance with this chapter.

D. If a person fails to file a timely request for hearing and no extension to file such a request has been granted, the right to a hearing is waived, the impoundment and the associated costs of impoundment are deemed to be proper.

E. In accordance with RCW 48.55.240(1)(d), a decision made by an administrative hearing officer may be appealed to the Granger municipal court for final judgment. The hearing on the appeal under this subsection shall be de novo. A person appealing such a decision must file a request for an appeal in municipal court within fifteen days after the decision of the administrative hearings officer and must pay a filing fee in the same amount required for the filing of a suit in district court. If a person fails to file a request for an appeal within the time specified by this section or does not pay the filing fee, the right to an appeal is waived and the administrative hearing officer's decision is final. (Ord. 924 §9, 2000).

10.20.100 Administrative hearing procedures. Hearings requested pursuant to this chapter shall be held by an administrative hearings officer who shall determine whether the impoundment was proper and whether the associated towing, storage, and administrative fees were proper.

A. At the hearing, an abstract of the driver's driving record is admissible without further evidentiary foundation and is prima facie evidence of the status of the driver's license, permit or privilege to drive and that the driver was convicted of each offense shown on the abstract. In addition, a certified vehicle registration of the impounded vehicle is admissible without further evidentiary foundation and is prima facie evidence of the identity of the registered owner of the vehicle.

B. If the impoundment is found to be proper, the administrative hearings officer shall enter an order so stating. In the event that the costs of impoundment (towing, and storage fees) have not been paid or any other applicable requirements of this chapter have not been satisfied or any period of impoundment has not expired, the administrative hearings officer order shall also provide that the impounded vehicle shall be released only after payment to the town of any fines imposed on any underlying traffic violations are satisfied. The administrative hearings officer may grant time payments and release the vehi-

cle after all other provisions are met. Time payments shall only be granted in cases of extreme financial need, and where there is an effective guarantee of payment.

C. If the impoundment is found to be improper, the administrative hearings officer shall enter an order so stating and order the immediate release of the vehicle. If the costs of impoundment have already been paid, the administrative hearings officer shall enter judgment against the town and in favor of the person who has paid the costs of impoundment in the amount of the costs of the impoundment.

D. In the event that the administrative hearings officer finds that the impoundment was proper, but that the towing, and/or storage fees charged for the impoundment were improper, the administrative hearings officer shall determine the correct fees to be charged. If the costs of the impoundment have been paid, the administrative hearings officer shall enter a judgment against the town and in favor of the person who has paid the costs of impoundment for the amount of overpayment.

E. No determination of facts made at a hearings under this section shall have any collateral estoppel effect on a subsequent criminal prosecution and shall not preclude litigation of those same facts in a subsequent criminal prosecution.

F. An appeal of the administrative hearings officer's decision in municipal court shall be conducted according to, and is subject to, the procedures of this section. If the court finds that the impoundment or towing or storage fees are improper, any judgment entered against the town shall include the amount of the filing fee. (Ord. 924 §10, 2000).

10.20.110 Administrative hearing fee. A. Whenever a person requests an administrative hearing to contest the validity of an impound, and the administrative hearings officer finds that the impound was proper, the administrative hearings officer shall assess a fee of fifty dollars against the person requesting the hearing. When the administrative hearings officer finds the impound to be improper, no fee shall be assessed. The fee shall be for the purpose of offsetting, to the extent practicable, the cost to the town of holding the hearing.

B. At the time an administrative hearing is requested, the person requesting the hearing shall deposit with the town the fee of fifty dollars. If the hearings officer finds the impound to be improper, the fee shall be refunded. (Ord. 924 §11, 2000).

10.20.120 Abandonment and sale. Five days after the date of notice was sent to the Legal and Registered Owners or five days following the expiration of the impoundment

period when the driver was arrested for violation of RCW 46.20.342, the vehicle shall be considered to be abandoned.

A. The police department shall submit an abandoned vehicle report to the Department of Licensing. The Department of Licensing shall return a record of ownership for the vehicle to the police department. Within twenty-four hours, exclusive of Saturday, Sunday and holidays, the police department shall mail, by certified mail, return receipt requested, a notice of custody and sale to the legal and registered owners.

B. 1. If, after the expiration of fifteen days from the date of mailing of notice of custody and sale to the registered and legal owners, the vehicle remains unclaimed and has not been listed as a stolen vehicle, then the town shall conduct a sale of the vehicle at public auction.

2. The police department shall publish a notice of the date, place and time of the auction in a newspaper of general circulation, not less than three days and not more than ten days before the date of the auction. The notice shall contain a description of the vehicle including the make, model, year, and license number and a notification that a three-hour public viewing period will be available before the auction. The auction shall be held during daylight hours of a normal business day.

C. The following procedures are required in any public auction of such abandoned vehicles:

1. The auction shall be held in such a manner that all persons present are given an equal time and opportunity to bid.

2. All bidders must be present at the time of the auction unless they have submitted to the town a written bid on a specific vehicle. Written bids may be submitted up to five days before the auction and shall clearly state which vehicle is being bid upon, the amount of the bid, and who is submitting the bid.

3. The open bid process, including all written bids, shall be used so that everyone knows the dollar value that must be exceeded.

4. The highest two bids received shall be recorded in written form and shall include the name, address, and telephone of each such bidder.

5. In case the high bidder defaults, the next bidder has the right to purchase the vehicle for the amount of his or her bid.

6. The successful bidder shall apply for title within fifteen days.

7. The town shall post a copy of the auction procedure at the bidding site. The police department shall notify all persons requesting such information of the auction site. At the bidding site a copy of the newspaper advertisement that lists the vehicles for sale shall be posted.

8. All surplus moneys derived from the auction after satisfaction of all fees, towing, storage and administrative, shall be remitted within thirty days to the Department of Licensing for deposit in the state motor vehicle fund. A report identifying the vehicles resulting in any surplus shall accompany the remitted funds.

9. If the town receives no bid, or if the town is the successful bidder at auction, the town shall, within forty-five days sell the vehicle to a licensed vehicle wrecker, hulk hauler or scrap processor by use of the abandoned vehicle report-affidavit of sale, or the town shall apply for title to the vehicle.

D. Vehicles shall not be held for longer than ninety days without holding an auction on the vehicle, except for vehicles that are under a police or judicial hold.

E. In no case may the accumulation of storage charges exceed fifteen days from the date of receipt of the information by the police department from the Department of Licensing. (Ord. 924 §12, 2000).

10.20.130 Release of personal property. All personal belongings and contents in the vehicle, with the exception of those items that are attached or mounted onto or in the vehicle, shall be kept intact, and shall be returned to the vehicle's owner or agent during normal business hours upon request and presentation of a driver's license or other sufficient identification. Personal items, with the exception of those items that are attached or mounted onto or in the vehicle, shall not be sold at auction.

A. All personal belongings and contents that are not part of the vehicle shall be placed into custody and returned to the vehicle owner or their owner if one can be determined. The police department will handle the property in the same manner as found property.

B. Any person who shows proof of ownership or written authorization from the impounded vehicle's registered owner or legal owner or the vehicle's insurer may view the vehicle without charge during normal business hours. The police department may require scheduling prior to the viewing period. (Ord. 924 §13, 2000).

10.20.140 Charges and fees. A. The chief of police shall set reasonable charges and fees for towing and storage of motor vehicles. The chief of police shall survey licensed tow truck operators in the town and shall set the fees so that they are no higher than the most expensive fees and no lower than the lowest fees charged by those licensed tow truck operators. The fee for towing shall not be less than the fee charged by the contracted operator to tow the vehicle to the secure impound area. The towing fee charged shall be sufficient to cover the costs to the town, including the cost of the officer and the actual fee paid.

to the contracted operator. The police department shall compute the costs for the officer at one hour's time at twenty dollars to recover the expense of impounding the vehicle.

B. Whenever a vehicle is impounded to the secure impound area a minimum storage fee of one-day storage will be charged. The storage fees shall be computed so that part of one day shall be considered one full day. For the purposes of establishing a day, the police department shall use the time period of twelve noon to twelve noon. (Ord. 924 § 14, 2000).

Chapter 10.56

WHEELED ALL-TERRAIN VEHICLES

Sections:

- 10.56.010 Definitions.
- 10.56.020 Use of wheeled all-terrain vehicle on city streets.
- 10.56.030 Restrictions on use of wheeled all-terrain vehicle on city streets.
- 10.56.040 Equipment requirements for wheeled all-terrain vehicle.
- 10.56.050 Registration requirements of a wheeled all-terrain vehicle.
- 10.56.060 Duty to obey traffic-control devices and rules of the road.
- 10.56.070 Prohibited areas.
- 10.56.080 Violation--Penalty.
- 10.56.090 Listing on city website.

10.56.010 Definitions.

Unless otherwise specifically provided for herein, the definitions set forth in Chapter 46.09 RCW, as existing or hereafter amended, shall govern this chapter. In addition, when used in this chapter, the following words, terms, and phrases shall have the following meanings:

"City street" means every way, lane, road, street, boulevard, and every way or place in the city open as a matter of right to public vehicular traffic inside the city limits.

"Motorcycle helmet" has the same meaning as provided in RCW 46.37.530.

"Sidewalk" means that property between the curb lines or the lateral lines of a city street and the adjacent property, set aside and intended for the use of pedestrians or such portion of private property parallel and in proximity to a city street and dedicated to use by pedestrians.

"Wheeled all-terrain vehicle" means:

1. Any motorized nonhighway vehicle with handlebars that is fifty inches or less in width, has a seat height of at least twenty inches, weighs less than one thousand five hundred pounds, and has four tires having a diameter of thirty inches or less; or

2. A utility-type vehicle designed for and capable of travel over designated roads that travels on four or more low-pressure tires of twenty psi or less, has a maximum width less than seventy-four inches, has a maximum weight less than two thousand pounds, has a wheelbase of one hundred ten inches or less, and satisfies at least one of the following:

- i. Has a minimum width of fifty inches;
- ii. Has a minimum weight of at least nine hundred pounds; or
- iii. Has a wheelbase of over sixty-one inches.

A wheeled all-terrain vehicle is an off-road vehicle for the purposes of Chapter 4.24 RCW. (Ord. 1397, 2022).

10.56.020 Use of wheeled all-terrain vehicle on city streets.

Subject to the restrictions and requirements set forth in Chapter 46.09 RCW and in this chapter, a person with a valid driver's license issued by the state of the person's residence may operate a wheeled all-terrain vehicle upon a city street having a speed limit of thirty-five miles per hour or less. (Ord. 1397, 2022).

10.56.030 Restrictions on use of wheeled all-terrain vehicle on city streets.

A. A person who operates a wheeled all-terrain vehicle must wear a securely fastened motorcycle helmet while the wheeled all-terrain vehicle is in motion, except when the wheeled all-terrain vehicle is equipped with seat belts and roll bars, or an enclosed passenger compartment;

B. A person may not operate a wheeled all-terrain vehicle upon Interstate 82, State Route Highway 223, or Yakima

Valley Highway; however, a person may cross State Route Highway 223, or Yakima Valley Highway, if the crossing begins and ends on a city street with a speed limit of thirty-five miles per hour or less and occurs at an intersection of approximately ninety degrees, and only at a controlled intersection;

C. A person may not operate a wheeled all-terrain vehicle upon a city street with a speed limit in excess of thirty-five miles per hour; however, a person may cross a city street with a speed limit in excess of thirty-five miles per hour if the crossing begins and ends on a city street with a speed limit of thirty-five miles per hour or less and occurs at an intersection of approximately ninety degrees, and only at a controlled intersection;

D. A person may operate a wheeled all-terrain vehicle upon any city street while being used under the authority or direction of an appropriate agency that engages in emergency management, as defined in RCW 46.09.310, or search and rescue, as defined in RCW 38.52.010, or a law enforcement agency, as defined in RCW 16.52.011, within the scope of the agency's official duties;

E. A wheeled all-terrain vehicle shall not be operated in a negligent or unsafe manner;

F. No person shall tow any trailers, devices, equipment or persons behind the wheeled all-terrain vehicle;

G. No person shall carry or transport any other person or passenger on a wheeled all-terrain vehicle, nor shall any other person ride on a wheeled all-terrain vehicle, unless such wheeled all-terrain vehicle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the wheeled all-terrain vehicle. Passengers shall wear a securely fastened motorcycle helmet unless the passenger's seat has a seatbelt and the wheeled all-terrain vehicle has a roll cage, or the wheeled all-terrain vehicle has an enclosed passenger compartment;

H. A person may not operate a wheeled all-terrain vehicle side-by-side with another wheeled all-terrain vehicle in a single lane of traffic; and

I. Wheeled all-terrain vehicles are subject to Chapter 46.55 RCW, Vehicle Towing and Impoundment. (Ord. 1397, 2022).

10.56.040 Equipment requirements for wheeled all-terrain vehicle.

Any wheeled all-terrain vehicle operated on a city street must comply with the following equipment requirements:

A. Headlights meeting the requirements of RCW 46.37.030 and 46.37.040 and used at all times when the vehicle is in motion;

B. One tail lamp meeting the requirements of RCW 46.37.525 and used at all times when the vehicle is in motion upon a city street; however, a utility-type vehicle, as described under RCW 46.09.310(19), must have two tail lamps meeting the requirements of RCW 46.37.070(1) and to be used at all times when the vehicle is in motion upon a city street;

C. A stop lamp meeting the requirements of RCW 46.37.200;

D. Reflectors meeting the requirements of RCW 46.37.060;

E. During hours of darkness, as defined in RCW 46.04.200, turn signals meeting the requirements of RCW 46.37.200;

F. Outside of hours of darkness, the operator must comply with RCW 46.37.200 or 46.61.310;

G. A mirror attached to either the right or left handlebar, which must be located to give the operator a complete view of the city street for a distance of at least two hundred feet to the rear of the vehicle; however, a utility-type vehicle, as described under RCW 46.09.310(19), must have two mirrors meeting the requirements of RCW 46.37.400;

H. A windshield meeting the requirements of RCW 46.37.430, unless the operator wears glasses, goggles, or a face shield while operating the vehicle, of a type conforming to rules adopted by the Washington State Patrol;

I. A horn or warning device meeting the requirements of RCW 46.37.380;

J. Brakes in working order;

K. A spark arrester and muffling device meeting the requirements of RCW 46.09.470; and

L. For utility-type vehicles, as described under RCW 46.09.310(19), seatbelts meeting the requirements of RCW 46.37.510. (Ord. 1397, 2022).

10.56.050 Registration requirements of a wheeled all-terrain vehicle.

A wheeled all-terrain vehicle operated on a city street must comply with all the registration requirements of Chapter 46.09 RCW. (Ord. 1397, 2022).

10.56.060 Duty to obey traffic-control devices and rules of the road.

Unless a law enforcement officer directs otherwise, a person operating a wheeled all-terrain vehicle must obey all rules of the road that apply to vehicle or pedestrian traffic under the laws of the state and the city and must obey the instructions of official traffic-control signals, signs and other control devices applicable to vehicles. A person operating a wheeled all-terrain vehicle upon a city street is subject to all of the duties that Chapter 46.61 RCW et seq. imposes on an operator of a vehicle, except as to those provisions thereof which by their nature can have no application. (Ord. 1397, 2022).

10.56.070 Prohibited areas.

Wheeled all-terrain vehicles shall not be operated in the following areas:

- A. On a sidewalk;
- B. In a park, except on a park drive or in a designated parking lot; or
- C. Walking trails. (Ord. 1397, 2022).

10.56.080 Violation--Penalty.

Any person violating this chapter shall be guilty of a traffic infraction punishable in accordance with Chapter 46.63 RCW; provided, conduct that constitutes a criminal traffic offense may be charged as such and subject to the maximum penalties allowed for such offenses. A person who violates a provision of this chapter which does not constitute a violation of any other state or local traffic law is guilty of a traffic infraction and will be punished by the imposition of a monetary penalty of two hundred fifty dollars, exclusive of statutory assessments. (Ord. 1397, 2022).

10.56.090 Listing on city website.

All city streets upon which wheeled all-terrain vehicles have been approved for operation pursuant to this chapter shall be listed publicly and such list must be made accessible from the main page of the city's website. (Ord. 1397, 2022).

Title 11
(RESERVED)

Title 12

STREETS, SIDEWALKS AND PUBLIC PLACES

Chapters:

- 12.02 Complete Streets Policy
- 12.04 Curbs and Gutters
- 12.08 Sight Areas
- 12.12 Sidewalk Construction and Repair
- 12.16 Street Naming and Property Numbering
- 12.20 Application for Street Vacation

Chapter 12.02

COMPLETE STREETS POLICY

Sections:

- 12.02.010 Purpose.
- 12.02.020 Definitions.
- 12.02.030 Exceptions.
- 12.02.040 Complete streets infrastructure.
- 12.02.050 Goals to foster partnerships.
- 12.02.060 Best practice criteria.
- 12.02.070 Implementation of complete streets principles.

12.02.010 Purpose.

The city of Granger shall, to the maximum extent practical, scope, plan, design, construct, operate and maintain appropriate facilities for the safe accommodation of pedestrians, bicyclists, future transit users, motorists, emergency responders, freight and users of all ages and abilities in all new construction, retrofit or reconstruction projects. Complete streets will increase physical activity among people of all ages and abilities which in turn could reduce chronic disease, obesity and air pollution. Through ongoing operations and maintenance, priorities, community engagement and evaluation, the city of Granger shall identify cost-effective opportunities to include complete streets practices. (Ord. 1276 § 1(part), 2017).

12.02.020 Definitions.

"Complete street" means a road that is designed to be accessible for drivers, bicyclists, transit vehicles and riders, freight, emergency service providers, and pedestrians of all ages and abilities. The complete street policy focuses not just on changing individual roads, but on changing the decision-making process so that all users are considered during the planning, designing, building, and operation of all roadways.

"Complete streets infrastructure" means design features that contribute to a safe, convenient, or comfortable travel experience for users, including but not limited to features such as: sidewalks; shared use paths; bicycle lanes; automobile lanes; paved shoulders; street trees and landscaping; planting strips; curbs; accessible curb ramps; bulb outs; crosswalks; refuge islands; pedestrian and traffic signals, including countdown and accessible signals; signage; street furniture; bicycle parking facilities; traffic calming devices such as rotary circles, traffic bumps, and surface treatments such as paving blocks, textured asphalt, and concrete; narrow vehicle lanes; and raised medians.

"Street" means any public right-of-way, including arterials, connectors, alleys, ways, lanes, and roadways by any other designation, as well as bridges, tunnels, and any other portions of the transportation network, that is open for use by the general traveling public.

"Street project" means the construction, reconstruction, retrofit, maintenance, alteration, or repair of any street, and includes the planning, design, approval, and implementation processes.

"Users" means individuals that use streets, including pedestrians, bicyclists, motor vehicle drivers, and public transportation riders and drivers. (Ord. 1276 § 1(part), 2017).

12.02.030 Exceptions.

Facilities for pedestrians, bicyclists, transit users and/or people of all abilities are not required to be provided when:

- A. A documented absence of current or future need exists;
- B. Nonmotorized uses are prohibited by law;

C. Routine maintenance of the transportation network is performed that does not change the roadway geometry or operations, such as mowing, sweeping and spot repair;

D. The cost would be disproportionate to the current need or probable future uses;

E. The mayor or council issues a documented exception concluding that application of complete streets principles is unnecessary or inappropriate. (Ord. 1276 § 1(part), 2017).

12.02.040 Complete streets infrastructure.

As feasible, Granger shall incorporate "complete streets infrastructure" into existing public streets to create a comprehensive, integrated, connected transportation network for Granger that balances access, mobility, health and safety needs of pedestrians, bicyclists, transit users, motorists, emergency responders, freight and users of all ages and abilities, ensuring a fully connected, integrated network that provides transportation options. (Ord. 1276 § 1(part), 2017).

12.02.050 Goals to foster partnerships.

It is a goal of the city of Granger to foster partnerships with all Washington State transportation funding agencies including the Washington State Department of Transportation (WSDOT), the Federal Highway Administration, Transportation Improvement Board, Granger School District, citizens, businesses, interest groups, neighborhoods, and any funding agency to implement the complete streets ordinance. (Ord. 1276 § 1(part), 2017).

12.02.060 Best practice criteria.

The city of Granger city council or designee shall modify, develop and adopt policies, design criteria, standards and guidelines based upon recognized best practices in street design, construction, and operations including but not limited to the latest editions of American Association of State Highway Transportation Officials (AASHTO), Manual on Uniform Traffic Control Devices (MUTCD), Institute of Transportation Engineers (ITE) and National Association of City Transportation Officials (NACTO) while reflecting the context and character of the surrounding built and natural environments and enhance the appearance of such. (Ord. 1276 § 1(part), 2017).

12.02.070 Implementation of complete streets principles.

The city of Granger will incorporate complete streets principles into the city's comprehensive plan, public works standards, and other plans, manuals, rules, regulations, and programs as feasible and appropriate. (Ord. 1276 § 1(part), 2017).

Chapter 12.04CURBS AND GUTTERSSections:

- 12.04.010 Construction permit required.
- 12.04.020 Plans to meet approval of street superintendent.
- 12.04.030 Payments to contractor pursuant to approval certificate.
- 12.04.040 Each project to pay supervision fee.
- 12.04.050 Construction--Expense of owner--Standards generally.
- 12.04.060 Construction--Standards--Materials.
- 12.04.070 Construction--Standards--Measuring.
- 12.04.080 Construction--Standards--Mixing.
- 12.04.090 Construction--Standards--Finishing.
- 12.04.100 Construction--Standards--Curing and protection--Method.
- 12.04.110 Construction--Standards--Forms.
- 12.04.120 Construction--Standards--Joints--Spacing.
- 12.04.130 Construction--Standards--Depositing concrete.
- 12.04.140 Pouring in conformity with grade--Owner responsibility.
- 12.04.150 Violation--Penalty.

12.04.010 Construction permit required.

No person shall proceed to construct any curbs or gutters on the street or alleys in the town until he obtains a permit to do so. (Ord. 232 § 1, 1956).

12.04.020 Plans to meet approval of street superintendent.

The plans, specifications and contracts for the construction or reconstruction of sidewalks shall meet with the approval of the street superintendent. (Ord. 232 § 2, 1956)

12.04.030 Payments to contractor pursuant to approval certificate. All payments to the contractor for curb and gutter improvements shall be made only pursuant to a certificate approved by the street superintendent, indicating approval of the performance under the contract. (Ord. 232 §3, 1956).

12.04.040 Each project to pay supervision fee. Each curb and gutter improvement project shall pay to the town the sum of five percent of the total cost of the project for supervision. (Ord. 232 §4, 1956).

12.04.050 Construction--Expense of owner--Standards generally. Said curbing hereafter constructed in the town shall be at the expense of the abutting owner and shall be of the mixtures and proportions set out in Sections 12.04.060 through 12.04.130 and in the indicated manner. (Ord. 232 §5(part), 1956).

12.04.060 Construction--Standards--Materials. A. Cement. The type of cement to be used shall be as specified by the superintendent, and shall conform to the ASTM Specifications for Portland Cement: designation C-150 (Type 1) or (Type 111); or for Air-Entraining Portland Cement: designation C-175 (Type 1-A) or (Type 111-A).

B. Admixtures. Air-entraining admixtures which are added to concrete mixtures shall conform to the ASTM Specification for Air-Entraining Admixtures for Concrete: designation C-260.

C. Aggregates. Fine and coarse aggregates shall conform to the ASTM Specification for Concrete Aggregates: designation C-33.

D. Water. The water used in mixing concrete shall be clean, free from acid, alkali, vegetable or other organic matter.

E. Joint Filler. The joint filler shall be of a nonextruding joint material conforming to the ASTM Specification for Preformed Expansion Joint Fillers for Concrete (Non-extruding and Resilient Types): designation D-544. (Ord. 232 §5(A), 1956).

12.04.070 Construction--Standards--Measuring.

A. Method. The method of measuring the materials for the concrete or mortar, including water, shall be one which will insure separate and uniform proportions of each of the materials at all times.

B. Proportions. Normal concrete shall be mixed in the proportions by volume of one part portland cement, two and one-quarter parts fine aggregate and three parts coarse aggregate; or by weight of ninety-four pounds cement, two hundred fifteen pounds fine aggregate and two hundred

ninety-five pounds coarse aggregate. The number of bags of cement per cubic yard of concrete in place shall not be less than five and one-half, and the amount of water to be added shall not exceed five gallons per bag of cement.

C. Admixtures. Air-entraining admixtures shall not be added to concrete mixtures in the field without the approval of the superintendent. If such approval is granted, the admixture shall conform to subsection B of Section 12.04.060, and shall be added in the amount and in the manner prescribed by the manufacturer so that the air content of the concrete shall not be less than three nor more than six percent. (Ord. 232 §5(B), 1956).

12.04.080 Construction--Standards--Mixing. A. Method.

All concrete shall be mixed in a stationary batch mixer or truck mixer unless manual mixing is authorized by the superintendent.

1. a. If a stationary batch mixer is used the mixer drum shall be of adequate size to accommodate the maximum batch and shall conform to the Concrete Mixer Standards adopted by the Mixer Manufacturers Bureau of the Associated General Contractors of America. The mixer drum shall be rotated at the rate specified by its manufacturer. When a stationary batch mixer is used for complete mixing, the minimum mixing time for mixers of one cubic yard capacity or less shall be one minute. For larger capacities of mixers, the mixing time shall be increased at the rate of one-quarter minute for each additional cubic yard or fraction thereof.

b. The mixing time shall begin when the correct proportions of cement and aggregates are placed in the mixer. A portion of the water shall be placed in the mixer in advance of the cement and aggregates. The full amount of water required to produce a mix of the consistency specified in this section shall be added to the cement and aggregates before one-quarter of the mixing time has elapsed. The size of the batch shall not exceed the maximum rated capacity as specified by the manufacturer of the mixer. The drum shall be completely emptied before receiving material for the succeeding batch.

2. Truck mixers if used, shall be of the revolving-drum type. When a truck mixer is used for mixing the concrete, the drum shall be rotated at mixing speed for not less than fifty nor more than one-hundred revolutions after all of the ingredients of each batch are placed in the drum. When a truck mixer is used for the complete mixing of the concrete, the mixing operation shall begin within thirty minutes after the cement has been intermingled with the aggregates. The size of the batch shall not exceed the manufacturer's rated capacity as shown on a metal rating

place which shall be attached in a prominent place on the truck mixer. The drum shall be completely emptied before receiving material for the succeeding batch.

3. The mixing time at stationary batch mixers may be reduced to the minimum required (about thirty seconds) to intermingle the ingredients when truck mixers are used to deliver the mix to the site of the work. When this practice is followed each batch shall be thoroughly mixed in the truck mixer by rotating the drum at mixing speed for not less than fifty nor more than one hundred revolutions.

4. If manual mixing is authorized by the superintendent, the cement and aggregates shall be mixed dry on a watertight platform until the mixture is of uniform color. The full amount of water required shall then be added and the mixing continued until the mass is of the consistency specified in this section.

B. Consistency. The aggregates, cement and water shall be thoroughly mixed in accordance with these specifications to produce a homogeneous mass which can be deposited in the forms without segregation. The consistency of the mix shall be such that the slump shall not exceed three inches.

C. Delivery. Concrete shall be delivered to the site of the work with a satisfactory degree of uniformity at the consistency specified and shall be hauled in a watertight container in which segregation will not take place and from which the concrete can be discharged freely.

1. Concrete shall be delivered to the site of the work and discharged from the hauling container within a period of ninety minutes after the introduction of the mixing water to the dry materials unless otherwise specified by the superintendent.

2. Slump tests of individual samples taken at approximately the one-quarter and three-quarter points of the load during discharge shall not differ by more than two inches.

D. Retempering. The retempering of mortar or concrete which has partially hardened, with or without additional materials or water, is prohibited. (Ord. 232 §5(C), 1956).

12.04.090 Construction--Standards--Finishing. A. Method. After concrete is poured into the forms it shall be puddled and spaded so as to insure a thorough mixture, eliminate air pockets, and create uniform and smooth sides. Before the concrete has thoroughly set, and while the concrete is still green, the forms shall be removed and the front and top sides shall be finished with a float or steel trowel to make a uniform finished surface.

B. Rounding Corners. Wherever corners are to be rounded, special steel trowels shall be used while the concrete is workable and the corners constructed to the

dimensions specified in this chapter. For combined curb and gutter, the top and side of curb and gutter may be finished by the use of a special shaped trowel or curb-and-gutter machine which will shape the entire upper surfaces in accordance with the dimensions and shape specified. This trowel shall be used immediately upon removing the front form of the curb and while the concrete is still workable but firm enough to stand up.

C. Smoothness. The top and face of the curb and also the top of the apron on combined curb and gutter must be finished true to line and grade and without any irregularities of surface noticeable to the eye. The gutter shall not hold water to a depth of more than one-fourth of an inch, nor shall any portion of the surface or face of the curb or gutter depart more than one-fourth of an inch from a straight edge ten feet in length, placed on the curb parallel to the centerline of the street nor shall any part of the exposed surface present a wavy appearance. (Ord. 232 §5(D), 1956).

12.04.100 Construction--Standards--Curing and protection--Method. A. As soon as the concrete has hardened sufficiently to prevent damage, the finished surface shall be sprinkled with water or covered with sand or earth and, in either case, kept wet for at least three days. When authorized by the engineer, a chemical curing agent may be used, provided it is applied in accordance with the manufacturer's specifications. When high early strength cement is used the minimum curing period shall be reduced to forty-eight hours. The freshly finished surface shall be protected from hot sun and drying winds until it can be sprinkled or covered as above specified. The concrete surface must not be damaged or pitted by rain. The contractor shall provide and use, when necessary, sufficient tarpaulins to completely cover all sections that have been placed within the preceding twelve hours. The contractor shall erect and maintain suitable barriers to protect the finished surface.

B. Any section damaged from traffic or other causes occurring prior to its official acceptance, shall be repaired or replaced by the contractor at his own expense in a manner satisfactory to the engineer. The covering shall be removed and disposed of by the contractor before the work is officially accepted by the engineer. (Ord. 232 §5(E), 1956).

12.04.110 Construction--Standards--Forms. A. Materials. Forms shall be free from warp and of sufficient strength to resist springing out of shape. All wood forms shall be thoroughly wetted and metal forms oiled or coated with soft

soap or whitewash before depositing any material against them. All mortar and dirt shall be removed from forms that have been previously used.

B. Setting. The forms shall be braced or staked so as to insure proper alignment and grade. If the curb is precast (not molded in place), the forms shall be so constructed that they will permit uniform spacing and proper finish as specified in this chapter. (Ord. 232 §5(F), 1956).

12.04.120 Construction--Standards--Joints--Spacing. A. The curb or curb and gutter shall be cut into lengths of ten feet.

B. All joints and outer edges shall be neatly rounded and finished with special edger tools.

C. A one-half-inch expansion joint, filled with suitable material as specified under Sections 12.04.030 through 12.04.050, shall be provided between the backs of all curbs and adjoining sidewalks. (Ord. 232 §5(G), 1956).

12.04.130 Construction--Standards--Depositing concrete. A. Continuous Pouring. After mixing, the concrete shall be handled rapidly and the successive batches deposited in a continuous operation until individual sections are completed. Under no circumstances shall concrete that has partly hardened be used. The forms shall be filled and the concrete brought to the established grade.

B. Cold Weather Pouring. Concrete shall not be deposited when it appears likely that the air temperature may fall below forty degrees Fahrenheit during the pouring or within the following twenty-four hours unless preparations are made and precautions taken to prevent any damage to the concrete resulting from the low temperature. When placing concrete in cold weather, the contractor shall plan and prosecute his work in a manner which will assure satisfactory results. Any concrete damaged by freezing shall be removed and replaced by the contractor at his own expense.

C. Concrete when deposited in the forms shall have a temperature of not less than fifty-five degrees Fahrenheit nor more than one hundred degrees Fahrenheit. The concrete shall be maintained at not less than the minimum temperature of fifty-five degrees Fahrenheit for at least seventy-two hours after placing, or longer if necessary, until the concrete has thoroughly hardened. Concrete shall not be deposited on a frozen foundation. (Ord. 232 §5(H), 1956).

12.04.140 Pouring in conformity with grade--Owner responsibility. Said curbs shall be poured in direct conformity with the established grade and alignment, and said property owners are responsible to see that they are poured in direct conformity with said alignment and shall have the following specifications: They shall have an eighteen-

inch apron to the edge of the street surfacing, shall be six inches high and shall have twelve inches on the back with a one-inch to twelve-inch slope on the apron. (Ord. 232 §6, 1956).

12.04.150 Violation--Penalty. Any person convicted of violating any provisions under this chapter may be punished by a fine in any amount not to exceed one hundred fifty dollars or by imprisonment of a length of time not to exceed thirty days, or by both such fine and imprisonment. (Ord. 232 §7, 1956).

Chapter 12.08

SIGHT AREAS

Sections:

- 12.08.010 Establishment.
- 12.08.020 Parking vehicles or maintaining obstructions prohibited.
- 12.08.030 Declarations of nuisance--Abatement proceedings.

12.08.010 Establishment. Triangular "sight areas" shall be established at the intersection of all streets, avenues or highways in the town within a triangular area formed by the centerlines of such intersecting streets or highways and a line between points on said centerlines eighty-five feet from the point of intersection of such centerlines. (Ord. 294 §1, 1965).

12.08.020 Parking vehicles or maintaining obstructions prohibited. A. It is unlawful to park vehicles or to install, set out or maintain any sign, hedge, shrubbery, natural growth or other obstruction to the view, exclusive of buildings under a roof heretofore existing, higher than three feet six inches above the level of the center of the adjacent intersection within that triangular sight area.

B. This provision shall not extend to portions of permanent structures under roof, public utility poles, trees trimmed (to the trunk) to a line at least eight feet above the level of the intersection, saplings or plant species of open growth habits and not planted in the form of a hedge which are so planted or trimmed as to leave, at all seasons, a clear and unobstructed cross-view; supporting members of appurtenances to existing structures, official warning signs or signals under signs mounted more than ten feet above the ground whose supports do not constitute an obstruction nor to places where the contour of the

ground is such that there can be no cross-visibility at such intersection. (Ord. 294 §2, 1965).

12.08.030 Declaration of nuisance--Abatement proceedings. Every obstruction of the sort prohibited in Sections 12.08.010 and 12.08.020 hereafter installed or permitted to remain within the setback line or the triangular sight areas prescribed in Section 12.08.010, shall be deemed a nuisance and the town authorities, in addition to other remedies available, may institute proceedings to abate such nuisances and to assess against the land or premises whereon the nuisance was situated a sum equal to the cost of removing the nuisance. (Ord. 294 §3, 1965).

Chapter 12.12

SIDEWALK CONSTRUCTION AND REPAIR

Sections:

- 12.12.010 Definitions.
- 12.12.020 Property owner's responsibility.
- 12.12.030 Liability and expense.
- 12.12.040 Report by town superintendent.
- 12.12.050 Resolution to repair--Notice to owner.
- 12.12.060 Information required in resolution and notice.
- 12.12.070 Serving notice.
- 12.12.080 Noncompliance--Apportionment of cost.
- 12.12.090 Hearing.
- 12.12.100 Assessment deemed lien.
- 12.12.110 Effect of chapter.

12.12.010 Definitions. Unless the context clearly indicates otherwise, the words used in this chapter shall have the meaning given in this section.

A. "Abutting property" means and includes all property having a frontage upon the margin of any street or other public place.

B. "Sidewalk" means and includes any structure or form of street improvement in the space between the street margin and the roadway known as the sidewalk area. (Ord. 657 §1, 1987).

12.12.020 Property owner's responsibility. It shall be the responsibility of the owner of the property abutting upon a public sidewalk to maintain said sidewalk at all times in a safe condition free of any and all obstructions or defects including, but not limited to, ice and snow. (Ord. 657 §2, 1987).

12.12.030 Liability and expense. The burden and expense of replacing, maintaining and repairing sidewalks along the side of any street or other public place shall devolve upon and be borne by the property directly abutting thereon. In case any injury or damage to any person shall be caused by the defective condition of any sidewalk or by ice or snow thereon or by the lack of proper guards or railings on or along the property abutting on any public way, the owner or owners thereof, shall be liable to the city for all damages, injuries, costs and disbursements which it may be required to pay to the person injured or damaged. (Ord. 657 §3, 1987).

12.12.040 Report by town superintendent. If in the judgment of the town superintendent public convenience or safety requires that an existing sidewalk be repaired or replaced along either side of any street, he shall report the fact to the town council in writing immediately. (Ord. 657 §4, 1987).

12.12.050 Resolution to repair--Notice to owner. If upon receiving a report from the town superintendent the town council deems the replacement of the sidewalk or repair of such sidewalk necessary or convenient for the public, it shall by any appropriate resolution order such replacement or repair and shall cause a written notice to be served upon the owner of each parcel of land abutting upon that portion and side of the street where the sidewalk is to be constructed or repaired requiring him to construct or repair the sidewalk in accordance with the resolution. (Ord. 657 §5, 1987).

12.12.060 Information required in resolution and notice. The resolution and notice and order to maintain or repair a sidewalk shall:

A. Describe each parcel of land abutting upon that portion and side of the street where the sidewalk is ordered to be maintained or repaired;

B. Specify the kind of sidewalk required, its size and dimensions, the method and materials to be used in the replacement or repair;

C. Contain an estimate of the cost thereof; and

D. State that unless the sidewalk is maintained or repaired in compliance with the notice and within a reasonable time therein specified, the town will maintain or repair the sidewalk and assess the cost and expenses thereof against the abutting property described in the notice. (Ord. 657 §6, 1987).

12.12.070 Serving notice. The notice shall be served:

A. By delivering a copy to the owner or reputed owner of each parcel of land affected, or to the authorized agent of the owners; or

B. By leaving a copy thereof at the usual place of abode of such owner in the town with a person of suitable age and discretion residing therein; or

C. If the owner is a nonresident of the town and his place of residence is known, by mailing a copy to the owner addressed to his last known place of residence; or

D. If the place of residence of the owner is unknown or if the owner of any parcel of land affected is unknown, by publication in two weekly issues of the official newspaper of the town. Such notice shall specify a reasonable time within which the sidewalk shall be maintained or repaired, which, in the case of publication of the notice, shall be not less than sixty days from the date of first publication of such notice. (Ord. 657 §7, 1987).

12.12.080 Noncompliance--Apportionment of cost. If the notice and order to maintain or repair a sidewalk is not complied with within the time therein specified, the town superintendent shall proceed to replace or repair said sidewalk forthwith and shall report to the town council at its next regular meeting, or as soon thereafter as is practicable, an assessment roll showing each parcel of land abutting upon the sidewalk, the name of the owner thereof, if known, and apportion the cost of the improvement to be assessed against each parcel of such land. (Ord. 657 §8, 1987).

12.12.090 Hearing. The town council shall set a date for hearing any protests against the proposed assessment roll and shall cause a notice of the time and place of the hearing to be published for two successive weeks in the official newspaper of the town, the date of the hearing to be not less than thirty days from the date of the first publication of the notice. At the hearing or at any adjournment thereof, the town council by ordinance shall assess the cost of maintaining or repairing the sidewalk against the abutting property in accordance with the benefits thereof. (Ord. 657 §9, 1987).

12.12.100 Assessment deemed lien. The assessments shall become a lien upon the respective parcels of land and shall be collected in the manner provided by law for the collection of local improvement assessments and shall bear interest at the rate of six percent per annum from the date of the approval of the assessment thereon. (Ord. 657 §10, 1987).

12.12.110 Effect of chapter. This chapter shall not be construed as repealing or amending any provision relating to the improvements of streets or public ways by special assessments commonly known as local improvement laws, but shall be considered as additional legislation and ancillary thereto. (Ord. 657 §11, 1987).

Chapter 12.16

STREET NAMING AND PROPERTY NUMBERING

Sections:

- 12.16.010 Numbering system established.
- 12.16.020 Conformity with system required--Time limit.
- 12.16.030 Numeral standards and visibility.
- 12.16.040 Houses and structures--Official numbering and compliance required.
- 12.16.050 Street names and changes authorized.

12.16.010 Numbering system established. There is established a uniform system of numbering properties and principal buildings and an official system of street names in the town, as shown on the map entitled "Address and Street Name Master Plan," adopted by reference by the town council, and filed in the office of the town clerk. This map and all explanatory matter thereon is adopted and made a part of this chapter by reference. (Ord. 680 §1, 1988).

12.16.020 Conformity with system required--Time limit. All property or parcels of land within the corporate limits of Granger shall hereafter be identified by reference to the uniform number system adopted herein; provided, all existing numbers of property and buildings not now in conformity with provisions of this chapter shall be changed to conform to the system herein adopted within six months of the date of passage of the ordinance codified in this chapter. (Ord. 680 §2, 1988).

12.16.030 Numeral standards and visibility. A. Numerals indicating the official number of each building

shall be conspicuously placed immediately above, on or at the side of the entrance so that the number can be plainly seen from the street line.

B. (1) The numerals used shall not be less than three inches in height and shall be on durable reflective material and clearly visible from the street. (2) The town shall provide the initial numbers and installation at no cost to the property owner; thereafter, the numerals and reflective background will be available through the town clerk at the town's cost. (3) If the property owner does not wish the town to install the numbers, they may obtain the numbers from the town clerk and install them, or equivalent numbers, themselves.

C. House numbers shall be set on a reflective background of contrasting color that is at least one inch larger than the numbers.

D. When a house is some distance from a road or when view of the house is blocked by trees or shrubs, house numbers should be on a sign attached to a tree, fence, gate or lawn stake.

E. In areas with rural mailboxes, the house numbers shall be on the mailbox as well as the house. (Ord. 916 §1, 2000; Ord. 680 §3, 1988).

12.16.040 Houses and structures--Official numbering and compliance required. Whenever any house, building or structure shall be erected or located in the town after the enactment of the ordinance codified in this chapter, in order to preserve continuity and uniformity of numbers of the houses and buildings, the town clerk shall designate a number for said house or building in accordance with the address and street name master plan. No building permit shall be issued for any house, building or structure until the owner has procured the official number of the premises. Final approval of any structure erected, repaired, altered or modified after the effective date of the ordinance codified in this chapter shall be withheld by the town building official until permanent and proper numbers have been affixed to said structure. (Ord. 680 §4, 1988).

12.16.050 Street names and changes authorized. The town council, by resolution, may change, rename or name an existing or newly established street within the limits of the town at any time after the adoption of the ordinance codified in this chapter, upon recommendation of the town engineer. (Ord. 680 §5, 1988).

Chapter 12.20

APPLICATION FOR STREET VACATION

Sections:

12.20.010 Application for street vacation.

12.20.010 Application for street vacation. An application for street vacation shall be accompanied with a filing fee of one hundred dollars plus incurred cost to accomplish the vacation. (Ord. 933 §§1, 4, 2000: Ord. 902A §3, 1999).

Title 13

PUBLIC SERVICES

Chapters:

<u>13.04</u>	<u>Definitions</u>
<u>13.08</u>	<u>General Regulations</u>
<u>13.12</u>	<u>Construction Regulations</u>
<u>13.16</u>	<u>Service Regulations</u>
<u>13.20</u>	<u>Extensions Outside City Limits</u>
<u>13.24</u>	<u>Rates and Charges</u>
<u>13.28</u>	<u>Enforcement</u>
<u>13.32</u>	<u>Public Irrigation Water System</u>
<u>13.36</u>	<u>Cross Connection</u>
<u>13.40</u>	<u>Program for Discounts</u>

Chapter 13.04

DEFINITIONS

Sections:

13.04.010	Applicant.
13.04.020	Backflow.
13.04.030	Backflow prevention device.
13.04.040	Back pressure.
13.04.050	Back siphonage.
13.04.060	Beauty shop and barbershop.
13.04.070	Building sewer.
13.04.080	Business unit.
13.04.090	Cabin.
13.04.100	Church.
13.04.110	Crossconnection.
13.04.120	Customary plumbing facilities.
13.04.130	Domestic water or domestic water system.
13.04.140	Dwelling unit.
13.04.150	Fountain.
13.04.160	Frozen food locker.
13.04.170	Health hazard.
13.04.180	Manufacturing plant.
13.04.190	Market.
13.04.200	Miscellaneous business unit.

Sections: (Continued)

13.04.210 Multiple business unit.
13.04.220 pH.
13.04.230 Private sewer.
13.04.240 Processing plant.
13.04.250 Properly shredded garbage.
13.04.260 Public sewer.
13.04.270 Residence.
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Sections: (Continued)

13.04.290 School.
 13.04.300 Service station.
 13.04.310 Sewage.
 13.04.320 Superintendent.
 13.04.330 Tavern.
 13.04.340 Theater.
 13.04.350 Town clerk.
 13.04.360 Trailer.

13.04.010 Applicant. "Applicant" means the owner, or authorized agent of the property to be served, and said applicant shall be the responsible person for payment of bills for sanitary sewer and/or domestic water service. (Ord. 427 §108, 1978).

13.04.020 Backflow. "Backflow" means the flow other than the intended direction of flow, of any foreign liquids, gases, or substances into the public water system. (Ord. 427 §112, 1976).

13.04.030 Backflow prevention device. "Backflow prevention device" means a device to counteract back pressures or prevent back siphonage. (Ord. 427 §115, 1976).

13.04.040 Back pressure. "Back pressure" means backflow caused by a pump, elevated tank, boiler or other means that could create pressure within the system greater than the supply pressure. (Ord. 427 §114, 1976).

13.04.050 Back siphonage. "Back siphonage" means a form of backflow due to a negative or subatmospheric pressure within a water system. (Ord. 427 §113, 1976).

13.04.060 Beauty shop and barbershop. "Beauty shop" and "barbershop" mean a business unit in which hair is cut or groomed. (Ord. 427 §113, 1976).

13.04.070 Building sewer. "Building sewer" means the extension from the public sewer to the building drainage system. (Ord. 427 §106, 1976).

13.04.080 Business unit. "Business unit" means a group of rooms or a single room occupied or intended for occupancy and in use in a mercantile or business pursuit or transaction of trade or commerce of manufacturing. (Ord. 427 §123, 1976).

13.04.090 Cabin. "Cabin" means any dwelling unit located in a group of three or more of the same type of structure on the same premises and owned by the same party where the customary plumbing facilities are located in a structure detached from the dwelling unit. Example: transient cabins. (Ord. 427 §121, 1976).

13.04.100 Church. "Church" means a structure in which regular weekly worship is held. (Ord. 427 §135, 1976).

13.04.110 Crossconnection. "Crossconnection" means any physical arrangement whereby the public 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, may contain, contaminated water, sewage, or other waste or liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water system as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices, and other temporary or permanent devices through which, or because of which, backflow could occur are considered to be crossconnections. (Ord. 427 §111, 1976).

13.04.120 Customary plumbing facilities. "Customary plumbing facilities" means the following: bath, shower, lavatory or toilet. (Ord. 427 §119, 1976).

13.04.130 Domestic water or domestic water system. "Domestic Water" or "domestic water system" means that water, and water system in which it is carried, which is for human consumption and normal household and business or industrial uses provided from the town supply, shall not be used for lawn, garden, or agricultural usage unless there is no irrigation water hookup or irrigation water is not available. (Ord. 990 §1, 2003: Ord. 427 §109, 1976).

13.04.140 Dwelling unit. "Dwelling unit" means a group of rooms, or a single room, occupied or intended for occupancy, as separate living quarters by a family or other persons living together as an integrated group, or by a person living alone. (Ord. 427 §118, 1976).

13.04.150 Fountain. "Fountain" means a business unit in which soft drinks are made on the premises from extract and carbonated water and are sold. (Ord. 427 \$125, 1976).

13.04.160 Frozen food locker. "Frozen food locker" means a business unit where food is stored in a walk-in refrigeration compartment and/or compartments. (Ord. 427 \$126, 1976).

13.04.170 Health hazard. "Health hazard" means any conditions, devices, or practices in the water supply system and its operation which, in the judgement of the town, may

create a danger to the health and well-being of the water consumer. (Ord. 427 §110, 1976).

13.04.180 Manufacturing plant. "Manufacturing plant" means a business unit in which any personal property shall be changed in form for sale to retail or wholesale outlets. (Ord. 427 §130, 1976).

13.04.190 Market. "Market" means a business unit in which fresh meat is sold. Example: meat market, or grocery store in which meat is sold. (Ord. 427 §124, 1976).

13.04.200 Miscellaneous business unit. "Miscellaneous business unit" means a business unit not a market, fountain, frozen food locker, theater, service station, processing plant, manufacturing plant, restaurant, barbership and beauty shop. Example: stores selling dry goods, variety stores, offices and depots. (Ord. 427 §134, 1976).

13.04.210 Multiple business unit. "Multiple business unit" means a business unit in which two businesses are carried on by the same person within the same structure owned by said person. (Ord. 427 §136, 1976).

13.04.220 pH. "pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution. (Ord. 427 §116, 1976).

13.04.230 Private sewer. "Private sewer" means the sewer line and disposal system constructed, installed or maintained where connection with the public sewer system is not required in this title. (Ord. 427 §105, 1976).

13.04.240 Processing plant. "Processing plant" means a business unit in which food products are made ready for sale to retail or wholesale outlets. (Ord. 427 §129, 1976).

13.04.250 Properly shredded garbage. "Properly shredded garbage" means the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension. (Ord. 427 §117, 1976).

13.04.260 Public sewer. "Public sewer" means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority. (Ord. 427 §104, 1976).

13.04.270 Residence. "Residence" means any dwelling unit not a trailer or a cabin, having one or more of the customary plumbing facilities located within the same

structure as a dwelling unit. Example: house, apartment or flat. (Ord. 427 §120, 1976).

13.04.280 Restaurant. "Restaurant" means a business unit in which foodstuffs are cooked and sold for consumption on the premises. (Ord. 427 §131, 1976).

13.04.290 School. "School" means a structure in which instruction in any branch of knowledge is conducted during weekdays during the regular school term. (Ord. 427 §137, 1976).

13.04.300 Service station. "Service station" means a business unit from which petroleum products are sold for use in motor vehicles. (Ord. 427 §128, 1976).

13.04.310 Sewage. "Sewage" means a combination of the water-carried wastes from residence, business buildings, institutions and industrial establishments which wastes contain polluted matter subject to treatment at the sewage treatment plant; i.e., sanitary sewage. (Ord. 427 §103, 1976).

13.04.320 Superintendent. "Superintendent" means the superintendent of the water and sewer department of the town, or his authorized deputy, agent or representative. (Ord. 427 §101, 1976).

13.04.330 Tavern. "Tavern" means a business unit in which beverages containing alcohol are sold for consumption on the premises. (Ord. 427 §132, 1976).

13.04.340 Theater. "Theater" means a business unit in which movies are shown or plays are performed. (Ord. 427 §127, 1976).

13.04.350 Town clerk. "Town clerk" means the appointed town clerk of the town, or his authorized deputy, agent or representative. (Ord. 427 §102, 1976).

13.04.360 Trailer. "Trailer" means a dwelling unit which is set upon wheels or which has been recently removed from wheels. (Ord. 427 §122, 1976).

Chapter 13.08

GENERAL REGULATIONS

Sections:

13.08.010 Conditions for required connection to public sewage system.

Sections: (Continued)

- 13.08.020 Conditions for requirement of private sewage system.
- 13.08.030 Forced connection to public sewer by town--Costs assessment.
- 13.08.040 Prohibited discharges--Waters.
- 13.08.050 Prohibited discharges--Harmful materials.
- 13.08.060 Disposition of objectionable waste upon public or private property unlawful.
- 13.08.070 Discharging into natural outlets unlawful.
- 13.08.080 Unlawful sewage disposal facilities.
- 13.08.090 Interference with public facilities--By individual persons.
- 13.08.100 Interference with public facilities--By contractors handling street work.
- 13.08.110 Interference with public facilities--Malicious or destructive actions.

13.08.010 Conditions for required connection to public sewage system. The owner of each lot or parcel or real property within the town, not already connected to the public sewer system of said town, upon which lot or parcel of property there is situated any building or structure for human occupation or use or any dwelling unit or business unit or any structure for any other use or purpose shall install suitable toilet facilities therein, the use of which results in the existence of sewage as defined in this title, with the public sewer system, at his own expense, within thirty days after publication in the official newspaper of the town, of a notice to do so signed by the town clerk, whenever there is a public sewer line within two hundred feet of the property line of said lot or parcel, such installation and connection shall be commenced within thirty days following such notice. (Ord. 427 §304, 1976).

13.08.020 Conditions for requirement of private sewage system. Where a public sewer line is not available under the provisions of Section 13.08.010, a private sewer and sewage disposal system shall be constructed, connected and maintained in accordance with the provisions of this title. (Ord. 427 §305, 1976).

13.08.030 Forced connection to public sewer by town--Costs assessment. A. In the event the building sewer and connection are not made within the time provided for in Section 13.08.010 following notice, the superintendent is authorized and directed to cause the same to be made and to file a statement of cost thereof with the town clerk, and thereupon a warrant shall be issued under the direction of

the town council against the water and sewer revenue fund for the payment of such cost.

B. Such amount, together with a penalty of ten percent thereof, plus interest at the rate of eight percent per year upon the total amount of the cost and penalty, shall be assessed against the property upon which such building sewer and connection has not been placed as required, and shall become a lien thereon as provided in this title.

C. Such total amount when collected, shall be paid into the water and sewer revenue fund. (Ord. 427 §503, 1976).

13.08.040 Prohibited discharges--Waters. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters into the public sewer system. (Ord. 427 §501, 1976).

13.08.050 Prohibited discharges--Harmful materials. No person shall discharge or cause to be discharged into the public sewer system any flammable or explosive liquid, solid or gas, any garbage not properly shredded, any ashes, cinders, sand, mud, oil, grease, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (sixty-five degrees centigrade), toxic substances, wastes containing phenols exceeding limits established by the Department of Ecology of the state, radioactive wastes, waters having a pH lower than 5.5 or in excess of 9.5, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage treatment plant; provided, that waste liquids containing minute portions of commercial petroleum oils may be discharged into the public sewer system after the installation of a grease trap inspected and approved by the superintendent. (Ord. 427 §502, 1976).

13.08.060 Disposition of objectionable waste upon public or private property unlawful. It is unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner upon public or private property within the town, or in any area under the jurisdiction of the town, any human or animal excrement, garbage or other objectionable waste. (Ord. 427 §301, 1976).

13.08.070 Discharging into natural outlets unlawful. It is unlawful to discharge to any natural outlet within the town, or any area under its jurisdiction, any sanitary sewage, industrial wastes or other polluted waters except

where suitable treatment has been provided in accordance with subsequent provisions of this title. (Ord. 427 § 302, 1976).

13.08.080 Unlawful sewage disposal facilities.

Except as provided in this title, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage. (Ord. 427 § 303, 1976).

13.08.090 Interference with public facilities--By individual persons.

No person other than an employee of the water and sewer department or fire department who is engaged in sprinkling or washing the public streets, shall open or interfere in any way with any fire hydrant, standpipe or hose connection with the city water system without first obtaining authority to do so from the water and sewer department. (Ord. 427 § 803, 1976).

13.08.100 Interference with public facilities--By contractors handling street work.

All persons, contractors or corporations handling street work, such as grading, regrading, filling, trenching or paving, etc., shall give the water and sewer department three days' notice in writing in case it becomes necessary during the work to remove, displace or change any water or sewer mains, pipes, fitting, gates or other water or sewer works appurtenances that may interfere with the prosecution of such work, and the failure to furnish said notice shall make the contractor, corporation or person liable to the water and sewer department in case damages should result from such failure. (Ord. 427 § 804, 1976).

13.08.110 Interference with public facilities--Malicious or destructive actions.

A. No unauthorized person shall maliciously, wilfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the domestic water system, or the public sewer and sewage disposal system.

B. No owner and/or occupier of a premises to which the city has shut off water service for lack of payment,

or any other reason, shall tamper or otherwise interfere with said premises' water meter or related appurtenances. Violation of this section shall constitute a civil infraction, and the owner and/or occupier of the subject premises shall be liable to the city for a civil fine in the amount of two hundred fifty dollars, in addition to a twenty-five dollar fee for restoration of water service, and any damages the owner and/or occupier may be liable for pursuant to Section 13.28.010. Said two hundred fifty dollar civil fine and twenty-five dollar fee for water service restoration shall be charged directly to the owner and/or occupier's water account, and water service to the subject premises shall not be restored until such time as the owner and/or occupier's water account is paid in full, including all fines and fees. (Ord. 1069 § 1, 2007: Ord. 427 § 805, 1976).

Chapter 13.12

CONSTRUCTION REGULATIONS

Sections:

- 13.12.010 Permit--Required to open street or open into public sewer.
- 13.12.020 Permit--Required to construct private sewer or connect to building sewer.
- 13.12.030 Permit--Application--Fee--Inspection.
- 13.12.035 Connections to be made by bonded contractor--Replacement of street surface.
- 13.12.040 Private sewage system regulations.
- 13.12.050 Conditions for replacing private sewer system with public sewer.
- 13.12.060 Separate building sewer lines for each building--Exception.
- 13.12.070 Connection of building sewer lines--Requirements.
- 13.12.080 Excavations for building sewer--Requirements.
- 13.12.090 Standard specifications adopted--State and federal.
- 13.12.100 Standard specifications adopted--City.

13.12.010 Permit--Required to open street into public sewer.

A. No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer without first obtaining a written permit from the town clerk.

B. No unauthorized person shall open, alter or disturb the streets or alleys of the town, for the purpose of making connection with the public sewer system, without first obtaining a written permit therefor from the town clerk. (Ord. 427 § 401, 1976).

13.12.020 Permit--Required to construct private sewer or connect to building sewer.

A. No person shall construct or commence the construction of a private sewer or private sewage disposal system without first obtaining a written permit from the town clerk.

B. No person shall construct, extend, re-lay, repair, or connect a building sewer without first obtaining a written permit from the town clerk. (Ord. 427 § 402, 1976).

13.12.030 Permit--Application--Fee--Inspection.

A. An application for any permit shall be made on a form furnished by the town which the applicant shall supplement with such plans, specifications and other information as deemed necessary by the superintendent.

B. A permit and inspection fee of five dollars shall be paid to the town clerk at the time the application is filed.

C. No permit shall become effective until after the superintendent has approved the same. (Ord. 537 § 2, 1982: Ord. 427 § 403, 1976).

13.12.035 Connections to be made by bonded contractor--Replacement of street surface.

Only bonded contractors shall be authorized to do any work connecting an individual sewer system to the town sewer main, or to do any work upon the town right-of-way. All costs of replacement of the town streets shall be at the expense of the owner of the property requesting the permit. (Ord. 537 § 1, 1982: Ord. 427 § 403A, 1976).

13.12.040 Private sewage system regulations. A. The type, capacities, location and layout of a private sewage system shall comply with all recommendations and regulations of the Department of Social and Health Services, Division of Health of the state.

B. No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet or to ground surface.

C. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the town. (Ord. 427 §404, 1976).

13.12.050 Conditions for replacing private sewer system with public sewer. Whenever a public sewer becomes available to a lot or parcel served by a private sewage disposal system, as provided in Section 13.08.010, a direct connection shall be made to the public sewer in compliance with this title and any septic tanks, cesspools and similar private disposal facilities shall be abandoned and filled with suitable material. (Ord. 427 §405, 1976).

13.12.060 Separate building sewer lines for each building--Exception. A separate and independent building sewer line shall be provided for each building, for connections with the public sewer system; provided, that where feasible, this requirement may be waived upon submission of alternate plans approved by and thereafter constructed under the supervision of the superintendent. (Ord. 427 §406, 1976).

13.12.070 Connection of building sewer lines--Requirements. A. All connections and building sewer lines connecting with the public sewer system shall be constructed, installed and connected in such a manner as to insure a permanent and sanitary sewer watertight throughout.

B. The pipe used in the installation thereof shall be equal in quality to the pipe used in the general sewer system, and not less than four inches in diameter.

C. The jointing compound, where mechanical joints are not used, shall be equal in quality to that used in the general public sewer system (and no cement or grout made therefrom will be permitted.)

D. Where mechanical joints are used they shall be of such construction that an absolutely tight joint is insured.

E. The building sewer shall be sufficient to carry all sewage into the general sewer system and each toilet, sink, stationary washstand, and every other piece or type of equipment or facility having waste fluids or sewage (as defined in Section 13.04.310) shall be connected therewith.

F. The slope of the building sewer shall be subject to the approval of the superintendent, the pipe in the building sewer shall be laid so that the flow line therein

will be at a depth of not less than thirty inches from the surface of the ground. (Ord. 427 § 407, 1976).

13.12.080 Excavations for building sewer--Requirements.

A. All excavations for building sewer installations shall be properly safeguarded with lights and barricades so that the same may not be a menace to public safety.

B. All streets, sidewalks, alleys, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town.

C. All excavation for building sewer installation which run into streets, sidewalks, alleys, parkways and other public property shall not remain open longer than seventy-two hours, unless an extension is granted by the approval of the superintendent.

D. All excavations opened in town streets must be such that at last one-half of the street is open for traffic, unless the street is entirely closed for traffic by the superintendent. (Ord. 427 § 408, 1976).

13.12.090 Standard specifications adopted--State and federal.

The city of Granger hereby adopts the latest edition of the Standard Specifications for Road, Bridge and Municipal Construction prepared by the Washington State Department of Transportation, and the American Public Works Association General Special Provisions for Division One General Requirements, in addition to the document referenced in GMC 13.12.100, as the standard specifications governing all design and construction of public works improvements by the city and by private developers. All future amendments and additions to the Road, Bridge and Municipal Construction prepared by the Washington State Department of Transportation, and the American Public Works Association General Special Provisions for Division One General Requirements, when printed, and a copy thereof has been filed with the city clerk, shall be considered and accepted as amendments and additions to this chapter. (Ord. 1308 § 1, 2018).

13.12.100 Standard specifications adopted--City.

The city of Granger hereby adopts the City of Granger, WA Developer Guidelines and Public Works Design Standards, dated September 2017, in addition to the document referenced in GMC 13.12.090, as the standard specifications governing

all design and construction of public works improvements by the city and by private developers. All future amendments and additions to the City of Granger, WA Developer Guidelines and Public Works Design Standards, dated September 2017, when printed, and a copy thereof has been filed with the city clerk, shall be considered and accepted as amendments and additions to this chapter. (Ord. 1308 § 2, 2018).

Chapter 13.16

SERVICE REGULATIONS

Sections:

- 13.16.010 Application for water and sewage service-- Connection requires permit.
- 13.16.020 Individual consumer defined.
- 13.16.030 Separate meter and service connection installation.
- 13.16.040 Separate meters required on split ownership.
- 13.16.050 Relocation of water or sewer service.
- 13.16.060 Depth of new service pipe.
- 13.16.070 Leaks and damage responsibility.
- 13.16.080 Shutoffs and repairs for leaks.
- 13.16.090 Water wastage.
- 13.16.100 Shutoffs for repairs and extensions--Safety valves for boilers.
- 13.16.110 Water meter ownership and responsibility-- Alternative measuring devices.
- 13.16.120 Installation of water service pipes.
- 13.16.130 Ownership of equipment.
- 13.16.140 Pressure-reducing valve.
- 13.16.150 Crossconnections--Prohibited--Exception.
- 13.16.160 Crossconnections--Failure to discontinue use.
- 13.16.170 Crossconnections--Inspections.
- 13.16.180 Air-gap separation.

Sections: (Continued)

- 13.16.190 Double check valve assembly.
- 13.16.200 Backflow prevention devices--Reduced pressure principle.
- 13.16.210 Backflow prevention devices--Installation.
- 13.16.220 Backflow prevention devices--When required.
- 13.16.230 Backflow prevention devices--Installation supervision.
- 13.16.240 Backflow prevention devices--Inspection.
- 13.16.250 Backflow prevention devices--Failure of owner to cooperate.
- 13.16.260 Protective devices--Type.
- 13.16.270 Protective devices--Standards.
- 13.16.280 Inspections--Access to buildings.

13.16.010 Application for water and sewage service--Connection requires permit. A. All applications for water service installations and for water service shall be made at the office of the town clerk on forms furnished by the town, which applicant shall supplement with such information as deemed necessary by the town clerk or by the superintendent.

B. All applications shall be made by the owner of the property to be served or by his authorized agent, and all accounts shall be in the name of the owner of such property.

C. The previous policy which allowed the property owner to authorize the town in writing to bill his tenant for water service, allowing the tenant to be billed directly if and when the tenant paid to the town clerk a deposit of twenty dollars, is discontinued as of the effective date of the ordinance codified in this title.

D. All existing deposits shall remain with the town clerk until the tenants herein affected vacate their present tenancy and request refund of said deposit or portion thereof remaining after all town claims against said deposit are satisfied.

E. No person shall make any connection with either the domestic water system or sewer system or add to an existing connection any additional unit without first obtaining a permit as required in this title. (Ord. 427 §601, 1976).

13.16.020 Individual consumer defined. In making all future connections with the domestic water system, each residence, residential unit, individual business, business enterprise, or business unit, or industrial enterprise or unit, shall be considered an individual consumer and shall be supplied through a separate service connection; provided, that the term "future connections" shall be deemed to include any and all connections made after the effective date of the ordinance codified in this title, or modification of existing

connections such as the installation of water meters onto domestic supply lines in those instances where such meters have not been installed. (Ord. 427 §602, 1976).

13.16.030 Separate meter and service connection installation. A separate meter and service connection shall be installed to serve each single-family dwelling unit supplied water service; provided, multiple dwellings (including duplexes and apartment houses), mobile home parks, co-ops, condominiums and similar dwelling unit complexes, under single or common ownership or management, may be served by either single meter and service connections or multiple meters and service connections at the option of the owner or manager thereof, regardless of whether the dwelling units therein are individual consumers, for the purpose of computing water service charges as provided in this title. (Ord. 427 §603, 1976).

13.16.040 Separate meters required on split ownership.
 A. In the event of the sale or other transfer of title of any one-family dwelling unit constituting a portion of a multiple dwelling, mobile home park, co-op, condominium or other similar dwelling unit complex so that such sold or otherwise transferred dwelling unit is separately owned, a separate meter and service connection shall be installed to serve each such separately owned dwelling unit.
 B. In the event a separate meter and service connection is required by this title, the town may discontinue water service to the premises which is required to be separately served until such separate meter and service connection is installed. (Ord. 427 §604, 1976).

13.16.050 Relocation of water or sewer service.
 A. When it is necessary for the convenience of the town or because of the installation of new water mains to change an existing domestic water meter or domestic water service location; such new location shall be made at the cost and expense of the water and sewer department, except that the property owner shall re-install his domestic water service pipes to connect with the water main meter as relocated at his own expense.
 B. The same shall be stipulated for the town's relocation of sewer mains and the owner shall re-install his building sewer line pipes to connect with the public sewer as relocated at his own expense.
 C. Any change made in a water or sewer service installation at the request of the property owner or water user, after such installation has been made, shall be solely at the expense of the applicant who shall pay the entire cost thereof. (Ord. 427 §605, 1976).

13.16.060 Depth of new service pipe. All new service pipes shall be placed not less than thirty inches below the surface of the ground. (Ord. 427 §606, 1976).

13.16.070 Leaks and damage responsibility. Owners of services are responsible for all leaks or damage on account of leaks from privately owned services which shall be deemed to include all domestic service lines between the meter and the consumer's property, and all domestic service lines lying in or under the consumer's property. (Ord. 427 §607, 1976).

13.16.080 Shutoffs and repairs for leaks. A. The superintendent is directed and authorized to immediately shut off all domestic lines whenever such waterlines develop leaks or their condition is such as to constitute a danger to the domestic water supplies of the town, such waterlines shall remain shut off until properly repaired or replaced.

B. In the event the leaks or defects exist on service lines to consumers within the town limits or on any portion of the main lines or supply lines outside the town limits, such repairs and replacements as may be necessary shall be accomplished by and at the sole expense of the consumer or owner of the property to which the service is provided, subject to the supervision and final approval of the superintendent. (Ord. 427 §608, 1976).

13.16.090 Water wastage. A. It is unlawful for any person to waste water or allow it to be wasted by imperfect or leaking stops, valves, pipes, closets, faucets or other fixtures, or to use water closets without self-closing valves, or to use it in violation of this title regulating the use of water.

It is further unlawful for any person to use water for lawn, garden or agricultural usage, where irrigation water is available within one hundred feet of the premises, except in the case of an emergency.

B. The wilful wasting of water shall be a misdemeanor, punishable under the penalties provided by Chapter 13.28 of this code.

C. If such waste of water continues after notice from the water and sewer department to make repairs and to desist from the waste of water, the water and sewer

department shall shut off the supply of water from such premises until the necessary repairs have been made. (Ord. 990 §2, 2003; Ord. 427 §609, 1976).

13.16.100 Shutoffs for repairs and extensions--
Safety valves for boilers. A. The water service may, at any time, be shut off from the mains without notice for repairs, extensions or other necessary purposes and persons having boilers supplied by direct pressure from the mains are cautioned against danger of explosion or collapse and where meters are in use on such service, a safety valve shall be placed between the boiler and the meter at the property owner's expense and the property owner shall be responsible for all damage caused to the meter by hot water.

B. The town shall make a reasonable effort to notify the consumer or property owner when the water is to be shut off for repair. (Ord. 427 §610, 1976).

13.16.110 Water meter ownership and responsibility--Alternative measuring devices. A. All water meters shall be and remain the property of the town, and the responsibility of the town; such meters may be removed, replaced or changed as to size and type by the water and sewer department whenever deemed necessary.

B. In case water meters are not available for the town to purchase or their use at any service outlet is impracticable or unfeasible, the superintendent may use an alternate method for measuring or making this charge for water at this service, but the superintendent must file with the town clerk a written statement for the reason for such alternative method and the charges to be made therefor.

C. Authorized town employees shall have free access to stopcocks and water meters and no other person shall alter, operate or remove meters or stopcocks. (Ord. 427 §611, 1976).

13.16.120 Installation of water service pipes. The installation of water service pipes extending from the main to the cock inside the curblin, together with the necessary labor and materials for such construction shall be made by the water and sewer department. (Ord. 427 §612, 1976).

13.16.130 Ownership of equipment. The ownership of all main extensions, service pipes and appurtenant equipment maintained by the water and sewer department shall be vested in the town, and in no case shall the owner of any premises have the right to claim or reclaim any part thereof. (Ord. 427 §613, 1976).

13.16.140 Pressure-reducing valve. If the superintendent determines that in a high pressure area of the water system a pressure-reducing valve installation is necessary, he shall notify the property owner in writing requiring the installation of a pressure-reducing valve meeting town specifications within sixty days from the date of notice. (Ord. 427 §614, 1976).

13.16.150 Crossconnections--Prohibited--Exception. Crossconnections between the domestic water systems and other systems or equipment containing water or other substances of unknown or questionable safety are prohibited except when and where, as approved by the superintendent, suitable protective devices as approved by the superintendent are installed, tested and maintained to insure proper operation on a continuing basis. (Ord. 427 §615, 1976).

13.16.160 Crossconnections--Failure to discontinue use. Failure on the part of persons to discontinue the use of any and all crossconnections and to physically separate such crossconnections or install a suitable protective device when ordered to do so by the superintendent will be sufficient cause for the discontinuance of water service to the premises on which the crossconnection exists. (Ord. 427 §616, 1976).

13.16.170 Crossconnections--Inspections. A. The town shall make periodic inspection of premises served by the water supply to check for the presence of crossconnections.

B. Any crossconnections found in such inspection shall be ordered removed.

C. If an immediate hazard to health is caused by the crossconnection, water service to the premises shall be discontinued until it is verified that the crossconnection has been removed. (Ord. 427 §617, 1976).

13.16.180 Air-gap separation. A. Air-gap separation shall be an unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the flood level rim of the receptacle, and shall be at least double the diameter of the supply pipe measure vertically above the flood level rim of the vessel.

B. In no case shall the gap be less than one inch. (Ord. 427 §618, 1976).

13.16.190 Double check valve assembly. Double check valve assembly composed of two single, independently acting check valves, including tightly closing shutoff valves located at each end of the assembly and suitable connections for testing the watertightness of each check valve. (Ord. 427 §619, 1976).

13.16.200 Backflow prevention devices--Reduced pressure principle. A. Reduced pressure principle backflow prevention device shall be a device incorporating two or more check valves and an automatically operating differential relief valve located between the two checks, two shutoff valves, and equipped with necessary appurtenances for testing.

B. The device shall operate to maintain the pressure in the zone between the two check valves, less than the pressure on the water supply side of the device.

C. At cessation of normal flow the pressure between the check valves shall be less than the supply pressure.

D. In case of leakage of either check valve the differential relief valve shall operate to maintain this reduced pressure by discharging to the atmosphere.

E. When the inlet pressure is two pounds per square inch or less the relief valve shall open to the atmosphere thereby providing an air gap in the device. (Ord. 427 §620, 1976).

13.16.210 Backflow prevention devices--Installation.

A. Backflow prevention devices where required shall be installed at the meter, at the property line of the premises when meters are not used or at a location designed by the superintendent.

B. The device shall be located so as to be readily accessible for maintenance and testing, and where no part of the device will be submerged. (Ord. 427 §621, 1976).

13.16.220 Backflow prevention devices--When required.

Backflow prevention devices shall be installed at the service connection or within any premises where in the judgment of the superintendent the nature and extent of activities on the premises, or the materials used in connection with the activities, or materials stored on the premises would present an immediate and dangerous hazard to health should a crossconnection occur, even though such crossconnection does not exist at the time the backflow prevention device is required to be installed. This shall include, but not be limited to the following situations:

A. Premises having an auxiliary water supply, unless the quality of the auxiliary supply is in compliance with the town and state standards for portable water systems;

B. Premises having internal crossconnections that are not correctible, or intricate plumbing arrangements which make it impracticable to ascertain whether or not crossconnections exist;

C. Premises where entry is restricted so that inspections for crossconnections cannot be made with sufficient frequency or at sufficiently short notice to assure that crossconnections do not exist;

D. Premises having a repeated history of crossconnections being established or re-established;

E. Premises on which any substance is handled under pressure so as to permit entry into the public water supply, or where a crossconnection could be reasonably expected to occur; this shall include the handling of process waters and cooling waters;

F. Premises where materials of toxic or hazardous nature are handled such that if back siphonage should occur, a serious health hazard may result;

G. The following types of facilities will fall into one of the above categories where a backflow prevention device is required to protect the public water supply; a backflow prevention device shall be installed at these facilities unless the superintendent determines no hazard exists:

1. Hospitals, mortuaries, clinics,
2. Laboratories,
3. Sewage treatment plants,

4. Food or beverage processing plants,
5. Chemical plants using a water process,
6. Metal plating industries,
7. Petroleum processing or storage plants,
8. Others specified by the superintendent. (Ord. 427 §622, 1976).

13.16.230 Backflow prevention devices--Installation supervision. Backflow prevention devices shall be installed under the supervision of and with the approval of the town. (Ord. 427 §624, 1976).

- 13.16.240 Backflow prevention devices--Inspection.
- A. Backflow prevention devices shall be inspected and tested annually, or more often where successive inspections indicate repeated failure.
 - B. The devices shall be repaired, overhauled or replaced whenever they are found to be defective.
 - C. Inspections, tests and repairs and records thereof shall be done under the surveyor's supervision. (Ord. 427 §626, 1976).

13.16.250 Backflow prevention devices--Failure of owner to cooperate. Failure of the customer to cooperate in the installation, maintenance, testing or inspection of backflow prevention devices required in this chapter shall be grounds for the termination of water service to the premises or the requirements for an air-gap separation. (Ord. 427 §627, 1976).

13.16.260 Protective devices--Type. The type of protective device required shall depend upon the degree of hazard which exists as follows:

- A. An air-gap separation or reduced pressure principle backflow prevention device shall be installed where the supply may be contaminated with sewage, industrial waste of a toxic nature or other contaminant which would cause a health or system hazard.
- B. In the case of a substance which may be objectionable but not hazardous to health, a double check valve assembly, air-gap separation or a reduced pressure principle backflow prevention device shall be installed. (Ord. 427 §623, 1976).

13.16.270 Protective devices--Standards. A. Any protection device shall be a model approved by the superintendent.

- B. A double check valve assembly or a reduced pressure principle backflow prevention device shall conform to the town requirements. (Ord. 427 §625, 1976).

13.16.280 Inspections--Access to buildings. Employees of the water and sewer department, properly identified, shall have free access at proper hours of the day to all parts of the buildings to which water and sewage service may be delivered from the town mains, for the purpose of inspecting the conditions of the pipes and fixtures and the manner in which the water is used. (Ord. 427 §628, 1976).

Chapter 13.20

EXTENSIONS OUTSIDE CITY LIMITS

Sections:

- 13.20.010 Additional extensions prohibited--Exception.
13.20.020 Ownership responsibility.

13.20.010 Additional extensions prohibited--Exception.

A. Future water and sewer connections or extensions to lands outside the corporate limits of the town shall not be permitted except in those cases where such connections are in exchange for some property right being granted to the town, which property right is found by the town council to be necessary or advantageous to the town.

B. Any such connections for extensions shall be subject to the charges specified in this title. (Ord. 427 §801, 1976).

13.20.020 Ownership responsibility. A. All domestic water mains and waterlines lying outside the corporate limits of the town shall be installed, owned, and maintained by the consumers and the town shall have no duty to repair or replace such mains or lines.

B. Water meters on such domestic service outside the corporate limits shall be placed, installed, and maintained within the discretion of the water and sewer department and shall remain the property of the town regardless of location; provided, however, that in any case that the watermain is to be connected to the town's water system or the sewer lines are to be connected to the town's sewer system from a point outside the corporate limits, the town council may, at their discretion, make it a condition for such connection and such services the deeding over of said waterlines and sewer lines to the town. (Ord. 427 §802, 1976).

Chapter 13.24

RATES AND CHARGES

Sections:

- 13.24.010 Monthly water use charges.
- 13.24.020 Water use charge schedule--Outside corporate limits.
- 13.24.030 Meter size required.
- 13.24.040 Calculation of water consumption.
- 13.24.050 Multiple units--Water charges--Classification.
- 13.24.060 Multiple units--Water charges--Billing.
- 13.24.070 Joint water user charges.
- 13.24.080 Fire sprinkler systems.
- 13.24.090 Bulk water charges.
- 13.24.095 Wastewater charges.
- 13.24.100 Backflow prevention device inspection charge.
- 13.24.110 Sewer charges--Inside corporate limits.
- 13.24.120 Sewer charges--Outside corporate limits.
- 13.24.130 Sewer charges--Unoccupied units.
- 13.24.140 Connection and disconnection charges.
- 13.24.150 Meter installation and water connection charges--Sewer connection charge.
- 13.24.160 Transfer of funds to water/sewer department.
- 13.24.170 Due and delinquency dates for domestic water, sewer, irrigation water and garbage charges.
- 13.24.180 Lien for unpaid charges.
- 13.24.190 Shutoff as method of enforcement.
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- 13.24.210 Unoccupied building or unit.
- 13.24.220 Sale or gift of city water prohibited.
- 13.24.230 Failure to apply for water before connection prohibited.
- 13.24.240 Limitations on water use during shortages.
- 13.24.250 Abandoned installations.
- 13.24.260 Freezing--Installation requirements--Responsibility.
- 13.24.270 Debarment of plumbers or other persons doing unskillful work.
- 13.24.280 Annual review of rates.

- 13.24.290 Insect control charge.
 13.24.300 Budget amendment to reflect insect control account.
 13.24.310 Adjustment to utility bills.

13.24.010 Monthly water use charges.

The monthly charges for domestic water consumed by the customers inside the corporate limits for the city of Granger shall be based on the following schedule:

Meter Size	Basic Monthly Charge	Basic Monthly Gallonage	Additional Charge for Each 1,000 Gallons over Basic Monthly
3/4"	\$37.79	5,000	\$2.13
1"	\$33.98	9,000	\$2.27
1 1/4"	\$49.48	14,000	\$2.33
1 1/2"	\$65.82	20,000	\$2.45
2"	\$111.02	36,000	\$2.51
3"	\$231.65	80,000	\$2.64
4"	\$403.22	140,000	\$2.71

(Ord. 1393 § 1, 2022; Ord. 1392 § 1, 2022; Ord. 1318 § 1, 2018; Ord. 1266 § 1, 2016; Ord. 1196 § 1, 2013; Ord. 1132 § 1, 2010; Ord. 1122 § 1, 2009; Ord. 1106 § 1, 2008; Ord. 1048 § 1, 2005; Ord. 1031 § 1, 2004; Ord. 1002 § 1, 2003; Ord. 981 § 1, 2003; Ord. 957 § 1, 2002; Ord. 937 § 1, 2001; Ord. 930 § 1, 2, 2000; Ord. 899 § 1, 1999; Ord. 878 § 1, 1999; Ord. 853 § 1, 1997; Ord. 823 § 1, 1996; Ord. 801 § 1, 1996; Ord. 772 § 1, 1994; Ord. 757 § 1, 1993; Ord. 737 § 1, 1992; Ord. 714 § 1, 1991; Ord. 703 § 1, 1989; Ord. 666 § 1, 1987; Ord. 636 § 1, 1985; Ord. 620 § 1, 1984; Ord. 555 § 1, 1982; Ord. 500 § 1, 1980; Ord. 463 § 1(part), 1978; Ord. 430 § 1(part), 1976; Ord. 427 § 701, 1976).

13.24.020 Water use charge schedule--Outside corporate limits.

The monthly charges for domestic water consumed by customers outside the corporate limits of the city shall be one hundred fifty percent of the rate of charges within the corporate limits to adequately reflect the increased cost of extending the service beyond the corporate limits, excepting those customers outside the corporate limits who were customers prior to the passage of the ordinance codified in this title shall be charged in the same manner as customers within the corporate limits. (Ord. 430 § 1(part), 1976: Ord. 427 § 702, 1976).

13.24.030 Meter size required.

Billings for the minimum charge for domestic water consumed shall be determined by the meter size deemed by the superintendent as necessary to efficiently meter water delivered to the water customer. (Ord. 427 § 703, 1976).

13.24.040 Calculation of water consumption.

A. In calculating domestic water consumption, after the minimum usage of five thousand gallons has been satisfied, the charges for overages used will be computed by multiplying the applicable overage rate times each additional one thousand gallons of usage or fraction thereof.

B. No proration shall be allowed for fractions of thousands of gallons. Note: Four thousand twenty-one gallons of water usage shall be computed as five thousand gallons. (Ord. 430 \$1(part), 1976: Ord. 427 \$704, 1976).

13.24.050 Multiple units--Water charges--

Classification. A. In the case of hospitals, apartments, cabins, hotels, trailers and business houses, where such units are so situated on property that the individual unit cannot lawfully be deeded as separate property, such units shall be classified as "multiple units," and for the purposes of computing water charges are not to be considered as individual units.

B. Also included in this classification of "multiple unit" shall be any housing authority or similar designate situated on lands owned by such an authority or designate, where water mains within such housing project have been installed and are maintained by the project.

C. Limitation on Issuance of Water and Sewer Connections. No water or sewer connection fee may be paid or secured prior to the issuance of a building permit; and, all water and/or sewer services are subject to the town's available water rights. (Ord. 880 \$1, 1998; Ord. 427 \$705, 1976).

13.24.060 Multiple units--Water charges--Billing.

A. Charges for such multiple unit water customers shall be billed to one applicant for the entire unit, and consist of one basic monthly rate for each unit under the billing based upon the meter size deemed by the superintendent as necessary to efficiently meter water delivered to each individual unit, which normally would be based on a three-quarter inch meter size unless extraordinary usage is determined by the Public Works Director.

Credit may be given for any vacancies in multiple units by reporting to the town clerk such vacancies by the fifteenth day of the month, every month. Such vacancies shall be subject to town inspection. Unless the exemption is specifically applied for each month, all units will be billed.

B. Recreational vehicle courts for the purpose of this section constitutes an individual consumer and as such, shall be billed on the same basis as an individual consumer. (Ord. 970 \$1, 2003; Ord. 466 \$1, 1978; Ord. 463 \$1(part), 1978: Ord. 430 \$1(part), 1976: Ord. 427 \$706, 1976).

13.24.070 Joint water user charges. Where two or more "individual unit" customers are served by a single meter, and such service has been authorized, in view of special considerations by the superintendent, water bills

shall be computed separately for each individual unit as follows:

A. A minimum charge on the first five thousand gallons based upon the meter size deemed by the superintendent as necessary to efficiently meter water delivered to the individual unit;

B. Any excess water usage exceeding the aggregate of a five-thousand-gallon minimum times the number of individual units shall be divided equally to each individual customer and billed in accordance with the rate schedule set out in Section 13.24.010;

C. The billing shall be tabulated as described above in subsections A and B of this section and the totalized amount billed to the one applicant responsible for the joint users served from a single meter. And in all such cases, all such individual users shall be jointly and severally liable for the excess of water used above the minimum amount and be jointly affected by any prohibition in this title as to use by others and in the case of delinquency of one such joint user, the town shall have the same remedy as though all such joint users were delinquent. (Ord. 430 §1(part), 1976; Ord. 427 §707, 1976).

13.24.080 Fire sprinkler systems. No charge shall be made for water delivered to fire sprinkler systems for fire-fighting purposes; however, the entire installation of a separate service connection including necessary valves and detector equipment, all as deemed required by the superintendent, shall be made by the town and the full cost of this

work shall be borne by the owner or owners of the property so served. (Ord. 427 \$708, 1976).

13.24.090 Bulk water charges.

Bulk water consumers shall be served at the convenience of the town and shall pay an annual set-up fee of thirty-six dollars, which shall include ten thousand gallons of irrigation water or five thousand gallons of city water. There are the following restrictions and charges:

A. City water in bulk will be available only when irrigation water is unavailable;

B. Arrangements must be made with the town clerk and the irrigation water is available at the stand pipe on Railroad Avenue, and city water is available at various hydrants. Purchaser must provide his/her/its own tank truck or other movable container;

C. For all bulk water in excess of the original allowance used during any one year, an additional charge will be made as follows:

1. City water: Five dollars per one thousand gallons of water with no proration for fractions of thousand of gallons,

2. Irrigation water: One dollar and fifty cents per one thousand gallons of water with no proration for fractions of thousands of gallons. (Ord. 1011 \$1, 2004: Ord. 931 \$\$1, 2, 2000: Ord. 905 \$1, 1999: Ord. 540 \$2, 1982: Ord. 427 \$709, 1976).

13.24.095 Wastewater charges.

A. There shall be a base charge of one hundred seventy-nine dollars and thirty cents for the bulk discharge of industrial wastewater for up to a base usage of thirty-six thousand gallons per month. Any overage would be assessed at four dollars and ninety-seven cents per one thousand gallons, provided that the industrial wastewater shall not have a pH exceeding 9.0 with virtually no biological or solids loading. Any gallonage which exceeds seventy-six thousand in any one month, must be negotiated with the director of public works to reassess the impact to the sewer and wastewater treatment plant and costs will be adjusted accordingly. Included in the above fees are inspection fees and the pH test fee.

B. Each load of industrial wastewater shall be metered, with a meter on each truck or other approved method

of determining the gallonage, and the information is provided to the public works department by four p.m. of each day of discharge. No discharge to the sewer system will occur on weekends or holidays.

C. It is unlawful to discharge any wastewater with a pH exceeding 9.0, and with any biological or solids loading, without prior arrangements with the public works director with regard to its processing and its effect on the sewage system. A penalty of one thousand dollars per load, regardless of size shall be assessed for any violation of this provision.

D. All bulk wastewater shall be deposited in man-holes approved by the director of public works, and shall be done by the applicant for such service, and the applicant shall provide traffic control consistent with the Manual on Uniform Traffic Control Devices.

E. Failure to comply with any of the provisions hereof, and in addition to any penalties that may be imposed is immediate grounds for stopping this wastewater sewer service. (Ord. 1024 §§1-5, 2004).

13.24.100 Backflow prevention device inspection charge.

A. All costs of backflow prevention device inspection as required under Section 13.16.240 of this title shall be charged at actual cost to the city.

B. Repairs made by the city to backflow prevention devices shall also be charged at actual cost to the city. (Ord. 427 §710, 1976).

13.24.110 Sewer charges—Inside corporate limits.

A. The charges for public sewer service shall be determined by applying the monthly water charge for each customer as the sewer charge and it shall be billed to the customer in addition to the water charge. During the months of May, June, July and August of each year, when water is being used to water lawns and gardens and uses where the water is not being returned through the sewer system, each customer will be allowed a ten percent deduction against the sewer charge.

B. Water customers not discharging all water intake into the sewer system may have their sewer charges adjusted on a formula to be determined by a waste waterflow measurement and recording undertaken by an independent engineer annually at the city's request and the user's expense. If a

landowner has access to irrigation water within one hundred feet from the property being assessed, no credit shall be made for lawn, garden or agricultural purposes.

C. Homes connected to the sewer system who are not connected to the city water system shall pay a charge equal to one hundred fifty percent of the basic monthly charge for water of a connection with a comparable diameter water service. (Ord. 990 §3, 2003; Ord. 463 §1(part), 1978: Ord. 427 §711, 1976).

13.24.120 Sewer charges-Outside corporate limits.

The monthly charges for public sewer service outside the corporate limits of the city shall be one hundred fifty percent of the rate of charges within the corporate limits to adequately reflect the increased cost of the extending service beyond the corporation limits, excepting those customers outside the corporate limits who were customers prior to the passage of the ordinance codified in this title, shall be charged in the same manner as customers within said corporate limits. (Ord. 430 §1(part), 1976: Ord. 427 §712, 1976).

13.24.130 Sewer charges-Unoccupied units.

A. There shall be no charge for sewer for a single unit where the water has been disconnected by the city at the meter.

B. Credit for vacant or unoccupied premises for sewer services when the unit is part of a "multiple unit" shall be allowed as provided under Granger Municipal Code 13.24.060(A) for water services. (Ord. 970 § 2, 2003; Ord. 427 § 713, 1976).

13.24.140 Connection and disconnection charges.

A. No charge will be made for turning on the water supply and disconnecting same upon written request of the owner; provided, however, that no charge will be made for water, sewer or garbage service to unoccupied property upon request of the owner to discontinue water service.

B. Sewer and garbage service charges shall at all times be in effect while water is turned on at the property; provided, however, that sewer and garbage service must be available to said property before they shall be charged.

C. A deposit of one hundred dollars shall be made by any renter applying for water service unless otherwise stipulated by the owner, who shall assume full responsibility. Any renter who shall have a past-due account with the city shall be required to pay said amount in addition to the deposit when applying for new service before service shall be furnished. All deposits shall be held in trust and when any renter shall cease service, the deposit shall be refunded, less any unpaid account. (Ord. 783 § 2, 1995; Ord. 538 § 1, 1988; Ord. 430 § 1(part), 1976: Ord. 427 § 714, 1976).

13.24.150 Meter installation and water connection charges-Sewer connection charge.

In the case of all future new connections, the following connection and installation charges shall be paid to the city by the person desiring to make such connection and/or installation, which charges shall be payable at the time application is made for permit to perform the work and make the connection:

A. Domestic water.

Size of Meter (in inches)	Installation Charge	Connection Charge
3/4	\$500.00	\$1,575.00

Larger than three-quarters inch service-Actual cost to the city; provided, that such "connection" for the aforesaid charges includes the installation of the meter, a meter box, a connection charge of \$1,575.00, a line from the city's distribution main to a point immediately within and adjoining the applicant's property line is installed; provided further, that such service line does not exceed 50 feet. Such connection charge applies to each equivalent residential units (ERUs) of water use as defined in the city's most recent water connection charge study, in the case of connections involving water use in excess of one ERU, such use will be reviewed following one year's usage, with possible additional charges or refund to be determined at that time. Connections consuming greater than one ERU of water shall pay a connection charge to be negotiated based on the projected number of associated with the development ERU's and impacts to the water system. Any developer or owner, who is required to install water lines from a cen-

tral connection to all the proposed lots pursuant to this Code, and has provided the required stub on the lots, shall be given a credit of 12 percent against the water hook up fee to compensate said developer or owner that the city would normally be required to do.

1. A determination shall be made as to the amount of the anticipated water flow to be expected from the facility. Based on the respective water and sewer ERU definitions in the city's most recently adopted connection charge study, a determination of the number of residential equivalents of the anticipated usage from such business, commercial or industrial facility, shall be made. Such facility shall be a negotiated connection charge for water service based on the projected number of ERU's associated with the development and impacts on the city's facilities.

2. As part of connecting to the city's system, such business or agency is required to install a meter that shall measure the amount of usage per day of such business, commercial, industrial or other facility. Such meter shall be read for a period of one year after the initial connection, and a new determination shall be made at that time as to the exact amount of the usage of such facility. If it is determined at the end of one year from such metered service that the equivalent daily usage of such facility was less than that which was estimated in the beginning then a refund shall be made to the facility from the city for the differential therein. If it is determined after the end of one year that the usage is greater than the residential equivalents by which the connection fee was established, then such additional amount as thus computed shall be paid by the facility to the city to complete the payment of the original connection fee. All private easements shall be acquired by and all additional installations shall be affected by and the costs borne by the applicant. Backflow prevention devices installed by the city-actual cost to the city.

B. Public sewer. The connection charge for connection to the city's public sewer system shall be \$1,000.00, including the inspection of installation, and all necessary permits and charges provided in this chapter.

Such connection charge applies to each equivalent residential unit (ERUs) of sewer use as defined in the city's most recent sewer connection charge study. Connections consuming greater than one ERU of water shall pay be a connec-

tion charge to be negotiated based on the projected number of ERU's associated with the development and actual impact to the sewer system to be reviewed following one year's usage, with possible additional charges or refund to be determined at that time.

1. A determination shall be made as to the amount of the anticipated wastewater flow to be expected from the facility. Based on the respective sewer ERU definitions in the city's most recently adopted connection charge study, a determination of the number of residential equivalents of the anticipated usage from such business, commercial or industrial facility, shall be made. Such facility shall pay a negotiated connection charge for sewer service based on the projected number of ERUs associated with the development and impact on the city's facilities.

2. As a part of connecting to the city's system, such business or agency may be required to install a meter that shall measure the amount of usage per day of such business, commercial, industrial or other facility. Such meter shall be read for a period of one year after the initial connection, and a new determination shall be made at that time as to the exact amount of usage of such facility. If it is determined at the end of one year from such metered service that the equivalent daily usage of such facility was less than that which was estimated in the beginning then a refund shall be made to the facility from the city for the differential therein. If it is determined after the end of one year that the usage is greater than the residential equivalents by which the connection fee was established, then such additional amount as thus computed shall be paid by the facility to the city to complete the payment of the original connection fee. (Ord. 955 § 1, 2001; Ord. 934 §§ 1, 2, 2000; Ord. 904 §§ 1, 2, 1999; Ord. 891 §§ 1, 2, 1999; Ord. 783 § 3, 1995; Ord. 537 § 3, 1982; Ord. 427 § 715, 1976).
(Ord. No. 1112, § 1, 1-13-2009)

13.24.160 Transfer of funds to water/sewer department.

The city shall pay to the water and sewer department from the current expense fund the following amounts:

- A. For each city fire hydrant connected to the mains of the city, fifty cents per month;
- B. For all water used in the city swimming pool

a yearly amount of three hundred dollars. (Ord. 427 § 716, 1976).

13.24.170 Due and delinquency dates for domestic water, sewer, irrigation water and garbage charges.

A. All charges for domestic water, sewerage, irrigation water (except irrigation water only), and garbage service shall be due and payable on the date of billing, at the office of the city treasurer, and shall become delinquent on the fifteenth day of the month following the month in which the original billing was rendered. Domestic water, sewer, irrigation water, and garbage bills cover periods of one month, and shall be issued upon a single statement where feasible. Following the due date, a delinquency notice shall be mailed to all accounts in arrears and a ten-dollar penalty shall be assessed on all delinquent bills. All payments and collections for domestic water and sewer services shall be paid into the water and sewer revenue fund. All payments and collections for garbage service shall be paid into the garbage revenue fund. All payments and collections for irrigation water shall be paid into the irrigation fund. Payments received shall be applied to outstanding or delinquent charges first and shall always be applied in the following order, first to irrigation, then to garbage, then to sewer and finally to domestic water.

B. All charges for irrigation water only service shall be due and payable on the date of billing, at the office of the city treasurer, and shall become delinquent on the first day of April of the same year in which the original billing was rendered. Irrigation water bills cover periods of one year, and shall be issued upon a single statement where feasible. All payments and collections for irrigation water shall be paid into the irrigation fund. (Ord. 832 § 1, 1997; Ord. 783 § 4, 1995; Ord. 543 § 1(1), 1982; Ord. 427 § 717, 1976). (Ord. No. 1215, § 1, 1-27-2015)

13.24.180 Lien for unpaid charges.

All charges for water and sewer connections and service, irrigation assessments and connections (except for irrigation water only assessments), and all service charges, provided in this chapter, or as may be hereafter amended, together with penalties and interest thereon, shall be a lien upon the property with which such connec-

tions are made or to which such sewer service, or domestic water service, or irrigation service is rendered, superior to all other liens and encumbrances whatsoever, except for general taxes and local special assessments. Enforcement of such lien or liens shall be in the manner provided by law. (Ord. 427 § 718, 1976).

(Ord. No. 1215, § 2, 1-27-2015)

13.24.190 Shutoff as method of enforcement.

A. General Provisions. As an additional and concurrent method of enforcing the lien of the city for sewer, domestic water charges, and irrigation assessments (except for irrigation water only assessments), the city clerk, or his or her designated representative is authorized and directed on the first Tuesday of each month to shut off the water service to any property delinquent on such charges until the water user pays such charges and interest at the rate of eight percent per annum upon unpaid charges and penalties, and, as applicable, the additional administrative fees as follows:

1. In the event that the city makes attempts to shut off water but is unable to do so due to cars or other vehicles parked over meters, locked gates making meters or shutoffs inaccessible, or any other means that prevent water shutoff, there shall be assessed an administrative fee of twenty-five dollars for the first attempt to shut off water, a thirty-five dollar fee for the second attempt to shut off water, and a forty-five dollar fee for the third attempt to shut off water to cover administrative, clerical, and other employee or employee-related costs to the city in attempting to shut off the water, provided, however, that water shutoff attempts that incur the administrative fees described in this paragraph will occur no more frequently than monthly.

2. In the event that water is shutoff, there shall be assessed an administrative fee of twenty-five dollars for turning on the domestic water, provided that all accrued interest and charges are paid in full and the water is turned back on during regular city business hours.

3. The domestic water may be turned back on outside of regular city business hours by the public works director or his or her designated representative, provided that the water user pay all charges and assessments and penalties on the next working day of the city clerk/trea-

surer's office, including an additional fee of fifty dollars to cover overtime and additional expenses of the supervisor or his or her designated representative in turning the water back on during non-business hours. This fifty dollar assessment is in addition to the twenty-five dollar assessment normally paid to turn on water during regular hours. Non-compliance by the water user in making all payments shall result in the water again being turned off and a penalty of one hundred fifty dollars being assessed, in addition to all other assessments.

B. Irrigation water only assessments shall be collectible yearly and the assessments shall be delinquent if unpaid at the close of the regular business day preceding the first day of April the same year in which the billing was rendered. Upon delinquency, the irrigation water only customer shall be assessed a penalty in the sum of ten dollars for the billing of that year. (Ord. 1041 §1, 2005; Ord. 783 §5, 1995; Ord. 543 §1(2), 1982; Ord. 529 §2, 1981; Ord. 516 §1, 1981; Ord. 430 §1(part), 1976; Ord. 427 §719, 1976).

(Ord. No. 1161, § 1, 5-22-2012; Ord. No. 1185, § 1, 2-26-2013; Ord. No. 1215, § 3, 1-27-2015)

13.24.200 Charges in event of meter failure.

In the event of meter failure, the property owner shall be charged the minimum charge until the meter is repaired. (Ord. 427 §720, 1976).

13.24.210 Unoccupied building or unit.

In the event that property served is unoccupied for more than a metered month without a request from the property owner to disconnect, a minimum charge for water and sewer shall be owing for each successive month until the city receives a request from the owner to disconnect. (Ord. 427 §721, 1976).

13.24.220 Sale or gift of city water prohibited.

It is unlawful for any property owner or consumer to sell or give away any water furnished by the city. (Ord. 427 §722, 1976).

13.24.230 Failure to apply for water before connection prohibited.

Any person making any connection with or any alteration to any pipe allowing water to be withdrawn without first applying for water shall be subject to the penalties provided in this title and this Code. (Ord. 427 §723, 1976).

13.24.240 Limitations on water use during shortages.

A. The city may through its administrative officials regulate the use of water and may limit the use of water in the event of shortage.

B. The town shall not be responsible for any damages caused to property or property owners by reason of decreased water supply. (Ord. 427 §724, 1976).

13.24.250 Abandoned installations. All service installations connected to the water or sewer system, that have been abandoned or that for any reason have become useless for further service, shall be disconnected at the main by the water and sewer department, and all pipe and appurtenances removed shall be the property of the town. (Ord. 427 §725, 1976).

13.24.260 Freezing--Installation requirements--Responsibility. A. All service and household installations shall be placed at such depth as to avoid all possibility of freezing.

B. The water department shall not be responsible for all services frozen between the curb cock and the premises to be served and the owner shall pay the cost of thawing wherever same is necessary. (Ord. 427 §726, 1976).

13.24.270 Debarment of plumbers or other persons doing unskillful work. Plumbers or other persons failing to perform their work according to established rules and regulations or executing it unskillfully or to the damage of the water and sewer departments, may be debarred temporarily or permanently from making connections or doing any work on fixtures or pipes leading from the town's mains. (Ord. 427 §727, 1976).

13.24.280 Annual review of rates. The town council shall review the water and sewer rates set forth in this chapter annually on the first meeting in July to determine that the existing rates are covering the expenses of the systems. (Ord. 463 §1(part), 1978: Ord. 427 §728, 1976).

13.24.290 Insect control charge. A charge of fifty cents per month shall be added to the utility bill of each household and business in the town for the express purpose of mosquito and other insect control. (Ord. 336 §1, 1971).

13.24.300 Budget amendment to reflect insect control account. The current budget for the town shall be amended to reflect the collection of this special account added by Section 13.24.290 and to make expenditures therefrom for mosquito and other insect control. (Ord. 336 §2(part), 1971).

13.24.310 Adjustment to utility bills. The clerk of the town or such authorized representative as may be designated, is authorized and directed to make adjustments or authorize such adjustments to be made, to any billing ren-

dered by the utilities division for any charge for water service, including but not limited to, minimum monthly billings, fixed rate and metered charges, not to exceed two hundred fifty dollars, penalty and special charges, adjustment of billings due to vacancies, improperly charged rates, and the cancellation of uncollectible bills and accounts, subject to rules and regulations as the town council may promulgate from time to time. (Ord. 840 \$1, 1997).

Chapter 13.28

ENFORCEMENT

Sections:

13.28.010 Liability for damages.

13.28.010 Liability for damages. Any person who violates any of the provisions of this title shall become liable to the town for any expense, loss or damage occasioned by the town by reason of such violation. (Ord. 427 \$806, 1976).

Chapter 13.32PUBLIC IRRIGATION WATER SYSTEMSections:

- 13.32.010 Definitions.
- 13.32.020 Establishment of a public irrigation water delivery system.
- 13.32.030 Authority to contract with the Sunnyside Irrigation District.
- 13.32.040 Dedication of existing facilities.
- 13.32.050 Installation of new irrigation water facilities.
- 13.32.060 Application requirements.
- 13.32.070 City assessment.
- 13.32.080 Determination of annual assessments.
- 13.32.090 Maintenance of the public irrigation water delivery system.
- 13.32.100 City construction of irrigation facilities.
- 13.32.110 Authority of the public works director.
- 13.32.120 Irrigation cumulative reserve fund.
- 13.32.130 Violation-Penalty.

13.32.010 Definitions.

As used in this chapter, the following terms shall be defined as follows:

"Availability of irrigation water" means at such time as a point of delivery for public irrigation water exists adjacent to the lot desiring the use of said water.

"Director" means the public works director for the city of Granger, Washington.

"Domestic use" means the use of public irrigation water for ordinary household purposes and shall not include any use of water for production of any commercial crop or for water of any group of livestock numbering in excess of five head.

"Irrigation water" means water which is not intended for human consumption but which is intended for outdoor irrigation purposes and which is made available to the city through irrigation canals which are owned and maintained by the Sunnyside Valley Irrigation District.

"Lot, acreage" means any single parcel of property within the city, consisting of an area of one acre or more.

"Lot, residence" means any single parcel within the city, consisting of any area of ten thousand square feet or less.

"Lot, suburban" means any single parcel of property within the city, consisting of an area of more than ten thousand square feet, but less than one acre.

"Owner" means any person either owning or controlling a lot within the city, who has authority to request delivery of public irrigation water from the city.

"Parcel" means any parcel of land with a distinct and assigned number from the Yakima County Assessor's office.

"City" means the city of Granger, Washington. (Ord. 738 § 1, 1992).

13.32.020 Establishment of a public irrigation water delivery system.

The city establishes and authorizes the construction and maintenance of a public irrigation water system within the city. The public water system within the city is intended to encompass and include all areas of the city presently served by the Sunnyside Valley Irrigation District. The city is authorized to accept ownership and control of privately operated and maintained water systems which presently serve property within the city. (Ord. 738 § 2, 1992).

13.32.030 Authority to contract with the Sunnyside Irrigation District.

The city council authorizes and directs the city mayor and the city clerk to enter into a contract with Sunnyside Irrigation District, which contract provides that the city is responsible to receive and distribute irrigation water for all lands lying within the city that were served by the Sunnyside Valley Irrigation District, and to pay all assessed charges presented by the Sunnyside Irrigation District for the land area affected by the contract. Said contract also provides that the city will determine and be responsible to bill and collect from the users of said irrigation water within the city. (Ord. 738 § 3, 1992).

13.32.040 Dedication of existing facilities.

Any person who is the owner of irrigation water pipe and/or similar facilities may dedicate the same to the city after providing the following to the public works director:

A. Provide a detailed map of all pipe and fixtures including size of pipes, material, valves, pumps, etc.;

B. Provide legal descriptions of the proposed easements and location of present connection upon the subject property, and provide proposed conveyance documents;

C. Provide proof that all existing water and irrigation water charges and/or assessments have been paid;

D. Provide consent of all persons who have an interest of record in the subject property.

Upon receipt of the above-described information by the public works director, he/she shall review the information and shall inspect the facilities. He/she shall then approve or disapprove acceptance of the proposed dedication. (Ord. 767 § 3, 1994: Ord. 738 § 4, 1992).

13.32.050 Installation of new irrigation water facilities.

It is unlawful for any person to install new irrigation water pipes and other facilities to properties not previously served by irrigation water, or to replace worn or obsolete irrigation pipe or other facilities without first having made application to the city and having received approval therefor. (Ord. 767 § 1, 1994: Ord. 738 § 5, 1992).

13.32.060 Application requirements.

An application for the construction of irrigation water pipe and/or other facilities to property not previously served by irrigation water, or an application to reconstruct, substantially repair or replace existing pipe or other irrigation facilities shall include the following:

A. A detailed drawing of any extensions proposed or repairs proposed, or replacements of irrigation facilities;

B. Description of all materials to be incorporated into said works;

C. Provide a statement whether the person seeking to accomplish said repair, reconstruction or new construction, elects to dedicate the said facilities as provided in Section 13.32.040, or elects to maintain private ownership. (Ord. 767 § 2, 1994: Ord. 738 § 6, 1992).

13.32.070 City assessment.

A. The city is authorized and shall assess a charge to each parcel within the city, formerly served by the Sunnyside Valley Irrigation District. The city shall assess

said charge on an annual basis. The amount of the annual assessment shall be determined by January 1st of each year, and the assessment shall be billed in six equal monthly installments for the months of February--July or for irrigation water only accounts and the assessment shall be paid on or before April 1st of each year. In the event of a failure to pay any portion of the annual assessment, said unpaid assessment amount shall constitute a lien on the affected property and may be collected with the same procedure as other public utility liens are collected in accordance with the laws of the State of Washington and this Code. (Ord. 738 § 7, 1992).
(Ord. No. 1215, § 4, 1-27-2015)

13.32.080 Determination of annual assessments.

The city council shall consider the following factors in determining the annual assessment to be charged and paid by parcel owners within the city. Those factors shall include:

- A. Lot size;
- B. Cost of water being delivered to the city by the Sunnyside Valley Irrigation District;
- C. Cost of repairs and maintenance of the delivery system extensions made or contemplated for the delivery of irrigation water;

D. The cost of personnel employed by the town for operation and administration;

E. The establishing of a reasonable reserve fund for contingencies, such as loss and damage claims, etc. (Ord. 738 §8, 1992).

13.32.090 Maintenance of the public irrigation water delivery system. At such time as the town accepts the dedication of irrigation pipe and/or other facilities from a person who owns or is in control thereof, the town shall thereafter be responsible to maintain said irrigation water delivery system which lies within public property and/or easements. The owner or occupier of property receiving irrigation water shall be responsible to repair and maintain all irrigation lines, valves, connections, etc., located from the point of hookup near said person's property line inward toward and upon the lot. It is the intent of the ordinance codified in this chapter that the irrigation water pipes and lines located upon private property and not within public property or easement shall be owned and maintained by the owner or occupier of the property. The town shall repair and maintain that portion of the irrigation water delivery system which has been dedicated to the town and which is located upon public lands and/or easements. (Ord. 767 §7, 1994: Ord. 738 §9, 1992).

13.32.100 Town construction of irrigation facilities.

A. Any person or group of persons desiring to obtain the extension of irrigation water to his/her property, or any person or persons desiring the reconstruction of depreciated or worn out irrigation facilities, may request such construction be accomplished by the town. Such person or persons will bear the cost of any and all materials used, plus a fifty-dollar hookup fee on all new construction. Landowners who do not contribute to the new construction, or desire a hookup to any existing irrigation line, shall pay one hundred fifty dollars for any future hookups.

B. The landowners petitioning for an extension of irrigation facilities to their properties shall by written agreement agree to pay the actual costs of the materials, and the hookup fee, if applicable, within sixty days of the completion of the extension work, otherwise, the irrigation service will be turned off, unless satisfactory arrangements are made with the town clerk for installment payments, which in no event shall exceed six monthly payments over a six month period. (Ord. 922 §1, 2000; Ord. 807 §1, 1996: Ord. 767 §4, 1994: Ord. 738 §10, 1992).

13.32.110 Authority of the public works director.

The public works director shall supervise the construction, maintenance, and repair of the public irrigation water system. The public works director may approve or disap-

prove the design of any irrigation water system located upon any lot to insure that said system is compatible to the system in general. Any complaints of or disputes over public irrigation water shall be directed for resolution to the public works director. (Ord. 767 §5, 1994: Ord. 737 §11, 1992).

13.32.120 Irrigation cumulative reserve fund. There is established an irrigation cumulative reserve fund. The town treasurer shall deposit such monies into this fund as the town council shall from time to time determine by motion to be deposited therein. Said monies shall be withdrawn from the fund by motion for expenditure toward the public irrigation water system, including construction, materials, alterations or repairs of said system. (Ord. 737 §12, 1992).

13.32.130 Violation--Penalty. A. Any person who shall violate any provision of this chapter shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in an amount of not more than five hundred dollars for each violation, or imprisoned not more than six months, or both such fine and imprisonment. Each day in which a violation shall occur and continue shall be deemed a separate offense. In addition, any violation of this chapter shall be deemed to be a public nuisance, subject to the prevention or abatement thereof by injunction or other appropriate legal remedy in a court of competent jurisdiction.

B. In addition to the above penalty for violation of this chapter. The town superintendent or his employees shall terminate irrigation water service to any landowner that fails to pay any yearly charge for such irrigation water, if this can be done without terminating the service to others on such irrigation line. There shall be assessed a fee of fifty dollars for any service after payment of the annual charges and any other delinquencies in these charges. (Ord. 922 §2, 2000; Ord. 767 §6, 1994; Ord. 737 §13, 1992).

Chapter 13.36CROSS CONNECTIONSections:

- 13.36.010 Definitions.
- 13.36.020 Purpose.
- 13.36.030 Cross connections regulated.
- 13.36.040 Application and responsibilities.
- 13.36.050 Backflow prevention assembly requirements.
- 13.36.060 Irrigation systems.
- 13.36.070 Fire systems.
- 13.36.080 Temporary meters and hydrant valves.
- 13.36.090 Mobile units.
- 13.36.100 Right-of-way encroachment.
- 13.36.110 Plumbing code.
- 13.36.120 Access to premises.
- 13.36.130 Testing and repairs.
- 13.36.140 Responsibilities of backflow prevention assembly testers.
- 13.36.150 Maintenance of assemblies.
- 13.36.160 Installation requirements and specifications.
- 13.36.170 Thermal expansion.
- 13.36.180 Pressure loss.
- 13.36.190 Parallel installation.
- 13.36.200 New construction.
- 13.36.210 Residential service connections.
- 13.36.220 Rental properties.
- 13.36.230 Retrofitting.
- 13.36.240 Costs of compliance.
- 13.36.250 Recovery of costs.
- 13.36.260 Termination of service.
- 13.36.270 Emergency suspension of service.
- 13.36.280 Non-emergency suspension of service.
- 13.36.290 Penalties.
- 13.36.300 Falsifying information.

13.36.010 Definitions. Except where specifically designated herein, all words used in this document shall carry their customary meanings. Words used in the present tense include the future, and plural words include the singular. The word "shall" is always mandatory, and the word "may" denotes a use of discretion in making a decision. Any definition not found in this section will take its meaning from the WAC (246-290), or as amended, or in the most recent edition of the Manual of Cross Connection Control published by the Foundation for Cross Connection Control and Hydraulic Research, University of Southern California.

A. "Air gap" means a physical separation between the free-flowing end of a potable water supply pipeline and

the overflow rim of an open or nonpressure-receiving vessel. To be an "approved air gap," the separation must be at least twice the diameter of the inlet piping (supply pipe) measured vertically, and never be less than one inch.

B. "Approved backflow prevention assembly" or "backflow assembly" or "assembly" means an assembly to counteract back pressures or prevent back siphonage. This assembly must appear on the list of approved assemblies issued by the Washington State Department of Health. The assembly must be purchased and installed as a complete unit including two shut-off valves and test cocks.

C. "Auxiliary supply" means any water source or system other than the town of Granger's water.

D. "Backflow" means the flow of water or other liquids, gases or solids from any source back into the distribution system. The flow of water in the opposite direction of its intended flow.

E. "Backflow assembly tester" means a person holding a valid BAT certificate issued in accordance with the Washington Administrative Code 246-290-490 and the RCW 18.106, 18.27 and 70.119.

F. "Backpressure" shall mean backflow due to water pressure on the downstream side of the meter which exceeds the operating pressure of the public potable water supply.

G. "Backsiphonage" shall mean backflow due to a negative or reduced pressure within the public potable water supply.

H. "Building inspector" shall mean the building inspector for the town of Granger.

I. "Closed system" means any water system or portion of a water system in which water is closed to atmosphere.

J. "Contamination" means the entry into or presence in a public water supply system of any substance which may be harmful to health and/or quality of the water.

K. "Cross connection" means any physical arrangement where a public water system is connected, directly or indirectly (actual or potential), with any other non-drinkable water system or auxiliary system, wells, sewer, drain conduit, swimming pool, storage reservoir, plumbing fixture, swamp coolers, or any other device which contains, or may contain, contaminated or polluted water, sewage, used water, or other liquid of unknown or unsafe quality which may be capable of imparting contamination or pollution to the public water system as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices, or other temporary or permanent devices through which, or because of which, backflow may occur are considered to be cross connections.

L. "Cross connection specialist" or "CCS" shall mean a person holding a valid CCS certificate issued in accordance with the Washington Administrative Code.

M. "Degree of hazard" means the low or high hazard classification that shall be attached to all actual or potential cross connections.

N. "Director" shall mean the director of public works or their designee.

O. "Department" shall mean the town of Granger's public works department.

P. "DOH" means Washington Department of Health.

Q. "Double check valve backflow prevention assembly" or "double check assembly" or "double check" or "DCVA" or "DC" means an assembly which consists of two independently operating check valves which are spring-loaded or weighted. The assembly comes complete with a shut-off valve on each side of the checks, as well as test cocks.

R. "Health hazard" means an actual or potential threat of contamination of a physical, toxic or biological nature that would be a danger to health.

S. "High hazard" means the classification assigned to an actual or potential cross connection that potentially could allow a substance that may cause illness or death to backflow into the potable water supply.

T. "In-premises protection" means a method of protecting the health of consumers served by the customer's plumbing system (i.e. located within the property lines of the customer's premises) by the installation of an approved air gap, backflow prevention assembly or device at the point of hazard.

U. "Inspector", "surveyor" or "specialist" shall mean a person holding a valid CCS certificate issued in accordance with the Washington Administrative Code, who meets the stipulations in this chapter and the most recent edition of the town's Standard Operating Procedures Manual.

V. "Local administrative authority" means the local official, board, department or agency authorized to administer and enforce the provisions of the Uniform Plumbing Code and all other plumbing codes recognized by the state of Washington.

W. "Low hazard" means the classification assigned to an actual or potential cross connection that could allow a substance that may be objectionable, but not hazardous to one's health, to backflow into the potable water supply.

X. "Mobile unit" shall mean units connecting to the water system through a hydrant, hose bibb, or other appurtenance of a permanent nature that is part of the town water system or a permanent water service to a premises. Examples can include but are not limited to the following: water trucks, pesticide applicator vehicles, chemical mixing units or tanks, waste or septage haulers trucks or units, sewer cleaning equipment, carpet or steam cleaning equipment, rock quarry or asphalt/concrete batch plants, or any other mobile equipment or vessel. Uses that are

excluded from this definition are recreational vehicles at assigned sites or parked in accordance with other town ordinances pertaining to recreational vehicles, and homeowner devices that are used by the property owner in accordance with other provisions of this, or other, town of Granger ordinances pertaining to provision of water service to a premises.

Y. "Person" means a natural person (individual), corporation, company, association, partnership, firm, limited liability company, joint venture company or association, and other such entity.

Z. "Plumbing hazard" means an internal or plumbing-type cross connection in a consumer's potable water system that may be either a pollutional or a contamination-type hazard. This includes, but is not limited to, cross connections to toilets, sinks, lavatories, wash trays, domestic washing machines and lawn sprinkling systems. Plumbing-type cross connections can be located in all types of structures including but not limited to homes, manufactured homes, apartment houses, hotels and commercial or industrial establishments.

AA. "Point-of-use isolation" shall mean the same as "in-premises protection".

BB. "Pollutional hazard" means an actual or potential threat to the physical properties of the water system or the potability of the public or the consumer's potable water system but which would not constitute a health or system hazard, as defined. The maximum degree of intensity of pollution to which the potable water system could be degraded under this definition would cause a nuisance or be aesthetically objectionable or could cause minor damage to the system or its appurtenances.

CC. "Potable water supply" means any system of water supply intended or used for human consumption or other domestic use and meets all requirements established by the Safe Drinking Water Act and the DOH regulations.

DD. "Premises" means any piece of property to which water is provided including, but not limited to, all improvements, mobile structures and structures located on it.

EE. "Premises isolation" means a method of protecting a public water system by installation of an approved air gap or approved backflow prevention assembly at the point of service (end of purveyor's service pipe) to separate the customer's plumbing system from the purveyor's distribution system.

FF. "Reduced pressure principle backflow prevention assembly" or "reduced pressure principle assembly" or "RP assembly" shall mean an assembly containing two independently acting approved check valves together with a hydraulically-operated, mechanically independent pressure differential relief valve located between the check valves.

The assembly shall include properly located test cocks and tightly closing shut-off valves at each end of the assembly.

GG. "SOP" means the most recent edition of the town of Granger's Standard Operating Procedures Manual.

HH. "Thermal expansion" means the pressure created by the expansion of heated water.

II. "Town" shall mean the town of Granger.

JJ. "Used water" means any water supplied by the town to a customer's property after it has passed through the service connection and is no longer under the control of the town.

KK. "WAC" means the most recent edition of the Washington Administrative Code. (Ord. 971, 2003).

13.36.020 Purpose. The purpose of this chapter is to protect the water system of the town of Granger from contamination or pollution due to any existing or potential cross connections as defined in WAC 246-290-010, or as amended and this chapter. (Ord. 971, 2003).

13.36.030 Cross connections regulated. A. No cross connections shall be created, installed, used or maintained within the territory served by the town, except in accordance with this chapter.

B. The CCS for the town shall carry out or cause inspections to be carried out to determine if any actual or potential cross connections exists. If found necessary, an assembly commensurate with the degree of hazard will be required to be installed at the service connection.

C. The owner, occupant or person in control of the property is responsible for all cross connection control within the premises. (Ord. 971, 2003).

13.36.040 Application and responsibilities. This chapter applies throughout the town of Granger and to every premises and property served by the department. It applies to any premises, public or private, regardless of date of connection to the Granger water department. Every owner, occupant and/or person in control of any concerned premises is responsible for compliance with the terms and provisions contained herein. (Ord. 971, 2003).

13.36.050 Backflow prevention assembly requirements. A CCS employed by or under contract with the town shall determine the type of backflow assembly to be installed within the area served by the town. All assemblies shall be installed at the service connection unless it is determined by the CCS to install the assembly at an alternate location for premises protection or at the point of use. The cross connection shall be eliminated or an assembly shall be required to be installed in each of the following

circumstances, but the CCS is in no way limited to the following circumstances:

A. The nature and extent of any activity on the premises, or the materials used in connection with any activity on the premises, or materials stored on the premises, could contaminate or pollute the potable water supply.

B. Premises having any one or more cross connections or potential cross connections as that term is defined in this chapter and the WAC.

C. When a cross connection survey report form is required by the town to be filled out and returned and it has not been.

D. Internal cross connections are present that are not correctable.

E. Intricate plumbing arrangements exist or plumbing subject to frequent changes are present that make it impractical to ascertain whether or not cross connections exist.

F. There is a repeated history of cross connections being established or re-established.

G. There is unduly restricted entry so that inspections for cross connections cannot be made with sufficient frequency to assure that cross connections do not exist.

H. Materials, chemicals or any substance or apparatus is being used that if backflow occurred contamination would result.

I. Installation of an approved backflow prevention assembly is deemed to be necessary in the judgement of the CCS to accomplish the purpose of these regulations.

J. Any premises having an auxiliary water supply.

K. In the event a point-of-use assembly has not been tested or repaired as required by the WAC 246-290-490, or as amended, and this chapter.

L. If it is determined that additions or rearrangements have been made to the plumbing system without obtaining proper permits.

M. All high health hazard premises which are defined in Table 9 of the WAC section 246-290-490, or as amended, are required to have premises isolation by installing a reduced pressure principle assembly in accordance with this chapter.

N. When a garden hose attachment is connected to the premises plumbing, including but not limited to fertilizer applicators, pesticide applicators and radiator flush kits. (Ord. 971, 2003).

13.36.060 Irrigation systems. All irrigation systems shall be protected in accordance with the plumbing code regulations. In the event any system is equipped with an injector system, or has submerged heads, a reduced pressure principle assembly will be required. If irrigation water is supplied by a separate system and that

system can intertie with the potable system in any way, this section shall apply. (Ord. 971, 2003).

13.36.070 Fire systems. An approved double check backflow prevention assembly shall be the minimum protection on all new fire sprinkler systems using piping material that is not approved for potable water use, and/or that does not provide for periodic flow-through. A reduced pressure principle backflow prevention assembly must be installed, if any solution other than the potable water can be introduced into the sprinkler system. Retrofitting on fire sprinkler systems will be required in each of the following circumstances:

- A. Where improper maintenance has occurred;
- B. On all high hazard systems;
- C. Wherever an inspector deems necessary; and
- D. Wherever required by the WAC. (Ord. 971, 2003).

13.36.080 Temporary meters and hydrant valves. Backflow protection will be required on temporary meters and all hydrant valves. The type of assembly will be commensurate with the degree of hazard and will be determined on a case-by-case basis by the department's CCS. (Ord. 971, 2003).

13.36.090 Mobile units. Any mobile unit or apparatus, as defined in Section 13.36.010 of this chapter, which uses the town's water from any premises or piping within the distribution system, shall first obtain a permit from the town. The mobile unit will be inspected to assure appropriate backflow protection is installed in accordance with the town's most recent edition of the SOP manual. (Ord. 971, 2003).

13.36.100 Right-of-way encroachment. A. No person shall install or maintain a backflow prevention assembly upon or within any town right-of-way except as provided in this section.

B. The town reserves the right to have an assembly installed in the right-of-way.

C. A backflow prevention assembly required by the town may be installed upon or within any town right-of-way only if the owner proves to the town that there is no other feasible location for installing the assembly, and installing it in the right-of-way will not interfere with traffic or utilities. The town retains the right to approve the location, height, depth, enclosure, and other requisites of the assembly prior to its installation.

D. All permits required by the town code to perform work in the right-of-way shall be obtained.

E. A property owner shall, at the request of the town and at the owner's expense, relocate a backflow pre-

vention assembly which encroaches upon any town right-of-way, when such relocation is necessary for street or utility construction or repairs for purposes of public safety. (Ord. 971, 2003).

13.36.110 Plumbing code. As a condition of water service, customers shall install, maintain, and operate their piping and plumbing systems in accordance with all Washington State Plumbing Codes. (Ord. 971, 2003).

13.36.120 Access to premises. Authorized employees of the department, with proper identification, shall have access during the hours of 8:00 a.m. to 5:00 p.m. to all parts of a premises and within the building to which water is supplied. If access to the premises or to the interior of a structure during these hours are denied, a reduced pressure principle assembly shall be required to be installed at the service connection to that premises. (Ord. 971, 2003).

13.36.130 Testing and repairs. Backflow prevention assemblies shall be tested and repaired in accordance with the requirements set out in the WAC, this chapter and the most recent edition of the town's SOP manual. (Ord. 971, 2003).

13.36.140 Responsibilities of backflow prevention assembly testers. All backflow assembly testers operating within the town shall be certified in accordance with all applicable regulations and shall comply with all stipulations in this chapter and the most recent edition of the town's SOP manual. (Ord. 971, 2003).

13.36.150 Maintenance of assemblies. Backflow prevention assemblies shall be maintained in accordance with the requirements set out in the WAC, or as amended, and the most recent edition of the town's SOP manual. (Ord. 971, 2003).

13.36.160 Installation requirements and specifications. A. Backflow prevention assemblies shall be installed in accordance with the requirements set out in the WAC and the most recent edition of the town's SOP manual.

B. In the event the CCS allows a premises isolation assembly to be installed at an alternate location, there shall be no connections between the meter and the premises isolation assembly. (Ord. 971, 2003).

13.36.170 Thermal expansion. If a closed system has been created by the installation of a backflow prevention assembly, it is the responsibility of the property owner

to eliminate the possibility of thermal expansion. (Ord. 971, 2003).

13.36.180 Pressure loss. Any reduction in water pressure caused by the installation of a backflow assembly is not the responsibility of the town. The town will give reasonable assistance to the owner regarding information on adequate sizing of assemblies and proper plumbing practices to provide for required pressure and flows for fire protection. (Ord. 971, 2003).

13.36.190 Parallel installation. Premises where non-interruption of water supply is critical shall have installed two assemblies of the same type in parallel. They shall be sized in such a manner that either assembly will provide the minimum water requirements while the two together will provide the maximum water requirements. (Ord. 971, 2003).

13.36.200 New construction. A. In all new non-residential construction, an approved backflow assembly shall be installed at the service connection. The type of the assembly will be commensurate with the degree of hazard as determined by Granger's CCS.

B. When a building is constructed on commercial premises, and the end use of the building is not determined or could change, a reduced pressure principle backflow prevention assembly shall be installed at the service connection to provide protection of the public water supply in the event of the most hazardous use of the building. (Ord. 971, 2003).

13.36.210 Residential service connections. Any residential property which has been determined to have an actual or potential cross connection and/or has violated the Plumbing Code or this chapter in any way, shall be required to install an approved backflow prevention assembly in accordance with this chapter. (Ord. 971, 2003).

13.36.220 Rental properties. The property owner is responsible for the installation, testing and repair of all backflow assemblies on their property. When the tenants change, or, if the plumbing is altered in any way, it is the responsibility of the owner to notify the town. (Ord. 971, 2003).

13.36.230 Retrofitting. Retrofitting shall be required on all service connections where an actual or potential cross connection exists, and wherever else the town deems retrofitting necessary. (Ord. 971, 2003).

13.36.240 Costs of compliance. All costs associated with the purchase, installation, inspections, testing, replacement, maintenance, parts, and repairs of the backflow assembly are the financial responsibility of the property owner. All cost associated with any disconnect fees associated with the enforcement of this document are the sole responsibility of the user. (Ord. 971, 2003).

13.36.250 Recovery of costs. Any water customer violating any of the provisions of this chapter and who causes damage to or impairs the town's water system, including, but not limited to, allowing contamination, pollution, any other solution or used water to enter the town's water system, shall be liable to the town for any expense, loss or damage caused by such violation. The town shall collect from the violator for the cost incurred by the town for any cleaning, purifying, repair or replacement work or any other expenses caused by the violation. Refusal to pay the assessed costs shall constitute a violation of this chapter and shall result in the termination of service. (Ord. 971, 2003).

13.36.260 Termination of service. Failure on the part of any property owner, their renter, agent or personal representative to discontinue the use of all cross connections, to physically separate cross connections or to abide by all the conditions of this chapter is sufficient cause for the immediate discontinuance of water service by the department to the premises. (Ord. 971, 2003).

13.36.270 Emergency suspension of service. The director or their designee may, without prior notice, suspend water service to any premises when such suspension is necessary to stop the eminent threat of any actual or potential cross connection as defined in this chapter and the most recent edition of the town's SOP manual. (Ord. 971, 2003).

13.36.280 Non-emergency suspension of service. The director or their designee may suspend, with twenty-four hour's notice, the water supply to any premises where the conditions of this chapter or the most recent edition of the town's SOP manual have been violated. The shut-off procedures will follow procedures established by the town's SOP manual. (Ord. 971, 2003).

13.36.290 Penalties. Any person, property owner, firm, corporation or business entity violating (a) this chapter or (b) any regulation, rule or permit of the town issued pursuant to this chapter, shall be liable to the town for civil penalty. The amount of such civil penalty shall be two thousand dollars per violation. Each con-

tinuing day's violation under this chapter shall constitute a separate offense. The penal provisions imposed under this chapter shall not preclude the town from filing suit to enjoin the violation. The town of Granger retains all legal rights and remedies available to it pursuant to local, state and federal law. (Ord. 971, 2003).

13.36.300 Falsifying information.

Any person who knowingly makes any false statement, representation, record, report or other document filed or required to be maintained pursuant to this chapter, or who falsifies, tampers with, or knowingly renders inaccurate any backflow assembly, device or method required under this chapter shall, (in addition to civil and/or criminal penalties provided by state law) be guilty of a misdemeanor subject to the general penalty clause of the Granger Municipal Code. (Ord. 971, 2003).

Chapter 13.40

PROGRAM FOR DISCOUNTS

Sections:

- 13.40.010 Program for discounts established.
- 13.40.020 Low-income senior citizen qualifications.
- 13.40.030 Disabled citizen qualifications.
- 13.40.040 Applications and discount rate.
- 13.40.050 Procedure.
- 13.40.060 Definitions of disabled persons.
- 13.40.070 False and/or incorrect information.

13.40.010 Program for discounts established.

The city council for the city of Granger, Washington has determined that it is in the best interest of the city to establish discounts for residential utility services, water, sewer and garbage to low-income senior citizens and qualified disabled citizens in order to provide necessary support for the disadvantaged. Such reductions are intended to offset rate increases. The city clerk is authorized and directed to administer said program and in such connection may promulgate regulations to carry out

the intent and purpose of the ordinance codified in this chapter. (Ord. 1056 § 1, 2006).

13.40.020 Low-income senior citizen qualifications.

To implement the program provided, a low-income senior citizen shall show satisfactory proof that he or she:

- A. Is sixty-five years of age or older;
- B. Has a maximum annual household income at or below one hundred twenty-five percent of federal poverty guidelines;
- C. Is a single occupant or the head of a household or the spouse of the head of the household;
- D. Resides in the dwelling unit served by the solid waste, sewer, and water utility; and
- E. Is billed or is the spouse of a person billed by the garbage, sewer and water utility.

Applications shall verify such information and shall provide such other data as is deemed appropriate upon forms prepared and in the manner determined by the city. (Ord. 1056 § 2, 2006).

13.40.030 Disabled citizen qualifications.

To implement the program provided, a disabled citizen shall show satisfactory proof that he or she:

- A. Is disabled;
- B. Has a maximum annual household income at or below one hundred twenty-five percent of federal poverty guidelines;
- C. Is a single occupant or the head of a household or the spouse of the head of the household;
- D. Resides in the dwelling unit served by the solid waste, sewer, and water utility; and
- E. Is billed or is the spouse of a person billed by the garbage, sewer and water utility.

Applications shall verify such information and shall provide such other data as is deemed appropriate upon forms prepared and in the manner determined by the city. (Ord. 1056 § 3, 2006).

13.40.040 Applications and discount rate.

The discount applies to residential water, sewer and garbage utility services. Persons qualified by the city as eligible recipients of a low-income senior citizen discount or disabled citizen discount provided in this chap-

ter, shall be granted a discount against the charges assessed for residential water, sewer and garbage utility services in the sum of twenty-five percent. Such discount shall be applicable for the first month following submission of a complete application and approval of the application by the city. (Ord. 1056 § 4, 2006).

13.40.050 Procedure.

All persons claiming the discount provided for in this section shall first be required to file an application at the City Hall of Granger to initiate the reduction. The application shall be on the forms prescribed by the city clerk and shall provide information by which the city clerk may verify the applicant's eligibility to participate. Applicants shall be required to submit such additional information as may be required by the city clerk during the month of June of each year to verify eligibility. In order to stay eligible for the program, an applicant must verify to the city that he/she/they are still eligible and reapply for the discount each year during the month of June after the initial application. If the city determines that the applicant is ineligible for the reduction, the applicant will be notified by the city. If the applicant moves from the residence to which service is provided, or otherwise becomes ineligible for the reduced rate, the applicant shall be required to notify Granger City Hall immediately. (Ord. 1056 § 5, 2006).

13.40.060 Definitions of disabled persons.

For purposes of this chapter, the following persons are defined as disabled:

- A. A person who has qualified and received special parking privileges under RCW 46.16.381(1)(a) through 46.16.381(1)(g);
- B. A blind person as defined in RCW 74.18.020(4);
- C. A person who has a developmental disability as defined in RCW 71A.10.020(3);
- D. A person who is gravely disabled as a result of a mental disorder as defined in RCW 71.050.020(14);
- E. A person who has qualified and received supplemental social security benefits due to disability. (Ord. 1056 § 6, 2006).

13.40.070 False and/or incorrect information.

If false or incorrect information is submitted to the city in connection with any application for a reduced utility rate, the applicant will automatically become ineligible to receive any future discounts and any discounts or reductions already given shall be fully repaid to the city, together with a penalty in the amount of one hundred percent of the repayment amount. This remedy shall be in addition to any other remedies the city may have for the giving of false information. (Ord. 1056 § 7, 2006).

Title 14

DEVELOPMENT CODE ADMINISTRATION AND PROCEDURES

Chapters:

- 14.01 Introduction
- 14.04 Definitions
- 14.08 Administration
- 14.12 Land Use Actions and Project Permits--Levels
of Review
- 14.16 Application Requirements
- 14.17 Comprehensive Plan
- 14.20 Processing the Application
- 14.22 Concurrency Management
- 14.24 Enforcement

Chapter 14.01

INTRODUCTION

Sections:

- 14.01.010 Purpose.
- 14.01.020 Applicability.
- 14.01.030 Conflict of provision.

14.01.010 Purpose.

The primary purpose of this title is to combine and consolidate the application, review and approval processes for land development in the city in a manner that is clear, concise and understandable. It is further intended to comply with state guidelines for combining and expediting development review and integrating environmental review and land use development plans. (Ord. 842(part), 1997).

14.01.020 Applicability.

These rules apply to all applications for land use or environmental permits subject to review under Titles 15 through 18 of this code and to any related regulation implementing these provisions or any other ordinance or law. (Ord. 842(part), 1997).

14.01.030 Conflict of provision.

In the event of conflicts between any portion of this title and other rules, regulations, resolutions, ordinances or statutes lawfully adopted by the city, the procedures contained in this title shall govern. (Ord. 842(part), 1997).

Chapter 14.04DEFINITIONSSections:

- 14.04.010 Rules of interpretation.
- 14.04.020 Definitions.

14.04.010 Rules of interpretation. A. For the purposes of the development code, all words used in this code shall have their normal and customary meanings, unless specifically defined otherwise in this code.

B. Words used in the present tense include the future.

C. The plural includes the singular and vice-versa.

D. The words "will" and "shall" are mandatory.

E. The word "may" indicates that discretion is allowed when making a decision.

F. The word "used" includes designed, intended or arranged to be used.

G. The masculine gender includes the feminine and vice-versa.

H. Distances shall be measured horizontally unless otherwise specified.

I. "Person" includes any firm, association, partnership, trust, company or corporation, as well as an individual or group of individuals acting as a unit.

J. The word "building" includes a portion of a building or a portion of the lot on which it stands.

K. Where an activity or land use could fall under two definitions, the more specific definition shall apply. (Ord. 842(part), 1997).

14.04.020 Definitions. The following definitions shall apply to Titles 14 through 18 of the development code; other definitions may be found in individual titles.

"Abandon/abandonment" means to cease or discontinue a use or activity without the intent to resume, but excludes temporary or short-term interruptions in use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during periods of vacation or seasonal closure.

"Abut/abutting" means bordering upon, adjoining or sharing a common border, as in two uses which "abut" share a common border.

"Access" means the right to cross between public and private property allowing pedestrians and vehicles to enter and leave property.

"Accessory use or building" means a building, part of a building or structure or use which is subordinate to, and the use of which is incidental to that of the main building, structure or use on the same lot.

"Adjacent property" means property that is contiguous or touching at any point. Property which would be contiguous or touching except for the existence of a street, road, or right-of-way will be considered to be contiguous or touching. Those parcels within three hundred feet of a proposal or action.

"Adjacent property owners" means those property owners within three hundred feet of a development review proposal or action.

"Adjoining property owners" means those owners of property which is contiguous or touching at any point to the property proposed for development.

Administration, The. "The administration" means the staff members of the town that make the technical land use decisions and recommendations, including the mayor and town clerk.

"Administrative official" means the town clerk or mayor of the town, whichever is appropriate.

"Agency with jurisdiction" means any agency with the authority to approve, veto or finance, all or part of any project permit application as defined by this title.

"Alteration" means any change, addition or modification in construction or occupancy of an existing structure.

Alteration, Structural. "Structural alteration" means any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders; provided, however, that the application of any exterior siding to an existing building for the purpose of beautifying and modernizing shall not be considered a structural alteration.

Amendment, Development Regulations. "Development regulations amendment" means a change in the wording, context or substance of any development regulation, or a change to a map that is a part of a development regulation such as a zoning map.

Amendment, Major. "Major amendment" means any change to an application, proposal or approved project permit such as a change in use, height, density, setback, location or size of buildings, which does not conform to the regulations and standards of the town building and construction codes and specifications (Title 15), subdivision ordinance (Title 17), zoning ordinance (Title 18), and comprehensive plan, or which requires additional environmental review (as indicated in Title 16). Also any change which would require the proposal/project to be reviewed using a higher level of review.

Amendment, Minor. "Minor amendment" means any change to an application, proposal or approved project permit such as a change in use, height, density, setback, location or size of buildings, which conforms to the regulations and standards of the town building and construction codes and specifications (Title 15), subdivision ordinance (Title 17), zoning ordinance (Title 18), and comprehensive plan, which does not require additional environmental review (as indicated in Title 16). Any change which would require the proposal/project to be reviewed using a higher level of review shall be classified as a major amendment.

"Annexation" means the legal process in which a parcel or contiguous group of parcels in an unincorporated area become part of an adjacent town jurisdiction.

"Applicant" means a person seeking development approval from the town.

"As-built plans" means revised construction plans in accordance with all approved field changes reflecting the improvements on-site as they actually exist.

"Barrier-free" means design which complies with the most current state regulations.

"Building code" means the Uniform Building Code and related codes as amended and adopted by the town.

"Building official" means the officer or other designated authority charged with the administration and enforcement of the Uniform Building Code and assigned provisions of this title.

Building, Principal. "Principal building" means the building which accommodates the principal use of a site or lot.

"Building setback line" means a line parallel to the front or rear property lines outside of which no structures or portion thereof shall be erected, the location of which shall be determined from the regulations of Title 18, Zoning.

"Certificate of occupancy" means permit to occupy, or change occupancy in a structure; issued by the building department.

"Closed record appeal" means an administrative appeal on the record to a local government body or officer, including the legislative body, following an open record predecision hearing on a project permit application where the record is generated. The appeal hearing is on the record with no or limited new evidence or information allowed to be submitted and only appeal argument allowed. In Granger, only reconsideration of a final decision will be heard by the town council in a closed record appeal hearing. Reconsideration should be granted only when an obvious legal error has occurred or a material factual issue

has been overlooked that would change the previous decision. If this is not the case, parties of record may appeal the council's decision to Superior Court.

"Code enforcement officer" means that person or persons designated by the legislative body to administer and enforce the provisions of Titles 15, 17 and 18 of this code.

"Comprehensive plan" means the town's comprehensive plan adopted October 24, 1995 and any subsequent amendments.

"Comprehensive plan amendment" means an amendment or change to the text or maps of the comprehensive plan.

"Conditional use" means a use allowed in one or more zones as defined by the zoning code, but which because of characteristics peculiar to such use, the size, technological processes or equipment, or because of the exact location with reference to surroundings, streets and existing improvements or demands upon public facilities, requires a special permit in order to provide a particular degree of control to make such uses consistent and compatible with other existing and permissible uses in the same zone and mitigate adverse impacts of the use.

"Conditions of approval" means restrictions or requirements, imposed by a reviewing official or decision-making body pursuant to authority granted by this title.

"Council" means the town council of the town of Granger.

"County assessor" is defined in RCW Chapter 36.21, as it now exists or is hereafter amended.

"County auditor" is defined in RCW Chapter 36.22, as it now exists or is hereafter amended.

"County treasurer" is defined in RCW Chapter 36.29, as it now exists or is hereafter amended.

"Date of decision" means the date on which final action occurs and from which the appeal period is calculated.

"Decision maker" means the person or body that is authorized by this title to render the final decision on a project permit application. Table 12-2 at the end of Chapter 14.12 designates the decision maker by project permit procedure type.

"Density" means the amount of dwelling units per acre or gross square footage per acre for any given development or proposed development. Density is considered a development standard within the zoning districts.

"Department" means any division, subdivision or organizational unit of the town established by ordinance, rule or order and any agency or consultant retained by the town to assist with planning and development regulation.

"Developer" means any person who proposes an action or seeks a permit regulated by Titles 15 through 18 of this code.

"Development" means all structures and other modifications of the natural landscape above and below ground or water, including the division of land into two or more parcels, on a particular site. Any land use permit or action regulated by Titles 15 through 18, including but not limited to subdivisions, site plans, rezones, conditional use permits and variances.

"Development code" means Titles 14 through 18 of this code.

"Development regulations" means any controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, official controls, subdivision ordinances and binding site plan ordinances.

"Effective date" means the date a final decision becomes effective.

"Environmental review" means the procedures and requirements established by the State Environmental Policy Act, Chapter 43.21C RCW and Title 16, Environment, of this code, as it now exists or is hereafter amended.

"Finding" means conclusion of fact reached by the reviewing official in a review process and based on the evidence available therein.

"Final decision" means the final action by the administrative official or town council.

"Impact" means the effect(s) or consequence(s) of actions.

Impact: Adverse, Detrimental or Negative. "Adverse," "detrimental" or "negative impact" means an impact that causes damage or injury of some sort.

Impact, Significant. "Significant impact" means a reasonable likelihood of more than a moderate adverse impact, for example, on environmental quality.

"Improvements" means street grading or graveling, permanent street and corner monuments, street pavement, curbs and sidewalks, pedestrian ways, water mains, storm and sanitary sewers, and other required or necessary facilities.

"Land use" means a description of how land is occupied or utilized.

"Mitigation" means actions which avoid, minimize, rectify, reduce, eliminate, compensate, or correct otherwise probable significant adverse environmental impacts.

"Mitigation contribution" means a cash donation or other valuable consideration offered by the applicant in lieu of: (1) a required dedication of land for a public park, recreation, open space, public facilities or schools; or (2) road improvements needed to maintain adopted levels of service or to ameliorate identified impacts and accepted on the public's behalf as a condition of approval of a

subdivision, plat or binding site plan. Voluntary contributions may be accepted by the town.

"Modification of use or development" means any change or alteration of the arrangement, placement or construction of any existing use, structure or associated site improvement, and any change or alteration of land.

"Nonconforming lot" means a lot or tract of land which was lawfully established, existing or maintained at the effective date of the provisions of the zoning code (Title 17) but which, because of the application of Title 17 to it, no longer conforms to the lot area, width, depth or street frontage regulations of the use district in which it is located.

"Nonconforming use" means a building, structure or land use which was lawfully established, existing and maintained at the effective date of the provisions of the zoning code (Title 18) but which no longer conforms to the use, setback, maximum lot coverage or other regulations prescribed in Title 18 for the district in which it is located.

"Occupancy" means the purpose for which a structure, portion of a structure, or lot is used or intended to be used. For purposes of this title, a change of occupancy is not intended to include a change of tenants or proprietors, but is intended to indicate a change in the type of use.

"Open record public hearing" means a public hearing, at which evidence and information is presented and testimony is taken that creates a record. An open record public hearing held prior to the town's decision on a project permit is known as an "open record predecision hearing." An open record public hearing held on an appeal is known as an "open record appeal hearing." An open record appeal hearing shall only be allowed if no open record predecision hearing has been held on the project permit. If the open record appeal hearing is an appeal of a SEPA threshold determination on the project, then the open record appeal hearing shall also serve as the open record predecision hearing on the underlying project permit.

"Party of record" means any person who has testified at a hearing or has submitted a written statement related to a development action and who provides the town with their name and a complete address.

"Performance bond" means a financial guarantee in the form of a posted bond accepted by the town to ensure that all improvements, facilities or work required by the town for a project will be completed in compliance with this title, regulations and the approved plans and specifications of the development.

"Permit" means written governmental approval issued by an authorized official, empowering the holder thereof to

take some action permitted only upon issuance of written approval.

"Permitted use" means a land use which is allowed in a specific zoning district.

"Person," as defined by RCW 36.70A.280-3, means any individual, partnership, corporation, association, governmental subdivision or unit thereof, or public or private organization or entity of any character.

"Principal use" means the predominant use of the land or buildings to which all other uses are secondary.

"Project" means a proposal for development.

"Property owners" means the legal owner or owners of the property.

"Public facilities" means streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, schools, and any other facility operated for the benefit of public use and necessity are considered to be public facilities.

"Public hearing" means an open record public hearing at which evidence is presented and testimony is taken. Public hearings are announced and advertised in advance to give the public an opportunity to participate.

"Public improvement" means any structure, utility, roadway or sidewalk for use by the public, required as a condition of development approval.

"Public meeting" means an informal meeting, hearing, workshop, or other public gathering of people to obtain comments from the public or other agencies on a proposed project permit prior to the local government's decision. The proceedings at a public meeting may be recorded and a report or recommendation may be included in the town's project permit application file.

"Public services" means and includes fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services.

"Reclassification/rezone" means to change the zoning district classification of particular lot(s) or parcel(s) of land.

"SEPA" means the State Environmental Policy Act (Chapter 43.21C RCW, Chapter 197-11 WAC as amended) and Title 16 of this code as it now exists or is hereafter amended.

"SEPA checklist" means the State Environmental Policy Act checklist to determine level of significance or insignificance of environmental impacts relating to a project.

Significant Impact. See Impact, Significant.

Site Area, Gross. "Gross site area" means the total area of a subject property prior to any deductions for

public or private roadways, exclusively used easements or special purpose overlay districts.

"Site improvement" means any structure or other addition to land.

"Site plan" means a document or group of documents, prepared to scale, containing sketches, text, drawings, maps, photographs and other material intended to present and explain accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, physical design, interior vehicular and pedestrian access, the provision of improvements, principal site development features proposed for a specific parcel of land, and the interrelationship of these elements.

"Standard specifications" means the engineering specifications adopted by the town governing details of construction relating to required improvements.

"Temporary building or structure" means a structure without any foundation or footings and which is removed when the designated time period, activity or use for which the temporary structure was erected has ceased.

"Temporary use" means an activity which is intended for a limited duration.

"Town clerk-treasurer," hereinafter referred to as the town clerk, is an appointed officer whose duty is to keep all records, books, papers and valuable documents of the town, unless otherwise provided by ordinance or the laws of the state of Washington.

"Urban growth area (UGA)" means those areas designated by Yakima County pursuant to RCW 36.70A.110, or an area within which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature.

"Use" means the activity to which land or building is devoted and for which either land or building is or may be occupied or maintained.

Use, Adjacent. "Adjacent use" means land use on the immediately adjacent or adjoining lot or property.

"Vacation" means the act of making legally void any right-of-way, easement, public area, or other public interest.

"Variance" means a modification of the regulations of this title as applied to a specific property when authorized by the town council after review of the planning commission's recommendation and a finding that the literal application of the provisions of this title would cause undue and unnecessary hardship in view of the facts and conditions applying to a building or lot.

"Vested rights" means the right to initiate or continue the establishment of a use which will be contrary to a restriction or regulation coming into effect when the project associated with the use is completed. (Ord. 842(part), 1997).

Chapter 14.08

ADMINISTRATION

Sections:

- 14.08.010 Roles and responsibilities.
- 14.08.020 Administrative official.
- 14.08.030 Town council.
- 14.08.040 Community development commission.
- 14.08.050 Alternative review by hearing examiner.

14.08.010 Roles and responsibilities.

A. The regulation of land development is a cooperative including many different elected and appointed boards and town staff. The specific responsibilities of these bodies are set forth in this chapter.

B. A developer is expected to read and understand the applicable town codes and be prepared to fulfill the obligations placed on the developer by the following titles of this code:

- 1. Title 15, Buildings and Construction;
- 2. Title 16, Environment;
- 3. Title 17, Subdivisions;
- 4. Title 18, Zoning; and
- 5. Any other titles within the code which are applicable to the proposed development. (Ord. 842(part), 1997).

14.08.020 Administrative official.

A. Authority. The mayor or town clerk, as appropriate, or their designee shall be known as the "administrative official" and is responsible for the administration of Titles 14 through 18 of this code.

B. Administrative Interpretation. Upon request or as deemed necessary, the administrative official or their designee shall interpret the meaning or application of provisions of said titles and issue a formal written administrative interpretation within thirty days. Requests for

interpretation shall be written and shall be on a form provided by the town concisely identifying the regulation in question, a description of the property (if applicable),

and a clear statement of the issue or question to be decided. Formal written interpretations shall be Level 1 actions, unless otherwise specified, and as such may be appealed to the town council. The administrative official shall determine if and when a hearing is required for such interpretations.

C. Administrative Approvals. Administrative approvals are as set forth in Sections 14.12.020 and 14.12.030. (Ord. 842(part), 1997).

14.08.030 Town council. A. Legislative Decisions. The following decisions are legislative, and are not subject to the procedures in this chapter, unless otherwise specified:

1. Zoning code text and zoning district amendments;
2. Adoption of development regulations and amendments;
3. Area-wide rezones to implement new town policies;
4. Adoption of the comprehensive plan and any plan amendments;
5. Annexations.

B. In addition to its legislative responsibility, the town council shall review and act on the following subjects:

1. Recommendations of the planning commission;
2. Appeals of administrative approvals as set forth in Sections 14.12.020 and 14.12.030;
3. Appeals of administrative interpretations;
4. Appeal of a determination of significance under Title 16.

C. Any decision made by the town council shall be final, unless appealed to Superior Court pursuant to the provisions of RCW 36.70C Land Use Petition Act. (Ord. 842(part), 1997).

14.08.040 Community development commission. A. Review and Recommend. The planning commission shall review and make recommendations on the following applications and subjects:

1. Amendments to the comprehensive plan;
2. Amendments to the buildings and construction code, Title 15;
3. Amendments to the environment code, Title 16;
4. Amendments to the subdivision code, Title 17;
5. Amendments to the zoning code, Title 18 or the official map;
6. Applications for preliminary plats and binding site plans;
7. Applications for conditional use permits and variances;

8. Appeal of SEPA determinations of nonsignificance (DNS or MDNS) of the underlying project action;

9. Other actions requested or remanded by the town council.

B. The review criteria for certain of the actions are contained within the specific title to which the action applies. (Ord. 842(part), 1997).

14.08.050 Alternative review by hearing examiner.

A. If the requirements of subsection (B) of this section are satisfied, the mayor may designate that the following types of applications shall be heard and reviewed and decided by a hearing examiner rather than by the planning commission:

1. Applications to amend any zoning ordinance of the city when the amendment which is applied for is not of general applicability;

2. Applications for conditional use permits;

3. Applications for variances;

4. Applications for preliminary plats;

5. Applications for binding site plans; and

6. Appeal of SEPA determinations of nonsignificance or significance of the underlying project action.

B. The mayor may designate an application falling into any of the categories referred to above in subsection (A) of this section for review and decision by a hearing examiner when the mayor has a basis to believe that a fair minded person in attendance at the hearing on the application would suspect that it would be unfair for a sufficient number of the members of the planning commission to participate in that hearing that the number of remaining members of the planning commission for whom no such suspicion exists would be insufficient to form a quorum.

C. The review criteria for any application for a certain type of action designated for review and decision to a hearing examiner pursuant to the section are contained within the specific title of municipal code applicable to the requested action.

D. For any application designated to a hearing examiner pursuant to this section, the legal effect of any such decision shall be that the decision may be given the effect of a recommendation to the city council.

E. For any application designated to the hearing examiner pursuant to this section, the hearing examiner shall follow the rules of procedure that would have been applied

by the planning commission had it reviewed and issued a decision regarding the application. If an application for a variance is designated to the hearing examiner then the provisions of RCW 35A.63.110 shall not apply to the city.

F. When an application has been designated for review and decision by a hearing examiner pursuant to this section, the city shall provide written notice to the applicant. An applicant who wishes to appeal the designation of his or her application for review and consideration by a hearing examiner must submit a written notice of appeal to the city within ten days of the date of the mailing of the notice. The notice of appeal must state the factual and legal basis for the appeal.

Appeals that are timely filed shall be heard by the city council. The city council shall affirm the designation of the application to a hearing examiner unless the applicant demonstrates that the designation was an abuse of discretion by the mayor. Appeals that do not comply with the requirements of this section shall be barred and forever waived. (Ord. 1311 § 1, 2018).

Chapter 14.12

LAND USE ACTIONS AND PROJECT PERMITS--LEVELS OF REVIEW

Sections:

- | | |
|-----------|--|
| 14.12.010 | Levels of review. |
| 14.12.020 | Exemptions from certain development review elements. |
| 14.12.030 | Level 1 review--Administrative. |
| 14.12.040 | Level 2 review--Administrative. |
| 14.12.050 | Level 3 review--Quasi-judicial. |
| 14.12.060 | Development review process and procedures and levels of review matrices. |

14.12.010 Levels of review.

A. To accomplish the purpose of this title, it is necessary to specify the general procedures to be followed when processing and reviewing applications and to match the appropriate level of review with the appropriate decision-making bodies for various land use actions and permits. Three levels of review have been established for the town that make up the development review process. These levels of review are classified as administrative/exempt (Level 1 review), admin-

istrative (Level 2 review) and quasi-judicial (Level 3 review). All development proposals will be reviewed through one or more of the levels prior to final decision-making (see Tables 12-1 and 12-2 at the end of this section for an overall view of the development review process).

B. In general, the development proposals with the least potential for impacts are reviewed using a more limited review process. The most limited review process is a Level 1 review process. Review and decisions on applications for development at this level are made administratively and are exempt from State Environmental Policy Act (SEPA) review and public notification and review requirements.

C. Land use actions with the greatest potential for impacts are reviewed using a more extensive review process.

The most extensive review process is a Level 3 review process. Review of these actions normally requires both environmental review and public notification and review. Level 3 decisions are made by the town council. (Ord. 842(part), 1997).

14.12.020 Exemptions from certain development review elements. A. Landmark designations, street vacations and other approvals relating to the use of public areas or facilities including, but not limited to, street use permits, or other project permits, whether administrative or quasi-judicial that the town by ordinance or resolution has determined present special circumstances that warrant a review process different from that provided in RCW 36.70B.060-090 and 36.70B.110-130 are exempt from the elements of the development review process.

B. 1. Business licenses, boundary line adjustments, building and other construction permits, or similar administrative approvals do not require a notice of application when: (1) they are categorically exempt from local (Title 16, Environment) and state (RCW 43.21C) SEPA requirements; or (2) the project permit does not require a public comment period or an open record predecision hearing; or (3) environmental review has been completed in connection with other project permits.

2. A determination of completeness and a preliminary determination of consistency will be made by the administrative official for these actions. The applicant will receive a notice of completeness from the town within twenty-eight days of the submittal of the application. The notice of completeness also includes the preliminary determination of consistency.

C. Legislative actions listed as follows are not subject to the requirements of RCW 36.70B.060 through RCW 36.70B.130, or the procedures in this title, unless otherwise specified: adoption of the comprehensive plan or development regulations and amendments to either; area-wide rezones to implement new town policies; and annexations. (Ord. 842(part), 1997).

14.12.030 Level 1 review--Administrative. A. Purpose. Level 1 projects shall be reviewed through the building permit process or a similar administrative review by the administrative official or his/her designee. The administrative official makes his/her decision using the appropriate design and development criteria. Applications are also reviewed for consistency with the comprehensive plan, applicable town, state and other development regulations.

B. Process and Decision. Level 1 permits are re-

viewed and decided administratively without public input. Applications are routed to applicable town departments for review and comment. Comments of the staff may be addressed by the applicant prior to a decision by the appropriate decision-maker, such as the administrative official, building official, public works director, or their designee.

C. Thresholds--Level 1. Level 1 review is required of the following development proposals or uses if they are listed as Level 1 Review in Table 12-1, Levels of Review. (Ord. 842(part), 1997).

14.12.040 Level 2 review--Administrative. A. Purpose. Level 2 review decisions are also made by the administrative official using the appropriate design and development criteria. Applications are also reviewed for consistency.

B. Process and Decision. The majority of Level 2 permits are reviewed and decided administratively without public input, except for Level 2 permits that are not exempt from environmental review (SEPA) or that require a public comment period. Applications are routed to applicable town departments for review and comment. Comments of the staff may be addressed by the applicant prior to a written decision by the administrative official.

C. Thresholds--Level 2. Level 2 review is required of the following development proposals or uses if they are listed as Level 2 review in Table 12-1, Levels of Review. (Ord. 842(part), 1997).

14.12.050 Level 3 review--Quasi-judicial. A. Purpose. The majority of quasi-judicial land use actions are reviewed through the Level 3 review process. Level 3 land use actions or permits are subject to public review and comment, and the environmental review process (SEPA). The decision-making authority for Level 3 review is the town council (see Table 12-1, Levels of Review). An open record predecision public hearing is held before the community development commission who makes a recommendation to the council on the land use action or permit under consideration.

B. Process and Decision.

1. Recommendation.

a. The administration shall analyze and make a recommendation to the community development commission based on the compliance of the proposal with the standards and provisions of this code, and other uniform codes in effect and administered by the town and applicable jurisdictions. The recommendation for approval, approval with conditions, or denial, shall be contained in the staff report and shall be based on the information provided by

the applicant and the best professional judgment of the administration.

b. The staff report shall state the specific reasons and cite the specific chapters and sections of this code and any other applicable rules or regulations, upon which the recommendation to the community development commission is based. The report shall demonstrate that the recommendation complies with the purpose and intent of this code. The staff may add new information to the report provided through public testimony, the applicant, or other means. The administration may also modify the recommendation or proposed conditions of approval.

2. Public Hearing. An open record public hearing shall be held before the community development commission for all land use actions subject to Level 3 review and for SEPA appeals. This open record public hearing shall be either an open record predecision hearing or an open record appeal hearing if a SEPA appeal is pending. Except for the appeal of a determination of significance (DS) as provided in RCW 43.21C.075 (SEPA), the town shall provide for no more than one consolidated open record hearing on such appeal.

3. Decision. The decision to approve, approve with conditions or deny the project shall be the responsibility of the town council and shall be based on the recommendations of the community development commission, the staff report, applicable criteria, public comments and discussion of the issues.

C. Approval Criteria. Level 3 permits are decided using approval criteria found in Titles 15 through 18. Applications are also reviewed for consistency.

D. Thresholds--Level 3. Level 3 review is required of those development proposals, uses and land use actions listed as Level 3 review in Table 12-1, Levels of Review. (Ord. 842(part), 1997).

14.12.060 Development review process and procedures and levels of review matrices. The levels of review and development review and procedures matrices (Tables 12-1 and 12-2, respectively) in this section list the levels of review and the process elements that are required for each level of review.

TABLE 12-1 LEVELS OF REVIEW

Level of Review	Decision-Maker	Type of Permit
Level 1 administrative (does not require public review hearings; does not require SEPA review; does not require notice of application)	Administrative official or designee	All applications for permits that are processed under Level 1 review procedures must be exempt or categorically exempt from SEPA requirements. Applications subject to SEPA must be processed using Level 2 or Level 3 review procedures, as appropriate.
		Building Codes and Related Permits - Title 15
		Building inspections Building permits Mechanical permits
		Subdivision and Related Permits - Title 17
		Qualified exemptions Street vacations
		Zoning and Related Permits - Title 18
		Change in permitted use Mobile home permits Minor amendments to approved plans/projects and applications for development Nonhabitable or accessory structures Permitted uses requiring site plan review Repair and maintenance of nonconforming structures Signs
		Permits or Procedures Common to One or More Titles
		Time extensions for applications Others as determined by administrative official

TABLE 12-1 LEVELS OF REVIEW (Continued)

Level of Review	Decision-Maker	Type of Permit
Level 2 administrative (does not require public review/ hearings; may require SEPA review or notice of application)	Administrative official or designee	Building Codes and Related Permits - Title 15
		Flood damage development permit
		Subdivision and Related Permits - Title 17
		Short subdivisions (short plats)
		Zoning and Related Permits - Title 18
		Accessory uses subject to SEPA Changes of permitted use sub- ject to SEPA Expansion, change or re- placement of nonconforming structures and uses Nonhabitable or accessory structures which exceed SEPA thresholds Permitted uses requiring site plan review which exceed SEPA thresholds
		Permits or Procedures Common to One or More Titles
		Major amendments/revisions to Level 2 applications and pro- ject approvals Others as determined by administrative official
	Town Council	Subdivision and Related Permits - Title 19
		Final plat approval Final binding site plan ap- proval
		Permits or Procedures Common to One or More Titles
		Others as determined by administrative official

TABLE 12-1 LEVELS OF REVIEW (Continued)

Level of Review	Decision-Maker	Type of Permit
Level 3 quasi-judicial (normally requires both public review/hearings and SEPA review; requires notice of application)	Town council (based on recommendation from community development commission)	Subdivision and Related Permits - Title 17
		Preliminary plats (subdivisions) Binding site plans and amendments to binding site plans
		Zoning and Related Permits - Title 18
		Mobile home parks, mobile home subdivisions and travel trailer parks Conditional use permits Unclassified use interpretation Rezoning
		Permits or Procedures Common to One or More Titles
		Major amendments/revisions to Level 3 applications and project approvals Variances Appeals of SEPA Others as determined by the administrative official
	Town council	Permits or Procedures Common to One or More Titles
		Administrative appeals and reconsiderations (closed record appeal)

TABLE 12-2

DEVELOPMENT REVIEW PROCESS AND PROCEDURES MATRIX

LEGEND • = required ◦ = Optional Empty box = Not required.

TC = Town council CDC = Community development commission
 SC = Superior Court AO = Administrative official

Process Elements	Level 1	Level 2	Level 3	Responsibility/Roles
Preapplication meeting with staff	◦	•	•	Administrative official and other departments/consultants, as needed (public works, fire, police, town engineer, town planner)
Determination of completeness	•	•	•	Administrative official or designee documents "complete application"
Preliminary determination of consistency	•	•	•	Administrative official
Department review	•	•	•	Circulate to appropriate departments and identify code concerns and SEPA potentially significant impacts.
Notice of application with public notice to: adjoining or adjacent property owners		• Only if SEPA non-exempt or subject to a public comment period	•	The costs of publication for legal notices, generating address labels and mailing of notices shall be provided by the applicant. Administration mails notices to adjoining or adjacent property owners.
SEPA threshold determination/administration recommendation issued		•	•	SEPA threshold determination issued and staff report is prepared.

TABLE 12-2

DEVELOPMENT REVIEW PROCESS AND PROCEDURES MATRIX (Continued)

Process Elements	Level 1	Level 2	Level 3	Responsibility/Roles
Public hearing with notice to: adjacent property owners, posted site, town hall, etc., and newspaper		o ¹	• CDC	Opportunity for public input required at public hearing
Notice of decision (notice to applicant, per request, and to persons who made substantive comments)	• AO	• AO	• TC	
Local appeals	• TC	• TC	o ² TC	Appeals of building official or code enforcement decisions are made to the board of appeals.
Judicial appeals	• SC	• SC	• SC	

¹ A public hearing may be held before the community development commission on a Level 2 permitted use that is subject to SEPA and a public comment period, if the administrative official determines that one is needed due to potentially significant project impacts that warrant further review. The administrative official would forward the Level 2 permitted use to a Level 3 review to accomplish this.

² Except for an appeal of a determination of significance, the city shall provide for no more than one consolidated open record hearing on an appeal. If an appeal is provided for after the open record public hearing, it shall be a closed record appeal before the city council only for reconsideration of council decisions.

(Ord. 842 (part), 1997).

Chapter 14.16

APPLICATION REQUIREMENTS

Sections:

- 14.16.010 Purpose.
- 14.16.020 Preapplication meeting.
- 14.16.030 Consolidated permit review process.

Sections: (Continued)

- 14.16.040 Application submittal.
- 14.16.050 Complete application/sufficiency review.
- 14.16.060 Official filing of application.
- 14.16.070 Expiration--Inactive applications.

14.16.010 Purpose. The development proposal application process provides the town with a consistent, predictable method to review and monitor proposals for development and guarantees that complete information is provided to project reviewers and decision-makers. It also ensures that a predictable review process will occur within a reasonable or specified time frame. (Ord. 842(part), 1997).

14.16.020 Preapplication meeting. Prior to submitting an application, the applicant shall schedule a meeting with the administrative official and other appropriate town staff representatives that are involved with development review. The preapplication meeting is optional for some levels of review and required for others (see Table 12-2, Development Review Process and Procedures Matrix).

A. Purpose. The purpose of the preapplication meeting is for the applicant to:

1. Become familiar with the policies, plans and development requirements of the town;
2. For staff and the applicant to review the general characteristics of the site and the concepts for a proposed project; and
3. To discuss the coordination of all necessary permits and procedures. The intent of the preapplication meeting is to save the applicant time and resources in the preparation of the application.

B. Preapplication Meeting Request. The request for the preapplication meeting shall be submitted to the town clerk on an application form provided by the town. The information requested on the form must be completed and all information submitted prior to scheduling a meeting. The preapplication meeting will be scheduled and held within fifteen days of the request.

C. Expectations. The applicant can expect the following results from the meeting:

1. The more information an applicant can provide for a preapplication meeting, the more complete the staff's review and input will be for the proposal;
2. Any information or opinions expressed by the staff shall not be binding on the final decision or constitute approval or denial of the proposed project;

3. Inconsistency with the comprehensive plan, this code and other applicable policies and regulations will be discussed;

4. Staff and applicant should discuss creative approaches to address challenging site constraints or potential mitigations;

5. Recommended revisions or modifications to the proposal will be discussed; and

6. The applicant should be aware that additional modifications will most likely be required before the project review is final and a decision has been made. (Ord. 842(part), 1997).

14.16.030 Consolidated permit review process. A.

The applicant may request an integrated and consolidated review and decision of two or more project permits relating to a proposed action, including:

1. A single application review and approval process covering all project permits requested by an applicant for all or part of a project action; and

2. A designated permit coordinator.

B. If an applicant elects this process, the determination of completeness, notice of application, and notice of decision must include all project permits being reviewed in this process. Consolidated review may provide different procedures for different categories of project permits, but if a project action requires project permits from more than one category, the town shall provide for consolidated permit review with a single open record hearing and no more than one closed record appeal as provided in this title. The decision of all permits shall be made by the decision-maker of the highest level of review. (Ord. 842(part), 1997).

14.16.040 Application submittal. A. Forms and Filing.

All applications for land use applications including permits, rezones, amendments, or other approvals or actions required or authorized under this title shall be filed with the town clerk unless otherwise specified. The town clerk will coordinate the review of each application with all appropriate town departments and external agencies with known regulatory authority over the proposal. Each application shall comply with the applicable elements of the development review process.

B. Single Contact Designated and Signature Required.

The town may require the applicant to designate a single person or entity to receive determinations and notices required by this title. All applications shall be signed by the property owner and/or applicant or his/her agent,

who is authorized in writing to be the agent for the applicant/property owner; or if the applicant is a department within the town, that department head or his/her appointee shall be the agent.

C. Fees. The appropriate fees for all permits shall be charged to the applicant per the adopted fee schedule. (Ord. 842(part), 1997).

14.16.050 Complete application/sufficiency review.

A. Complete Application Process. Application for development proposals shall be made in writing to the town clerk. The appropriate forms are provided by the town and all applications must be completed in full and must provide all the information required.

1. Written Determination.

a. Within twenty-eight days after receiving a project permit application, the town shall mail or provide in person a written determination to the applicant, stating either:

- i. That the application is complete; or
- ii. That the application is incomplete and what is necessary to make the application complete.

b. To the extent known by the town, other agencies of local, state or federal governments that may have jurisdiction over some aspect of the application will be identified.

2. Determination of Completeness Criteria. A project permit application is complete for purposes of this section when it meets the procedural submission requirements of the town and is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently. The determination of completeness shall not preclude the town from requesting additional information or studies either at the time of the determination of completeness notice or subsequently if new information is required or substantial changes in the proposed action occur.

a. An application shall be deemed complete under this section if the town does not provide a written determination to the applicant that the application is incomplete as provided in subsection (1)(a)(ii) of this section

b. Within fourteen days after an applicant has submitted to the town additional information identified as being necessary for a complete application, the town shall notify the applicant whether the application is complete or what additional information is necessary.

3. Optional Criteria. The determination of completeness notice may include the following as optional information:

a. A preliminary determination of those development regulations that will be used for project mitigation;

b. A preliminary determination of consistency in which the town shall determine whether the items listed in this subsection are defined in the development regulations applicable to the proposed project. In the absence of applicable development regulations, the town shall determine if the items listed in this subsection are defined in the town's adopted comprehensive plan. This preliminary determination of consistency shall include the following:

(i) The type of land use permitted at the site, including uses that may be allowed under certain circumstances, if the criteria for their approval have been satisfied,

(ii) The level of development, such as units per acre, density of residential development in urban growth areas, or other measures of density,

(iii) Availability and adequacy of infrastructure and public facilities identified in the comprehensive plan, if the plan or development regulations provide for funding of these facilities as required by Chapter 36.70A RCW, and

(iv) Character of the development, such as development standards;

c. Other information the town chooses to include.

4. Nothing in this section requires documentation by the town, dictates the town's procedures for considering consistency or limits the town from requesting additional information with respect to a complete application. (Ord. 842(part), 1997).

14.16.060 Official filing of application. No application shall be considered officially filed until determined as complete by the administrative official. (Ord. 842(part), 1997).

14.16.070 Expiration--Inactive applications. Application files shall be closed by the administrative official and deemed "inactive" if there has been no applicant activity within six months, or within a specified time which has been mutually approved in writing by the applicant and the administrative official. The applicant shall be responsible for notifying the administrative official, in writing, if delays or unforeseen circumstances are impacting the completion of the application and review process. The administrative official shall notify the applicant in writing before time limitation expires and explain what is needed by the applicant to keep the application file open.

If an application file has been closed by the administrative official, the applicant must submit a new application and fee based on the rules and regulations of the currently adopted code in order to begin the review process of that proposed development. (Ord. 842(part), 1997).

Chapter 14.17

COMPREHENSIVE PLAN

Sections:

- 14.17.010 Adopted.
- 14.17.020 Comprehensive plan amendments.

14.17.010 Adopted.

The Comprehensive Plan of the City of Granger consisting of goals, policies and supporting data as adopted by City Ordinance No. 1126 is hereby incorporated herein and adopted as a guide for the development and redevelopment of lands within the City of Granger Urban Growth Area. (Ord. No. 1139, § 2(Exh. C), 4-26-2011)

14.17.020 Comprehensive plan amendments.

- A. Any person, firm, corporation, group of individuals, or municipal department may petition for an amendment to the comprehensive plan;
- B. The planning commission may initiate an open record hearing for the purpose of considering amendments to the comprehensive plan and provide a recommendation to city council;
- C. The comprehensive plan shall not be amended more than once a year unless there is an emergency requiring an amendment. Emergencies are unforeseen and not reasonably foreseeable events where some threat of harm to the public interest is imminent. All petitions requesting amendments of the comprehensive plan shall be accepted during any time of the year and held until such time as a hearing is scheduled as part of the comprehensive plan's yearly review and amendment process;
- D. The City of Granger sets the month of June to begin advertising for requests to amend the comprehensive plan and October as the month for consideration of amendment proposals by the planning commission. City council will issue final decisions on comprehensive plan amendment

proposals in the month of December. Applications for comprehensive plan amendments can be made at any time during a year; however, for consideration during the same year in which the application is made, the application must be submitted prior to planning commission consideration in October.

E. All petitions for comprehensive plan amendments shall be processed as a Level 3 Review following the applicable sections of Grandview Municipal Code Title 14 Development Code Administration and Procedures.

F. The city will docket (record for future action) all comprehensive plan amendments in the following manner:

1. City staff will keep a docket of initiated comprehensive plan amendments.
2. The docket will include the following information:

- a. File number;
- b. Name and address of the person or agency proposing the plan amendment;
- c. Type of amendment being proposed and description of the amendment;
- d. Initial year of proposed amendment;
- e. Section, township and range of affected area, if applicable.

G. The docket and all application files will be available for public review at City Hall during normal business hours.

(Ord. No. 1139, § 2(Exh. C), 4-26-2011)

Chapter 14.20

PROCESSING THE APPLICATION

Sections:

- | | |
|-----------|--|
| 14.20.010 | Notice of application. |
| 14.20.020 | Project assessment. |
| 14.20.030 | State Environmental Policy Act (SEPA) integration. |
| 14.20.040 | Staff report and recommendations. |
| 14.20.050 | Public notification. |
| 14.20.060 | Open record public hearing. |
| 14.20.070 | Notice of decision. |
| 14.20.080 | Administrative appeals. |
| 14.20.090 | Reconsideration. |

- 14.20.100 Remand.
- 14.20.110 Closed record appeals and decisions.
- 14.20.120 Judicial appeals.

14.20.010 Notice of application.

The city shall provide a written notice of application to the public and departments and agencies with jurisdiction as provided in this section.

A. Notice of Application-Timeline and Contents. The notice of application shall be provided within fourteen days after the determination of completeness notice and shall include, but not be limited to, the following:

1. The date of application, the date of determination of completeness notice, and a preliminary determination of consistency for the application;
2. A description of the proposed project action;
3. The location of the project;
4. A list of the requested approvals, actions, and/or studies associated with the proposal;
5. The identification of existing environmental documents and/or studies applicable to the proposal;
6. A statement of the public comment period, which shall be not less than fourteen days or more than thirty days following the date of notice of application;
7. The date, time, place and type of hearing if one has been scheduled;

8. A statement of the preliminary (SEPA) threshold determination, if one has been made at the time of notice, and the estimated date of final threshold determination if known;

9. A statement that the decision on the application will be made within one hundred twenty days of the date of the determination of completeness notice;

10. An indication of how the public and agencies with jurisdiction may receive notification of the decision on the project; and

11. Any other information determined appropriate by the town.

B. If an open record predecision hearing is required for the requested project permits, the notice of application shall be provided at least fifteen days prior to the open record hearing.

C. The town shall use reasonable methods, as listed in the public notification section of this chapter to give the notice of application to the public and agencies with jurisdiction. (Ord. 842(part), 1997).

14.20.020 Project assessment. A. Purpose. The purpose of project assessment is to review the complete application, site plan, project proposal and special studies for compliance with the adopted town rules and regulations which govern development.

B. Process. A development application once deemed complete, shall be circulated by the administrative official to the appropriate town departments for review. Each department shall:

1. Carefully consider whether or not the specific governing policies, rules and regulations relative to their specific areas of responsibility have been met;

2. If there are specific guidelines or standards for approval, where applicable; and

3. Forward written comments and/or compliance concerns to the administrative official, including the reasoning behind their compliance concerns. (Ord. 842(part), 1997).

14.20.030 State Environmental Policy Act (SEPA) integration. A. Purpose. Environmental review for projects determined not to be categorically exempt under SEPA (Title 16, Environment, or Chapter 43.21C RCW) shall be integrated and run concurrently with the permit procedures of this code.

B. Use of Existing Environmental Documents. As provided by Section 16.04.160 of Title 16, Environment, Chapter 43.21C.240 RCW, and WAC 197-11-600 through WAC 197-11-640, the administrative official may determine that exist-

ing comprehensive plans, subarea elements of a comprehensive plan, development regulations, or other local, state or federal rules or laws provide adequate analysis and mitigation of the specific probable adverse environmental impacts of a proposed action.

C. Issuance of SEPA Threshold Determinations.

1. Expiration of Notice of Application Comment Period. Except for a determination of significance (DS), the town may not issue its final SEPA threshold determination or issue a decision or a recommendation on a project permit until the expiration of the public comment period on the notice of application.

2. Preliminary SEPA Threshold Determination and Notice of Application. To integrate project and environmental review under SEPA and encourage early public comment on project applications, a preliminary SEPA threshold determination may be provided by the administrative official with the notice of application, if such preliminary SEPA threshold determination has been made at the time the notice of application was issued. This preliminary SEPA threshold determination may not substitute for the final SEPA threshold determination.

3. SEPA Determination of Significance (DS) and Notice of Application. If the town has made a SEPA determination of significance (DS) concurrently with the notice of application, the notice of application shall be combined with the determination of significance and scoping notice. Nothing in this subsection prevents a determination of significance and scoping notice from being issued prior to a notice of application.

4. Public Hearing on Project Permit. If an open record predecision hearing is required on the underlying project permit application, the town shall issue its threshold determination at least fifteen days prior to the open record predecision hearing.

D. Appeals of SEPA Determinations. Appeals of SEPA final threshold determinations, i.e., administrative SEPA appeals, are made to the community development commission. The procedures are as follows:

1. Types of Appeals. Threshold determinations consisting of a determination of nonsignificance (DNS), mitigated determination of nonsignificance (MDNS), or determination of significance (DS) may be appealed.

2. Hearing Body. All SEPA appeals associated with a Level 2 review shall be heard by the town council in an open record appeal hearing. All SEPA appeals associated with a Level 3 review shall be heard by the community development commission in an open record public hearing. Recommendations on the merits of the SEPA appeal shall be made by the community development commission to the town

council for their decision. The town council's decision on the SEPA appeal may be appealed to the judicial system as provided in RCW 43.21(c) and WAC 197-11-680(4). Appeals are subject to the provisions in Sections 14.20.060, 14.20.080 and 14.20.110 of this chapter.

3. Consolidated Appeals.

a. All SEPA related appeals, other than a DS, shall be consolidated with the open record hearing, or appeal, if any, on the underlying project application.

b. DS appeals shall be heard in a separate open record hearing prior to the open record hearing, if applicable, on the underlying project application. The purpose of this early and separate appeal hearing is to resolve the need for an environmental impact statement (EIS), and to permit administrative and judicial review prior to preparation of an EIS.

4. Notice of Appeal--Timing and Contents.

a. All SEPA appeals shall be filed in writing with the administrative official, accompanied by the filing fee established in the adopted fee schedule.

b. The notice of appeal shall identify the appellant, establish standing, and set forth the principal points of the appeal.

c. The notice of appeal shall be filed no later than fourteen calendar days after the threshold determination has been issued, unless the final SEPA threshold determination was:

(i) Issued concurrently with the final decision on the underlying project permit; and

(ii) Was issued subject to a fifteen-day comment period. In that case, the time limit for filing a notice of appeal shall be extended to twenty-one calendar days. In addition, the appeal shall be on both the underlying project decision and the final SEPA threshold determination.

5. Administration/Standard of Review.

a. Any open record hearing shall be recorded or transcribed.

b. All testimony shall be sworn.

c. The town council shall issue a written decision containing findings and conclusions.

d. The determination of the responsible official shall carry substantial weight.

e. The town council may affirm, modify or reverse the determination of the responsible official and may issue a revised DNS, MDNS or DS. The town council may also request additional information pursuant to WAC 197-11-335. (Ord. 842(part), 1997).

14.20.040 Staff report and recommendations. A. Purpose. The purpose of preparing a staff report and making recommendations to the decision-making body is to facilitate the review and decision-making process by providing the information and analysis in a concise and clear format. The staff report will provide the factual and logical information from which the administration's recommendation is derived.

B. Process. Based on the information provided by the applicant and the technical and design analysis of the development proposal provided by the pertinent town departments, consultants, and state and federal agencies where applicable, a staff report and recommendations shall be compiled by the administrative official and presented to the recommendation-making or decision-making bodies. This report shall address all technical and design issues of the project and shall include the comments and recommendations of the administration and the general public. The staff report will be used as background information for making recommendations or decisions.

The staff report shall also state:

1. All the decisions or recommendations made as of the date of the report on all project permits included in the consolidated permit process that do not require an open record predecision hearing;

2. Any recommendations on project permits that do require an open record predecision hearing;

3. Any mitigation required or proposed under the development regulations or the agency's authority under RCW 43.21C.060 (SEPA). If a threshold determination other than a determination of significance has not been issued previously by the town, the report shall include or append this determination. (Ord. 842(part), 1997).

14.20.050 Public notification. A. Purpose. The purpose of public notification is to provide opportunity for public participation in the development review process for those projects requiring notification by state law and which may have impacts on the adjacent property owners or the surrounding community. Please refer to this section and Table 12-2, Development Review Process and Procedures Matrix, for the specific public notice requirements for each level of review.

B. Public Notice Requirements. The following notice types shall be provided for the different land use actions and levels of review listed in Table 20-1, Notice Requirements, at the end of this section. Unless otherwise stated, notice shall be provided at least ten days in advance of the public hearing or meeting.

1. Property Posting. When notification through property posting is required, notice shall be provided by posting the property using the following notice method:

a. Two Foot by Four Foot Notice Board. The responsibility for posting the sign rests with the project applicant. If the proper signage is not posted to the following specifications, the public hearing will be canceled and rescheduled for the next available hearing date once the proper signage has been posted. The sign, posts and hardware for attaching the sign to the posts will be provided by the town. Notice boards shall be maintained in good condition by the applicant during the notice period. The notice board will include the following:

i. The title "Notice of Proposed Land Use Action";

ii. "Town of Granger";

iii. "Proposed Action";

iv. "Notice of Application" (see Section 14.20.010, Notice of application, for the information that the notice of application provides about the proposed action);

v. "For more information about this proposed action, please contact the Town of Granger at (509) 854-1725";

vi. Other information as the administrative official may determine to be necessary to adequately notify the public of the pending land use application.

b. Location. The sign shall be installed:

i. Midpoint on the street frontage from which the site is addressed or as otherwise directed by the administrative official;

ii. At a location five feet back in from the property line. Any sign proposed to be located more than five feet back from the property line must obtain written approval from the administrative official;

iii. The sign must be easily read from the surrounding vicinity and must not be visually obstructed in any way, including, but not limited to, obstruction by vegetation or any other obstruction; and

iv. Additional signs may be required when the site does not abut a public road or the site is large enough such that it abuts more than one public road.

c. Sign Installation. The sign must be secured to the four inch by four inch wood post provided by the town, long enough to set the post twenty-four inches below grade and backfill with dirt;

d. Statement of Posting. The applicant shall notify the town clerk either by phone or in writing at least ten days prior to the scheduled hearing or final

comment date that he or she has posted the property. If the applicant does not notify the town as required, any scheduled hearing or date by which the public may comment on the application, will be postponed in order to allow compliance with this notice requirement;

e. Maintenance and Signage Removal. The project applicant shall be required to maintain the sign and surrounding area in good condition until fourteen days after the notice of decision has been issued by the town. Removal of the sign prior to the fourteen-day appeal period following issuance of the notice of decision may invalidate or postpone any other decision-making or permit process. After the fourteen days have passed, the sign may be removed by the applicant. The sign must be removed from the site no later than thirty days after the expiration of the fourteen-day appeal period for the notice of decision and the post holes must be filled to prevent public injury.

C. Optional Public Notice.

1. As optional methods of providing public notice of any project permits, the town may:

- a. Notify the public or private groups with known interest in a certain proposal or in the type of proposal being considered;
- b. Notify the news media;
- c. Place notices in appropriate regional or neighborhood newspapers or trade journals;
- d. Publish notice in agency newsletters or sending notice to agency mailing lists, either general lists or lists for specific proposals or subject area; and
- e. Mail notice to adjacent property owners.

2. The town's failure to provide the optional notice as described in this subsection shall not be grounds for invalidation of any permit decision.

D. Public Notice Contents for Public Hearings or Meetings. Unless otherwise stated, the contents of the public notice shall include the following:

- 1. The name and address of the applicant or the applicant's representative;
- 2. A description of the subject property reasonably sufficient to inform the public of its location including, but not limited to, a nonlegal written description, use of a vicinity map or postal address, and a subdivision and block designation;
- 3. The date, time and place of the hearing;
- 4. A general description of the proposed project or action to be taken, including the nature of the proposed use or development;
- 5. An indication when interested persons can submit comments or appear and provide testimony;

6. A statement of when information may be examined, and how and when written comments addressing findings required for a decision by the hearing body may be admitted;

7. The name of a local government representative to contact and the telephone number where additional information may be obtained; and

8. Other information as the administrative official may determine to be necessary to adequately notify the public of the pending land use application.

Table 20-1 NOTICE REQUIREMENTS

Type of Application	Determination of Completeness	Notice of Application		Notice of Decision	Notice of Local Appeal		Posting of Notices	
		First Class Mailing	Newspaper Publication (Once)		First Class Mailing	Newspaper Publication (Once)	Property Posting	Post Office, Town Hall, Library
	First Class Mailing or Hand Delivery to Applicant	Subject and adjacent within 300 feet?		First Class Mailing or Hand Delivery	Subject and adjoining property owners			
Project Permit Applications								
Level 1 Review	•			•				
Level 2 Review not subject to SEPA or a public comment period 5	•			•	•			
Level 2 Review Subject to SEPA and/or a public comment period	•	•		•	•	•	•	
Level 3 Review: quasi-judicial Appeals	•	•	•	•	•	•	•	•

1. The notice of decision shall only be provided to the applicant and to any person who, prior to the rendering of the decision, requested notice of the decision or submitted substantive comments on the application.
2. When notice to adjacent property owners is required, notice shall be forwarded to all property owners within three hundred feet of the exterior boundaries of the property which is the subject of the hearing or pending action. The Yakima County Assessor's records shall be used to identify the adjacent property owners. The costs of publication of legal notices for a hearing, if applicable, generating mailing labels and mailing of notices shall be provided by the applicant.
3. Project permits that are categorically exempt from SEPA, or do not require a public comment period or hearing, or for which environmental review has already been completed in connection with other project permits are exempt from the notice of application, but are subject to a determination of completeness and preliminary determination of consistency.

(Ord. 842(part), 1997).

14.20.060 Open record public hearing. A. Purpose. The purpose of an open record public hearing or public meeting is to facilitate the review and discussion of the proposed project by the administration, community development commission or town council and to further solicit public comment relevant to the specific proposal. An open record public hearing may occur prior to a decision being made or if such hearing has not occurred, an open record public hearing may occur as part of an appeal of an administrative decision. The open record public hearing shall be required as set forth in this chapter, the development review process and procedures matrix (Table 12-2), and other applicable codes.

B. Hearing Process. Open record public hearings shall be conducted in accordance with this section.

1. Responsibility of the Administrative Official for Hearing. Upon the filing of a project permit application requiring a public hearing, the administrative official shall set the time and place for the public hearing and shall provide notice of the hearing as set forth in Section 14.20.050. The administrative official shall also prepare a staff report on the application and present this staff report at the public hearing. This staff report will incorporate recommendations on the project permit application, any mitigation measures recommended under the town's development regulations or under the authority of SEPA, and the town's final SEPA determination on the project permit application if applicable.

2. Conflict of Interest, Ethics, Open Public Meetings and Appearance of Fairness. The hearing body (the community development commission [responsible for Level 3 quasi-judicial actions], the town council [responsible for appeals of Level 1 or Level 2 administrative decisions or Level 3 quasi-judicial decisions or appeals]) shall be subject to prohibitions on conflict of interest (Chapters: 35A.42.020 RCW and 42.23 RCW), the code of ethics (Chapter 35A.42.020), open public meetings (Chapter 42.30 RCW), and appearance of fairness (Chapter 42.36 RCW) as the same now exist or may be hereafter amended.

3. Ex Parte Communications.

a. No member of the hearing body may communicate, directly or indirectly, regarding any issue in a proceeding before the hearing body, other than to participate in communications necessary to procedural aspects of maintaining an orderly process, unless he or she provides notice and opportunity for all parties to participate; except as provided in this section:

i. The hearing body may receive advice from legal counsel; and

ii. The hearing body may communicate with staff members (except where the proceedings relate to a code enforcement investigation or prosecution).

b. If, before serving as the hearing body in a quasi-judicial proceeding, any member of the hearing body receives an ex parte communication of a type that could not properly be received while serving, the member of the hearing body, promptly after starting to serve, shall disclose the communication as described in subsection (c) of this section.

c. If the hearing body receives an ex parte communication in violation of this section, he or she shall place on the record:

- i. All written communications received;
- ii. All written responses to the communications;
- iii. State the substance of all oral communications received, and all responses made; and
- iv. The identity of each person from whom the member of the hearing body received any ex parte communication.

The hearing body shall advise all parties that these matters have been placed on the record. Upon request made within ten days after notice of ex parte communication, any party desiring to rebut the communication shall be allowed to place a rebuttal statement on the record.

4. Order of Proceedings. Public hearings before the hearing body shall be conducted in accordance with the town council's rules of procedure and shall serve to create or supplement an evidentiary record upon which the hearing body will base its decision. The hearing body shall open the public hearing and, in general, observe the following sequence of events:

a. Before receiving information on the issue, the following may be determined:

i. Any objections on jurisdictional grounds shall be noted on the record, and if there is an objection, the hearing body has the discretion to proceed or terminate, and

ii. Any abstentions or disqualifications shall be determined; and

b. Staff presentation, including submittal of any administrative reports. The town council or presiding officer may ask questions of the staff; and

c. Applicant presentation, including submittal of any materials. The town council or presiding officer may ask questions of the applicant;

d. Testimony or comments by the public relative to the matter being heard. Questions directed to the staff or the applicant shall be posed by the town council or presiding officer at his/her discretion;

e. Rebuttal, response or clarifying statements by the staff and the applicant;

f. The public hearing portion of the hearing shall be closed and the hearing body may deliberate on the matter. At this time, the town council or presiding officer may further question a person submitting information or the staff if opportunity for rebuttal is provided.

5. Burden and Nature of Proof. The burden of proof is on the applicant or appellant. The project permit or appeal application must be supported by proof that it conforms to the applicable elements of the town's development regulations, comprehensive plan and that any significant adverse environmental impacts have been adequately addressed.

6. Hearing Body Decisions and Recommendations.

a. Following the open record public hearing, the hearing body shall approve, conditionally approve, or deny the application, or recommend approval, approval with conditions or denial of the application. If the hearing is an appeal, the town council shall affirm, reverse or remand the decision that is on appeal.

b. Each final decision of the hearing body shall be in writing and shall include findings and conclusions, based on the record, to support the decision. Such findings and conclusions shall also set forth the manner in which the decision would carry out and conform to the town's comprehensive plan and development regulations.

c. Each final decision of the hearing body, unless a longer period is mutually agreed to in writing by the applicant and the hearing body, shall be rendered within ten business days following the conclusion of all testimony and the hearing on the project permit or appeal application.

7. Site View of Subject Property. In the case of quasi-judicial review, members of the community development commission or the town council may view the subject property with or without notification to the parties, but the circumstances of such site view shall be placed on the record.

C. Joint Public Hearings.

1. The administrative official may combine any public hearing on a project permit application with any hearing that may be held by another local, state, regional, federal, or other agency with jurisdiction on the proposed action. Hearings shall be combined when requested by an applicant, provided that:

- a. The hearing is held within town limits;
- b. The other agency is not expressly prohibited by statute from doing so;

c. Sufficient notice of the hearing is given to meet each of the agencies' adopted notice requirements as set forth in statute, ordinance or rule;

d. Each agency has received the necessary information about the proposed project from the applicant to hold its hearing at the same time as the town hearing; and

e. The joint hearing can be held within the required time periods set forth in this chapter or the applicant may agree to a particular schedule in the event that additional time is needed in order to combine the hearings.

2. All agencies participating in a combined hearing may issue joint hearing notices and develop a joint format, select a mutually acceptable hearing body or officer, or take such other actions as may be necessary to hold joint hearings consistent with each of their respective statutory obligations. (Ord. 842(part), 1997).

14.20.070 Notice of decision. The final decision shall be made by the decision-making authority as set forth in this title for each development permit or request listed in the development review process and procedures matrix (Table 12-2). The decision shall be made using applicable approval criteria in accordance with the purpose and intent of this code. In the case of more than one permit for a project, the decision for all permits shall be made by the decision-maker of the highest level of review. The decision shall be made after the development proposal has been reviewed through the appropriate review process and shall be stated as an approval, an approval with conditions or a denial.

A. Approval or Approval with Conditions. A decision of approval or approval with conditions shall be granted only if:

1. The development proposal is consistent with the comprehensive plan;

2. The development proposal meets all applicable codes, rules, regulations and policies; and

3. The development proposal meets all applicable development and design criteria.

B. Denial. A development permit or application may be denied only if:

1. The development proposal is not consistent with the comprehensive plan;

2. The development proposal does not comply with all applicable codes, rules and regulations; or

3. The development proposal does not meet all applicable development and design criteria.

C. Notice of Decision--Contents. Unless otherwise stated, the contents of the notice of decision shall include the following:

1. A summary of the final decision, including stating all the decisions made on all project permits that are a part of the application;
2. A statement of any mitigation required under applicable development regulations or under SEPA;
3. A statement of any SEPA threshold determinations;
4. Any procedures for administrative appeal; and
5. Other information as the administrative official may determine to be necessary to adequately notify the public of the land use decision.

D. Notice of Decision--Public Notice. The notice of decision shall only be provided to the applicant and to any person who, prior to the rendering of the decision, requested notice of the decision or submitted substantive comments on the application. The notice of decision shall be mailed via first-level mail within five working days of its issuance.

E. Notice of Decision--Time Limit.

1. Except as otherwise provided in this title, the town shall issue its notice of decision on a project permit application within one hundred twenty days after the town notifies the applicant that the application is complete. In determining the number of days that have elapsed after the town has notified the applicant that the application is complete, the following periods shall be excluded:

a. Any period during which the applicant has been requested by the town to correct plans, perform required studies or provide additional required information. The period shall be calculated from the date the town notifies the applicant of the need for additional information until the date the town determines whether the additional information satisfies the request for information or fourteen days after the date the information has been provided to the town, whichever is earlier;

b. If the town determines that the information submitted by the applicant is insufficient, it shall notify the applicant of the deficiencies and the procedures under subsection (1)(a) of this section, which shall apply as if a new request for studies had been made;

c. Any period during which an environmental impact statement is being prepared following a determination of significance pursuant to Chapter 43.21C RCW (SEPA), if the town by ordinance or resolution has established time periods for completion of environmental impact statements,

or if the town and the applicant agree, in writing, to a time period for completion of an environmental impact statement;

d. Any period for administrative appeals of project permits, if an open record appeal hearing or a closed record appeal, or both, are allowed. The time period for consideration and decision on appeals shall not exceed:

i. Ninety days for an open record public hearing; and

ii. Sixty days for a closed record appeal. The parties may agree to extend these time periods.

2. If the town is unable to issue its final decision on a project permit application within the time limits provided for in this section, it shall provide written notice of this fact to the project applicant. The notice shall include the statement of reasons why the time limits have not been met and an estimated date for issuance of the notice of decision.

3. Exceptions from the one hundred twenty-day time period. The time limits established by subsection (E)(1)(a) of this section do not apply if a project permit application:

a. Requires an amendment to the comprehensive plan or a development regulation; or

b. Requires approval of a new fully contained community as provided in RCW 36.70A.350, a master planned resort as provided in RCW 36.70A.360, or the siting of an essential public facility as provided in RCW 36.70A.200; or

c. Is substantially revised by the applicant, in which case the time period shall start from the date at which the revised project application is determined to be complete under Section 14.16.050.

F. Assurance Devices. The town may require the posting of a performance, maintenance, or other bond to ensure that the approval conditions are met to the satisfaction of the town. The administrative official may, upon request, allow or require the applicant to provide other suitable security, including but not limited to, cash deposits, letters of credit and assignment of banking accounts. The administrative official is authorized to impose a reasonable administrative fee to cover town costs of administering a bond or other security requested by the applicant. This fee shall not be imposed when the town requires the provision of a particular form of bond or suitable security. Administrative fees shall be graduated to increase with the total dollars of the bond or other suitable security. (Ord. 842(part), 1997).

14.20.080 Administrative appeals. The final decision of the administrative official on a Level 1 or 2 review is appealable to the town council. The guidelines and provisions for administrative appeals are addressed in this section.

A. Administrative Appeals--When to File. An administrative appeal of the project decision, combined with any environmental determinations, shall be filed within fourteen calendar days of the mailing of the notice of decision. The town shall extend the appeal period for an additional seven days for a joint twenty-one-calendar day appeal period for both the project decision and the SEPA threshold determination, if the final decision incorporates the SEPA threshold determination subject to a fifteen-day comment period.

B. Standing to Initiate Administrative Appeals. Standing to initiate an administrative appeal is limited to the applicant or owner of the property for which the project permit is proposed or to those persons or agencies who submitted substantive written comments on the proposed project.

C. Appeals--Stated in Writing. All appeals shall be in writing, accompanied by an appeal fee as stated in the adopted fee schedule, and contain the following:

1. Appellant's name, address and phone number;
2. Appellant's statement describing his or her standing to appeal;
3. Identification of the application which is the subject of the appeal;
4. Appellant's statement of grounds for the appeal addressing why the appellant believes the decision to be wrong and the facts upon which the appeal is based;
5. The desired outcome or relief sought by the appellant, including the specific nature and extent; and
6. A statement that the appellant has read the appeal and believes the contents to be true under the penalty of perjury, followed by the appellant's signature.

D. Burden of Proof. The appellant shall bear the burden of proving the decision was made in error.

E. Time and Place of Hearing. Upon the timely filing of an appeal, the administrative official shall set the time and place for the matter to be considered by the town council.

F. Notice of Appeal. Public notice for open record appeals on Level 1 or 2 project permits except Level 2 project permits subject to SEPA and/or a public comment period will be provided by the administrative official to the subject and adjoining property owners. For Level 2 project permits subject to SEPA and/or a public comment

period, public notice will be provided by the administrative official to the subject and adjoining property owners; published in the town's newspaper of record; and posted on the property (see Table 20-1, Notice Requirements).

G. **Staying of Actions.** The timely filing of an appeal shall stay all actions by the administrative official or building official on pending applications for development permits associated with the action or decision being appealed. The filing of an appeal shall not stay the effectiveness or effective date of any enforcement action or decision of violation including cancellations and revocations of permits or approvals.

H. **Appeals of SEPA Decisions.** The guidelines and provisions for SEPA appeals are addressed in Section 14.20.030(D). The SEPA appeal shall be heard concurrently with the open record public hearing on the underlying project. The SEPA appeals shall be filed within fourteen calendar days of the issuance of the SEPA threshold determination prior to the open record public hearing.

I. **Procedures for Open Record Appeals.** The guidelines and procedures for conducting an open record appeal hearing are addressed in Section 14.20.060, Open record public hearing. (Ord. 842(part), 1997).

14.20.090 Reconsideration. The applicant or a party of record (see Section 14.20.110) to a public hearing may seek reconsideration only of a final decision by filing a written request for reconsideration with the administrative official within five calendar days of the issuance of the final decision. The request shall comply with Section 14.20.080(B) of this chapter. The town council shall consider the request at a closed record appeal hearing, without public comment or argument by the party filing the request. If the request is denied, the previous action shall become final. If the request is granted, the council may immediately revise and reissue its decision or may call for argument in accordance with the procedures for closed record appeals (see Section 14.20.110). Reconsideration should be granted only when an obvious legal error has occurred or a material factual issue has been overlooked that would change the previous decision. (Ord. 842(part), 1997).

14.20.100 Remand. In the event the town council determines that the public hearing record or record on appeal is insufficient or otherwise flawed, the council may remand the matter back to the hearing body to correct the deficiencies. The council shall specify the items or issues to be considered and the time frame for completing the additional work. (Ord. 842(part), 1997).

14.20.110 Closed record appeals and decisions. A. Closed Record Appeal. A closed record appeal shall be the reconsideration on the record to the town council following a previous open record hearing on the project permit application before the community development commission.

1. Standing to initiate a closed record appeal is limited to the applicant or owner of the property in which the project permit is proposed and parties of record.

2. The term "parties of record" for the purposes of this chapter, shall mean:

a. Any person, affected agency or tribe who testified at the open record public hearing on the application; or

b. Any person, affected agency or tribe who submitted substantive written comments in response to the notice of application or environmental review; or

c. Any person, agency or tribe who submitted substantive written comments concerning the application at the open record public hearing (excluding persons who have only signed petitions or mechanically produced form letters).

B. Closed Record Decision. A closed record decision shall be a closed record public meeting held by town council prior to the issuance of a final decision. A closed record decision follows a previous open record public hearing on the project permit application before the community development commission. With the exception of project permits where an administrative decision is made, the final decision on the project permit will be rendered by the town council.

C. A closed record appeal hearing and/or decision meeting shall be on the record, and no new evidence may be presented.

D. Procedure for Closed Record Appeal Hearing and/or Closed Record Decision Meeting. The following subsections of this chapter shall apply to a closed record appeal hearing or a closed record decision meeting: 14.20.060(B) and 14.20.060(C); and 14.20.70(A) through 14.20.070 (D). (Ord. 842(part), 1997).

14.20.120 Judicial appeals. A. After exhaustion of any available appeal, the town's final decision on an application may be appealed by a party of record with standing to file a land use petition in superior court. Such petition must be filed within twenty-one days of issuance of the town's decision, as provided in Chapter 36.70C RCW.

B. This process shall be the exclusive means of judicial review except for local land use decisions reviewable by a quasi-judicial body created by state law, such as the Eastern Washington Growth Management Hearings Board. (Ord. 842(part), 1997).

Chapter 14.22

CONCURRENCY MANAGEMENT

Sections:

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- 14.22.020 Purpose.
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- 14.22.050 Exemptions.
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- 14.22.130 Annual report.

ARTICLE I. GENERAL PROVISIONS

14.22.010 Title and scope. This chapter shall be hereafter known as the "Concurrency Management Ordinance" and in the context herein may be referred to as "this ordinance". (Ord. 974(part), 2003).

14.22.020 Purpose. The purpose of this chapter is to provide provisions for determining that development within the town of Granger does not cause the level of service for a transportation facility to decline below adopted town level of service standards and to ensure that adequate public facilities meeting acceptable levels of service are provided to support development impacts. (Ord. 974(part), 2003).

14.22.030 Administration. A. Administrative Official. The town of Granger mayor, or a person designated by the mayor, shall be the administrative official of this chapter and shall have the authority to administrate, interpret, and enforce all provisions herein.

B. Fees. A review and processing fee of one hundred dollars shall be required for any concurrency review required for any development permit application and must be paid in full to the town prior to the commencement of the review. Concurrency exempt applications shall not be subject to the additional concurrency review fee. (Ord. 974, 2003).

14.22.040 Amendments. The Granger town council shall have the sole authority to amend or repeal any or all parts of the ordinance codified in this chapter. (Ord. 974(part), 2003).

14.22.050 Exemptions. The following shall be exempt from the provisions of this chapter:

A. Development permits issued prior to the effective date of the ordinance codified in this chapter provided the permit or permits have not expired.

B. Construction of public transportation facilities.

C. De Minimis development pursuant to Section 7(E) of this chapter.

D. Public parks and recreational facilities.

E. Public libraries.

F. Publicly funded educational facilities. (Ord. 974, 2003).

14.22.060 Severability. If any part of this chapter is held invalid by a court of jurisdiction, such invalidation shall not affect the validity of the remainder of this chapter. (Ord. 974(part), 2003).

14.22.070 Definitions. For the purpose of this chapter, the following definitions shall apply:

"Certificate of concurrency" means the certificate issued by the town of Granger upon finding that an application for a development permit will not result in the reduction of the level of service standards set forth within the town of Granger comprehensive plan.

"Comprehensive plan" means the town of Granger comprehensive plan update.

"Concurrency" means when adequate public facilities meeting the level of service standards are in place at the time a development permit is issued, or a permit is issued subject to the determination that necessary facilities will be in place when the impacts of the development occur, or that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years of the time of the development.

"Concurrency management system" means the determination by the town that development approvals, when issued,

will not result in the reduction of the level of service standards established within the comprehensive plan.

"De Minimis development" means a proposed development of such low intensity as to have a minimal effect, if any, upon the level of service standards set forth in the town comprehensive plan. Single-family dwellings and any development generating less than fifty vehicular trips per day shall be deemed De Minimis for the purpose of this chapter.

"Development" means for the purposes of this chapter, any activity which requires a subdivision or short subdivision approval, a building permit, or a binding site plan approval shall be a development. (Ord. 974(part), 2003).

14.22.080 Conflict of terms. In the event a conflict of terms exists between any part of this chapter and any part of any other town ordinance or code, the more restrictive terms shall apply. (Ord. 974(part), 2003).

ARTICLE II. CONCURRENCY REVIEW

14.22.090 Level of service standards. For the purpose of this chapter, level of services (LOS) for transportation facilities shall be those standards set forth within the transportation element of the town of Granger comprehensive plan and are hereby adopted by reference. (Ord. 974(part), 2003).

14.22.100 Project review. A. Certificate of Concurrency.

1. A concurrency evaluation shall be completed by the administrative official at the time a development permit is applied for or during the course of permit review. The administrative official shall conclude the review by either determining the proposed project does not meet LOS standards, or is exempt from concurrency review, or meets LOS standards whereby a certificate of concurrency shall be issued and attached to the development permit application.

2. The permit applicant shall provide the town with all information and applicable fees required by the administrative official to complete a concurrency evaluation on the proposed development. It shall be the responsibility of the applicant to provide studies, surveys, traffic counts, engineering reviews or any other items of information determined to be necessary for an accurate concurrency evaluation.

3. A certificate of concurrency shall be accorded the same terms and conditions as those for the underlying development permit. If a development permit time line is extended, the certificate shall also be extended for the

same time duration. A certificate of concurrency shall be valid only for the development permits approved for the same parcel and is transferable to any new owners of the parcel in which it was issued.

4. A certificate of concurrency shall expire simultaneously with the expiration or town revocation of the development permit for which it applies. In the absence of a development permit expiration date, the certificate of concurrency shall expire one year from the time the development permit was issued.

5. An applicant may request a preliminary permit application meeting with the administrative official to discuss potential concurrency requirements prior to formally applying for a development permit or permits.

B. Traffic Impact Calculations.

1. Trip Generation. Traffic calculations shall be based on the trip generation averages described within the latest available edition of the Institute of Transportation Engineers (ITE) trip generation manual for the particular type and extent of the development being proposed.

2. Concurrency Test. The projected number of trips generated by a proposed development shall be subtracted from available capacity of the impacted transportation facility. If projected demand is less than available capacity, the project is not adverse to level of service standards and shall be issued a certificate of concurrency.

3. Area of Impact. At a minimum, the area of impact used to determine concurrency shall be the following distances beginning at the point of access of the development to the nearest point of the affected transportation facility:

A. Residential Development.

1. 10 dwelling units or less: 1/4 mile.
2. 11 to 50 dwelling units: 1/2 mile.
3. Over 50 dwelling units: 1 mile.

B. Non-Residential Development

1. Up to 100 vehicular trips: 1/4 mile.
2. 100 to 500 vehicular trips: 1/2 mile.
3. More than 500 vehicular trips: 1 mile. (Ord.

974(part), 2003).

ARTICLE III. MITIGATION

14.22.110 Mitigation methods. A. Options. If mitigation is determined necessary to maintain level of service standards for an impacted transportation facility, the applicant may choose among the following actions:

1. Reduce the size of the project until LOS standards are met.
2. Enter into a legally binding development agreement with the town providing for the completed construction

of all required improvements within six years of development approval.

3. Be subject to a development approval conditioned that the required improvements be completed prior to the issuance of building permits, final plat or site plan approvals associated with the development.

4. Await the town's completion of mitigating improvements if such improvements are underway or planned as part of the town's capital facilities plan or other schedule of improvements for public facilities.

5. The applicant may propose transportation demand management strategies to reduce vehicle trips generated by the project development. The administrative official shall determine any corresponding trip volume reduction resulting from demand management strategies and use them for the purposes of determining concurrency compliance pursuant to this chapter and the comprehensive plan. (Ord. 974(part), 2003).

14.22.120 Mitigation criteria. A. Acceptable Mitigation. Acceptable impact mitigation requires a finding by the administrative official that:

1. The mitigation contributes to transportation facility performance and level of service.

2. The mitigation is consistent with the town of Granger comprehensive plan.

3. Any improvements to an intersection or roadway do not shift traffic to a residential area or other intersections where there is no mitigation being proposed.

4. The mitigation does not interfere with any other town transportation objective pursuant to the comprehensive plan.

5. Any adverse environmental impacts of the facility improvement may be reasonably minimized or eliminated.

6. The improvements are consistent with accepted engineering standards. (Ord. 974(part), 2003).

ARTICLE IV. MONITORING

14.22.130 Annual report. A. An annual report shall be prepared as part of the concurrency management system and shall include the following information:

1. A summary of development activity and type of activity.

2. A summary of building permits which were issued for the preceding year.

3. The quantity of development represented by the building permits.

4. Development permits that were affected by the terms of this chapter.

5. Development that was completed during the year.

B. The annual report shall include an evaluation of any development affecting transportation facilities and indicate:

1. The capacity available for each facility prior to the reporting period and the end of the reporting period.

2. Any portions of the available capacity of a facility held for final development permits for any project.

3. A comparison of actual existing capacity and levels of service to adopted levels of service pursuant to the comprehensive plan.

4. A forecast for the capacity of each transportation facility based upon the most recent schedule of capital improvements pursuant to the comprehensive plan capital facilities element. (Ord. 974(part), 2003).

Chapter 14.24ENFORCEMENTSections:

- 14.24.010 Enforcing official--Authority.
- 14.24.020 General penalty.
- 14.24.030 Application.
- 14.24.040 Civil regulatory order.
- 14.24.050 Civil fines.
- 14.24.060 Review of approved permits.
- 14.24.070 Revocation or modification of permits and approvals.

14.24.010 Enforcing official--Authority. The administrative official shall be responsible for enforcing Titles 14 through 18 of the Granger Municipal Code, and may adopt administrative rules to meet that responsibility. The administrative official may delegate enforcement responsibility to other staff as appropriate. (Ord. 842(part), 1997).

14.24.020 General penalty. Compliance with the requirements of Titles 14 through 18 of this code shall be mandatory. The general penalties and remedies established in Chapter 1.16, Granger Municipal Code, for such violations shall apply to any violation of those titles. The enforcement actions authorized under this chapter shall be supplemental to those general penalties and remedies. (Ord. 842(part), 1997).

14.24.030 Application. A. Actions under this chapter may be taken in any order deemed necessary or desirable by the administrative official to achieve the purpose of this chapter or of the development code.

B. Proof of a violation of a development permit or approval shall constitute prima facie evidence that the violation is that of the applicant and/or owner of the property upon which the violation exists. An enforcement action under this chapter shall not relieve or prevent enforcement against any other responsible person. (Ord. 842(part), 1997).

14.24.040 Civil regulatory order. A. Authority. A civil regulatory order may be issued and served upon a person if any activity by or at the direction of that person is, has been, or may be taken in violation of the development code.

B. Notice. A civil regulatory order shall be deemed served and shall be effective when posted at the location of the violation and/or delivered to any suitable person at the location and/or delivered by mail or otherwise to the owner or other person having responsibility for the location.

C. Content. A civil regulatory order shall set forth:

1. The name and address of the person to whom it is directed;

2. The location and specific description of the violation;

3. A notice that the order is effective immediately upon posting at the site and/or receipt by the person to whom it is directed;

4. An order that the violation immediately cease, or that the potential violation be avoided;

5. An order that the person stop work until correction and/or remediation of the violation has been completed as specified in the order;

6. A specific description of the actions required to correct, remedy or avoid the violation, including a time limit to complete such actions; and

7. A notice that failure to comply with the regulatory order may result in further enforcement actions, including civil fines and criminal penalties.

D. Remedial Action. The administrative official may require any action reasonably calculated to correct or avoid the violation, including but not limited to replacement, repair, supplementation, revegetation or restoration.

E. Appeal. A civil regulatory order may be appealed in accordance with Section 14.20.080 of this title. (Ord. 842(part), 1997).

14.24.050 Civil fines. A. Authority. A person who violates any provision of the development code, or who fails to obtain any necessary permit, or who fails to comply with a civil regulatory order shall be subject to a civil fine.

B. Amount. The civil fine assessed shall not exceed one thousand dollars for each violation. Each separate day, event, action or occurrence shall constitute a separate violation.

C. Notice. A civil fine shall be imposed by a written notice, and shall be effective when served or posted as set forth in Section 14.24.040(B). The notice shall describe the date, nature, location and act(s) comprising the violation, the amount of the fine and the authority under which the fine has been issued.

D. Collection. Civil fines shall be immediately due and payable upon issuance and receipt of the notice. The administrative official may issue a regulatory order stopping work until such fine is paid. If remission or appeal for the fine is sought, the fine shall be due and payable upon issuance of a final decision. If a fine remains unpaid thirty days after it becomes due and payable, the administrative official may take actions necessary to recover the fine. Civil fines shall be paid into the town's general fund.

E. Application for Remission. Any person incurring a civil fine may, within ten days of receipt of the notice, apply in writing to the administrative official for remission of the fine. The administrative official shall issue a decision on the application within ten days. A fine may be remitted only upon a demonstration of extraordinary circumstances.

F. Appeal. A civil fine may be appealed to the town council as set forth in Section 14.20.080 of this title. (Ord. 842(part), 1997).

14.24.060 Review of approved permits. A. Review. Any approval or permit issued under the authority of the development code may be reviewed for compliance with the requirements of the development code, or to determine if the action is creating a nuisance or hazard, has been abandoned, or the approval or permit was obtained by fraud or deception.

B. Initiation of Review. The review of an approval or permit may be initiated by town staff, members of the town council or community development commission, or a complainant, stating the initiator's belief, in writing, as to the noncompliance, nuisance or hazard of the permitted activity.

C. Administrative Official's Investigation. Upon receipt of information indicating the need for, or upon receiving a request for review of permit or approval, the administrative official shall investigate the matter and take one or more of the following actions:

1. Notify the property owner or permit holder of the investigation; and/or
2. Issue a civil regulatory order and/or civil fine and/or recommend revocation or modification of the permit or approval; and/or
3. Refer the matter to the town attorney; and/or
4. Notify the initiator of action to be taken, if any, or findings from the investigation. (Ord. 842(part), 1997).

14.24.070 Revocation or modification of permits and approvals. A. The town may revoke or modify any land use approval, upon finding that the use for which the approval was granted or the conditions of approval have been intensified, changed or modified without town approval and have, or potentially could have, significant impacts to surrounding land uses or the environment.

1. Land use approval may be revoked by the administrative official or town council after a revocation hearing has been held.

2. Land use approval may also be revoked for any of the following reasons:

a. Violations of or failure to meet any of the conditions of approval;

b. Fraud or material misrepresentation made in connection with the application, review or approval of the land use proposal; or

c. Violations of any pertinent state law or town ordinance in connection with the proposal.

3. Prior to revoking the land use approval, the administrative official or town council shall give the applicant written notice of the date, time and place where the revocation hearing will be held as well as the particular grounds for revocation. At the conclusion of the revocation proceedings, written findings and conclusions shall be made. Appeal of the decision shall be made administratively or by the town council.

B. Reapplication. If a permit or approval is revoked for fraud or deception, no similar application shall be accepted for a period of one year from the date of final action and appeal, if any. If a permit or approval is revoked for any other reason, another application may be submitted subject to all of the requirements of the development code. (Ord. 842(part), 1997).

Title 15

BUILDINGS AND CONSTRUCTION

Chapters:

<u>15.04</u>	<u>Building Code</u>
<u>15.08</u>	<u>Housing Code</u>
<u>15.20</u>	<u>Flood Damage Prevention</u>
<u>15.24</u>	<u>Signs</u>

Chapter 15.04BUILDING CODESections:

- 15.04.010 Adoption of referenced codes.
- 15.04.020 Fees.
- 15.04.030 Investigation fees--Work without a permit.
- 15.04.040 Fee refunds.
- 15.04.050 Amendments to the referenced codes.
- 15.04.070 Violations--Penalties.

15.04.010 Adoption of referenced codes.

The city of Granger adopts the following codes, as amended by the Washington State Building Code Council pursuant to RCW 19.27.074, for the purpose of establishing rules and regulations for construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, including permits and penalties:

A. Until July 1, 2020, the 2015 International Building Code (IBC) as published by the International Code Council, Inc. The following appendices are specifically adopted:

Appendix C, Group U--Agricultural Buildings.

Appendix I, Patio Covers.

Appendix J, Grading.

B. After July 1, 2020, the 2018 International Building Code (IBC) as published by the International Code Council, Inc. The following appendices are specifically adopted:

Appendix C, Group U--Agricultural Buildings.

Appendix I, Patio Covers.

Appendix J, Grading.

However, that Section 113 (Board of Appeal) is hereby amended to read as follows:

113.1 General. The City's Hearing Examiner shall act as the board of appeals under the International Building Code. The Hearing Examiner may adopt rules of procedure for conducting business and shall render all decisions and findings in writing to the appellant, with a duplicate copy to the Building Official. Copies of all rules and regulations adopted shall be delivered to the Building Official, who shall make them freely accessible to the public.

113.2 Limitations on Authority. The board of appeals shall have no authority relative to interpretation of the administration of this code nor shall the board be empowered to waive requirements of this code.

113.3 Appeals. Decisions of the Hearing Examiner shall be the final City decision on the matter. The Land Use Petition Act, RCW 36.70C, shall govern appeals of hearing examiner decisions as to appellate procedure and deadlines.

C. Until July 1, 2020, the 2015 International Residential Code (IRC) as published by the International Code Council. The following appendices are specifically adopted:

Appendix G, Swimming Pools, Spas and Hot Tubs.

Appendix H, Patio Covers.

Appendix J, Existing Buildings and Structures.

D. After July 1, 2020, the 2018 International Residential Code (IRC) as published by the International Code Council. The following appendices are specifically adopted:

Appendix G, Swimming Pools, Spas and Hot Tubs.

Appendix H, Patio Covers.

Appendix J, Existing Buildings and Structures.

E. Until July 1, 2020, the 2015 International Mechanical Code (IMC) as published by the International Code Council, Inc., except that the standards for liquefied petroleum gas installations shall be NEPA 58 (Storage and Handling of Liquefied Petroleum Gases) and ANSI Z223.1/NEPA (International Fuel Gas Code).

F. After July 1, 2020, the 2018 International Mechanical Code (IMC) as published by the International Code Council, Inc., except that the standards for liquefied petroleum gas installations shall be NEPA 58 (Storage and Handling of Liquefied Petroleum Gases) and ANSI Z223.1/NEPA (International Fuel Gas Code).

G. Until July 1, 2020, the 2015 International Fire Code (IFC) published by the International Code Council, Inc., including those standards of the National Fire Protection Association specifically referenced in the International Fire Code; provided, that notwithstanding any wording in this code, participants in religious ceremonies shall not be precluded from carrying hand-held candles. The following appendices are specifically adopted:

Appendix B, Fire Flow for Buildings.

Appendix C, Fire Hydrant Locations and Distribution.

Appendix D, Fire Apparatus Access Road.

Appendix E, Hazard Categories.

Appendix F, Hazard Ranking.

Appendix G, Cryogenic Fluids--Weight and Volume.

H. After July 1, 2020, the 2018 International Fire Code (IFC) published by the International Code Council, Inc., including those standards of the National Fire Protection Association specifically referenced in the International Fire Code; provided, that notwithstanding any wording in this code, participants in religious ceremonies shall not be precluded from carrying hand-held candles. The following appendices are specifically adopted:

Appendix B, Fire Flow for Buildings.

Appendix C, Fire Hydrant Locations and Distribution.

Appendix D, Fire Apparatus Access Road.

Appendix E, Hazard Categories.

Appendix F, Hazard Ranking.

Appendix G, Cryogenic Fluids--Weight and Volume.

I. After July 1, 2020, the 2015 Edition of the Uniform Plumbing Code, including Appendices A, B, and I, published by the International Association of Plumbing and Mechanical Officials, is hereby adopted by reference with the following additions, deletions and exceptions; provided, that Chapters 12 and 14 of this code are not adopted; provided further, that those requirements of the Uniform Plumbing Code relating to venting and combustion air of fuel fired appliances as found in Chapter 5 and those portions of the code addressing building sewers are not adopted.

J. After July 1, 2020, the 2018 Edition of the Uniform Plumbing Code, including Appendices A, B, and I, published by the International Association of Plumbing and Mechanical Officials, is hereby adopted by reference with the following additions, deletions and exceptions; provided, that Chapters 12 and 14 of this code are not adopted; provided further, that those requirements of the Uniform Plumbing Code relating to venting and combustion air of fuel fired appliances as found in Chapter 5 and those portions of the code addressing building sewers are not adopted.

K. The 2012 International Property Maintenance Code as published by the International Code Council, Inc.; provided,

however, that Section 111 (Means of Appeal) is hereby amended to read as follows:

113.1 General. The City's Hearing Examiner shall act as the board of appeals under the International Building Code. The Hearing Examiner may adopt rules of procedure for conducting business and shall render all decisions and findings in writing to the appellant, with a duplicate copy to the Building Official. Copies of all rules and regulations adopted shall be delivered to the Building Official, who shall make them freely accessible to the public.

113.2 Limitations on Authority. The board of appeals shall have no authority relative to interpretation of the administration of this code nor shall the board be empowered to waive requirements of this code.

113.3 Appeals. Decisions of the Hearing Examiner shall be the final City decision on the matter. The Land Use Petition Act, RCW 36.70C, shall govern appeals of hearing examiner decisions as to appellate procedure and deadlines.

(Ord. 1358 § 1, 2020; Ord. No. 1199, § 1, 1-28-2014; Ord. 1074 § 1, 2007; Ord. 1025(part), 2004).

15.04.020 Fees.

All Granger fees shall be established by a City of Granger ordinance or resolution, which may be found in Appendix A of a Granger Uniform Development and as updated by the Building Safety Journal published by the International Code Council. (Ord. 1074 § 2, 2007; Ord. 1025(part), 2004). (Ord. No. 1199, § 2, 1-28-2014)

APPENDIX A

TABLE 1. SQUARE FOOT CONSTRUCTION COSTS^{a,b,c}

Group	2003 International Building Code	Type of Construction									
		IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB	
A-1	Assembly, theaters, with stage	160.69	153.29	149.76	143.55	133.59	132.90	138.98	123.75	119.25	
	Assembly, theaters without stage	148.41	141.02	137.48	131.28	121.31	120.63	126.71	111.47	106.98	
	Assembly, nightclubs	118.34	115.03	112.14	107.94	100.98	99.75	104.00	91.98	88.94	
A-2	Assembly, restaurants, bars, banquet halls	117.34	114.03	110.14	106.94	98.96	98.75	103.00	89.98	87.94	
A-3	Assembly, churches	149.66	142.27	138.73	132.52	122.51	121.82	127.96	112.67	108.17	
	Assembly, general, community halls, libraries, museums	119.71	111.78	107.24	102.03	91.08	91.39	97.46	81.24	77.74	
	Assembly, arenas	117.34	114.03	110.14	106.94	98.96	98.75	103.00	89.98	87.94	
B	Business	119.85	115.54	111.79	106.56	95.15	94.65	102.31	84.79	81.61	
E	Educational	128.37	124.05	120.50	115.17	106.24	103.73	111.36	94.92	91.38	
F-1	Factory and industrial, moderate hazard	74.13	70.68	56.42	54.36	55.62	55.61	61.75	47.42	45.06	
F-2	Factory and industrial, low hazard	73.13	69.68	66.42	63.36	55.62	55.61	80.75	47.42	44.06	
H-1	High hazard, explosives	69.75	66.29	63.04	59.97	52.43	52.42	57.36	44.23	N.P.	
H-2, -3, -4	High hazard	69.75	66.29	63.04	59.97	52.43	52.42	57.36	44.23	40.88	
H-5	HPM	119.85	115.54	111.79	106.56	95.15	94.65	102.31	84.79	91.61	
I-1	Institutional, supervised environment	119.19	115.10	112.01	107.47	98.61	98.56	104.22	90.64	87.06	
I-2	Institutional, incapacitated	200.36	196.04	192.30	187.07	175.32	N.P.	192.81	164.96	N.P.	
I-3	Institutional, restrained	137.99	133.67	129.93	124.70	114.47	112.98	120.44	104.12	98.94	
I-4	Institutional, day care facilities	119.19	115.10	112.01	107.47	98.61	98.56	104.22	90.64	87.06	
M	Mercantile	88.15	84.83	80.95	77.74	70.28	70.02	73.81	81.26	59.22	
R-1	Residential, hotels	120.33	116.24	113.15	108.61	99.80	99.75	105.41	91.83	88.25	
R-2	Residential, multiple-family	100.33	96.24	93.15	88.81	79.95	79.90	86.66	71.98	88.40	
R-3	Residential, one- and two-family	96.19	93.52	91.22	88.71	84.51	84.30	87.22	80.46	74.68	

Group	2003 International Building Code	Type of Construction								
		IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
R-4	Residential, care/assisted living facilities	119.19	115.10	112.01	107.47	98.61	98.56	104.22	90.64	87.06
	Storage, moderate hazard	68.75	65.29	61.04	58.97	50.43	51.42	56.36	42.23	39.83
S-2	Storage, low hazard	67.75	64.29	61.04	57.97	50.43	50.42	55.36	42.23	38.88
	Utility, Miscellaneous	52.28	49.43	48.48	44.17	38.31	38.31	41.69	31.50	29.99

- Note a. Private garages use utility, miscellaneous
- Note b. Unfinished basements (all use group) = \$15.00 per sq. ft.
- Note c. N.P. = Not permitted

15.04.030 Investigation fees--Work without a permit.

A. Investigation. Whenever any work for which a permit is required by this code has been commenced without first obtaining such permit, a special investigation shall be made before a permit may be issued for such work.

B. Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The minimum investigation fee shall be the same as the minimum fee set forth in Table 1. This fee is an additional, punitive fee and shall not apply to any Granger grading or building permit fee that may subsequently be issued. Payment of the investigative fee does not vest the illegal work with any legitimacy, nor does it establish any right to a Granger permit for continued development of that project. If the work done remains illegal for ninety days after service of the stop work order, it shall be considered hazardous.

C. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law. (Ord. 1025 (part), 2004).

15.04.040 Fee refunds.

The building official may authorize the refunding of:

A. One hundred percent of any fee erroneously paid or collected;

B. Up to eighty percent of the permit fee paid when no work has been done under a permit issued in accordance with this code;

C. Up to eighty percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done. The building official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than one hundred eighty days after the date of fee payment. (Ord. 1025 (part), 2004).

15.04.050 Amendments to the referenced codes.

A. 2003 International Building Code--Reserved.

B. 2003 International Residential Code.

1. Amend R105.5 by adding this additional paragraph.

Work shall be considered "abandoned" if at least one normal progress inspection, as required by The 2003 International Building Code section 109.3 or The 2003 International Residential Code Section R109.1, is not completed and passed within any one hundred eighty (180) day period.

2. Amend R323.1.3, establishing the design flood elevation. Add a first sentence:

The design flood elevation is equal to base flood elevation plus one foot.

3. Amend R323.2.1 Elevation Requirements, by rewriting #1 to read:

Buildings and structures shall have the lowest floors elevated to or above base flood elevation plus one foot. Also by rewriting #3 to read: Basement floors that are below grade on all sides shall be elevated to or above base flood elevation plus one foot.

4. Add a second paragraph to R323.3.6 Construction Documents, to read:

The documents shall include a verification of foundation elevation prior to footing inspection approval and a verification of lowest floor elevation to be base flood elevation plus one foot prior to framing inspection approval.

5. Delete Part IV--Energy Conservation in its entirety.

6. Delete Part VII--Plumbing in its entirety. References to chapters in Part VII shall be made instead to the appropriate sections of the 2003 Uniform Plumbing Code published by IAPMO.

7. Delete Part VIII--Electrical in its entirety. References to chapters in Part VIII shall be made instead to the National Electrical Code published by the

NFPA and enforced in Granger by the state of Washington Department of Labor and Industries.

C. 2003 International Mechanical Code--Reserved.

D. 2003 International Fire Code.

1. Amend Appendix C: Add an exception after the last paragraph in C105.1 Hydrant spacing.

Exception: The fire chief is authorized to reduce the number of required hydrants by up to 50% when the building is equipped with an approved, automatic fire sprinkler system and the fire chief has approved the location of those required fire hydrants.

2. Amend Appendix D:

D101.1 Scope. Fire apparatus access roads shall be in accordance with this appendix and all other applicable requirements of the International Fire Code including the provisions of Section 503 Fire Apparatus Access Roads.

E. 2003 Uniform Plumbing Code--Reserved.

F. 2003 International Fuel Gas Code--Reserved.

G. 2001 Second Edition, Washington State Energy Code--Reserved.

H. 1997 Uniform Code for the Abatement of Dangerous Buildings.

1. Section 302 Dangerous Buildings. Add additional definitions of a dangerous building:

19. Drug Properties and Structures. It is hereby declared that any building, structure and/or associated property, identified by the City of Granger Chief of Police, wherein or upon which the manufacture, distribution, production or storage of illegal drugs or the precursors to create illegal drugs has taken place in a manner which could endanger the public, such building, structure and/or associated property is not only a dangerous property as defined by the City of Granger but is also a classification of property calling for the special procedures set forth in this section. The Building Official is authorized to abate such dangerous buildings, structures, and/or associated properties in accor-

dance with the dangerous building procedures set forth in this code and Washington statute, RCW 64.44.010, with the following modifications:

19.1. Due to public safety hazard in drug production facilities, the utilities shall be disconnected;

19.2. Building(s) and structures shall be inspected to determine compliance with all Town ordinances and codes;

19.3. Building(s) and any entry gates to the property shall be secured against entry in the manner set forth in this code;

19.4. No reconnection of utilities or occupancy of the building(s), structures or property shall be allowed until all violations have been successfully addressed, all dangerous conditions abated and a notice of release for re-occupancy has been received from the health department and sheriff's office; and

19.5. If dangerous conditions cannot be abated, occupancy shall be prohibited. Resolution of said property shall be in conformance with RCW 35.80A.010, Condemnation of blighted property.

20. Blighted Property. In conformance with RCW 35.80A.010, the City of Granger may acquire by condemnation, in accordance with the notice requirements and other procedures for condemnation provided in Title 8 RCW, any property, dwelling, building, or structure which constitutes a blight on the surrounding neighborhood. A "blight on the surrounding neighborhood" is any property, dwelling, building, or structure that meets any two of the following factors:

20.1 If a dwelling, building, or structure exists on the property, the dwelling, building, or structure has not been lawfully occupied for a period of one year or more;

20.2 the property, dwelling, building, or structure constitutes a threat to the public health, safety, or welfare as determined by the executive authority of the Town of Granger or the designee of the executive authority; or

20.3 the property, dwelling, building, or structure is or has been associated with illegal drug activity during the previous twelve months.

2. Prior to such condemnation, the town of Granger town council shall adopt a resolution declaring that the acquisition of the real property described therein is necessary to eliminate neighborhood blight. Condemnation of property, dwellings, buildings, and structures for the purposes described in this chapter is declared to be for a public use.

I. The 2003 International Property Maintenance Code--Reserved. (Ord. 1025 (part), 2004).

15.04.070 Violations--Penalties.

It is unlawful for any person, firm or corporation to violate any of the provisions of this chapter. Every person convicted of a violation of any provision of this chapter shall be guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars. Each firm or corporation convicted of a violation of any provision of this chapter shall be punished by a fine of not more than five hundred dollars. For any violation of a continuing nature, each day's violation shall be considered a separate offense and shall subject the offender to the above penalties for each offense. (Ord. 1025 (part), 2004).

Chapter 15.08

HOUSING CODE

Sections:

- 15.08.010 Adoption.
- 15.08.020 Section 203 deleted.
- 15.08.030 Repair and demolition fund established.
- 15.08.040 Compliance with chapter required.
- 15.08.050 Violation--Penalty.

15.08.010 Adoption.

The Uniform Housing Code for the Abatement of Dangerous Buildings, 1994 Edition, Copyright 1994 by the International Conference of Building Officials, consisting of the Uniform Code for the Abatement of Dangerous Buildings and the Uniform Zoning Code, 1994 Edition, of which not less than one copy has been and now is on file in the office of the city clerk, is adopted and incorporated as fully as if set out in full in this chapter, as the Housing Code of the city, except as hereinafter amended and the provisions and regulations thereof are adopted as the provisions and regulations of the city and the several sections or numbers therein shall constitute, and may be referred to as, the sections of this chapter. (Ord. 786 §§ 1, 2, 1995: Ord. 606 § 1, 1984: Ord. 468 § 1, 1978).

15.08.020 Section 203 deleted.

Section 203 of the Uniform Code for the Abatement of Dangerous Buildings is deleted. (Ord. 468 § 4, 1978).

15.08.030 Repair and demolition fund established.

There is established a special revolving fund which is designated the "Repair and Demolition Fund." (Ord. 468 § 5, 1978).

15.08.040 Compliance with chapter required.

It is unlawful for any person, firm or corporation, whether as owner, lessee, sublessee or occupant to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the city, or cause the same to be done, contrary to or in violation of any of the provisions of the said Uniform Code for the Abatement of Dangerous Buildings, or any unlawful order issued by the building inspector under this chapter. (Ord. 468 § 2(part), 1980).

15.08.050 Violation--Penalty.

A. Any person, firm or corporation violating any of the provisions of the said code shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of the said code is committed, continued, or permitted, and upon

conviction of any such violation, shall be punished by a fine not exceeding five hundred dollars and/or six months in jail for each separate violation.

B. The imposition of the penalty therein prescribed shall not preclude the city from instituting an appropriate action or proceeding to prevent any violation of the said code, or to restrain, correct or abate any such violation. (Ord. 786 § 3, 1995; Ord. 468 § 2(part), 1980).

Chapter 15.20

FLOOD DAMAGE PREVENTION*

Sections:

- 15.20.010 Findings of fact.
- 15.20.020 Purpose.
- 15.20.030 Methods of reducing flood losses.
- 15.20.040 Definitions.
- 15.20.050 Lands to which this chapter applies.
- 15.20.060 Basis for establishing the areas of special flood hazard.
- 15.20.070 Penalties for noncompliance.
- 15.20.080 Abrogation and greater restrictions.
- 15.20.090 Interpretation.
- 15.20.100 Warning and disclaimer of liability.
- 15.20.110 Establishment of development permit.
- 15.20.120 Designation of the local administrator.
- 15.20.130 Duties and responsibilities of the local administrator.
- 15.20.140 Conditions for variances.
- 15.20.150 General standards.
- 15.20.160 Specific standards.
- 15.20.170 AE and A1-30 zones with base flood elevations but no floodways.
- 15.20.180 Floodways.
- 15.20.190 Critical facility.

15.20.010 Findings of fact.

(1) The flood hazard areas of Granger are subject to periodic inundation which results in loss of life and prop-

***Editor's note**—Ord. No. 1119, § 1, adopted August 11, 2009, repealed the former Ch. 15.20, §§ 15.20.010--15.20.220. Section 2 of said ordinance enacted a new Ch. 15.20 as set out herein. The former Ch. 15.20 pertained to similar subject matter and derived from Ord. No. 649, §§ 1.1--1.4, 2.0, 3.1--3.6, 4.1--4.4, 5.1--5.3, Attachment 1, adopted 1987.

erty, health, and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

(2) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.
(Ord. No. 1119, § 2, 8-11-2009)

15.20.020 Purpose.

It is the purpose of this chapter to promote the public health, safety, and general welfare; reduce the annual cost of flood insurance; and minimize public and private losses due to flood conditions in specific areas by provisions designed:

- (1) To minimize expenditure of public money and costly flood control projects;
- (2) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (3) To protect human life and health;
- (4) To minimize prolonged business interruptions;
- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
- (6) To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (7) To ensure that potential buyers are notified that property is in an area of special flood hazard;
- (8) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

(Ord. No. 1119, § 2, 8-11-2009)

15.20.030 Methods of reducing flood losses.

In order to accomplish its purposes, this chapter includes methods and provisions for:

(1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

(2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(3) Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

(4) Controlling filling, grading, dredging, and other development which may increase flood damage; and

(5) Preventing or regulating the construction of flood barriers that unnaturally divert flood waters or may increase flood hazards in other areas.

(Ord. No. 1119, § 2, 8-11-2009)

15.20.040 Definitions.

"Appeal" means a request for a review of the interpretation of any provision of this chapter or a request for a variance.

"Area of shallow flooding" designated as AO, or AH zone on the Flood Insurance Rate Map (FIRM). AO zones have base flood depths that range from one to three feet above the natural ground; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. AO is characterized as sheet flow; AH indicates ponding, and is shown with standard base flood elevations.

"Area of special flood hazard" is the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year (also referred to as the "100-year flood"). Designated on Flood Insurance Rate Maps by the letters A or V.

"Basement" means any area of the building having its floor sub-grade (below ground level) on all sides.

"Breakaway wall" means a wall that is not part of the structural support of the building and is intended through

its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

"Coastal high hazard area" means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on the FIRM as zone V1-30, VE or V.

"Critical facility" means a facility for which even a slight chance of flooding might be too great. Critical facilities include (but are not limited to) schools, nursing homes, hospitals, police, fire and emergency response installations, and installations which produce, use, or store hazardous materials or hazardous waste.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

"Elevation certificate" means the official form (FEMA Form 81-31) used to track development, provide elevation information necessary to ensure compliance with community floodplain management ordinances, and determine the proper insurance premium rate with Section B completed by community officials.

"Elevated building" means for insurance purposes, a non-basement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

"Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the adopted floodplain management regulations.

"Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including

the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters;
- and/or
- (2) The unusual and rapid accumulation of runoff of surface waters from any source.

"Flood insurance rate map (FIRM)" means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood insurance study (FIS)" means the official report provided by the Federal Insurance Administration that includes flood profiles, the flood insurance rate maps, and the water surface elevation of the base flood.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter found at Section 15.20.160(A)(2), (i.e. provided there are adequate flood ventilation openings).

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"New construction" means structures for which the "start of construction" commenced on or after the effective date of this chapter.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations.

"Recreational vehicle" means a vehicle:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building, including a gas or liquid storage tank that is principally above ground.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the

structure to its before damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either:

(1) Before the improvement or repair is started;
or

(2) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term can exclude:

(1) Any project for improvement of a structure to correct pre-cited existing violations of state or local health, sanitary, or safety code specifications which have been previously identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

(2) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

"Variance" means a grant of relief from the requirements of this chapter that permits construction in a manner that would otherwise be prohibited by this chapter.

"Water dependent" means a structure for commerce of industry that cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

(Ord. No. 1119, § 2, 8-11-2009)

15.20.050 Lands to which this chapter applies.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the City of Granger.

(Ord. No. 1119, § 2, 8-11-2009)

15.20.060 Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineer-

ing report entitled "The Flood Insurance Study for the City of Granger" and any revisions thereto, with an accompanying flood insurance rate map (FIRM), and any revisions thereto, are hereby adopted by reference and declared to be a part of this chapter. The Flood Insurance Study and the FIRM are on file at the City of Granger, City Hall. The best available information for flood hazard area identification as outlined in Section 15.20.130(B) shall be the basis for regulation until a new FIRM is issued.

(Ord. No. 1119, § 2, 8-11-2009)

15.20.070 Penalties for noncompliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violations of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions), shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than one thousand dollars or imprisoned for not more than ninety days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the the City of Granger from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. No. 1119, § 2, 8-11-2009)

15.20.080 Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. No. 1119, § 2, 8-11-2009)

15.20.090 Interpretation.

In the interpretation and application of this chapter, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and

(3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. No. 1119, § 2, 8-11-2009)

15.20.100 Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City of Granger, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

(Ord. No. 1119, § 2, 8-11-2009)

15.20.110 Establishment of development permit.

(A) Development Permit Required. A development permit shall be obtained before construction or development begins within any area of special flood hazard established and identified herein. The permit shall be for all structures including manufactured homes, as set forth in the "Definitions," and for all development including fill and other activities, also as set forth in the "Definitions."

(B) Application for Development Permit. Application for a development permit shall be made on forms furnished by the City of Granger and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

(1) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures recorded on a current elevation certificate (FF 81-31) with Section B completed by the local official;

(2) Elevation in relation to mean sea level to which any structure has been floodproofed;

(3) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet floodproofing criteria in Section 15.20.160(A) (2);

(4) Description of the extent to which a water-course will be altered or relocated as a result of proposed development.

(Ord. No. 1119, § 2, 8-11-2009)

15.20.120 Designation of the local administrator.

The public works director is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

(Ord. No. 1119, § 2, 8-11-2009)

15.20.130 Duties and responsibilities of the local administrator.

Duties of the public works director shall include, but not be limited to:

(A) Permit Review:

(1) Review all development permits to determine that the permit requirements of this chapter have been satisfied.

(2) Review all development permits to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required.

(3) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions herein are met.

(B) Use of Other Base Flood Data (in A and V Zones): When base flood elevation data has not been provided (in A or V zones) in accordance with Section 15.20.060, basis for establishing the areas of special flood hazard, the (local administrator) shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer Sections 15.20.160, specific standards, and 15.20.180, floodways.

(C) Information to be Obtained and Maintained:

(1) Where base flood elevation data is provided through the Flood Insurance Study, FIRM, or required as in Section 15.20.130(B), obtain and record the actual (as-built) elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the struc-

ture contains a basement. Recorded on a current elevation certificate (FF 81-31) with Section B completed by the local official.

(2) For all new or substantially improved floodproofed nonresidential structures where base flood elevation data is provided through the FIS, FIRM, or as required in Section 15.20.130(B):

(i) Obtain and record the elevation (in relation to mean sea level) to which the structure was floodproofed.

(ii) Maintain the floodproofing certifications required in Section 15.20.110(B)(3).

(3) Maintain for public inspection all records pertaining to the provisions of this chapter.

(D) Alteration of Watercourses:

(1) Notify adjacent communities and the Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

(2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

(E) Interpretation of Firm Boundaries: Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (e.g. where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 60.6 of the Rules and Regulations of the National Flood Insurance Program (44 CFR 59-76).

(Ord. No. 1119, § 2, 8-11-2009)

15.20.140 Conditions for variances.

(1) Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a small or irregularly shaped lot contiguous to and surrounded by lots with existing structures constructed below the base flood level. As the lot size increases the technical justification required for issuing the variance increases.

(2) Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.

(3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(4) Variances shall only be issued upon:

(i) A showing of good and sufficient cause;

(ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant;

(iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(5) Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from flood elevations should be quite rare.

(6) Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria, and otherwise complies with Sections 15.20.150(A), (C), and (D) of the general standards.

(7) Any applicant to whom a variance is granted shall be given written notice that the permitted structure will be built with its lowest floor below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk.

(Ord. No. 1119, § 2, 8-11-2009)

15.20.150 General standards.

In all areas of special flood hazards, the following standards are required:

(A) Anchoring:

(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure. (44 CFR 60.3(a)(3)(i))

(2) All manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage.

Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

(B) Construction Materials and Methods:

(1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(3) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(C) Utilities:

(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;

(2) Water wells shall be located on high ground that is not in the floodway;

(3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

(4) Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(D) Subdivision Proposals (44 CFR 60.3(a)(4)(b)(3)):

(1) All subdivision proposals shall be consistent with the need to minimize flood damage;

(2) All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage;

(4) Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least fifty lots or five acres (whichever is less).

(E) Review of Building Permits. Where elevation data is not available either through the Flood Insurance Study, FIRM, or from another authoritative source, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.
(Ord. No. 1119, § 2, 8-11-2009)

15.20.160 Specific standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 15.20.060, basis for establishing the areas of special flood hazard, or Section 15.20.130(B), use of other base flood data. Additional standards were clarified in FEMA Technical Bulletin 11-01 to allow below-grade crawlspace construction for buildings located in the special flood hazard areas. However, the standards in 11-01 must be specifically adopted, and adopting them can result in a twenty percent increase in flood insurance premiums. The following provisions are required:

(A) Residential Construction.

(1) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot or more above the base flood elevation (BFE).

(2) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood

forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

(i) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

(ii) The bottom of all openings shall be no higher than one foot above grade.

(iii) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

(iv) Foundation vent standards required by the IBC/IRC outside the floodplain do not meet this standard and are often inadvertently permitted. Insurance rates reflect an "all or nothing" standard, meaning, partially ventilated crawlspaces may be subject to an additional loading fee of twenty--twenty-five percent attached to the annual insurance premium.

(B) Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated one foot or more above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

(1) Be floodproofed so that below one foot or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

(2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

(3) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans;

(4) Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in Section 15.20.160 (A) (2);

(C) **Manufactured Homes.** All manufactured homes in the floodplain to be placed or substantially improved on sites shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot or more above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(D) **Recreational Vehicles.** Recreational vehicles placed on sites are required to either:

(1) Be on the site for fewer than one hundred eighty consecutive days; or

(2) Be fully licensed and ready for highway use, on wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or

(3) Meet the requirements of Section 15.20.160(A) above and the elevation and anchoring requirements for manufactured homes.

(Ord. No. 1119, § 2, 8-11-2009)

15.20.170 AE and A1-30 zones with base flood elevations but no floodways.

In areas with base flood elevations (but a regulatory floodway has not been designated), no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(Ord. No. 1119, § 2, 8-11-2009)

15.20.180 Floodways.

Located within areas of special flood hazard established in Section 15.20.060 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters that can carry debris, and increase erosion potential, the following provisions apply:

(1) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer is provided demonstrating through hydrologic and hy-

draulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge.

(2) Construction or reconstruction of residential structures is prohibited within designated floodways, except for (i) repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and (ii) repairs, reconstruction or improvements to a structure, the cost of which does not exceed fifty percent of the market value of the structure either, (A) before the repair, or reconstruction is started, or (B) if the structure has been damaged, and is being restored, before the damage occurred. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or to structures identified as historic places, may be excluded in the fifty percent.

(3) If Section 15.20.180(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions found in provisions for flood hazard reduction herein.

(Ord. No. 1119, § 2, 8-11-2009)

15.20.190 Critical facility.

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the Special Flood Hazard Area (SFHA) (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet above BFE or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into flood waters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

(Ord. No. 1119, § 2, 8-11-2009)

Chapter 15.24SIGNSSections:

- 15.24.010 Definitions.
- 15.24.020 Posting of signs unlawful.

15.24.010 Definitions.

"Sign," as used in this chapter, means and includes any medium, including its structure and component parts, which is used or intended to be used to attract attention to the subject matter and to convey a message or to attract the attention of a person on a public street. (Ord. 747A § 1, 1993).

15.24.020 Posting of signs unlawful.

A. It is unlawful for any person to place a sign, either permanent or temporary, onto a post, a notice or advertisement on or within any right-of-way owned by the city or on any utility pole within the limits of the city.

B. The ordinance codified in this chapter is in addition to Ordinance No. 705, codified in Chapter 5.28, which makes it unlawful to advertise a yard sale or garage sale by posting a notice or advertisement thereof on or within any right-of-way owned by the city, or on any utility pole within the limits of the city. (Ord. 747A §§ 2, 3, 1993).

Title 16

ENVIRONMENT

Chapters:

- 16.04 Yakima County Regional Shoreline Master Program
- 16.06 Critical Areas Ordinance

Chapter 16.04

YAKIMA COUNTY REGIONAL SHORELINE MASTER PROGRAM*

Chapter 16.06

CRITICAL AREAS ORDINANCE

Sections:

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- 16.06.010 Purpose.
- 16.06.020 Authority.
- 16.06.030 Relationship to other regulations.
- 16.06.035 Definitions.
- 16.06.040 Administrative procedures.
- 16.06.050 Fees.
- 16.06.060 Severability.
- 16.06.080 Interpretation.
- 16.06.090 Jurisdiction--Critical areas.
- 16.06.095 Designation of habitats and species of local importance.
- 16.06.100 Protection of critical areas.

***Editor's note**—Ord. No. 1093, § 1(Exh. A), adopted June 24, 2008, enacted provisions intended for use as title 16, in effect repealing the former chapter 16.04, which pertained to the State Environmental Policy Act, and derived from Ord. No. 611, Part 1(§ 1), Part 2(§§ 1--5), Part 3(§§ 1--4), Part 4(§§ 1, 2), Part 5(§§ 1--3), Part 6(§ 1), Part 7(§§ 1--3), Part 8(§ 1), Part 9(§ 1), Part 10(§§ 1, 2), and Part 11(§ 1), adopted 1984.

Although not set out at length herein, the provisions of the Yakima County Regional Shoreline Master Program are on file in the offices of the city.

16.06.110 Best available science.

Article II. Applicability, Exemptions,
Exceptions, and General Standards

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Article IV. Frequently Flooded Areas

- 16.06.500 Designation and mapping of frequently flooded areas.
- 16.06.510 Classification of frequently flooded areas.
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Article V. Fish and Wildlife Conservation Areas

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Article VI. Geologically Hazardous Areas

- 16.06.710 Purpose and intent.
- 16.06.720 Mapping and designation.
- 16.06.730 Geologically hazardous areas protection approach.
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- 16.06.760 Critical area report--Additional requirements for geologically hazardous areas.

Article VII. Critical Aquifer Recharge Areas

- 16.06.810 Purpose and intent.
- 16.06.820 Designation.
- 16.06.830 Mapping.
- 16.06.840 Submittal requirements.

- 16.06.850 Performance standards--General requirements.
- 16.06.860 Performance standards--Specific uses.
- 16.06.870 Uses prohibited from critical aquifer recharge areas.

Article I. General Provisions

16.06.010 Purpose.

A. The purpose of this chapter is to designate and classify ecologically sensitive and hazardous areas and to protect these areas and their functions and values, while also allowing for reasonable use of private property.

B. This chapter is to implement the goals, policies, guidelines, and requirements of the Granger Comprehensive Plan and the Growth Management Act.

C. The city finds that critical areas provide a variety of valuable and beneficial biological and physical functions that benefit the city and its residents, and/or may pose a threat to human safety or to public and private property. The beneficial functions and values provided by critical areas include, but are not limited to, water quality protection and enhancement, fish and wildlife habitat, food chain support, flood storage, conveyance and attenuation of floodwaters, ground water recharge and discharge and erosion control. These beneficial functions are not listed in order of priority.

D. Goals. By limiting development and alteration of critical areas, this chapter seeks to:

1. Protect members of the public and public resources and facilities from injury, loss of life, or property damage due to flooding;
2. Maintain healthy, functioning ecosystems through the protection of unique, fragile, and valuable elements of the environment, including ground and surface waters, wetlands, and fish and wildlife and their habitats;
3. Direct activities not dependent on critical areas resources to less ecologically sensitive sites and mitigate unavoidable impacts to critical areas by regulating alterations in and adjacent to critical areas; and
4. Prevent cumulative adverse environmental impacts to water quality, wetlands, and fish and wildlife habitat, and the overall net loss of wetlands, frequently flooded areas, and habitat conservation areas.

E. The regulations of this chapter are intended to protect critical areas in accordance with the Growth Management Act and through the application of the best available science, as determined according to WAC 365-195-900 through 365-195-925, and in consultation with state and federal agencies and other qualified professionals.

F. This chapter is to be administered with flexibility and attention to site-specific characteristics. It is not the intent of this chapter to make a parcel of property unusable by denying its owner reasonable economic use of the property or to prevent the provision of public facilities and services necessary to support existing development and planned for by the community without decreasing current service levels below minimum standards.

G. The city's enactment or enforcement of this chapter shall not be construed for the benefit of any individual person or group of persons other than the general public.

H. Critical areas data mapping shall for illustrative, not regulatory, purposes. In the event of a conflict between the critical areas data shown on the map and the data obtained as a result of field investigation, the latter shall control. Additionally, in the event that any of the designations shown on the maps or critical areas inventory lists conflict with the criteria set forth in this Code, the criteria and the site-specific conditions shall control. A qualified professional, according to the procedures, definition and criteria established by this Code, shall determine the actual type, extent, and boundaries of critical areas. Critical areas maps and inventory lists may be relied upon by the city as a basis for requiring field investigation and reports consistent with critical areas designation. It is presumed that critical areas exist which are not identified on the maps. All critical areas are protected under the provisions of this Code, regardless of whether such critical areas have been identified on a map.
(Ord. No. 1177, § 3(Exh. A), 1-8-2013)

16.06.020 Authority.

A. As provided herein, the administrator is given the authority to interpret and apply, and the responsibility to enforce, this chapter to accomplish the stated purpose.

B. The city may withhold, condition, or deny development permits or activity approvals to ensure that the proposed action is consistent with this chapter.
(Ord. No. 1177, § 3(Exh. A), 1-8-2013)

16.06.030 Relationship to other regulations.

A. Any individual critical area adjoined by another type of critical area shall have the buffer and meet the requirements that provide the most protection to the critical areas involved. When any provision of this chapter or any existing regulation, easement, covenant, or deed restriction conflicts with this chapter, that which provides more protection to the critical areas shall apply.

B. These critical areas regulations shall apply concurrently with review conducted under the State Environmental Policy Act (SEPA), as locally adopted. Any conditions required pursuant to this chapter shall be included in the SEPA review and threshold determination.

C. Compliance with the provisions of this chapter does not constitute compliance with other federal, state, and local regulations and permit requirements that may be required (for example, Shoreline Substantial Development Permits, Hydraulic Permit Act (HPA) permits, Section 106 of the National Historic Preservation Act, U.S. Army Corps of Engineers Section 404 permits, National Pollution Discharge Elimination System permits). The applicant is responsible for complying with these requirements, apart from the process established in this chapter.
(Ord. No. 1177, § 3(Exh. A), 1-8-2013)

16.06.035 Definitions.

Words not defined in this chapter shall be as defined in the City Code, the Washington Administrative Code, or the Revised Code of Washington. Words not found in either code shall be as defined in the Webster's Third New International Dictionary, latest edition.

"Adjacent" means immediately adjoining (in contact with the boundary of the influence area) or within a distance that is less than that needed to separate activities from critical areas to ensure protection of the functions and values of the critical areas. "Adjacent" shall mean any activity or development located:

A. On a site immediately adjoining a critical area;

- B. A distance equal to or less than the required critical area buffer width and building setback; or
- C. Bordering or within the floodway or floodplain.

"Advance mitigation" means mitigation of an anticipated critical area impact or hazard completed according to an approved critical area report and prior to site development.

"Alteration" means any human-induced change in an existing condition of a critical area or its buffer. Alterations include, but are not limited to, grading, filling, channelizing, dredging, clearing (vegetation), construction, compaction, excavation, or any other activity that changes the character of the critical area.

"Anadromous fish" means fish that spawn and rear in freshwater and mature in the marine environment. While Pacific salmon die after their first spawning, adult char (bull trout) can live for many years, moving in and out of saltwater and spawning each year. The life history of Pacific salmon and char contains critical periods of time when these fish are more susceptible to environmental and physical damage than at other times. The life history of salmon, for example, contains the following stages: upstream migration of adults, spawning, inter-gravel incubation, rearing, smoltification (the time period needed for juveniles to adjust their body functions to live in the marine environment), downstream migration, and ocean rearing to adults.

"Applicant" means a person who files an application for permit under this chapter and who is either the owner of the land on which that proposed activity would be located, a contract purchaser, or the authorized agent of such a person.

"Aquifer" means a geological formation, group of formations, or part of a formation that is capable of yielding a significant amount of water to a well or spring.

"Aquifer recharge areas" means areas that, due to the presence of certain soils, geology, and surface water, act to recharge ground water by percolation.

"Best available science" means current scientific information used in the process to designate, protect, or restore critical areas, that is derived from a valid scientific process as defined by WAC 365-195-900 through 365-195-925. Sources of the best available science are included in Citations of Recommended Sources of Best Available Science

for Designating and Protecting Critical Areas published by the Washington State Department of Commerce, and Yakima County's Review of Best Available Science for Inclusion in Critical Areas Updates.

"Best management practices (BMPs)" means conservation practices or systems of practices and management measures that:

A. Control soil loss and reduce water quality degradation caused by high concentrations of nutrients, animal waste, toxins, and sediment;

B. Minimize adverse impacts to surface water and ground water flow and circulation patterns and to the chemical, physical, and biological characteristics of wetlands;

C. Protect trees and vegetation designated to be retained during and following site construction and use native plant species appropriate to the site for re-vegetation of disturbed areas.

The city shall monitor the application of best management practices to ensure adherence to the standards and policies of this chapter.

"Biodiversity" means the variety of animal and plant life and its ecological processes and interconnections represented by the richness of ecological systems and the life that depends on them, including human life and economies.

"Buffer" or "buffer zone" means an area that is contiguous to and protects a critical area which is required for the continued maintenance, functioning, and/or structural stability of a critical area.

"Channel Migration Zone (CMZ)" means the area along a river within which the channel(s) can be reasonably predicted to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings.

"Clearing" means the removal of timber, brush, grass, ground cover or other vegetative matter from a parcel of land.

"Compensation project" means actions necessary to replace project-induced critical area and buffer losses, including land acquisition, planning, construction plans, monitoring, and contingency actions.

"Compensatory mitigation" means replacing project-induced losses or impacts to a wetland or fish and wildlife critical area, including, but not limited to, the following:

A. Restoration. The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former wetland. For the purpose of tracking net gains in wetland acres, restoration is divided into:

1. Reestablishment. The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former wetland. Reestablishment results in a gain in wetland acres and functions. Activities could include removing fill material, plugging ditches, or breaking drain tiles;

2. Rehabilitation. The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural or historic functions of the degraded wetland. Rehabilitation results in a gain in wetland function but does not result in a gain of wetland acres. Activities could involve breaching a dike to reconnect wetlands to a floodplain or return tidal influence to a wetland;

B. Creation (Establishment). The manipulation of the physical, chemical, or biological characteristics present to develop a wetland on an upland or deepwater site where a wetland did not previously exist. Establishment results in a gain in wetland acres. Activities typically involve excavation of upland soils to elevations that will produce a wetland hydroperiod, create hydric soils, and support the growth of hydrophytic plant species;

C. Enhancement. The manipulation of the physical, chemical, or biological characteristics of a wetland site to heighten, intensify, or improve specific functions(s) or to change the growth stage or composition of the vegetation present. Enhancement is undertaken for specified purposes such as water improvement, flood water retention, or wildlife habitat. Enhancement results in a change in some wetland functions and can lead to a decline in other wetland functions, but does not result in a gain of wetland acres. Activities typically consist of planting vegetation, controlling nonnative or invasive species, mod-

ifying site elevations or the proportion of open water to influence hydroperiods, or some combination of these activities; and

D. Protection (Preservation). Removing a threat to, or preventing the decline of, wetland conditions by an action in or near a wetland. This includes the purchase of land or easements. This term also includes activities commonly associated with the term "preservation." Preservation does not result in a gain of wetland acres, may result in a gain in functions, and will be used only in exceptional circumstances.

"Conservation easement" means a legal agreement that the property owner enters into to restrict uses of the land. Such restrictions can include, but are not limited to, passive recreation uses such as trails or scientific uses and fences or other barriers to protect habitat. The easement is recorded on a property deed, runs with the land, and is legally binding on all present and future owners of the property.

"Critical aquifer recharge area" means areas designated by WAC 365-190-080 that are determined to have a critical recharging effect on aquifers used for potable water as defined by WAC 365-190-030(3).

"Critical areas" means critical areas include any of the following areas or ecosystems: aquifer recharge areas, fish and wildlife conservation areas, frequently flooded areas, geologically hazardous areas, and wetlands, as defined in Chapter 36.70A RCW and this chapter. "Fish and wildlife conservation areas" does not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company.

"Critical area tract" means land held in private ownership and retained in an open condition in perpetuity for the protection of critical areas. Lands within this type of dedication may include, but are not limited to, portions and combinations of forest habitats, grasslands, shrub steppe, on-site watersheds, 100-year floodplains, shorelines or shorelines of statewide significance, riparian areas, and wetlands.

"Cumulative impacts or effects" means the combined, incremental effects of human activity on ecological or critical areas functions and values. Cumulative impacts re-

sult when the effects of an action are added to or interact with other effects in a particular place and within a particular time. It is the combination of these effects, and any resulting environmental degradation, that should be the focus of cumulative impact analysis and changes to policies and permitting decisions.

"Developable area" means a site or portion of a site that may be utilized as the location of development, after application of this critical areas chapter.

"Development" means any activity upon the land consisting of construction or alteration of structures, earth movement, dredging, dumping, grading, filling, mining, removal of any sand, gravel, or minerals, driving of piles, drilling operations, bulkheading, clearing of vegetation, or other land disturbance. Development includes the storage or use of equipment or materials inconsistent with the existing use. Development also includes approvals issued by the city that binds land to specific patterns of use, including, but not limited to, subdivisions, short subdivisions, zone changes, conditional use permits, and binding site plans. Development activity does not include the following activities:

- A. Interior building improvements.
- B. Exterior structure maintenance activities, including painting and roofing.
- C. Routine landscape maintenance of established, ornamental landscaping, such as lawn mowing, pruning, and weeding.
- D. Maintenance of the following existing facilities that does not expand the affected area: septic tanks (routine cleaning); wells; individual utility service connections; and individual cemetery plots in established and approved cemeteries.

"Development permit" means any permit issued by the city, or other authorized agency, for construction, land use, or the alteration of land.

"Emergent wetland" means a wetland with at least thirty percent of the surface area covered by erect, rooted, herbaceous vegetation extending above the water surface as the uppermost vegetative strata.

"Erosion" means the process whereby wind, rain, water, and other natural agents mobilize and transport particles.

"Exotic" means any species of plants or animals which are foreign to the planning area.

"Fish and wildlife conservation areas" means areas necessary for maintaining species in suitable habitats within their natural geographic distribution so that isolated subpopulations are not created as designated by WAC 365-190-130(1). These areas include:

A. Areas with which state or federally designated endangered, threatened, and sensitive species have a primary association;

B. Habitats of local importance, including but not limited to areas designated as priority habitat by the Washington Department of Fish and Wildlife;

C. Naturally occurring ponds under twenty acres and their submerged aquatic beds that provide fish or wildlife habitat, including those artificial ponds intentionally created from dry areas in order to mitigate impacts to ponds;

D. Waters of the state, including lakes, rivers, ponds, streams, inland waters,

E. Underground waters, and all other surface waters and watercourses within the jurisdiction of the State of Washington;

F. Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity.

G. "Fish and wildlife conservation areas" does not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company.

"Fish habitat" means habitat that is used by fish at any life stage at any time of the year, including potential habitat likely to be used by fish that could be recovered by restoration or management and includes off-channel habitat.

"Flood insurance study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

"Frequently flooded areas" means lands in the floodplain subject to a one percent or greater chance of flooding in any given year and those lands that provide important flood storage, conveyance, and attenuation functions, as determined by the administrator in accordance with WAC 365-190-080(3). Frequently flooded areas perform important hydrologic functions and may present a risk to persons and

property. Classifications of frequently flooded areas include, at a minimum, the 100-year floodplain designations of the Federal Emergency Management Agency and the National Flood Insurance Program.

"Functions and values" means the beneficial roles served by critical areas including, but are not limited to: water quality protection and enhancement; fish and wildlife habitat; food chain support; flood storage, conveyance and attenuation; ground water recharge and discharge; erosion control; protection from hazards; historical, archaeological, and aesthetic value protection; educational opportunities; and recreation. These beneficial roles are not listed in order of priority. Critical area functions can be used to help set targets (species composition, structure, etc.) for managed areas, including mitigation sites.

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

"Growth Management Act" means Chapters 36.70A and 36.70B RCW, as amended.

"Grading" means any excavation, filling, or combination thereof.

"Habitat conservation areas" means areas designated as fish and wildlife habitat conservation areas.

"Hazardous substances" means any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the physical, chemical, or biological properties described in WAC 173-303-090 or 173-303-100.

"Hydraulic project approval (HPA)" means a permit issued by the Washington Department of Fish and Wildlife for modifications to waters of the state in accordance with Chapter 75.20 RCW.

"Hydric soil" means a soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part. The presence of hydric soil shall be determined following the methods described in the Washington State Wetland Identification and Delineation Manual.

"Impervious surface" means a hard surface area that either prevents the entry of water into the soil mantle as under natural conditions prior to development or that

causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development.

"In-kind compensation" means to replace critical areas with substitute areas whose characteristics and functions closely approximate those destroyed or degraded by a regulated activity.

"Infiltration" means the downward entry of water into the immediate surface of soil.

"Isolated wetlands" means those wetlands that are outside of and not contiguous to any 100-year floodplain of a lake, river, or stream and have no contiguous hydric soil or hydrophytic vegetation between the wetland and any surface water.

"Mitigation" means avoiding, minimizing, or compensating for adverse critical areas impacts. Mitigation, in the following sequential order of preference, is:

A. Avoiding the impact altogether by not taking a certain action or parts of an action;

B. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts;

C. Rectifying the impact to wetlands, critical aquifer recharge areas, and habitat conservation areas by repairing, rehabilitating, or restoring the affected environment to the conditions existing at the time of the initiation of the project;

D. Minimizing or eliminating the hazard by restoring or stabilizing the hazard area through engineered or other methods;

E. Reducing or eliminating the impact or hazard over time by preservation and maintenance operations during the life of the action;

F. Compensating for the impact to wetlands, critical aquifer recharge areas, and habitat conservation areas by replacing, enhancing, or providing substitute resources or environments; and

G. Monitoring the hazard or other required mitigation and taking remedial action when necessary.

Mitigation for individual actions may include a combination of the above measures.

"Monitoring" means evaluating the impacts of development proposals on the biological, hydrological, and geological elements of such systems, and assessing the performance of required mitigation measures throughout the collection and analysis of data by various methods for the purpose of understanding and documenting changes in natural ecosystems and features, including gathering baseline data.

"Native vegetation" means plant species that are indigenous to the area in question.

"Nonconformity" means a legally established existing use or legally constructed structure that is not in compliance with current regulations.

Nonindigenous. See "Exotic."

"Off-site compensation" means to replace critical areas away from the site on which a critical area has been impacted.

"On-site compensation" means to replace critical areas at or adjacent to the site on which a critical areas has been impacted.

"Ordinary high water mark (OHM)" means that mark which is found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, that the soil has a character distinct from that of the abutting upland in respect to vegetation.

"Out-of-kind compensation" means to replace critical areas with substitute critical areas whose characteristics do not closely approximate those destroyed or degraded.

"Permeability" means the capacity of an aquifer or confining bed to transmit water. It is a property of the aquifer or confining bed and is independent of the force causing movement.

"Porous soil types" means soils, as identified by the National Resources Conservation Service, U.S. Department of Agriculture, that contain voids, pores, interstices, or other openings which allow the passing of water.

"Potable water" means water that is safe and palatable for human use.

"Practical alternative" means an alternative that is available and capable of being carried out after taking into consideration cost, existing technology, and logistics in light of overall project purposes, and has fewer impacts to critical areas.

"Priority habitat" means habitat type or elements with unique or significant value to one or more species as classified by the state Department of Fish and Wildlife. A priority habitat may consist of a unique vegetation type or dominant plant species, a described successional stage, or a specific structural element.

"Project area" means all areas within the area proposed to be disturbed, altered, or used by the proposed activity or the construction of any proposed structures. When the action binds the land, such as a subdivision, short subdivision, binding site plan, planned unit development, or rezone, the project area shall include the entire parcel, at a minimum.

"Qualified professional" means a person with experience and training in the pertinent scientific discipline, and who is a qualified scientific expert with expertise appropriate for the relevant critical area subject in accordance with WAC 365-195-905(4). A qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, engineering, environmental studies, fisheries, or related field, and two years of related work experience. Also, a qualified professional must have the following license, degree or experience:

A. A qualified professional for habitats or wetlands must have a degree in biology and professional experience related to the subject species. The professional must provide evidence of advanced training in plant identification and hydric soil identification.

B. A qualified professional for a geological hazard must be a professional engineer or geologist, licensed in the State of Washington.

C. A qualified professional for critical aquifer recharge areas means a hydrogeologist, geologist, engineer, or other scientist with experience in preparing hydrogeologic assessments.

"Recharge" means the process involved in the absorption and addition of water to ground water.

"Reclaimed water" means municipal wastewater effluent that has been adequately and reliability treated so that it is suitable for beneficial use. Following treatment it is no longer considered wastewater (treatment levels and water quality requirements are given in the water reclamation and reuse standards adopted by the state Departments of Ecology and Health).

"Repair or maintenance" means an activity that restores the character, scope, size, and design of a serviceable area, structure, or land use to its previously authorized and undamaged condition. Activities that change the character, size, or scope of a project beyond the original design and drain, dredge, fill, flood, or otherwise alter critical areas are not included in this definition.

"Restoration" means measures taken to restore an altered or damaged natural feature including:

A. Active steps taken to restore damaged wetlands, streams, protected habitat, or their buffers to the functioning condition that existed prior to an unauthorized alteration; and

B. Actions performed to reestablish structural and functional characteristics of the critical area that have been lost by alteration, past management activities, or catastrophic events.

"Riparian habitat" means areas adjacent to aquatic systems with flowing water that contain elements of both aquatic and terrestrial ecosystems that mutually influence each other. The width of these areas extends to that portion of the terrestrial landscape that directly influences the aquatic ecosystem by providing shade, fine or large woody material, nutrients, organic and inorganic debris, terrestrial insects, or habitat for riparian-associated wildlife. Widths shall be measured from the ordinary high water mark or from the top of bank if the ordinary high water mark cannot be identified. It includes the entire extent of the floodplain and the extent of vegetation adapted to wet conditions as well as adjacent upland plant communities that directly influence the stream system. Riparian habitat areas include those riparian areas severely altered or damaged due to human development activities.

River. See "Watercourse."

"Section 404 permit" means a permit issued by the U.S. Army Corps of Engineers for the placement of dredge or fill material or clearing in waters of the United States, including wetlands, in accordance with 33 USC Section 1344. Section 404 permits may also be for endangered species consultation. They require a consultation under Section 7 of the Federal Endangered Species Act.

"SEPA" means Washington State Environmental Policy Act, Chapter 43.21C RCW.

"Serviceable" means presently usable.

"Soil survey" means the most recent soil survey for the local area or county by the National Resources Conservation Service, U.S. Department of Agriculture.

"Species" means any group of animals classified as a species or subspecies as commonly accepted by the scientific community.

"Species, endangered" means any fish or wildlife species that is threatened with extinction throughout all or a significant portion of its range and is listed by the state or federal government as an endangered species.

"Species, priority" means any fish or wildlife species requiring protective measures and/or management guidelines to ensure their persistence as genetically viable population levels as classified by the Washington Department of Fish and Wildlife, including endangered, threatened, sensitive, candidate and monitor species, and those of recreational, commercial, or tribal importance.

"Species, sensitive" means any wildlife species native to the State of Washington that is vulnerable or declining and is likely to become endangered or threatened throughout a significant portion of its range within the state without cooperative management or removal of threats.

"Species, threatened" means any fish or wildlife species that is likely to become an endangered species within the foreseeable future throughout a significant portion of its range without cooperative management or removal of threats, and is listed by the state or federal government as a threatened species.

Stream. See "Watercourse."

"GMC" means the Granger Municipal Code.

"Unavoidable" means adverse impacts that remain after all appropriate and practicable avoidance and minimization have been achieved.

"Vulnerability" means the combined effect of susceptibility to contamination and the presence of potential contaminants.

"Water table" means that surface in an unconfined aquifer at which the pressure is atmospheric. It is defined by the levels at which water stands in wells that penetrate the aquifer just far enough to hold standing water.

"Water Typing System."

A. Type 1 streams, lakes and ponds are those waters, within their ordinary high water mark (OHWM), meeting the criteria as "shorelines of the state" and "shore-

lines of statewide significance" under RCW Chapter 90.58, but not including those waters' associated wetlands as defined in RCW Chapter 90.58. The current list of Shoreline waters, along with their specific shoreline environments are provided in Appendix B and C of the Shoreline Master Program. Type 1 streams and lakes are protected by the Shoreline Master Program, rather than the CAO;

B. Type 2 streams, lakes and ponds are those surface water features which require protection due to the nature of their contributions to the functional properties listed in Section 18.05.504, and are considered "Streams, Lakes and/or Ponds of Local Importance." Habitats of local importance are designated using the process listed in section 18.05.503 (Species and Habitats of Local Importance);

C. Type 3 streams include all perennial streams within Yakima County not classified as Type 1 or 2;

D. Type 4 streams are all intermittent streams within Yakima County not classified as Type 1, 2 or 3.

"Watercourse" means any portion of a channel, bed, bank, or bottom waterward of the ordinary high water line of waters of the state including areas in which fish may spawn, reside, or through which they may pass, and tributary waters with defined beds or banks, which influence the quality of fish habitat downstream. This definition includes watercourses that flow on an intermittent basis or which fluctuate in level during the year and applies to the entire bed of such watercourse whether or not the water is at peak level. This definition does not include irrigation ditches, canals, stormwater runoff devices, or other entirely artificial watercourses, except where they exist in a natural watercourse that has been altered by humans.

"Well" means a bored, drilled, or driven shaft, or a dug hole whose depth is greater than the largest surface dimension for the purpose of withdrawing or injecting water or other liquids.

"Wellhead protection area (WHPA)" means the portion of a zone of contribution for a well, wellfield, or spring, as defined using criteria established by the Washington State Department of Ecology.

"Wetland category" means a grouping of similar wetlands with respect to functions and values that are determined by the Eastern Washington Wetland Rating System. There are four categories of wetlands (I, II, III, and IV)

in this Ordinance for which differing buffers are required. See section 16.06.410 Designation, rating, and mapping of wetlands.

"Wetland edge" means the boundary of a wetland as delineated based on the definitions contained in this chapter.

"Wetlands" means those 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 adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas to mitigate the conversion of wetlands. Wetlands shall be delineated in accordance with the procedures outlined in WAC 173-22-035. All areas within the city meeting the wetland designation criteria in that procedure are hereby designated critical areas and are subject to the provisions of this chapter.

"Wetlands mitigation bank" means a site where wetlands are restored, created, enhanced, or in exceptional circumstances, preserved expressly for the purpose of providing compensatory mitigation in advance of authorized impacts to similar resources.

(Ord. No. 1177, § 3(Exh. A), 1-8-2013)

16.06.040 Administrative procedures.

A. General. Applications for development in critical areas in the City of Granger shall be processed in accordance with the provisions of Granger Municipal Code Titles 17 and 18.

B. Designation of Review Classifications. Actions and approvals of this chapter are subject to review pursuant to Granger Municipal Code Title 17 and 18. The administrator shall use Table 16.06.040B. to determine the type of review based on the type of decision.

C. Public Notice.

1. If the administrator determines a development project warrants public notice and the project is not subject to any other public notice requirement, the administrator shall provide written notice to any agencies with jurisdiction or interest and any owner of record of real property within at least three hundred feet of the external boundaries of the property upon which the project is proposed. The notice shall include, as a minimum, the name of the applicant, a map or general description of the project site location, a brief description of the proposed action, the identification of the lead agency, and any threshold determination under SEPA. The notice shall also include the name, address, and telephone number of the department at which additional information can be obtained, the comment period, and the final date by which such comment must be submitted. The comment period shall be a minimum of fourteen days from the date of publication (if published) or from the date notice was provided.

2. If the administrator determines a development project warrants a public notice and the project is subject to another permit or authorization which requires public notice the administrator shall, wherever practical, utilize the public notice procedure associated with that development permit or authorization.

Table 16.06.040B. Type of Review	
Type of Decision	Type of Review
Application for Development under Chapter 16.06 CAO pursuant to Section 16.06.190	Level 1 May be raised to Level 2 or 3 review at administrator's discretion.
Exemptions for Public Agency and Utility pursuant to Section 16.06.140	Level 1 May be raised to Level 2 or 3 review at administrator's discretion.
Application for Variance Pursuant to Section 16.06.330	Pursuant to Section 18.04.050

Table 16.06.040B. Type of Review	
Type of Decision	Type of Review
Application for Reasonable Use Exception pursuant to Section 16.06.150	Level 3
Appeal of Administrative Decisions	Level 3

(Ord. No. 1177, § 3(Exh. A), 1-8-2013)

16.06.050 Fees.

A. Fees for filing of a critical area information form, critical area review processing, and other services provided by the city shall be as established in the city's adopted fee schedule.

B. Unless otherwise indicated in this chapter, the applicant shall be responsible for the initiation, preparation, submission, and expense of all required reports, assessment(s), studies, plans, reconnaissance(s), peer review(s) by qualified consultants, and other work prepared in support of or necessary to review the application.

(Ord. No. 1177, § 3(Exh. A), 1-8-2013)

16.06.060 Severability.

If any clause, sentence, paragraph, section, or part of this chapter or the application thereof to any person or circumstances shall be judged by any court of competent jurisdiction to be invalid, such order or judgment shall be confined in its operation to the controversy in which it was rendered. The decision shall not affect or invalidate the remainder of any part thereof and to this end the provisions of each clause, sentence, paragraph, section, or part of this chapter are hereby declared to be severable.

(Ord. No. 1177, § 3(Exh. A), 1-8-2013)

16.06.080 Interpretation.

In the interpretation and application of this chapter, the provisions of this chapter shall be considered to be the minimum requirements necessary, shall be liberally construed to serve the purpose of this chapter, and shall be deemed to neither limit nor repeal any other provisions under state statute.

(Ord. No. 1177, § 3(Exh. A), 1-8-2013)

16.06.090 Jurisdiction--Critical areas.

A. The city shall regulate all uses, activities, and developments within, adjacent to, or likely to affect, one or more critical areas, consistent with the best available science and the provisions herein.

B. Critical areas regulated by this chapter include:

1. Wetlands;
2. Frequently flooded areas;
3. Critical aquifer recharge areas;
4. Geologically hazardous areas;
5. Fish and wildlife conservation areas;
6. Habitats and species of local importance as

established in Section 16.06.095.

C. All areas within the city meeting the definition of one or more critical areas, regardless of any formal identification, are hereby designated critical areas and are subject to the provisions of this chapter.

(Ord. No. 1177, § 3(Exh. A), 1-8-2013)

16.06.095 Designation of habitats and species of local importance.

A. Species and Habitats of Local Importance are habitats or species that due to their declining population, sensitivity to habitat manipulation or other values make them important on a local level. Habitats of Local Importance may include a seasonal range or habitat element with which a given species has a primary association, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term. Nominations for habitats and species of local importance shall include:

1. Precise identification of the nominated habitat;
2. A scientifically sound management plan; and
3. A study, paid for by the nominator, containing sufficient information to verify compliance with the following criteria.
4. Performance standards for the designated area which shall be determined by reference to applicable state and federal law for the protection of threatened, endangered, or sensitive priority species.

B. The designation criteria shall be as follows:

1. The species shall be local, native populations that are vulnerable, declining, or have special recreation, commercial, game, or other value;

2. The habitat shall be important for the long-term persistence of the local population;

3. The habitat shall be of high quality, or be capable of restoration to high quality, or connect otherwise isolated habitats;

4. Protection by other agencies, laws, or nonregulatory tools shall be inadequate to protect the species.

C. Designations of habitats and species of local importance together with appropriate performance standards shall form a part of these development regulations. Nominations of habitats and species of local importance shall be processed in accordance with Chapter 14.12.

(Ord. No. 1177, § 3(Exh. A), 1-8-2013)

16.06.100 Protection of critical areas.

A. Any action taken pursuant to this chapter shall result in at least equivalent functions and values of the critical areas associated with the proposed action, as determined by the best available science. All actions and developments shall be designed and constructed in accordance with Section 16.06.240 mitigation sequencing. Applicants must first demonstrate an inability to avoid and/or minimize impacts before restoration and compensation of impacts will be allowed. No activity or use shall be allowed that results in a net loss of the functions or values of critical areas without compensatory mitigation targeting those lost functions. Previous unpermitted actions by the property owner must be mitigated.

B. This chapter shall be interpreted to ensure, among other things, that no harm shall occur in critical areas as a result of activities and developments, but it shall not require enhancement of critical areas where such critical areas were degraded prior to the proposed land use activity or development, or where previously existing critical areas no longer exist.

(Ord. No. 1177, § 3(Exh. A), 1-8-2013)

16.06.110 Best available science.

A. Protect Functions and Values of Critical Areas with Special Consideration to Anadromous Fish. Critical area reports and decisions to alter critical areas shall rely on the best available science to protect the functions and values of critical areas and must give special consid-

eration to conservation or protection measures necessary to preserve or enhance anadromous fish, such as salmon and bull trout, and their habitat.

B. Best Available Science to be Consistent with Criteria in WACs. The best available science is that scientific information applicable to the critical area prepared by local, state, or federal natural resource agencies, a qualified scientific professional, or team of qualified scientific professionals, that is consistent with criteria established in WAC 365-195-900 through 365-195-925.

C. Characteristics of a Valid Scientific Process. In the context of critical areas protection, a valid scientific process is one that produces reliable information useful in understanding the consequences of a local government's regulatory decisions, and in developing critical areas policies and development regulations that will be effective in protecting the functions and values of critical areas. To determine whether information received during the permit review process is reliable scientific information, the administrator shall determine whether the source of the information displays the characteristics of a valid scientific process. Such characteristics are as follows:

1. Peer Review. The information has been critically reviewed by other persons who are qualified scientific experts in that scientific discipline. The proponents of the information have addressed the criticism of the peer reviewers. Publication in a refereed scientific journal usually indicates that the information has been appropriately peer-reviewed;

2. Methods. The methods used to obtain the information are clearly stated and reproducible. The methods are standardized in the pertinent scientific discipline or, if not, the methods have been appropriately peer-reviewed to ensure their reliability and validity;

3. Logical Conclusions and Reasonable Inferences. The conclusions presented are based on reasonable assumptions supported by other studies and consistent with the general theory underlying the assumptions. The conclusions are logically and reasonably derived from the assumptions and supported by the data presented. Any gaps in information and inconsistencies with other pertinent scientific information are adequately explained;

4. Quantitative Analysis. The data have been analyzed using appropriate statistical or quantitative methods;

5. Context. The information is placed in proper context. The assumptions, analytical techniques, data, and conclusions are appropriately framed with respect to the prevailing body of pertinent scientific knowledge; and

6. References. The assumptions, analytical techniques, and conclusions are well referenced with citations to relevant, credible literature and other pertinent existing information.

D. Nonscientific Information. Nonscientific information may supplement scientific information, but it is not an adequate substitute for valid and available scientific information. Common sources of nonscientific information include the following:

1. Anecdotal Information. One or more observations that are not part of an organized scientific effort (for example, "I saw a grizzly bear in that area while I was hiking");

2. Nonexpert Opinion. Opinion of a person who is not a qualified scientific expert in a pertinent scientific discipline (for example, "I do not believe there are grizzly bears in that area"); and

3. Hearsay. Information repeated from communication with others (for example, "At a lecture last week, Dr. Smith said there were no grizzly bears in that area").

E. Absence of Valid Scientific Information. Where there is an absence of valid scientific information or incomplete scientific information relating to a critical area leading to uncertainty about the risk to critical area function of permitting an alteration of or impact to the critical area, the administrator shall:

1. Take a precautionary or a no-risk approach, that strictly limits development and land use activities until the uncertainty is sufficiently resolved; and

2. Require application of an effective adaptive management program that relies on scientific methods to evaluate how well regulatory and nonregulatory actions protect the critical area. An adaptive management program is a

formal and deliberate scientific approach to taking action and obtaining information in the face of uncertainty. An adaptive management program shall:

- a. Address funding for the research component of the adaptive management program;
 - b. Change course based on the results and interpretation of new information that resolves uncertainties; and
 - c. Commit to the appropriate timeframe and scale necessary to reliably evaluate regulatory and nonregulatory actions affecting protection of critical areas and anadromous fisheries.
- (Ord. No. 1177, § 3(Exh. A), 1-8-2013)

Article II. Applicability, Exemptions, Exceptions, and General Standards

16.06.120 Applicability.

A. The provisions of this chapter shall apply to all lands, all land uses and development activity, and all structures and facilities in the city, whether or not a separate permit or authorization is required under other regulations. These standards shall apply to every person, firm, partnership, corporation, group, governmental agency, or other entity that owns, leases, or administers land within the city. No person, company, agency, or applicant shall alter a critical area or buffer except as consistent with the purposes and requirements of this chapter.

B. The city shall not approve any permit or otherwise issue any authorization to alter the condition of any land, water, or vegetation, or to construct or alter any structure or improvement in, over, or on a critical area or associated buffer, without first ensuring compliance with the requirements of this chapter, including, but not limited to, the following (as applicable):

1. Building permit;
2. Short subdivision;
3. Subdivision;
4. Sign permit;
5. Binding site plan;
6. Manufactured home or recreational vehicle park;
7. Planned unit development or planned residential development;

8. Shoreline management substantial development or conditional use permit;

9. Flood development permit;

10. Clearing and grading in fish and wildlife habitat buffers and wetlands, including wetland buffers. Authorization of any clearing and grading activity under this chapter, prior to undertaking this activity, is required.

11. Any other adopted permit or required approval not expressly exempted by this chapter.

C. Approval of a permit or development proposal pursuant to the provisions of this chapter does not discharge the obligation of the applicant to comply with the provisions of this chapter.

(Ord. No. 1177, § 3(Exh. A), 1-8-2013)

16.06.130 Exemptions.

A. Exemption Request and Review Process. The proponent of the activity may submit a written request for exemption to the administrator that describes the activity and states the exemption listed in this section that applies. The administrator shall review the exemption request to verify that it complies with this chapter and approve or deny the exemption. If the exemption is approved, it shall be placed on file with the City Clerk's office. If the exemption is denied, the proponent may continue in the review process and shall be subject to the requirements of this chapter.

B. Exempt Activities and Impacts to Critical Areas. Parties conducting exempt activities shall use reasonable methods to avoid potential impacts to critical areas. To be exempt from this chapter does not give permission to degrade a critical area or ignore risk from natural hazards. Any incidental damage to, or alteration of, a critical area that is not a necessary outcome of the exempted activity shall be restored, rehabilitated, or replaced at the responsible party's sole expense.

C. Exempt Activities. The following developments, activities, and associated uses shall be exempt from the provisions of this chapter; provided, that they are otherwise consistent with the provisions of other local, state, and federal laws and requirements:

1. Emergencies. Those activities necessary to prevent an immediate threat to public health, safety, or

welfare, or which pose an immediate risk of damage to private property and which require remedial or preventative action in a timeframe too short to allow for compliance with the requirements of this chapter. Emergency actions which create an impact to a critical area or its buffer shall use reasonable methods to address the emergency; in addition, they must have the least possible impact to the critical area or its buffer. The person or agency undertaking such action shall notify the city within one working day following commencement of the emergency activity. Within thirty days, the administrator shall determine if the action taken was within the scope of the emergency actions allowed in this subsection. If the administrator determines that the action taken, or any part of the action taken, was beyond the scope of an allowed emergency action, then enforcement provisions of Section 16.06.340, unauthorized alterations and enforcement, shall apply. After the emergency, the person or agency undertaking the action shall fully fund and conduct necessary restoration and/or mitigation for any impacts to the critical area and buffers resulting from the emergency action in accordance with an approved critical area report and mitigation plan. The person or agency undertaking the action shall apply for review, and the alteration, critical area report, and mitigation plan shall be reviewed by the city in accordance with the review procedures contained herein. Restoration and/or mitigation activities must be initiated within one year of the date of the emergency, and completed in a timely manner; provided, however, the restoration, mitigation, planning and financial requirements set forth in this subsection shall not apply to public safety or volunteer emergency services providers who, in good faith, render emergency response services, and while in the course and scope of such services determine it necessary to damage, destroy or alter property falling under the jurisdiction of this chapter; provided further, this exception from responsibility shall not extend to the landowner or to any persons other than such public safety or volunteer emergency services providers;

2. Operation, Maintenance, or Repair. Operation, maintenance, or repair of existing structures, infrastructure improvements, utilities, public or private roads, dikes, levees, or drainage systems, that do not require construction permits, if the activity does not further al-

ter or increase the impact to, or encroach further within, the critical area or buffer and there is no increased risk to life or property as a result of the proposed operation, maintenance, or repair. Operation and maintenance includes vegetation management performed in accordance with best management practices that is part of ongoing maintenance of structures, infrastructure, or utilities; provided, that such management actions are part of regular and ongoing maintenance, do not expand further into the critical area, are not the result of an expansion of the structure or utility, and do not directly impact a threatened, endangered or sensitive species; and

3. Passive Outdoor Activities. Recreation, education, and scientific research activities that do not degrade the critical area, including fishing, hiking, and bird watching. Trails must be constructed pursuant to Section 16.06.160(C)(5), Public and Private Pedestrian Trails. (Ord. No. 1177, § 3(Exh. A), 1-8-2013)

16.06.140 Exception--Public agency and utility.

A. If the application of this chapter would prohibit a development proposal by a public agency or public utility, the agency or utility may apply for an exception pursuant to this section.

B. Exception Request and Review Process. An application for a public agency and utility exception shall be made to the city and shall include a critical area information form; critical area report (Sections 16.06.210 and 16.06.220), including mitigation plan (Section 16.06.250), if necessary; and any other related project documents, such as permit applications to other agencies, special studies, and environmental documents prepared pursuant to the State Environmental Policy Act (Chapter 43.21C RCW).

C. Review. The administrator shall approve, approve with conditions, or deny the request based on the compliance of the proposal with all of the public agency and utility exception criteria in subsection (D) of this section.

D. Public Agency and Utility Review Criteria. The criteria for review and approval of public agency and utility exceptions are as follows:

1. There is no other practical alternative to the proposed development with less impact on the critical areas;

2. The application of this chapter would unreasonably restrict the ability to provide utility services to the public;

3. The proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site;

4. The proposal attempts to protect and mitigate impacts to the critical area functions and values consistent with the best available science; and

5. The proposal is consistent with other applicable regulations and standards.

E. Burden of Proof. The burden of proof shall be on the applicant to bring forth evidence in support of the application and to provide sufficient information on which any decision has to be made on the application.

(Ord. No. 1177, § 3(Exh. A), 1-8-2013)

16.06.150 Exception--Reasonable use.

A. If the application of this chapter would deny all reasonable economic use of the subject property, the city shall determine if compensation is an appropriate action, or the property owner may apply for an exception pursuant to this section.

B. Exception Request and Review Process. An application for a reasonable use exception shall be made to the city and shall include a critical area information form; critical area report (Sections 16.06.210 and 16.06.220), including mitigation plan (Section 16.06.190), if necessary; and any other related project documents, such as permit applications to other agencies, special studies, and environmental documents prepared pursuant to the State Environmental Policy Act (Chapter 43.21C RCW and WAC 197-11-158). The administrator shall prepare a report and recommendation, based on review of the submitted information, a site inspection, and the compliance of the proposal with reasonable use exception criteria in subsection (D) of this section.

C. Review. The request shall be reviewed pursuant to the provisions of Section 16.06.040. The application shall be approved, approved with conditions, or denied based on compliance of the proposal with all of the reasonable use exception review criteria as follows.

D. Reasonable Use Review Criteria. Criteria for review and approval of reasonable use exceptions:

1. No other reasonable economic use of the property has less impact on the critical area; and
2. The proposed impact to the critical area is the minimum necessary to allow for reasonable economic use of the property; and
3. The inability of the applicant to derive reasonable economic use of the property is not the result of actions by the applicant after the effective date of the ordinance codified in this chapter, or its predecessor; and
4. The proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site; and
5. The proposal will result in no net loss of critical area functions and values consistent with the best available science; and
6. The proposal is consistent with other applicable regulations and standards.

E. Burden of Proof. The burden of proof shall be on the applicant to bring forth evidence in support of the application and to provide sufficient information on which any decision has to be made.

(Ord. No. 1177, § 3(Exh. A), 1-8-2013)

16.06.160 Allowed activities.

A. Critical Area Report (Sections 16.06.210 and 16.06.220). Activities allowed under this chapter shall have been reviewed and permitted or approved by the city or other agency with jurisdiction, but do not require submittal of a separate critical area information form or critical area report, unless such submittal was required previously for the underlying permit. The administrator may apply conditions to the underlying permit or approval to ensure that the allowed activity is consistent with the provisions of this chapter to protect critical areas.

B. Required Use of Best Management Practices. All allowed activities shall be conducted using the best management practices that result in the least amount of impact to the critical areas. Best management practices shall be used for tree and vegetation protection, construction management, erosion and sedimentation control, water quality protection, and regulation of chemical applications. The city shall observe the use of best management practices to

ensure that the activity does not result in degradation to the critical area. Any incidental damage to, or alteration of, a critical area shall be restored, rehabilitated, or replaced at the responsible party's expense.

C. Allowed Activities. The following activities are allowed:

1. Permit Requests Subsequent to Previous Critical Area Review. Development permits and approvals that involve both discretionary land use approvals (such as subdivisions, rezones, or conditional use permits), and construction approvals (such as building permits) if all of the following conditions have been met:

a. The provisions of this chapter have been previously addressed as part of another approval;

b. There have been no material changes in the potential impact to the critical area or buffer since the prior review;

c. There is no new information available that is applicable to any critical area review of the site or particular critical area;

d. The permit or approval has not expired or, if no expiration date, no more than five years have elapsed since the issuance of that permit or approval; and

e. Compliance with any standards or conditions placed upon the prior permit or approval has been achieved or secured;

2. Modification to Existing Structures. Structural modification of, addition to, demolition of or replacement of, an existing legally constructed structure (undertaken pursuant to an issued permit, if required) that does not further alter or increase the impact to the critical area or buffer and there is no increased risk to life or property as a result of the proposed modification or replacement; provided, that restoration of structures or demolition pursuant to an approved demolition permit must be initiated within one year of the date of such damage, as evidenced by the issuance of a valid building permit, and diligently pursued to completion;

3. Activities within the Improved Right-of-Way. Replacement, modification, installation, or construction of utility facilities, lines, pipes, mains, equipment, or appurtenances, not including substations, when such facilities are located within the improved portion of the public right-of-way or a city-authorized private roadway, except

those activities that alter a wetland or watercourse, such as culverts or bridges, or result in the transport of sediment or increased stormwater; subject to the following:

- a. Critical area and/or buffer widths shall be increased, where possible, equal to the width of the right-of-way improvement, including disturbed areas; and
- b. Retention and replanting of native vegetation shall occur wherever possible along the right-of-way improvement and resulting disturbance;

4. Minor Utility Projects. Utility projects which have minor or short-duration impacts to critical areas, as determined by the administrator in accordance with the criteria below, and which do not significantly impact the function or values of a critical area(s); provided, that such projects are constructed with best management practices and additional restoration measures are provided. Minor activities shall not result in the transport of sediment or increased stormwater. Such allowed minor utility projects shall meet the following criteria:

- a. There is no practical alternative to the proposed activity with less impact on critical areas;
- b. The activity involves the placement of a utility pole, street signs, anchor, or vault or other small component of a utility facility; and
- c. The activity involves disturbance of an area less than seventy-five square feet;

5. Public and Private Pedestrian Trails. Public and pedestrian trails in wetlands, wetland buffers and fish and wildlife habitat conservation buffers are subject the standards of Section 16.06.430F.8.b.);

6. Select Vegetation Removal Activities. The following vegetation removal activities; provided, that except for these activities no vegetation shall be removed from a critical area or its buffer without approval from the administrator:

- a. The removal of invasive and noxious weeds and vegetation with hand labor and light equipment;
- b. The removal of trees that are hazardous, posing a threat to public safety, or posing an imminent risk of damage to private property; provided, that:
 - i. The applicant submits a report from a certified arborist, registered landscape architect, or professional forester that documents the hazard and provides a replanting schedule for the replacement trees;

ii. Tree cutting shall be limited to pruning and crown thinning, unless otherwise justified by a qualified professional. Where pruning or crown thinning is not sufficient to address the hazard, trees should be removed or converted to wildlife snags;

iii. All vegetation cut (tree stems, branches, etc.) shall be left within the critical area or buffer unless removal is warranted due to the potential for disease or pest transmittal to other healthy vegetation;

iv. The landowner shall replace any trees that are removed with new trees at a ratio of two replacement trees for each tree removed (2:1) within one year in accordance with an approved restoration plan. Replacement trees may be planted at a different; nearby location if it can be determined that planting in the same location would create a new hazard or potentially damage the critical area. Replacement trees shall be species that are native and indigenous to the site and a minimum of one inch in diameter-at-breast height (dbh) for deciduous trees and a minimum of six feet in height for evergreen trees as measured from the top of the root ball;

v. Hazardous trees determined to pose an imminent threat or danger to public health or safety, to public or private property, or of serious environmental degradation, may be removed or pruned by the landowner prior to receiving written approval from the city; provided, that within fourteen days following such action, the landowner shall submit a restoration plan that demonstrates compliance with the provisions of this chapter;

c. Unless otherwise provided, or as a necessary part of an approved alteration, removal of any vegetation or woody debris from a habitat conservation area or wetland shall be prohibited;

7. Chemical Applications. The application of herbicides, pesticides, organic or mineral-derived fertilizers, or other hazardous substances, if necessary, as approved by the city; provided, that their use shall be restricted in accordance with Washington State Department of Fish and Wildlife Management Recommendations and the regulations of the Washington State Department of Agriculture, Washington State Department of Ecology, and the U.S. Environmental Protection Agency;

8. Minor Site Investigative Work. Work necessary for land use submittals, such as surveys, soil logs,

percolation tests, archaeological shovel tests, and other related activities, where such activities do not require construction of new roads or significant amounts of excavation. In every case, impacts to the critical area shall be minimized and disturbed areas shall be immediately restored; and

9. Boundary Markers. Construction or modification of boundary markers.

(Ord. No. 1177, § 3(Exh. A), 1-8-2013)

16.06.170 General requirements.

A. As part of this review, the city shall:

1. Verify the information submitted by the applicant;

2. Evaluate the project area and vicinity for critical areas;

3. Determine whether the proposed project is likely to impact the functions or values of critical areas; and

4. Determine if the proposed project adequately addresses the impacts and avoids impacts to the critical area associated with the project.

B. If the proposed project is within or is likely to impact a critical area, the city shall:

1. Require a critical area report from the applicant that has been prepared by a qualified professional;

2. Review and evaluate the critical area report;

3. Determine whether the development proposal conforms to the purposes and performance standards of this chapter, including the criteria in Section 16.06.280, Review criteria;

4. Assess the potential impacts to the critical area and determine if they can be avoided or minimized;

5. Determine if mitigation proposed by the applicant is sufficient to protect the functions and values of the critical area and public health, safety and welfare concerns consistent with the goals, purposes, objectives, and requirements of this chapter; and

6. Assess all residential and commercial redevelopment according to the following criteria and requirements. Standard buffer widths on legal lots or parcels recorded prior to the effective date of the ordinance codified in this chapter may be reduced by the administrator upon

the receipt and consideration of a critical area report as required under Sections 16.06.210 and 16.06.220. In addition to the requirements of such critical area report, the report shall include recommendations for the buffer width and mitigation from the experienced, qualified professional who produced the critical area report, provided the applicant for a development permit or other city approval demonstrates:

a. The lot was improved with a legally constructed structure prior to the effective date of the ordinance codified in this chapter. Current or continued occupancy is not required to meet this standard.

b. The legally constructed structure is currently present on the lot or was removed pursuant to a demolition permit approved by the city within five years prior to the effective date of the ordinance codified in this chapter.

c. The existing buffer or critical area has been degraded by past legal land uses and is currently in a degraded state.

d. The applicant mitigates for the proposed buffer to result in no net loss of buffer functions per best available science.

e. The applicant provides in the critical areas report a discussion comparing the functions provided by the existing buffer and the functions provided by the proposed buffer with mitigation demonstrating no net loss of function.

f. The applicant provides for the protection of the reestablished buffer and critical area in perpetuity through one or more of the following measures:

i. Subdivisions, commercial developments, and multifamily residential developments completed under this section shall dedicate all buffers and critical areas as a critical area tract recorded prior to the issuance of an occupancy permit or other final city approval.

ii. Single-family development and boundary line adjustments shall record a notice on the title of affected properties identifying the presence and location of buffer widths and adjoining critical areas. Recording the notice on title shall occur prior to occupancy permits or other final city approvals and follow the procedure and requirements contained in Section 16.06.360.

(Ord. No. 1177, § 3(Exh. A), 1-8-2013)

16.06.180 Critical area pre-application consultation.

Any person preparing to submit an application for development or use of land that may be regulated by the provisions of this chapter may request a consultation meeting with the administrator prior to submitting an application for development or other approval. At this meeting, the administrator shall discuss the requirements of this chapter; provide critical area maps, scientific information, and other source materials; outline the review process; and work with the activity proponent to identify any potential concerns that might arise during the review process, in addition to discussing other permit procedures and requirements.

(Ord. No. 1177, § 3(Exh. A), 1-8-2013)

16.06.190 Critical area information form.

A. Submittal. Prior to the city's consideration of any proposed activity not found to be exempt under Section 16.06.130, Exemptions, or allowed pursuant to Section 16.06.160, Allowed Activities, the applicant shall submit to the city clerk's office complete information regarding the critical area on the application for the underlying development, on forms provided by the city.

B. Site Inspection. Upon receipt of a project application and the necessary information regarding the critical area, the administrator may conduct a site inspection to review critical area conditions on site. The administrator shall notify the property owner of the inspection prior to the site visit. Reasonable access to the site shall be provided by the property owner for the purpose of inspections during any proposal review, restoration, emergency action, or monitoring period.

C. Critical Area Information Review Process. The administrator and/or his/her designee shall review the critical area information form, conduct a site inspection, where applicable; and review other information available pertaining to the site and the proposal and make a determination

as to whether any critical areas may be affected by the proposal and if a more detailed critical area report shall be submitted.

1. Decision Indicators. The administrator may use the following indicators to assist in determining the need for a critical area report:

a. Indication of a critical area on the city critical areas maps that may be impacted by the proposed activity;

b. Information and scientific opinions from appropriate agencies, including but not limited to the Washington State Departments of Fish and Wildlife and Ecology, and the Yakama Nation;

c. Documentation, from a scientific or other reasonable source, of the possible presence of a critical area;

d. A finding by a qualified professional, or a reasonable belief by the administrator, that a critical area may exist on or adjacent to the site of the proposed activity.

D. Decision on Critical Area.

1. No Critical Areas Present. If after a site visit the administrator's analysis indicates that the project area is not within or adjacent to a critical area or buffer and that the proposed activity is unlikely to degrade the functions or values of a critical area, then the administrator shall rule that the critical area review is complete and note on the underlying application the reasons that no further review is required. A summary of this information shall be included in any staff report or decision on the underlying permit.

2. Critical Areas Present, But No Impact--Waiver. If the administrator determines there are critical areas within or adjacent to the project area, but that the best available science shows that the proposed activity is unlikely to degrade the functions or values of the critical area, the administrator may waive the requirement for a critical area report. A waiver may be granted if there is substantial evidence that all of the following requirements will be met:

a. There will be no alteration of the critical area or buffer;

b. The development proposal will not impact the critical area in a manner contrary to the purpose, intent, and requirements of this chapter; and

c. The proposal is consistent with other applicable regulations and standards. A summary of this analysis and the findings shall be included in any staff report or decision on the underlying permit.

3. Critical Areas May Be Affected by Proposal. If the administrator determines that a critical area or areas may be affected by the proposal, then the administrator shall notify the applicant that a critical area report must be submitted prior to further review of the project, and indicate each of the critical area types that should be addressed in the report.

E. Effect of Administrator's Determination. A determination regarding the apparent absence of one or more critical areas by the administrator is not an expert certification regarding the presence of critical areas and the determination is subject to possible reconsideration and reopening if new information is received. If the applicant wants greater assurance of the accuracy of the critical area review determination, the applicant may choose to hire a qualified professional to provide such assurances.
(Ord. No. 1177, § 3(Exh. A), 1-8-2013)

16.06.210 Critical area report--Requirements.

A. Preparation by Qualified Professional. If required by the administrator in accordance with Section 16.06.190(D)(3), the applicant shall submit a critical area report prepared by a qualified professional as defined herein.

B. Incorporation of Best Available Science. The critical area report shall use scientifically valid methods and studies in the analysis of critical area data and field reconnaissance and reference the source of science used. The critical area report shall evaluate the proposal and all probable impacts to critical areas in accordance with the provisions of this chapter.

C. Minimum Report Contents. At a minimum, the report shall contain the following:

1. The name and contact information of the applicant, a description of the proposal, and identification of the permit requested;

2. A copy of the site plan for the development proposal including:

a. A map to scale depicting critical areas, buffers, the development proposal, and any areas to be cleared; and

b. A description of the proposed stormwater management plan for the development and consideration of impacts to drainage alterations;

3. The dates, names, and qualifications of the persons preparing the report and documentation of any fieldwork performed on the site;

4. Identification and characterization of all critical areas, water bodies, and buffers adjacent to the proposed project area;

5. Identification of the Channel Migration Zone if applicable;

6. A statement specifying the accuracy of the report, and all assumptions made and relied upon;

7. An assessment of the probable cumulative impacts to critical areas resulting from development of the site and the proposed development;

8. A description of reasonable efforts made to apply mitigation sequencing pursuant to Section 16.06.240, Mitigation sequencing, to avoid, minimize, and mitigate impacts to critical areas;

9. Plans for adequate mitigation, as needed, to offset any impacts, in accordance with Section 16.06.250, Mitigation plan requirements, including, but not limited to:

a. The impacts of any proposed development within or adjacent to a critical area or buffer on the critical area; and

b. The impacts of any proposed alteration of a critical area or buffer on the development proposal, other properties and the environment;

10. A discussion of the performance standards applicable to the critical area and proposed activity;

11. Financial guarantees to ensure compliance; and

12. Any additional information required for the critical area as specified in the corresponding chapter.

D. Unless otherwise provided, a critical area report may be supplemented by or composed, in whole or in part, of

any reports or studies required by other laws and regulations or previously prepared for and applicable to the development proposal site, as approved by the administrator. (Ord. No. 1177, § 3(Exh. A), 1-8-2013)

16.06.220 Critical area report--Modifications to requirements.

A. Limitations to Study Area. The administrator may limit the required geographic area of the critical area report as appropriate if:

1. The applicant, with assistance from the city, cannot obtain permission to access properties adjacent to the project area; or

2. The proposed activity will affect only a limited part of the subject site.

B. Modifications to Required Contents. The applicant may consult with the administrator prior to or during preparation of the critical area report to obtain city approval of modifications to the required contents of the report where, in the judgment of a qualified professional, more or less information is required to adequately address the potential critical area impacts and required mitigation.

C. Additional Information Requirements. The administrator may require additional information to be included in the critical area report when determined to be necessary to the review of the proposed activity in accordance with this chapter. Additional information that may be required, includes, but is not limited to:

1. Historical data, including original and subsequent mapping, aerial photographs, data compilations and summaries, and available reports and records relating to the site or past operations at the site;

2. Grading and drainage plans; and

3. Information specific to the type, location, and nature of the critical area.

(Ord. No. 1177, § 3(Exh. A), 1-8-2013)

16.06.230 Mitigation requirements.

A. The applicant shall avoid all impacts that degrade the functions and values of a critical area or areas when possible. Unless otherwise provided in this chapter, if alteration to the critical area is unavoidable, all adverse impacts to or from critical areas and buffers resulting from a development proposal or alteration shall be mit-

igated using the best available science in accordance with an approved critical area report and SEPA documents, so as to result in no net loss of critical area functions and values.

B. Mitigation shall be in-kind and on-site, when possible, and sufficient to maintain the functions and values of the critical area, and to prevent risk from a hazard posed by a critical area, or shall be an ecologically preferable alternative consistent with the Washington State Department of Ecology guidance "Selecting Wetland Mitigation Sites Using a Watershed Approach (Eastern Washington)" (Publication #10-06-07, November 2010).

C. Mitigation shall not be implemented until after the administrator's approval of a critical area report that includes a mitigation plan, and mitigation shall be in accordance with the provisions of the approved critical area report.

(Ord. No. 1177, § 3(Exh. A), 1-8-2013)

16.06.240 Mitigation sequencing.

Applicants shall demonstrate that all reasonable efforts have been examined with the intent to avoid and minimize impacts to critical areas in the following order. When an alteration to a critical area is proposed, such alteration shall be avoided, minimized, or compensated for in the following sequential order of preference:

A. Avoiding the impact altogether by not taking a certain action or parts of an action;

B. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts;

C. Rectifying the impact to wetlands, critical aquifer recharge areas, frequently flooded areas, and habitat conservation areas by repairing, rehabilitating, or restoring the affected environment to the conditions existing at the time of the initiation of the project;

D. Compensating for the impact to wetlands, critical aquifer recharge areas, frequently flooded areas, and habitat conservation areas by replacing, enhancing, or providing substitute resources or environments; and

E. Mitigation for individual actions may include a combination of the above measures.
(Ord. No. 1177, § 3(Exh. A), 1-8-2013)

16.06.250 Mitigation plan requirements.

When mitigation is required, the applicant shall submit for approval by the city, a mitigation plan as part of the critical area report. The mitigation plan shall include:

A. Environmental Goals and Objectives. The mitigation plan shall include a written report identifying environmental goals and objectives of the compensation proposed and including:

1. A description of the anticipated impacts to the critical areas and the mitigating actions proposed and the purposes of the compensation measures, including the site selection criteria; identification of compensation goals; identification of resource functions; and dates for beginning and completion of site compensation construction activities. The goals and objectives shall be related to the functions and values of the impacted critical area;

2. A description of the report author's experience to date in restoring or creating the type of critical area proposed;

3. A review of the best available science supporting the proposed mitigation; and

4. An analysis of the likelihood of success of the compensation project.

B. Performance Standards. The mitigation plan shall include measurable specific criteria for evaluating whether or not the goals and objectives of the mitigation project have been successfully attained and whether or not the requirements of this chapter have been met.

C. Detailed Construction Plans. The mitigation plan shall include written specifications and descriptions of the mitigation proposed, such as:

1. The proposed construction sequence, timing, and duration;

2. Grading and excavation details;

3. Erosion and sediment control features;

4. A planting plan specifying plant species, quantities, locations, size, spacing, and density; and

5. Measures to protect and maintain plants until established.

D. These written specifications shall be accompanied by detailed site diagrams, scaled cross-sectional drawings and topographic maps showing slope percentage and final grade elevations, and any other drawings appropriate to show construction techniques or anticipated final outcome.

E. Monitoring Program. The mitigation plan shall include a program for monitoring construction of the compensation project and for assessing a completed project. A protocol shall be included outlining the schedule for site monitoring (for example, monitoring shall occur in years one, three, five, and seven after site construction), and how the monitoring data will be evaluated to determine if the performance standards are being met. A monitoring report shall be submitted as needed to document milestones, successes, problems, and contingency actions of the compensation project. The compensation project shall be monitored for a period necessary to establish that performance standards have been met, but not for a period less than five years, but monitoring of sensitive target communities such as forested and scrub-shrub communities may be required for ten years or more.

F. Contingency Plan. The mitigation plan shall include identification of potential courses of action, and any corrective measures to be taken if monitoring or evaluation indicates project performance standards are not being met.

G. Estimates of Cost. The mitigation plan shall include an estimate of the costs to implement the required activities under the proposed plan to include both labor and materials. Any required financial guarantees shall be posted in accordance with Section 16.06.390, Bonds to ensure mitigation, maintenance, and monitoring.
(Ord. No. 1177, § 3(Exh. A), 1-8-2013)

16.06.260 Innovative mitigation.

A. The city should encourage, facilitate, and approve innovative mitigation projects that are based on the best available science. Advance mitigation and mitigation banking are examples of alternative mitigation projects allowed under the provisions of this section wherein one or more applicants, or an organization with demonstrated capa-

bility, may undertake a mitigation project together if it is demonstrated that all of the following circumstances exist:

1. The applicant(s) demonstrates the proposed mitigation is consistent with the Washington State Department of Ecology guidance "Selecting Wetland Mitigation Sites Using a Watershed Approach (Eastern Washington)" (Publication #10-06-07, November 2010).
2. Creation or enhancement of a larger system of critical areas and open space is preferable to the preservation of many individual habitat areas;
3. The applicant(s) demonstrates the organizational and fiscal capability to act cooperatively;
4. The applicant(s) demonstrates that long-term management of the habitat area will be provided; and
5. There is a clear potential for success of the proposed mitigation at the identified mitigation site.

B. Conducting mitigation as part of a cooperative process does not reduce or eliminate the required replacement ratios.

(Ord. No. 1177, § 3(Exh. A), 1-8-2013)

16.06.270 Determination.

The administrator shall make a determination as to whether the proposed activity and mitigation, if any, is consistent with the provisions of this chapter. The administrator's determination shall be based on the criteria of Section 16.06.280, Review criteria.

(Ord. No. 1177, § 3(Exh. A), 1-8-2013)

16.06.280 Review criteria.

A. The review of any alteration to a critical area, unless otherwise provided for in this chapter, shall be based on the following criteria:

1. The proposal minimizes the impact on critical areas in accordance with Section 16.06.240, Mitigation sequencing;
2. The proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site;
3. The proposal is consistent with the general purposes of this chapter and the public interest;

4. Any alterations permitted to the critical area are mitigated in accordance with Section 16.06.230, Mitigation requirements;

5. The proposal protects the critical area functions and values consistent with the best available science and results in no net loss of critical area functions and values; and

6. The proposal is consistent with other applicable regulations and standards.

B. The city may approve a project application and attach such conditions necessary to mitigate impacts to critical areas in order to conform to the standards required by this chapter.

C. Except as provided for by this chapter a project shall be denied if impacts to critical areas cannot be adequately mitigated in the sequencing order of preferences of Section 16.06.240.

(Ord. No. 1177, § 3(Exh. A), 1-8-2013)

16.06.290 Report acceptance.

If the administrator determines that the report together with proposed mitigation meets the criteria in Section 16.06.280, Review criteria, and complies with the applicable provisions of this chapter, the administrator shall prepare a written notice of determination and identify any required conditions of approval. Any conditions of approval included in a notice of determination shall be attached to the underlying permit or approval. Any subsequent changes to the conditions of approval shall void the previous determination pending re-review of the proposal and conditions of approval by the administrator. A favorable determination should not be construed as endorsement or approval of any underlying permit or approval.

(Ord. No. 1177, § 3(Exh. A), 1-8-2013)

16.06.300 Report rejection.

A. If the administrator determines that the report and or proposed mitigation does not adequately mitigate impacts of the proposed project in accordance with the criteria set forth in Section 16.06.280, Review criteria, and the provisions of this chapter, the administrator shall prepare written notice of the determination that includes findings of noncompliance. No proposed activity or permit shall be approved or issued if it is determined that the

proposed activity does not adequately mitigate its impacts on the critical areas and/or does not comply with the provisions of this chapter.

B. Following notice of determination that the proposed activity does not meet the review criteria and/or does not comply with the applicable provisions of this chapter, the applicant may request consideration of a revised critical area report. If the revision is found to be substantial and relevant to the critical area review, the administrator may reopen the critical area review and make a new determination based on the revised report.
(Ord. No. 1177, § 3(Exh. A), 1-8-2013)

16.06.310 Completion of the critical area review.

The city's determination regarding critical areas pursuant to this chapter shall be final concurrent with the final decision to approve, condition, or deny the development proposal or other activity involved.
(Ord. No. 1177, § 3(Exh. A), 1-8-2013)

16.06.320 Appeals.

Any decision to approve, condition, or deny a development proposal or other activity based on the requirements of this chapter may be appealed according to, and as part of, the appeal procedure for the permit or approval involved.
(Ord. No. 1177, § 3(Exh. A), 1-8-2013)

16.06.330 Variances.

A. Variances from the standards of this chapter may be authorized by the city in accordance with the procedures set forth in Section 18.04.050. The decision to approve, approve with conditions or deny the request shall be based on written findings that the request meets or fails to meet the variance criteria.

B. Variance Criteria. A variance may be granted only if the applicant demonstrates that all of the following conditions apply to the requested action:

1. Exceptional circumstances resulting from lot size or shape, topography, or other physical characteristic beyond the control of the applicant which is applicable to the subject property but does not generally apply to other properties within the same zone;

2. The variance is necessary for the preservation of property rights as are commonly enjoyed by property owners within the same zone;

3. Granting the variance will not adversely affect property in the neighboring vicinity;

4. The variance will not confer special privilege to the applicant and shall be the minimum variance of regulations necessary to eliminate or mitigate the situation causing undue hardship.

5. That unnecessary hardship exists. It is not sufficient proof of hardship to show that lesser cost would result if the variance were granted. Furthermore, the hardship complained of cannot be self-created; nor can it be established on this basis by one who purchases without knowledge of the restrictions. It must result from the application of this title to the land or structure. It must be suffered directly by the property in question, and evidence of variance granted under similar circumstance shall not be considered. Neither nonconforming uses or neighboring lands or structures, nor buildings in other zoning districts, shall be considered as controlling factors for the issuance of a variance;

6. That the special conditions and circumstances do not result from the actions of the applicant;

7. That granting the variance will not permit the establishment of any use not permitted in a particular zoning district;

8. That a literal interpretation of the provisions of this chapter would deprive the applicant of all reasonable economic uses and privileges permitted to other properties in the vicinity and zone of the subject property under the terms of this chapter, and the variance requested is the minimum necessary to provide the applicant with such rights;

9. That the granting of the variance is consistent with the general purpose and intent of this chapter, and will not further degrade the functions or values of the associated critical areas or otherwise be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity of the subject property;

10. That the decision to grant the variance includes the best available science and gives special consideration to conservation or protection measures necessary to preserve or enhance anadromous fish habitat; and

11. That the granting of the variance is consistent with the general purpose and intent of the city's comprehensive plan and adopted development regulations.

C. Conditions May Be Required. In granting any variance, the city may prescribe such conditions and safeguards as are necessary to secure adequate protection of critical areas from adverse impacts, and to ensure conformity with this chapter.

D. Time Limit. The city shall prescribe a time limit within which the action for which the variance is required shall be begun, completed, or both. Failure to begin or complete such action within the established time limit shall void the variance.

E. Burden of Proof. The burden of proof shall be on the applicant to bring forth evidence in support of the application and upon which any decision has to be made on the application.

(Ord. No. 1177, § 3(Exh. A), 1-8-2013)

16.06.340 Unauthorized critical area alterations and enforcement.

A. When a critical area or its buffer has been altered in violation of this chapter, all ongoing development work shall stop and the critical area shall be restored. The city shall have the authority to issue a stop work order to cease all ongoing development work, and order restoration, rehabilitation, or replacement measures at the owner's or other responsible party's expense to compensate for violation of provisions of this chapter.

B. Requirement for Restoration Plan. All development work shall remain stopped until a restoration plan is prepared. The plan is subject to approval by the city. Such a plan shall be prepared by a qualified professional using the best available science and shall describe how the actions proposed meet the minimum requirements described in subsection (C) of this section. The administrator may, at the violator's expense, seek expert advice in determining the adequacy of the plan. Inadequate plans shall be returned to the applicant or violator for revision and resubmittal.

C. Minimum Performance Standards for Restoration.

1. For alterations to wetlands and habitat conservation areas, the following minimum performance standards shall be met for the restoration of a critical area;

provided that the administrator may modify these standards if the violator can demonstrate that greater functional and habitat values can be obtained:

D. The functional values that existed prior to the unauthorized alteration shall be restored, including water quality and habitat functions;

1. The soil types and configuration that existed prior to the unauthorized alteration shall be replicated;

2. The disturbed critical area and buffers shall be replanted with vegetation in species types, sizes, and densities chosen from an approved restoration plant list. The functions and values that existed prior to the unauthorized alteration should be replicated at the location of the alteration; and

3. Information demonstrating compliance with the requirements in Section 16.06.250, Mitigation plan requirements, must be submitted to the administrator.

E. Site Investigations. The administrator is authorized to make site inspections and take such actions as are necessary to enforce this chapter. The administrator shall present proper credentials and make a reasonable effort to contact any property owner before entering onto any property which may be subject to an investigation that could potentially lead to a critical area enforcement action.
(Ord. No. 1177, § 3(Exh. A), 1-8-2013)

16.06.350 Critical area markers and signs.

A. The boundary at the outer edge of critical area tracts and easements shall be delineated with permanent survey stakes, using iron or concrete markers as established by local survey standards.

B. The boundary at the outer edge of the critical area or buffer shall be identified with temporary signs prior to any site alteration. Such temporary signs shall be replaced with permanent signs prior to occupancy or use of the site.

C. Fencing:

1. The administrator shall determine if fencing is necessary to protect the functions and values of the critical area. If found to be necessary, the administrator shall condition any permit or authorization issued pursuant to this chapter to require the applicant to install a permanent fence at the edge of the critical area, when fencing will prevent future impacts to the critical area.

2. The applicant shall be required to install a permanent fence around the critical area when domestic grazing animals are present or may be introduced on site.

3. Fencing installed as part of a proposed activity or as required in this subsection shall be designed so as to not interfere with species migration, including fish runs, and shall be constructed in a manner that minimizes habitat impacts.

D. These provisions may be modified by the administrator as necessary to ensure protection of sensitive features or wildlife needs.

(Ord. No. 1177, § 3(Exh. A), 1-8-2013)

16.06.360 Notice on title.

A. In order to inform subsequent purchasers of real property of the existence of critical areas, the owner of any property containing a critical area or buffer on which a development proposal is submitted shall record a notice with the county auditor. The notice shall state the presence of the critical area or buffer on the property, the application of this chapter to the property, and the fact that limitations on actions in or affecting the critical area or buffer may exist. The notice shall "run with the land."

B. The applicant shall submit proof that the notice has been filed for public record before the city approves any site development or construction for the property or, in the case of subdivisions, short subdivisions, planned unit developments, and binding site plans, at or before recording.

(Ord. No. 1177, § 3(Exh. A), 1-8-2013)

16.06.370 Subdivisions

A. The subdivision of land within wetlands, wetland buffers and fish and wildlife habitat conservation areas shall be subject to the following:

1. Floodplains, frequently flooded areas, and critical areas shall be depicted on preliminary subdivision plats, and relevant information about them disclosed and depicted on the final plat.

2. Roads and utilities for the subdivision shall avoid critical areas and their buffers, as much as possible. The intent is to eliminate multiple crossings of

critical areas. and avoid creation of parcels that would require a reduced critical area buffer for their use, early in the design of the subdivision;

3. New lots partially within the floodplain shall provide a usable building envelope (five thousand square feet or more for residential uses) outside the floodplain.

4. For new lots containing streams, wetlands, and/or vegetative buffers, outdoor use envelopes shall be provided on the plat that lies outside said critical areas;

5. Each proposed lot must have sufficient area outside of the critical area and associated buffer to accommodate all development outside of the critical area and buffer.

6. Degraded vegetative buffers shall be restored, or provided with protection measures that will allow them to recover.

(Ord. No. 1177, § 3(Exh. A), 1-8-2013)

16.06.380 Critical area tracts.

A. Critical area tracts shall be used in development proposals for subdivisions, short subdivisions, planned unit developments, and binding site plans to delineate and protect those contiguous critical areas and buffers listed below:

1. All landslide hazard areas and buffers;
2. All wetlands and buffers;
3. All habitat conservation areas; and
4. All other lands to be protected from alterations as conditioned by project approval.

B. Critical area tracts shall be recorded on all documents of title of record for all affected lots.

C. Critical area tracts shall be designated on the face of the plat or recorded drawing in a format approved by the city attorney. The designation shall include the following restriction:

1. An assurance that native vegetation will be preserved for the purpose of preventing harm to property and the environment, including, but not limited to, controlling surface water runoff and erosion, maintaining slope stability, buffering, and protecting plants, fish, and animal habitat; and

2. The right of the city to enforce the terms of the restriction.

D. The city may require that any required critical area tract be dedicated to the city, held in an undivided interest by each owner of a building lot within the development with the ownership interest passing with the ownership of the lot, or held by an incorporated homeowner's association or other legal entity (such as a land trust, which ensures the ownership, maintenance, and protection of the tract).

(Ord. No. 1177, § 3(Exh. A), 1-8-2013)

16.06.390 Bonds to ensure mitigation, maintenance, and monitoring.

A. When mitigation required pursuant to a development proposal is not completed prior to the city final permit approval, such as final plat approval or final building inspection, the city shall require the applicant to post a performance bond or other security in a form and amount deemed acceptable by the city. If the development proposal is subject to mitigation, the applicant shall post a mitigation bond or other security in a form and amount deemed acceptable by the city to ensure mitigation is fully functional.

B. The bond shall be in the amount of one hundred twenty-five percent of the estimated cost of the uncompleted actions or the estimated cost of restoring the functions and values of the critical area that are at risk, whichever is greater.

C. The bond shall be in the form of a surety bond, performance bond, assignment of savings account, or an irrevocable letter of credit guaranteed by an acceptable financial institution, with terms and conditions acceptable to the city attorney and with a company authorized to do business in the State of Washington.

D. Bonds or other security authorized by this section shall remain in effect until the city determines, in writing, that the standards bonded for have been met. Bonds or other security shall be held by the city for a minimum of five years to ensure that the required mitigation has been fully implemented and demonstrated to function, and may be held for longer periods when necessary.

E. Depletion, failure, or collection of bond funds shall not discharge the obligation of an applicant or violator to complete required mitigation, maintenance, monitoring, or restoration.

F. Public development proposals shall be relieved from having to comply with the bonding requirements of this section if public funds have previously been committed for mitigation, maintenance, monitoring, or restoration.

G. Any failure to satisfy critical area requirements established by law or condition including, but not limited to, the failure to provide a monitoring report within thirty days after it is due or comply with other provisions of an approved mitigation plan shall constitute a default, and the city may demand payment of any financial guarantees or require other action authorized by the city code or any other law.

H. Any funds recovered pursuant to this section shall be used to complete the required mitigation and reimburse the city for its costs relating to the enforcement action.

(Ord. No. 1177, § 3(Exh. A), 1-8-2013)

16.06.400 Critical area inspections.

Reasonable access to the site shall be provided to the city, state, and federal agency review staff for the purpose of inspections during any proposal review, restoration, emergency action, or monitoring period.

(Ord. No. 1177, § 3(Exh. A), 1-8-2013)

16.06.405 Enforcement and penalties.

A. Rights of Entry.

1. For Permitting or Inspection of Work Conducted Under Permit. Whenever a person applies for a permit or approval under any section of this chapter, the administrator shall have a limited right of entry to conduct studies necessary to determine whether to approve the proposal or to inspect work being conducted under the permit or approval. The property owner's failure to grant permission for the administrator to enter the property shall be grounds for denial of the permit or issuance of a stop work order.

2. To Investigate Violations and Corrections. The administrator is authorized to enter upon property to determine whether the provisions of this chapter are being obeyed and to make any examinations, surveys, and studies as may be necessary in the performance of his or her duties. The administrator shall obtain the property owner's permission prior to entry. If the property owner declines

to give permission or cannot be located, the administrator shall enter upon the property only in a manner consistent with the constitutions and laws of the United States and the State of Washington. If so required by the constitutions and laws of the United States and the State of Washington, the administrator shall apply to a court of competent jurisdiction for a search warrant authorizing access to such property for such purpose.

B. Violations and Penalties. Any person who violates or fails to comply with any of the provisions of this chapter, or who counsels, aids or abets any such violation or failure to comply, shall be deemed to have committed a civil infraction, punishable as set forth in Section 18.040.010.

C. Stop Work Orders.

1. Whenever any work or development is being done or use is being conducted contrary to the provisions of this chapter, the administrator may issue a stop work order requiring that all work on the project be stopped or that the use be discontinued.

2. Issuance of a stop work order shall not bar the imposition of a civil or criminal penalty under this chapter or the use of any other provision of this chapter.

3. It is unlawful for any person with actual or constructive knowledge of the issuance of a stop work order pursuant to this chapter to do work or an activity prohibited by the order until the administrator has removed or lifted the order and issued written authorization for the work or activity to be continued. Any person issued a stop work order who believes the issuance of such order was the result of a mistaken determination may appeal its issuance at an informal hearing before the administrator or his designee. To be timely, such appeal shall be filed in writing at the city clerk's office within five business days of the date of issuance of the stop work order. The hearing will be conducted within three business days of the administrator's receipt of the written appeal, unless the appellant requests additional time not to exceed ten business days following receipt of the appeal. At the hearing, the appellant will be provided: (a) an explanation of, and opportunity to ask questions about, the reasons for and evidence supporting issuance of the stop work order; (b) an opportunity to give any statements, reasons or documentation, personally or through others, explaining why the order was

wrongfully or mistakenly issued; (c) an opportunity to identify any mitigating circumstances the appellant believes would justify withdrawal of the order; and (d) the right to have legal counsel present. The administrator shall issue a written decision within five days following the conclusion of the hearing.

D. Nuisance. Any development carried out contrary to the provisions of this chapter shall constitute a public nuisance and may be enjoined as provided by the statutes of the State of Washington.

(Ord. No. 1177, § 3(Exh. A), 1-8-2013)

Article III. Wetlands

16.06.410 Designation, rating, and mapping of wetlands.

A. Designating Wetlands. Wetlands are those areas meeting the definition of "Wetland" in accordance with Section 16.06.035. All areas within the city meeting the definition of wetland are hereby designated as critical areas and are subject to the provisions of this chapter.

B. Wetland Ratings. Wetlands shall be rated according to the Washington State Department of Ecology wetland rating system found in the Washington State Wetland Rating System documents Washington State Wetland Rating System for Eastern Washington--Revised (Publication No. 04-06-015, Hruby, T., 2004) or as revised. These documents contain the definitions and methods for determining if the criteria below are met.

1. Category I.

a. Characteristics of Category I wetlands are as follows:

- i. Represent a unique or rare wetland type; or
- ii. Are more sensitive to disturbance than most wetlands; or
- iii. Are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; and
- iv. Provide a high level of function.

b. Category I wetlands are:

- i. Alkali wetlands; or
- ii. Wetlands that are identified by scientists of the Washington Natural Heritage Program as high quality wetlands; or

- iii. Bogs; or
- iv. Mature and old-growth forested wetlands over $\frac{1}{4}$ acre with slow-growing trees; or
- v. Forests with stands of aspen; and
- vi. Wetlands that perform many functions very well (scores of seventy points or more).

2. Category II.

a. Characteristics. These wetlands are difficult, though not impossible to replace, and provide high levels of some functions.

b. Category II wetlands are:

- i. Forested wetlands in the floodplains of rivers; or
- ii. Mature and old-growth forested wetlands over $\frac{1}{4}$ acre with fast-growing trees; or
- iii. Vernal pools; and
- iv. Wetlands that perform functions well (scores between fifty-one and sixty-nine points)

3. Category III.

a. Characteristics. Wetlands having a moderate level of function which do not satisfy Category I, II, or IV criteria.

b. Category III wetlands are:

- (i) Vernal pools that are isolated;
- and
- (ii) Wetlands with a moderate level of functions (scores between thirty--fifty points).

4. Category IV.

a. Characteristics. These are wetlands with the lowest level of function but still provide functions that warrant protection. Often the low function is because they have been heavily disturbed. Replacement of these wetlands can sometimes provide improved function.

b. Category IV wetlands have a function score of less than thirty.

5. Date of Wetland Rating. Wetland rating categories shall be applied as the wetland exists on the date of adoption of the rating system by the local government, as the wetland naturally changes thereafter, or as the wetland changes in accordance with permitted activities. Wetland rating categories shall not change due to illegal modifications.

C. Mapping. The approximate location and extent of potential wetlands are shown on the critical area maps

listed below. Other maps may also be used as they are developed and subsequently adopted by the city. Soil maps produced by U.S. Department of Agriculture National Resources Conservation Service may be useful in helping to identify potential wetland areas. These maps are to be used as a guide for the city, project applicants, and/or property owners, and may be continuously updated as new critical areas are identified. They are a reference and do not provide a final critical area designation:

1. Map title City of Granger Wetlands and Waterbodies, adopted in the Granger Comprehensive Plan Natural Systems Element.

2. The exact location of a wetland's boundary shall be determined in accordance with the approved federal wetland delineation manual and applicable regional supplements. All areas within the City of Granger meeting the wetland designation criteria in that procedure are hereby designated critical areas and are subject to the provisions of this Chapter.

(Ord. No. 1177, § 3(Exh. A), 1-8-2013)

16.06.420 Critical area report--Additional requirements for wetlands.

- A. All critical areas located or near the project area that have been designated by the city and are shown on city, state, or federal government agency maps and/or reports shall be addressed in a critical area report for wetlands.

- B. Wetland Analysis. A written assessment of the wetland, the appropriate wetland type, and required buffer under the provisions of this chapter.

- C. As provided for under Section 16.06.220, the administrator may require additional information to be included in the critical area report when determined to be necessary for the review of the proposed activity. Additional information for wetlands that may be required includes, but is not limited to, the following:

1. Vegetative, faunal, and hydrologic characteristics;
2. Soil and substrate characteristics;
3. Topographic elevations;
4. A discussion of water sources supplying the wetland and documentation of the hydrologic regime. Such discussion shall include an analysis of existing and future

hydrologic regimes and proposed hydrologic regime for enhanced, created, or restored mitigation areas, if provided for in the project.

(Ord. No. 1177, § 3(Exh. A), 1-8-2013)

16.06.430 Performance standards--General requirements.

A. Activities may only be permitted in a wetland or wetland buffer if the applicant can show that the proposed activity will not degrade the functions and functional performance of the wetland and other critical areas. Full compensation for the acreage and loss functions will be provided under the terms established under Section 16.06.440F. and G.

B. Activities and uses shall be prohibited in wetlands and wetland buffers, except as provided for in this chapter.

C. Category I Wetlands. Activities and uses shall be prohibited from Category I, except as provided for in the public agency and utility exception, reasonable use exception, and variance sections of this chapter.

D. Category II and III Wetlands. With respect to activities proposed in Category II and III wetlands, the following standards shall apply:

1. Water-dependent activities, as defined by the city's Shoreline Master Program, may be allowed where there are no practicable alternatives that would have a less adverse impact on the wetland, its buffers and other critical areas.

2. Where non-water-dependent activities are proposed, it shall be presumed that alternative locations are available, and activities and uses shall be prohibited, unless the applicant demonstrates that:

a. The basic project purpose cannot reasonably be accomplished and successfully avoid, or result in less adverse impact on, a wetland on another site or sites in the general region; and

b. All alternative designs of the project as proposed, that would avoid or result in less of an adverse impact on a wetland or its buffer, such as a reduction in the size, scope, configuration, or density of the project, are not feasible.

E. Category IV Wetlands. Activities and uses that result in unavoidable and necessary impacts may be permitted in Category IV wetlands and associated buffers in ac-

cordance with an approved critical area report and mitigation plan, but only if the proposed activity is the only reasonable alternative that will accomplish the applicant's objectives.

F. Wetland Buffers.

1. **Buffer Requirements.** The standard buffer widths in Table 16.06.430F.1.a. have been established in accordance with the best available science. They are based on the category of wetland and the intensity of the proposed land use. Table 16.06.430F.1.b. lists the types of proposed land uses that can result in high, moderate, and low levels of impacts to adjacent wetlands.

a. The standard buffer widths assume that the buffer is vegetated with a native plant community appropriate for the eco-region. If the existing buffer is un-vegetated, sparsely vegetated, or vegetated with invasive species that do not perform needed functions, the buffer should be planted to create the appropriate plant community or the buffer should be widened to ensure that adequate functions of the buffer are provided.

Table 16.06.430F.1.a. Required Wetland Buffers			
Category of Wetland	Land Use with High Impact	Land Use with Moderate Impact	Land Use with Low Impact
I	250	190	125
II	200	150	100
III	150	110	75
IV	50	40	25

Table 16.06.430F.1.b. Types of Proposed Land Uses that Can Result in High, Moderate, and Low Levels of Impacts to Adjacent Wetlands

Level of Impact from Proposed Change in Land Use	Types of Land Use
High	<ul style="list-style-type: none"> • Commercial • Urban • Industrial • Institutional • Retail sales • Residential (more than one unit/acre) • Conversion to high-intensity agriculture (dairies, nurseries, greenhouses, growing and harvesting crops requiring annual tilling and raising and maintaining animals, etc.) • High-intensity recreation (golf courses, ball fields, etc.) • Hobby farms
Moderate	<ul style="list-style-type: none"> • Residential (one unit/acre or less) • Moderate-intensity open space (parks with biking, jogging, etc.) • Conversion to moderate-intensity agriculture (orchards, hay fields, etc.) • Paved trails • Building of logging roads • Utility corridor or right-of-way shared by several utilities and including access/maintenance road
Low	<ul style="list-style-type: none"> • Forestry (cutting of trees only) • Low-intensity open space (hiking, bird-watching, preservation of natural resources, etc.) • Unpaved trails • Utility corridor without a maintenance road and little or no vegetation management.

2. Measurement of Wetland Buffers. All buffers shall be measured from the wetland boundary as surveyed in the field. The width of the wetland buffer shall be determined according to the wetland category and the proposed land use. The buffer for a wetland created, restored, or enhanced as compensation for approved wetland alterations shall be the same as the buffer required for the category of the created, restored, or enhanced wetland. Only fully vegetated buffers will be considered. Lawns, walkways, driveways, and other mowed or paved areas will not be considered buffers.

3. Increased Wetland Buffer Widths. The administrator may require increased buffer widths in accordance with the recommendations of the experienced, qualified professional wetland scientist who produced the required critical areas report and best available science on a case-by-case basis when a larger buffer is necessary to protect wetland functions and values based on site-specific characteristics. The increased buffer width shall not exceed a maximum of one hundred percent increase over the buffer width that would otherwise be required by subsection F.1. of this section. This determination shall be based on one or more of the following criteria:

- a. A larger buffer is needed to protect other critical areas;
- b. The adjacent land is susceptible to severe erosion, and erosion-control measures will not effectively prevent adverse wetland impacts; or
- c. The adjacent land has minimal vegetative cover or slopes greater than thirty percent. The standard buffer is less than that which is necessary to protect documented endangered, threatened, or sensitive wildlife species which have a primary association with the wetland;
- d. The wetland contains plant and/or animal species listed by the federal and/or state government as sensitive, endangered, threatened, candidate monitored or documented priority species habitats or essential or outstanding habitat for those species or has unusual nesting or resting sites such as heron rookeries or raptor nesting trees.

4. Wetland Buffer Width Averaging. The administrator may allow modification of the standard wetland buffer width in accordance with an approved critical area report and the best available science on a case-by-case basis by

averaging buffer widths. Averaging of buffer widths may only be allowed where a qualified professional wetland scientist demonstrates that:

a. It will not reduce wetland functions or functional performance;

b. The wetland contains variations in sensitivity due to existing physical characteristics or the character of the buffer varies in slope, soils, or vegetation, and the wetland would benefit from a wider buffer in places and would not be adversely impacted by a narrower buffer in other places;

c. The total area contained in the buffer area after averaging is no less than that which would be contained within the standard buffer; and

d. The total area of the buffer is reduced by no more than twenty-five percent.

5. Interrupted Buffer.

a. Where a legally established, pre-existing use of the buffer exists, those proposed activities that are within the wetland or stream buffer, but are separated from the critical area by an existing permanent substantial improvement, which serves to eliminate or greatly reduce the impact of the proposed activity upon the critical area, are exempt; provided, that the detrimental impact to the critical area does not increase. However, if the impacts do increase, the city shall determine if additional buffer may be required along the impact area of the interruption. Substantial improvements may include developed public infrastructure such as roads and railroads. Substantial improvements may not include paved trails, sidewalks, or parking areas. An allowance for activity in an interrupted buffer may require a critical areas report for the type of critical areas buffer that is affected. In determining whether a critical areas report is necessary, the city shall consider the hydrologic, geologic and/or biological habitat connection potential and the extent and permanence of the interruption.

b. Where a legally established, pre-existing structure or use is located within a regulated wetland or stream buffer and where the regulated buffer is fully paved and does not conform to the interrupted buffer provision above, the buffer will end at the edge of the pavement, adjacent to the wetland or stream.

6. Buffer Consistency. All mitigation sites shall have buffers consistent with the buffer requirements of this chapter.

7. Buffer Maintenance. Except as otherwise specified or allowed in accordance with this chapter, wetland buffers and buffers of mitigation sites shall be retained in an undisturbed condition, or shall be maintained as enhanced pursuant to any required permit or approval. Removal of invasive nonnative weeds is required for the duration of the mitigation bond.

8. Buffer Uses. The following uses may be permitted within a wetland buffer in accordance with the review procedures of this chapter, provided they are not prohibited by any other applicable law and they are conducted in a manner so as to minimize impacts to the buffer and adjacent wetland:

a. Conservation and Restoration Activities. Conservation or restoration activities aimed at protecting the soil, water, vegetation, or wildlife.

b. Passive Recreation. Passive recreation facilities designed in accordance with an approved critical area report, including:

i. Walkways and trails; provided, that those pathways which are generally parallel to the perimeter of the wetland shall be located in the outer twenty-five percent of the buffer area, and should be designed to avoid the removal of significant trees. Trails must be constructed with a surface that does not interfere with the permeability. Raised boardwalks utilizing nontreated pilings area may be acceptable;

ii. Wildlife viewing structures; and

iii. Fishing access areas down to the water's edge that shall be no larger than six feet.

c. Stormwater Management Facilities. Stormwater management facilities, limited to stormwater dispersion outfalls and bioswales, may be allowed within the outer twenty-five percent of the buffer of Category III or IV wetlands only; provided, that:

i. No other location is feasible; and

ii. The location of such facilities will not degrade the functions or values of the wetland. Stormwater management facilities are not allowed in buffers of Category I or II wetlands.

G. Signs and Fencing of Wetlands.

1. Temporary Markers. The outer perimeter of the wetland and buffer and the limits of those areas to be disturbed pursuant to an approved permit or authorization shall be marked in the field in such a way as to ensure that no unauthorized intrusion will occur and is subject to inspection by the administrator prior to the commencement of permitted activities. The administrator shall have the authority to require that temporary fencing be placed on site to mark the outer perimeter of the wetland and its associated buffer area. This temporary marking, and any required temporary fencing, shall be maintained throughout construction and shall not be removed until permanent signs, if required, are in place.

2. Permanent Signs. As a condition of any permit or authorization issued pursuant to this chapter, the administrator may require the applicant to install permanent signs along the boundary of a wetland or buffer.

a. Permanent signs shall be made of a metal face with a green color background and white letters; attached to a metal post, or another nontreated material of equal durability; made with a sign face no smaller than one foot by one foot square and no larger than two feet by two feet square; and mounted with the bottom of the sign face no less than three feet above and no more than five feet above adjacent grade. Signs must be posted at a minimum of one per lot of record, or on large parcels every three hundred feet, or additional signs as required by the administrator and must remain unobstructed and be maintained by the property owner in perpetuity. The sign(s) shall be worded as follows or with alternative language approved by the administrator:

**Protected Critical Area
Do Not Disturb
Contact the City of Granger
Regarding Uses and Restrictions**

b. The provisions of subsection G.2.a. of this section may be modified by the administrator as necessary to assure protection of sensitive features or wildlife.

3. Fencing:

a. The administrator shall determine if fencing is necessary to protect the functions and values of

the critical area. If found to be necessary, the administrator shall condition any permit or authorization issued pursuant to this chapter to require the applicant to install a permanent fence at the edge of the habitat conservation area or buffer, when fencing will prevent future impacts to the habitat conservation area.

b. The applicant shall be required to install a permanent fence around the habitat conservation area or buffer when domestic grazing animals are present or may be introduced on site.

c. Fencing installed as part of a proposed activity or as required in this subsection shall be designed so as to not interfere with species migration, including fish runs, and shall be constructed in a manner that minimizes habitat impacts.

(Ord. No. 1177, § 3(Exh. A), 1-8-2013)

16.06.440 Performance standards--Compensatory mitigation requirements

Compensatory mitigation for alterations to wetlands shall achieve equivalent or greater biologic functions. Compensatory mitigation plans shall be consistent with the state Department of Ecology Guidelines for Wetland Mitigation in Washington State, Parts 1 and 2 Publications #06-06-011a, and #06-06-11b March 2006.

A. Mitigation shall be required in the following order of preference:

1. Avoiding the impact altogether by not taking a certain action or parts of an action.

2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts.

3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.

4. Reducing or eliminating the impact over time by preservation and maintenance operations.

5. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments.

B. Mitigation for Affected Functions or Functions Lost as a Result of the Proposed Activity. Compensatory mitigation actions shall address functions affected by

the alteration to achieve functional equivalency or improvement and shall provide similar wetland functions as those lost by the proposed activity, except when:

1. The lost wetland provides minimal functions as determined by a site-specific function assessment, and the proposed compensatory mitigation action(s) will provide equal or greater functions or will provide functions shown to be limiting within a watershed through a formal Washington state watershed assessment plan or protocol; or

2. Out-of-kind replacement will best meet formally identified watershed goals, such as replacement of historically diminished wetland types.

C. Preference of Mitigation Actions. Mitigation actions that require compensation by replacing, enhancing, or substitution shall occur in the following order of preference:

1. Restoring wetlands on upland sites that were formerly wetlands.

2. Creating wetlands on disturbed upland sites such as those with vegetative cover consisting primarily of nonnative introduced species. This should only be attempted when there is a consistent source of hydrology and it can be shown that the surface and subsurface hydrologic regime is conducive for the wetland community that is being designed.

3. Enhancing significantly degraded wetlands in combination with restoration or creation. Such enhancement should be part of a mitigation package that includes replacing the impacted area meeting appropriate ratio requirements.

D. Type and Location of Mitigation. Unless it is demonstrated that a higher level of ecological functioning would result from an alternate approach, compensatory mitigation for ecological functions shall be either in-kind and on-site, or in-kind and within the same stream reach, subbasin, or drift cell. Mitigation actions shall be conducted within the same subdrainage basin and on the same site as the alteration except when all of the following apply:

1. There are no reasonable on-site or in-subdrainage basin opportunities or on-site and in-subdrainage basin opportunities do not have a high likelihood of success, after a determination of the natural capacity of

the site to mitigate for the impacts. Consideration should include: anticipated wetland mitigation replacement ratios, buffer conditions and proposed widths, hydrogeomorphic classes of on-site wetlands when restored, proposed flood storage capacity, potential to mitigate riparian fish and wildlife impacts (such as connectivity);

2. Off-site mitigation has a greater likelihood of providing equal or improved wetland functions than the impacted wetland; and

3. Off-site locations shall be in the same subdrainage basin unless:

a. Established watershed goals for water quality, flood or conveyance, habitat, or other wetland functions have been established and strongly justify location of mitigation at another site; or

b. Credits from a state certified wetland mitigation bank are used as mitigation and the use of credits is consistent with the terms of the bank's certification.

E. Mitigation Timing.

1. Mitigation projects shall be completed with an approved monitoring plan prior to activities that will disturb wetlands. In all other cases, mitigation shall be completed immediately following disturbance and prior to use or occupancy of the activity or development. Construction of mitigation projects shall be timed to reduce impacts to existing fisheries, wildlife, and flora.

2. The administrator may authorize a one-time temporary delay, up to one hundred twenty days, in completing minor construction and landscaping when environmental conditions could produce a high probability of failure or significant construction difficulties. The delay shall not create or perpetuate hazardous conditions or environmental damage or degradation, and the delay shall not be injurious to the health, safety, and general welfare of the public. The request for the temporary delay must include a written justification that documents the environmental constraints which preclude implementation of the mitigation plan. The justification must be verified and approved by the city and include a financial guarantee.

F. Wetland Mitigation Ratios. Wetland mitigation ratios shall be as established in Table 16.06.440F.

Table 16.06.440F. Wetland Mitigation Ratios				
Category and Type of Wetland	Creation or Reestablishment	Rehabilitation	Enhancement	Preservation
Category 1: Bog, Natural Heritage site	Not Permitted	6:1	Case-by-case	10:1
Category I: Mature Forested	6:1	12:1	24:1	24:1
Category I: Based on functions	4:1	8:1	16:1	20:1
Category II	3:1	6:1	12:1	20:1
Category III	2:1	4:1	8:1	15:1
Category IV	1.5:1	3:1	6:1	10:1

G. Compensatory Mitigation Plan. When a project involves wetland and/or buffer impacts, a compensatory mitigation plan prepared by a qualified professional shall be required, meeting the following standards:

1. Wetland Critical Area Report. A critical area report for wetlands must accompany or be included in the compensatory mitigation plan and include the minimum parameters described in Sections 16.06.210--16.06.220 and 16.06.420.

2. Compensatory Mitigation Report. The report must include a written report and plan sheets that must contain, at a minimum, the following elements.

a. A written report consisting of:

i. The name and contact information of the applicant; the name, qualifications, and contact information for the primary author(s) of the compensatory mitigation report; a description of the proposal; identification of all the local, state, and/or federal wetland related permit(s) required for the project; and a vicinity map for the project.

ii. Description of how the project design has been modified to avoid, minimize, or reduce adverse impacts to wetlands.

iii. Description of the existing wetland and buffer areas proposed to be impacted. Include acreage (or square footage), water regime, vegetation, soils, landscape position, surrounding land uses, and functions. Also describe impacts in terms of acreage by Cowardin classification, hydrogeomorphic classification, and wetland rating, based on Wetland Ratings of this chapter.

iv. Description of the compensatory mitigation site, including location and rationale for selection. Include an assessment of existing conditions: acreage (or square footage) of wetlands and uplands, water regime, sources of water, vegetation, soils, landscape position, surrounding land uses, and functions. Estimate future conditions in this location if the compensation actions are not undertaken (i.e. how would the site progress through natural succession?).

v. A description of the proposed mitigation construction activities and timing of activities.

vi. A description of the proposed actions for compensation of wetland and upland areas affected by the project. Include overall wetland and upland areas affected by the project. Include overall goals of the proposed mitigation, including a description of the targeted functions, hydrogeomorphic classification, and categories of wetlands.

vii. A discussion of ongoing management practices that will protect wetlands after the project site has been developed, including proposed monitoring and maintenance programs for remaining wetlands and compensatory mitigation wetlands.

viii. A bond estimate for the entire compensatory mitigation project, including the following elements: site preparation, plant materials, construction materials, installation oversight, maintenance twice per year for up to five years, annual monitoring field work and reporting, and contingency actions for a maximum of the total required number of years for monitoring.

ix. Proof of establishment of Notice on Title for the wetlands and buffers on the project site, including the compensatory mitigation areas.

b. Scaled plan sheets for the compensatory mitigation depicting:

i. Surveyed edges of the existing wetland and buffers, proposed areas of wetland and/or buffer impacts, location of proposed wetland and/or buffer compensation actions.

ii. Existing topography, ground-processed, at two-foot contour intervals in the zone of the proposed compensation actions if any grading activity is proposed to create the compensation area(s). Also existing

cross-sections of the on-site wetland areas that are proposed to be impacted, and cross-section(s) (estimated one-foot intervals) for the proposed areas of wetland or buffer compensation.

iii. Surface and subsurface hydrologic conditions including an analysis of existing and proposed hydrologic regimes for enhanced, created, or restored compensatory mitigation areas. Also, illustrations of how data for existing hydrologic conditions were used to determine the estimates of future hydrologic conditions.

iv. Conditions expected from the proposed actions on site including future hydrogeomorphic types, vegetation community types by dominant species (wetland and upland), and future water regimes.

v. Required wetland buffers for existing wetlands and proposed compensation areas. Also, identify any zones where buffers are proposed to be reduced or enlarged outside of the standards identified in this Chapter.

vi. A plant schedule for the compensation area including all species by proposed community type and water regime, size and type of plant material to be installed, spacing of plants, typical clustering patterns, total number of species by community type, and the timing of installation.

vii. Performance standards (measurable standards reflective of years post-installation) for upland and wetland communities, monitoring schedule, and maintenance schedule and actions by each biennium.

H. Wetland Mitigation Banks.

1. Credits from a wetland mitigation bank may be approved for use as compensation for unavoidable impacts to wetlands when:

a. The bank is certified under Chapter 173-700 WAC;

b. The administrator determines that the wetland mitigation bank provides appropriate compensation for the authorized impacts; and

c. The proposed use of credits is consistent with the terms and conditions of the bank's certification.

2. Replacement ratios for projects using bank credits shall be consistent with replacement ratios specified in the bank's certification.

3. Credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the bank's certification. In some cases, bank service areas may include portions of more than one adjacent drainage basin for specific wetland functions.

(Ord. No. 1177, § 3(Exh. A), 1-8-2013)

Article IV. Frequently Flooded Areas

16.06.500 Designation and mapping of frequently flooded areas.

A. All areas within the city meeting the frequently flooded designation criteria are hereby designated critical areas and are subject to the provisions of this chapter. Frequently flooded areas have been accurately delineated based on hydrologic and hydraulic studies completed as part of the National Flood Insurance Program by the Federal Emergency Management Agency in the Flood Insurance Study for Yakima County, Washington and Incorporated areas dated November 18, 2009, and any subsequent amendment. The methodology and detail of these studies is accepted as the best available science.

(Ord. No. 1177, § 3(Exh. A), 1-8-2013)

16.06.510 Classification of frequently flooded areas.

A. The flood areas in the city are classified as either one of two types:

1. Floodway. Floodways are defined as the channel of a stream and adjacent land areas which are required to carry and discharge the flood water or flood flows of any river or stream associated with a regulatory flood.

2. Flood Fringe. The flood fringe is defined as that land area which is outside a stream's floodway, but is subject to periodic inundation due to flooding, associated with a regulatory flood.

(Ord. No. 1177, § 3(Exh. A), 1-8-2013)

16.06.520 Existing regulations pertaining to frequently flooded areas.

Granger Municipal Code Chapter 15.20 Flood Damage Prevention regulates proposed activities within frequently flooded areas. If allowed, any structures permitted in the designated flood areas are subject to flood-proofing regula-

tions of this chapter. The existing regulations were adopted after careful study and fulfill the requirements of the Growth Management Act for protection of frequently flooded areas.

(Ord. No. 1177, § 3(Exh. A), 1-8-2013)

Article V. Fish and Wildlife Conservation Areas

16.06.610 Designation of fish and wildlife conservation areas.

A. Fish and wildlife conservation areas include:

1. Areas with which state or federally designated endangered, threatened, and sensitive species have a primary association;

2. Habitats of local importance, including but not limited to areas designated as priority habitat by the Washington Department of Fish and Wildlife;

3. Naturally occurring ponds under twenty acres and their submerged aquatic beds that provide fish or wildlife habitat, including those artificial ponds intentionally created from dry areas in order to mitigate impacts to ponds;

4. Waters of the state, including lakes, rivers, ponds, streams, inland waters,

5. Underground waters, and all other surface waters and watercourses within the jurisdiction of the State of Washington;

6. Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity.

7. "Fish and wildlife conservation areas" does not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company.

B. All areas within the city meeting one or more of these criteria, regardless of any formal identification, are hereby designated critical areas and are subject to the provisions of this chapter and shall be managed consistent with the best available science.

C. Mapping. The approximate location and extent of habitat conservation areas are shown on the critical area maps adopted with the ordinance codified in this chapter by

the city, as most recently updated. The following maps and data are hereby adopted and are available from the city and/or the listed governmental agency:

1. Washington Department of Fish and Wildlife Priority Habitat and Species Maps;
2. Washington State Department of Natural Resources, Official Water Type Reference Maps, as amended; and
3. Anadromous and resident salmonid distribution maps published by the Department of Fish and Wildlife Salmonid Stock Inventory.

The above maps are to be used as a guide for the city, project applicants, and/or property owners and should be continuously updated as new critical areas are identified. The above maps are a reference and do not provide a final critical area designation.

(Ord. No. 1177, § 3(Exh. A), 1-8-2013)

16.06.620 Critical area report--Additional requirements for habitat conservation areas.

A. All critical areas located within or near the project area that have been designated by the city and are shown on city, state, or federal government agency maps and/or reports shall be addressed in a critical area report for habitat conservation areas.

B. Habitat Analysis. A habitat assessment to include at a minimum the following:

1. Detailed description of vegetation on the project area and its associated buffer.
2. Identification of any endangered, threatened, or sensitive species that have a primary association with habitat on the project area, and assessment of potential project impacts to use of the buffer and critical area on the site by the species.
3. A detailed discussion of the direct and indirect potential impacts on habitat by the project. Such discussion shall include a discussion of the ongoing management practices that will protect habitat after the project site has been developed.

(Ord. No. 1177, § 3(Exh. A), 1-8-2013)

16.06.630 Performance standards--General requirements.

A. Nonindigenous Species. No plant, wildlife, or fish species not indigenous to the region shall be introduced into a habitat conservation area unless authorized by a state or federal permit or approval.

B. Mitigation and Contiguous Corridors. Mitigation sites shall be located to preserve or achieve contiguous wildlife habitat corridors in accordance with a mitigation plan that is part of an approved critical area report to minimize the isolating effects of development on habitat areas, so long as mitigation of aquatic habitat is located within the same aquatic ecosystem as the area disturbed.

C. Approvals of Activities. The administrator shall condition approvals of activities allowed within or adjacent to a habitat conservation area or its buffers, as necessary to minimize or mitigate any potential adverse impacts. Conditions shall be based on the best available science and may include, but are not limited to, the following:

1. Establishment of buffer zones;
2. Preservation of critically important vegetation and/or habitat features such as snags and downed wood;
3. Limitation of access to the habitat area, including fencing to deter unauthorized access;
4. Seasonal restriction of construction activities;
5. Establishment of a duration and timetable for periodic review of mitigation activities; and
6. Requirement of a performance bond, when necessary, to ensure completion and success of proposed mitigation.

D. Mitigation to Equivalent Biological Functions. Mitigation of alterations to habitat conservation areas shall achieve at least equivalent biologic and hydrologic functions and shall include mitigation for adverse impacts upstream or downstream of the development proposal site. Mitigation shall address each function affected by the alteration to achieve functional equivalency or improvement on a per function basis.

E. Approvals and the Best Available Science. Any approval of alterations or impacts to a habitat conservation area shall be supported by the best available science.

F. Buffers.

1. Establishment of Buffers. The administrator shall require the establishment of buffer areas for activities adjacent to habitat conservation areas when needed to protect habitat conservation areas. Buffers shall consist of an undisturbed area of native vegetation or areas identified for restoration established to protect the integrity,

functions, and values of the affected habitat. Required buffer widths shall be designed to address the sensitivity of the habitat and the type and intensity of human activity proposed to be conducted nearby and shall consider the management recommendations issued by the Washington Department of Fish and Wildlife. Habitat conservation areas and their buffers shall be preserved in perpetuity through the use of critical area tracts in accordance with Section 16.06.380.

2. Seasonal Restrictions. When a species is more susceptible to adverse impacts during specific periods of the year, seasonal restrictions may apply.

G. Signs and Fencing of Habitat Conservation Areas.

1. Temporary Markers. The outer perimeter of the habitat conservation area or buffer and the limits of those areas to be disturbed pursuant to an approved permit or authorization shall be marked in the field in such a way as to ensure that no unauthorized intrusion will occur and verified by the administrator prior to the commencement of permitted activities. The administrator shall have the authority to require that temporary fencing be placed on site to mark the outer perimeter of the habitat conservation area and its associated buffer area. This temporary marking, and any required temporary fencing, shall be maintained throughout construction and shall not be removed until permanent signs, if required, are in place.

2. Permanent Signs. As a condition of any permit or authorization issued pursuant to this chapter, the administrator may require that applicant to install permanent signs along the boundary of a habitat conservation area or buffer.

a. Permanent signs shall be made of a metal face with a green color background and white letters; attached to a metal post or another non-treated material of equal durability; made with a sign face no smaller than one foot by one foot and no larger than two feet by two feet; and mounted with the bottom of the sign face no less than three feet above and no more than five feet above adjacent grade. Signs must be posted at a minimum of one per lot of record, or on large parcels every three hundred feet, or additional signs as required by the administrator and must remain unobstructed and be maintained by the property owner in perpetuity. The sign(s) shall be worded as follows or with alternative language approved by the administrator:

**Protected Critical Area
Do Not Disturb
Contact the City of Granger
Regarding Uses and Restrictions**

3. Fencing:

a. The administrator shall determine if fencing is necessary to protect the functions and values of the critical area. If found to be necessary, the administrator shall condition any permit or authorization issued pursuant to this chapter to require the applicant to install a permanent fence at the edge of the habitat conservation area or buffer, when fencing will prevent future impacts to the habitat conservation area.

b. The applicant shall be required to install a permanent fence around the habitat conservation area or buffer when domestic grazing animals are present or may be introduced on site.

c. Fencing installed as part of a proposed activity or as required in this subsection shall be designed so as to not interfere with species migration, including fish runs, and shall be constructed in a manner that minimizes habitat impacts.

(Ord. No. 1177, § 3(Exh. A), 1-8-2013)

16.06.640 Performance standards--Specific habitats.

A. Endangered, Threatened, and Sensitive Species.

1. No development shall be allowed within a habitat conservation area or buffer with which state or federally endangered, threatened, or sensitive species have a primary association, except that which is provided for by a management plan established by the Washington Department of Fish and Wildlife, the Yakama [Yakima] Nation and other applicable state or federal agencies.

B. Anadromous Fish.

1. All activities, uses, and alterations proposed to be located in water bodies used by anadromous fish or where such fish have a primary association shall give special consideration to the preservation of anadromous fish habitat, including, but not limited to, adhering to the following standards:

a. Activities shall be timed to occur only during the allowable work window as designated by the Washington Department of Fish and Wildlife and Yakama [Yakima] Nation for the applicable species;

b. An alternative alignment or location for the activity is not feasible;

c. The activity is designed so that it will not degrade the functions or values of the fish habitat or other critical areas;

d. Shoreline erosion control measures shall be designed to use bioengineering methods or soft armoring techniques, according to an approved critical area report; and

e. Any impacts to the functions or values of the habitat conservation area are mitigated in accordance with an approved critical area report.

2. Structures that prevent the migration of salmonids shall not be allowed in the portion of water bodies currently or historically used by anadromous fish. Fish bypass facilities shall be provided that allow the upstream migration of adult fish and shall prevent fry and juveniles migrating downstream from being trapped or harmed.

C. Wetland Habitats. All proposed activities within or adjacent to habitat conservation areas containing wetlands shall conform to the wetland development performance standards set forth in Section 16.06.440. If non-wetlands habitat and wetlands are present at the same location, the provisions of this article or Article III of this chapter, Wetlands, whichever provides greater protection to the habitat, apply.

D. Riparian Habitat Areas. Unless otherwise allowed in this chapter, all structures and activities shall be located outside of the stream buffers.

1. Establishment of Stream Buffer Areas. Stream buffers shall be established for habitats that include aquatic and terrestrial ecosystems that mutually benefit each other and that are located adjacent to rivers, perennial or intermittent streams, seeps, and springs.

2. Stream Buffer Widths. Required stream buffer widths shown in Table 16.06.640D.1. have been established in accordance with the best available science. Buffer widths are based upon the stream typing system as defined in Section 16.06.035. Buffers are subject to the following:

a. Widths shall be measured outward in each direction, on the horizontal plane from the channel migration zone if delineated, the ordinary high water mark, or from the top of bank if the ordinary high water mark cannot be identified.

b. Stream buffers must be sufficiently wide to achieve the full range of riparian and aquatic ecosystem functions, which include but are not limited to protection of in-stream fish habitat through control of temperature and sedimentation in streams; preservation of fish and wildlife habitat; and connection of riparian wildlife habitat to other habitats.

c. The buffer width may be reduced or averaged by the administrator upon recommendation of the wetland report and consultation with affected agencies and tribes.

d. Increased Stream Buffer Widths. The administrator may require increased buffer widths in accordance with the recommendations of the experienced, qualified professional wetland scientist who produced the required critical areas report and best available science on a case-by-case basis when a larger buffer is necessary to protect stream functions and values based on site-specific characteristics. The increased buffer width shall not exceed a maximum of one hundred percent increase over the buffer width that would otherwise be required by subsection D.2. of this section. This determination shall be based on one or more of the following criteria:

i. A larger buffer is needed to protect other critical areas;

ii. The adjacent land is susceptible to severe erosion, and erosion-control measures will not effectively prevent adverse stream impacts; or

iii. The adjacent land has minimal vegetative cover or slopes greater than thirty percent. The standard buffer is less than that which is necessary to protect documented endangered, threatened, or sensitive wildlife species which have a primary association with the stream or its buffer;

iv. The stream or its buffer contains plant and/or animal species listed by the federal and/or state government as sensitive, endangered, threatened, candidate monitored or documented priority species habitats or essential or outstanding habitat for those species or has unusual nesting or resting sites such as heron rookeries or raptor nesting trees.

e. The use of the standard buffer width requires the implementation of the measurers in Table 16.06.640D.2., where applicable.

f. When an applicant chooses not to apply the mitigation measures in Table 16.06.670D.2. then a thirty-three percent increase in the width of all buffers is required. For example, a 75-foot buffer with mitigation measures would become a 100-foot buffer without them.

g. The standard buffer widths assume that the buffer is vegetated with a native plant community appropriate for the eco-region. If the existing buffer is un-vegetated, sparsely vegetated, or vegetated with invasive species that do not perform needed functions, the buffer should be planted to create the appropriate plant community or the buffer should be widened to ensure that adequate functions of the buffer are provided.

Table 16.06.640D.1. Required Stream Buffers		
Stream Classification	Minimum Buffer Width	Minimum Width of Mitigated Buffer
Type 1	200	100
Type 2	100	50
Type 3	50	25
Type 4	50	25
Type 5	25	20

Table 16.06.640D.2. Source Specific Stream Buffer Mitigation Requirements	
Disturbance	Required Measures to Minimize Impact
Lights	<ul style="list-style-type: none"> • Direct lights away from buffer area.
Noise	<ul style="list-style-type: none"> • Locate activity that generates noise away from buffer area. • If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source. • For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional 10' heavily vegetated buffer strip immediately adjacent to the outer edge of the buffer

Table 16.06.640D.2. Source Specific Stream Buffer Mitigation Requirements	
Disturbance	Required Measures to Minimize Impact
Toxic Runoff	<ul style="list-style-type: none"> • Route all new, untreated runoff away from the buffer while ensuring the buffer area is not dewatered. • Establish covenants limiting use of pesticides within 150 ft. of the ordinary high water mark of the stream. • Apply integrated pest management practices
Stormwater runoff	<ul style="list-style-type: none"> • Retrofit stormwater detention and treatment of roads and existing adjacent development • Prevent channelized flow from lawns that directly enters the buffer. • Use Low Intensity Development Techniques (per Puget Sound Action Team (PSAT) publication 05-3 or as updated)
Change in water regime	<ul style="list-style-type: none"> • Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns
Pets and human disturbance	<ul style="list-style-type: none"> • Use privacy fencing or plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion • Place buffer in a separate tract or protect with a conservation easement
Dust	<ul style="list-style-type: none"> • Use best management practices to control dust
Disruption of corridors or connections	<ul style="list-style-type: none"> • Maintain connections to offsite areas that are undisturbed ° Restore corridors or connections to offsite habitats by replanting

3. Buffer Maintenance. Except as otherwise specified or allowed in accordance with this chapter, stream buffers shall be retained in an undisturbed condition, or shall be maintained as enhanced pursuant to any required permit or approval. Removal of invasive nonnative weeds is required for the duration of the mitigation bond.

4. Stream Buffer Width Averaging. The administrator may allow the recommended stream buffer width to be reduced in accordance with a critical area report only if:

- a. The width reduction will not reduce stream or habitat functions, including those of non-fish habitat;
- b. The width reduction will not degrade the habitat, including habitat for anadromous fish;
- c. The proposal will provide additional habitat protection;
- d. The total area contained in the riparian habitat area of each stream on the development proposal site is not decreased;
- e. The recommended stream buffer width is not reduced by more than twenty-five percent in any one location;
- f. The width reduction will not be located within another critical area or associated buffer; and
- g. The reduced stream buffer width is supported by the best available science.

5. Interrupted Buffer.

a. Where a legally established, pre-existing use of the buffer exists, those proposed activities that are within the wetland or stream buffer, but are separated from the critical area by an existing permanent substantial improvement, which serves to eliminate or greatly reduce the impact of the proposed activity upon the critical area, are exempt; provided, that the detrimental impact to the critical area does not increase. However, if the impacts do increase, the city shall determine if additional buffer may be required along the impact area of the interruption. Substantial improvements may include developed public infrastructure such as roads and railroads. Substantial improvements may not include paved trails, sidewalks, or parking areas. An allowance for activity in an interrupted buffer may require a critical areas report for the type of critical areas buffer that is affected. In determining whether a critical areas report is necessary, the city shall consider the hydrologic, geologic and/or biological habitat connection potential and the extent and permanence of the interruption.

b. Where a legally established, pre-existing structure or use is located within a regulated wetland or stream buffer and where the regulated buffer is fully

paved and does not conform to the interrupted buffer provision above, the buffer will end at the edge of the pavement, adjacent to the wetland or stream.

6. Riparian Habitat Mitigation. Mitigation of adverse impacts to stream buffers shall result in equivalent functions and values on a per function basis, be located as near the alteration as feasible, and be located in the same sub-drainage basin as the habitat impacted.

7. Alternative Mitigation for Stream Buffers. The performance standards set forth in this subsection may be modified at the city's discretion if the applicant demonstrates that greater habitat functions, on a per function basis, can be obtained in the affected sub-drainage basin as a result of alternative mitigation measures.

E. Aquatic Habitat. The following specific activities may be permitted within a stream buffer, pond, lake, water of the state, and associated buffer when the activity complies with the provisions set forth in the applicable shoreline management program and subject to the standards of this subsection. The standards that provide the most protection to protected habitat and species shall apply.

1. Stream Bank Stabilization. Stream bank stabilization to protect new structures from future channel migration is not permitted except when such stabilization is achieved through bioengineering or soft armoring techniques in accordance with an approved critical area report.

2. Roads, Trails, Bridges, and Rights-of-Way. Construction of trails, roadways, and minor road bridging, less than or equal to thirty feet wide, may be permitted in accordance with an approved critical area report subject to the following standards:

a. There is no other feasible alternative route with less impact on the environment;

b. The crossing minimizes interruption of downstream movement of wood and gravel;

c. Roads in stream buffers shall not run parallel to the water body;

d. Trails shall be located on the outer edge of the buffer, except for limited viewing platforms, crossings and limited trails;

e. Crossings, where necessary, shall only occur as near to perpendicular with the water body as possible;

f. Mitigation for impacts is provided pursuant to a mitigation plan of an approved critical area report;

g. Road bridges are designed according to the Washington Department of Fish and Wildlife Fish Passage Design at Road Culverts, 1999, and the National Marine Fisheries Service Guidelines for Salmonid Passage at Stream Crossings, 2000; and

h. Trails and associated viewing platforms shall not be made of continuous impervious materials.

3. Utility Facilities. New utility lines and facilities may be permitted to cross watercourses in accordance with an approved critical area report, if they comply with the following standards:

a. Fish and wildlife habitat areas shall be avoided to the maximum extent possible;

b. Installation shall be accomplished by boring beneath the scour depth and hyporheic zone of the water body and channel migration zone, where feasible;

c. The utilities shall cross at an angle greater than sixty degrees to the centerline of the channel in streams or perpendicular to the channel centerline whenever boring under the channel is not feasible;

d. Crossings shall be contained within the footprint of an existing road or utility crossing where possible;

e. The utility route shall avoid paralleling the stream or following a down-valley course near the channel; and

f. The utility installation shall not increase or decrease the natural rate of shore migration or channel migration.

4. Public Flood Protection Measures. New public flood protection measures and expansion of existing ones may be permitted, subject to the city's review and approval of a critical area report and the approval of a federal biological assessment by the federal agency responsible for reviewing actions related to a federally listed species.

5. In-stream Structures. In-stream structures, such as, but not limited to, high flow bypasses, sediment ponds, in-stream ponds, retention and detention facilities, dams, and weirs, shall be allowed only as part of an approved watershed basin restoration project approved by the agency with jurisdiction and upon acquisition of any re-

quired state or federal permits. The structure shall be designed to avoid modifying flows and water quality in ways that may adversely affect habitat conservation areas.

6. Stormwater Conveyance Facilities. Conveyance structures may be permitted in accordance with an approved critical area report subject to the following standards:

- a. No other feasible alternatives with less impact exist;
- b. Mitigation for impacts is provided;
- c. Stormwater conveyance facilities shall incorporate fish habitat features; and
- d. Vegetation shall be maintained and, if necessary, added adjacent to all open channels and ponds in order to retard erosion, filter out sediments, and shade the water.

(Ord. No. 1177, § 3(Exh. A), 1-8-2013)

Article VI. Geologically Hazardous Areas

16.06.710 Purpose and intent.

A. Geologically hazardous areas include those areas susceptible to erosion, sliding, earthquake or other geological events. They pose a threat to the health and safety of the citizens of Granger when incompatible development is sited in areas of significant hazard. Some risks due to geologic hazards might be capable of mitigation through engineering, design, or modified construction standards so the level of risk is reduced to an acceptable level. However, when mitigation is not feasible, development within geologically hazardous areas is best avoided.

B. The purposes of this chapter are to:

1. Minimize risks to public health and safety and reduce the risk of property damage by regulating development on or adjacent to geologically hazardous areas;
2. Maintain natural geological processes while protecting existing and new development;
3. Establish review procedures for development proposals in geologically hazardous areas.

(Ord. No. 1177, § 3(Exh. A), 1-8-2013)

16.06.720 Mapping and designation.

A. Geologically hazardous areas are areas that are susceptible to one or more of the following types of hazards, based on WAC 365-190-080(4)(b) through (f):

1. Erosion hazards;

2. Landslide hazards, which in the Yakima County inventory includes:

- a. Oversteepened slope hazards;
- b. Alluvial fan/flash flooding hazards;
- c. Avalanche hazards; and
- d. Stream undercutting hazards;

3. Seismic hazards (referred to below as earthquake hazards);

4. Volcanic hazards.

B. The approximate location and extent of erosion hazard areas are shown on the Yakima County's critical area map titled "Erosion Hazard Areas of Yakima County." Erosion hazard areas were identified by using the "Soil Survey of Yakima County Area, Washington" and the "Soil Survey of Yakima Indian Reservation Irrigated Area, Washington, Part of Yakima County." The analysis utilized the general soil map unit descriptions of severe and very severe hazard of water erosion.

C. The approximate location and extent of geologically hazardous areas are shown on the map titled "Geologic Hazard Areas, City of Granger" in the Granger Comprehensive Plan Natural Systems Element, and listed below. The following geologically hazardous areas, with the corresponding map code in parentheses, were mapped and classified by Yakima County using the stated criteria based on WAC 365-190-080(4)(b) through (f). The geologically hazardous area mapped within Granger city limits and urban growth area include:

1. Oversteepened Slope Hazard Areas (OS). These include areas with slopes steep enough to create potential problems. High Risk areas (OS3) have a high potential to fail, and include slopes greater than forty percent, and consist of areas of rock fall, creep, and places underlain with unstable materials. Intermediate Risk areas (OS2) are less likely to fail but are still potentially hazardous. This category also includes some slopes between fifteen and forty percent.

2. Stream Undercutting Hazard Areas (SU). These areas are confined to banks near main streams and rivers where undercutting of soft materials may result. High Risk areas (SU3) include steep banks of soft material adjacent to present stream courses. Intermediate Risk areas (SU2)

are banks along the edge of a floodplain but away from the present river course. Low Risk areas are unlabeled and combined with other Low Risk areas on the maps.

D. This chapter does not imply that land outside mapped geologically hazardous areas or uses permitted within such areas will be without risk. This chapter shall not create liability on the part of Yakima County or the City of Granger, any officer, or employee thereof for any damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

(Ord. No. 1177, § 3(Exh. A), 1-8-2013)

16.06.730 Geologically hazardous areas protection approach.

A. Erosion Hazard Areas. Protection measures for erosion hazard areas will be accomplished by implementing the regulatory standards for erosion and drainage control required under Granger Municipal Code Chapter 15.04 (Building Code). Any future stormwater program erosion control measures that may be formally adopted by the Granger City Council shall supersede Chapter 15.04 Standards to meet Granger Municipal Code Chapters 15.04 and 17.16 requirements can be met by the application of the best management practices (BMPs) in the Eastern Washington Stormwater Manual (WDOE publication number 04-10-076) or equivalent manual adopted by Yakima County, or any other approved manual deemed appropriate by the building official, including but not limited to applicable Natural Resource Conservation Service (NRCS) Field Office Technical Guide (FOTG) BMPs and the Washington State Department of Transportation Highway Runoff Manual. Application of the Environmental Protection Agency (EPA) "Construction Rainfall Erosivity Waiver" is at the discretion of the building official on a case-by-case basis.

B. Oversteepened Slope Hazard Areas. Protection measures for oversteepened slope hazard areas will be accomplished through the review process of Section 16.06.0740 (Development Review Procedure for Geologically Hazardous Areas), by implementing the development standards of Section 16.06.750 (General Protection Requirements), and by implementing the appropriate sections of the International Building Code (IBC) as adopted in Granger Municipal Code Chapter 15.04.

C. Stream Undercutting Hazard Areas. Protection measures for stream undercutting hazard areas will be accomplished by critical areas review for flood hazards, streams, and shoreline jurisdiction, in addition to implementing the appropriate sections of the International Building Code (IBC) as adopted in Granger Municipal Code Chapter 15.04.

D. Earthquake/Seismic Hazard Area Protection Standards. Protection measures for earthquake/seismic hazard areas will be accomplished by implementing the appropriate sections of the International Building Code (IBC) as adopted in Granger Municipal Code Chapter 15.04.
(Ord. No. 1177, § 3(Exh. A), 1-8-2013)

16.06.740 Development review criteria and additional requirements for geologically hazardous areas.

A. The administrator shall make a determination of hazard to confirm whether the development or its associated facilities (building site, access roads, limits of grading/excavation/filling, retaining walls, septic drainfields, landscaping, etc.):

1. Are located within a mapped geologically hazardous area;
2. Are abutting, or adjacent to a mapped geologically hazardous area and may result in or contribute to an increase in hazard, or pose a risk to life and property on or off the site;
3. Are located within a distance from the base of an adjacent landslide hazard area equal to the vertical relief of said hazard area;
4. Are located within the potential run-out path of a mapped avalanche hazard.

B. Developments that receive an affirmative determination of hazard by the administrator under subsection (1) above must conduct a geologic hazard report as provided in Section 17.79.760(A)(4), which may be part of a geo-technical report required under additional review below:

1. If the geologic hazard report determines no hazard exists or that the project area lies outside the hazard, then no geologic hazard review is needed.
2. The administrator is authorized to waive further geologic hazard review for oversteepened slope hazards on a determination that the hazards identified in the geologic hazard report will be adequately mitigated under grading or construction permits.

C. Developments that receive an affirmative determination of hazard, but do not meet the provisions of subsections B.1. or B.2. above, must:

1. Obtain a Critical Areas Development Authorization under Article II of this chapter;

2. Submit a geo-technical report that is suitable for obtaining the grading and construction permits that will be required for development. The geo-technical report should incorporate the submitted assessment, include the design of all facilities and include a description and analysis of the risk associated with the measures proposed to mitigate the hazards, ensure public safety, and protect property and other critical areas; and

3. Be consistent with the general protection requirements of Section 16.06.750 (General Protection Requirements).

(Ord. No. 1177, § 3(Exh. A), 1-8-2013)

16.06.750 General protection requirements.

A. Grading, construction, and development and their associated facilities shall not be located in a geologically hazardous area, or any associated setback for the project recommended by the geo-technical report, unless the applicant demonstrates that the development is structurally safe from the potential hazard, and that the development will not increase the hazard risk onsite or off-site.

B. Development shall be directed toward portions of parcels, or parcels under contiguous ownership, that are at the least risk of hazard in preference to lands with higher risk, unless determined to be infeasible in the geo-technical report.

C. The geo-technical report shall recommend methods to ensure the information and education about the hazard and any recommended buildable area for future landowners over the long term.

D. The applicable requirements of grading and construction permits for developments in hazardous areas must be included in the development proposal and geo-technical report.

(Ord. No. 1177, § 3(Exh. A), 1-8-2013)

16.06.760 Critical area report--Additional requirements for geologically hazardous areas.

A. When a critical areas report is required for a geologically hazardous area, it shall include the follow-

ing, provided that the administrator may determine that any portion of these requirements is unnecessary given the scope and/or scale of the proposed development:

1. A description of the site features, including surface and subsurface geology. This may include surface exploration data such as borings, drill holes, test pits, wells, geologic reports, and other relevant reports or site investigations that may be useful in making conclusions or recommendations about the site under investigation;

2. A description of the geologic processes and hazards affecting the property, including a determination of the actual hazard types for any suspected and risk unknown hazards identified in the affirmative determination of hazard.

3. A description of the vulnerability of the site to seismic and other geologic processes and hazards;

4. A description of any potential hazards that could be created or exacerbated as a result of site development;

B. For developments in or affecting landslide hazard areas the report shall also include:

1. Assessments and conclusions regarding slope stability including the potential types of landslide failure mechanisms (e.g., debris flow, rotational slump, translational slip, etc.) that may affect the site. The stability evaluation shall also consider dynamic earthquake loading, and shall use a minimum horizontal acceleration as established by the current version of the International Building Code (Granger Municipal Code Chapter 15.04);

2. An analysis of slope recession rate shall be presented in those cases where stability is impacted or influenced by stream meandering, or other forces acting on the toe of the slope;

3. Description of the run-out hazard of landslide debris to the proposed development that starts up-slope (whether part of the subject property or on a neighboring property) and/or the impacts of landslide run-out on down-slope properties and critical areas.

(Ord. No. 1177, § 3(Exh. A), 1-8-2013)

Article VII. Critical Aquifer Recharge Areas

16.06.810 Purpose and intent.

A. The Growth Management Act (RCW 36.70A) requires local jurisdictions to protect, through designation and

protection, areas with a critical recharging effect on aquifers used for potable water, or areas where a drinking aquifer is vulnerable to contamination that would affect the potability of the water. These areas are referred to as Critical Aquifer Recharge Areas (CARAs) in this title.

B. Potable water is an essential life sustaining element. Much of Granger's drinking water comes from groundwater supplies. Once groundwater is contaminated it can be difficult, costly, and sometimes impossible to clean up. In some cases, the quality of groundwater in an aquifer is inextricably linked to its recharge area.

C. The intent of this chapter is to:

1. Preserve, protect, and conserve Granger's CARAs from contamination.
2. Establish a protection approach that emphasizes the use of existing laws and regulations, and minimizes the use of new regulations.

D. It is not the intent of this title to:

1. Regulate everyday activities (including the use of potentially hazardous substances that are used according to state and federal regulations and according to label specifications);
2. Enforce or prevent illegal activities;
3. Regulate land uses that use or store small volumes of hazardous substances (including in field agricultural chemical storage facilities, which do not require permits, or are already covered under existing state, federal, or county review processes and have detailed permit review);
4. Establish additional review processes for septic systems, which are regulated by the Washington Department of Health and Yakima County Health District as mandated by WAC 246-270, 246-271, 246-272, 246-272A, 246-272B, 246-272C and 246-27
5. Require review for uses that do not need building permits and/or zoning review.

The above items are deemed to have small risks of CARA contamination or are beyond the development review system's ability to control.

(Ord. No. 1177, § 3(Exh. A), 1-8-2013)

16.06.820 Designation.

A. Critical aquifer recharge areas (CARAs) are those areas with a critical recharging effect on aquifers used for potable water as defined by WAC 365-190-030(2). CARAs have prevailing geologic conditions associated with infiltration rates that create a high potential for contamination of groundwater resources or contribute significantly to the replenishment of groundwater. The following areas have been identified based on local conditions.

1. Wellhead Protection Areas. Wellhead protection areas shall be defined by the boundaries of the ten-year time of groundwater travel, or boundaries established using alternate criteria approved by the Department of Health in those settings where groundwater time of travel is not a reasonable delineation criterion, in accordance with WAC 246-290-135.

2. Sole Source Aquifers. Sole source aquifers are areas that have been designated by the U.S. Environmental Protection Agency pursuant to the Federal Safe Drinking Water Act.

3. Susceptible Groundwater Management Areas. Susceptible groundwater management areas are areas that have been designated as moderately or highly vulnerable or susceptible in an adopted groundwater management program developed pursuant to Chapter 173-100 WAC.

4. Special Protection Areas. Special protection areas are those areas defined by WAC 173-200-090.

5. Moderately or Highly Vulnerable Aquifer Recharge Areas. Aquifer recharge areas that are moderately or highly vulnerable to degradation or depletion because of hydrogeologic characteristics are those areas delineated by a hydrogeologic study prepared in accordance with the State Department of Ecology guidelines.

6. Moderately or Highly Susceptible Aquifer Recharge Areas. Aquifer recharge areas moderately or highly susceptible to degradation or depletion because of hydrogeologic characteristics are those areas meeting the criteria established by the State Department of Ecology. (Ord. No. 1177, § 3(Exh. A), 1-8-2013)

16.06.830 Mapping.

A. Mapping Methodology. The CARAs are depicted in the map titled "Critical Aquifer Recharge Areas in the Granger Vicinity," adopted in the City of Granger Compre-

hensive Plan Natural Systems Element. The CARA map was developed through a geographic information system (GIS) analysis using the methodology outlined in the Washington Department of Ecology "Critical Aquifer Recharge Area Guidance Document" (Publication 05-10-028). This map depicts the general location of the critical aquifer recharge areas designated in Section 16.06.820. Yakima County has developed a GIS database of the CARA map that shows the location and extent of critical aquifer recharge areas. This database may be used by the Granger administrator to determine whether proposed developments could potentially impact CARA. All applications for development within the county that are located within a mapped CARA will be required to follow the performance standards of this chapter. The CARA map estimates areas of moderate, high and extreme susceptibility to contamination, in addition to wellhead protection areas. To characterize hydrogeologic susceptibility of the recharge area to contamination, the GIS analysis used the following physical characteristics:

1. Depth to ground water;
2. Soil (texture, permeability, and contaminant attenuation properties);
3. Geologic material permeability;
4. Recharge (amount of water applied to the land surface, including precipitation and irrigation).

B. Wellhead Protection Areas. The CARA map includes those Wellhead Protection Areas for which the County has maps. The City of Granger maintains a map of Wellhead Protection Area locations in the Granger Comprehensive Water System Plan. Wellhead Protection Areas are required for all Class A public water systems in the State of Washington. The determination of a wellhead protection area is based upon the time of travel of a water particle from its source to the well. Water purveyors collect site specific information to determine the susceptibility of the water source to surface sources of contamination. Water sources are ranked by the Washington State Department of Health with a high, moderate or low susceptibility to surface contamination. Wellhead protection areas are defined by the boundaries of the ten year time of groundwater travel, in accordance with WAC 246-290-135. For purposes of this chapter, all wellhead protection areas shall be considered highly susceptible. (Ord. No. 1177, § 3(Exh. A), 1-8-2013)

16.06.840 Submittal requirements.

A. Applications for any development activity or division of land which requires review by Granger and which is located within a mapped Critical Aquifer Recharge Area or Wellhead Protection Area shall be reviewed by the administrator to determine whether hazardous materials (see definitions) will be used, stored, transported, or disposed of in connection with the proposed activity. If there is insufficient information to determine whether hazardous materials will be used, the administrator may request additional information, in addition to the submittal requirements outlined in Section 16.06.840.

B. The administrator shall make the following determination:

1. No hazardous materials are involved.
2. Hazardous materials are involved; however, existing laws or regulations adequately mitigate any potential impact, and documentation is provided to demonstrate compliance.
3. Hazardous materials are involved and the proposal has the potential to significantly impact Critical Aquifer Recharge and Wellhead Protection Areas; however, sufficient information is not available to evaluate the potential impact of contamination. The county may require a Hydrogeologic Report to be prepared by a qualified groundwater scientist in order to determine the potential impacts of contamination on the aquifer.
(Ord. No. 1177, § 3(Exh. A), 1-8-2013)

16.06.850 Performance standards--General requirements.

A. Activities may only be permitted in a critical aquifer recharge area if the applicant can show that the proposed activity will not cause contaminants to enter the aquifer and that the proposed activity will not adversely affect the recharging of the aquifer.

B. The proposed activity must comply with the water source protection requirements and recommendations of the U.S. Environmental Protection Agency, Washington State Department of Health, and the Yakima County Health District.
(Ord. No. 1177, § 3(Exh. A), 1-8-2013)

16.06.860 Performance standards--Specific uses.

A. Storage Tanks. All storage tanks proposed to be located in a critical aquifer recharge area must comply with local building code requirements and must conform to the following requirements:

1. Underground Tanks. All new underground storage facilities proposed for use in the storage of hazardous substances or hazardous wastes shall be designed and constructed so as to:

a. Prevent releases due to corrosion or structural failure for the operational life of the tank;

b. Be protected against corrosion, constructed of noncorrosive material, steel clad with a non-corrosive material, or designed to include a secondary containment system to prevent the release or threatened release of any stored substances; and

c. Use material in the construction or lining of the tank that is compatible with the substance to be stored.

B. Aboveground Tanks. All new aboveground storage facilities proposed for use in the storage of hazardous substances or hazardous wastes shall be designed and constructed so as to:

a. Not allow the release of a hazardous substance to the ground, groundwaters, or surface waters;

b. Have a primary containment area enclosing or underlying the tank or part thereof; and

c. Have a secondary containment system either built into the tank structure or a dike system built outside the tank for all tanks.

C. Vehicle Repair and Servicing.

1. Vehicle repair and servicing must be conducted over impermeable pads and within a covered structure capable of withstanding normally expected weather conditions. Chemicals used in the process of vehicle repair and servicing must be stored in a manner that protects them from weather and provides containment should leaks occur.

2. No dry wells shall be allowed in critical aquifer recharge areas on sites used for vehicle repair and servicing. Dry wells existing on the site prior to facility establishment must be abandoned using techniques approved by the State Department of Ecology prior to commencement of the proposed activity.

D. Residential Use of Pesticides and Nutrients. Application of household pesticides, herbicides, and fertilizers shall not exceed times and rates specified on the packaging.

E. Use of Reclaimed Water for Surface Percolation or Direct Recharge. Water reuse projects for reclaimed water must be in accordance with the adopted water or sewer comprehensive plans that have been approved by the State Departments of Ecology and Health.

1. Use of reclaimed water for surface percolation must meet the groundwater recharge criteria given in RCW 90.46.010(10) and 90.46.080(1). The State Department of Ecology may establish additional discharge limits in accordance with RCW 90.46.080(2).

2. Direct injection must be in accordance with the standards developed by authority of RCW 90.46.042. (Ord. No. 1177, § 3(Exh. A), 1-8-2013)

16.06.870 Uses prohibited from critical aquifer recharge areas.

A. The following activities and uses are prohibited in critical aquifer recharge areas:

1. Landfills. Landfills, including hazardous or dangerous waste, municipal solid waste, special waste, wood waste and inert and demolition waste landfills;

2. Underground Injection Wells. Class I, III and IV wells and subclasses 5F01, 5D03, 5F04, 5W09, 5W10, 5W11, 5W31, 5X13, 5X14, 5X15, 5W20, 5X28, and 5N24 of Class V wells;

3. Wood Treatment Facilities. Wood treatment facilities that allow any portion of the treatment process to occur over permeable surfaces (both natural and manmade);

4. Storage, Processing, or Disposal of Radioactive Substances. Facilities that store, process, or dispose of radioactive substances;

5. Mining. Hard rock; and sand and gravel mining, unless located within the mineral resource designation; and

6. Other Prohibited Uses or Activities.

i. Activities that would significantly reduce the recharge to aquifers currently or potentially used as a potable water source;

ii. Activities that would significantly reduce the recharge to aquifers that are a source of significant base flow to a regulated stream.
(Ord. No. 1177, § 3(Exh. A), 1-8-2013)

Title 17SUBDIVISIONS*Chapters:

<u>17.04</u>	<u>General Provisions</u>
<u>17.08</u>	<u>Short Subdivisions</u>
<u>17.12</u>	<u>Subdivisions</u>
<u>17.16</u>	<u>Design Standards</u>
<u>17.20</u>	<u>Enforcement/Penalties/Effective Date</u>

* Prior ordinance history: Ords. 570, 651, 681, 682, 782, 902A, 903 and 933.

Chapter 17.04GENERAL PROVISIONSSections:

17.04.010	Title and scope.
17.04.020	Purpose.
17.04.030	Administration.
17.04.040	Amendments.
17.04.050	Existing permits.
17.04.060	Exemptions.
17.04.070	Variance.
17.04.080	Definitions.

17.04.010 Title and scope.

This title shall be known as the town of Granger subdivision ordinance and may hereinafter be referred to as "this title." This title shall apply to all land within the Granger municipal limits. (Ord. 954 (part), 2001).

17.04.020 Purpose.

The purpose of this title is to regulate the orderly and sensible division of land, to provide for adequate and proper placement of utilities, to provide ingress and egress to developing land, and to provide uniform monumenting and conveyance by legal description of subdivided lands. (Ord. 954 (part), 2001).

17.04.030 Administration.

The town of Granger clerk/treasurer, or a person or persons designated by the clerk/treasurer, shall be the administrative official of this title and shall have the authority to administrate, interpret, and enforce all provisions herein. (Ord. 954 (part), 2001).

17.04.040 Amendments.

The Granger town council shall have sole authority to amend or repeal any or all parts of this title. (Ord. 954 (part), 2001).

17.04.050 Existing permits.

All permits lawfully issued under the provisions of any ordinance repealed by this title shall remain valid until their expiration date unless sooner surrendered or revoked. (Ord. 954 (part), 2001).

17.04.060 Exemptions.

The following items or actions shall be exempt from the provisions of this title:

A. Cemeteries and other burial plots while used for that purpose;

B. Division made by testamentary provision or the laws of descent;

C. Acquisition of fractional parts of land by public agencies for the purpose of future use as public highways or public utility ways;

D. An adjustment of lot or parcel boundary lines may be approved as a qualified exemption by the administrative official; provided:

1. Any lot or parcel line adjustment conforms with the area and dimension requirements of this title and no additional lots, tracts or parcels are created from the existing lot or parcel,

2. The lot or parcel line adjustment shall be reviewed and approved by the administrative official prior to being filed for record with the county auditor,

3. Any lot or parcel line adjustment approved by the administrative official shall become void if the applicant fails to record the adjustment with the county auditor and submit a copy of the recorded instrument to the administrative official within ninety days from the date of approval. (Ord. 954 (part), 2001).

17.04.070 Variance.

The town council may authorize a variance from the terms of this title where the literal enforcement of requirements would place undue or unfair hardship upon a property owner. The town council may attach conditions to an approved variance to mitigate potential adverse impacts to surrounding properties or to the general public. A variance shall not be granted unless the applicant demonstrates and meets the following criteria:

A. Exceptional circumstances resulting from lot size or shape, topography, or other physical characteristic beyond the control of the applicant which applies to the subject property but does not generally apply to other properties within the same zone;

B. The variance is necessary for the preservation of property rights as are commonly enjoyed by other property owners within the same vicinity;

C. Granting the variance will not adversely affect property in the vicinity in which it is located;

D. The variance will not confer special privilege to the applicant. (Ord. 954 (part), 2001).

17.04.080 Definitions.

A. The definition of any word or phrase not provided herein shall be defined by one of the following sources:

1. The Revised Code of Washington;
2. The Washington Administrative Code;
3. A commonly used dictionary such as Webster's.

B. The word "may" is permissive and allows discretion. The word "shall" is mandatory and allows no discretion.

C. For the purposes of this title, the definitions given to the following terms shall apply:

"Block" means a group of lots, tracts, or parcels within well defined and fixed boundaries.

"Comprehensive plan" means the town of Granger comprehensive plan update as adopted on October 24, 1995 including all future amendments and revisions hereinafter adopted by the Granger town council.

"Cul-de-sac" means a street intersecting another street at one end and permanently terminated by a vehicular turnaround at the other end.

"Dedication" means the deliberate appropriation of land by an owner for any public use reserving to himself or herself no other rights other than the public uses of which the property has been dedicated.

"Easement" means a grant by a property owner to persons or the public to use land for specific purposes.

"Improvements" means construction or placement of physical improvements including but not limited to street grading or graveling, street pavement, curbs and sidewalks, storm and sanitary sewers, water mains and irrigation water services.

"Lot" means a fractional part of divided lands having fixed boundaries and being of sufficient area and dimension to meet minimum town zoning requirements.

"Plat or final plat" means the final surveyed and/or engineered illustration of the layout and design of a subdivision or short subdivision prepared for filing for record with the county auditor and in compliance with all requirements herein and any additional requirements which may have been required during preliminary plat review.

"Preliminary plat" means a formally surveyed and/or engineered illustration of a proposed subdivision or short subdivision showing the layout of all lots, streets and alleys, blocks, easements, restrictive covenants and other elements of the subdivision or short subdivision. A preliminary plat shall furnish a basis for the town's review of the proposal to identify any modifications, conditions or requirements which may be necessary prior to approval of a final plat. In instances where it is determined no modifications are necessary, the preliminary plat may also serve as a final plat.

"Right-of-way" means land dedicated and maintained for existing or future public access and use.

"Short subdivision" means the division of land into four or fewer lots, tracts, parcels, sites, or divisions for the purpose of sale, lease or transfer of ownership in the present or future.

"Sketch plat" means a neat and approximate drawing of a proposed subdivision or short subdivision showing the general layout of streets and alleys, lots, blocks, restrictive covenants and other elements which may be applicable to the subdivision or short subdivision. A sketch plat may furnish a basis for informal review and discus-

sion between a prospective applicant and the town during any pre-application meetings.

"Subdivision" means the division of land into five or more lots, tracts, parcels, sites or divisions for the purpose of sale or lease and transfer in the present or future.

"Survey monument" means a physical object defining a survey corner which is constructed and installed in compliance with the standards established by RCW 58.09. (Ord. 954 (part), 2001).

Chapter 17.08

SHORT SUBDIVISIONS

Sections:

- 17.08.010 General provisions.
- 17.08.020 Application.
- 17.08.030 Application processing.
- 17.08.040 Preliminary short plat--Content.
- 17.08.050 Preliminary short plat review and decision.
- 17.08.060 Effect of preliminary plat approval.
- 17.08.070 Final plat--Content.
- 17.08.080 Final plat--Recording.
- 17.08.090 Final plat--Time limitation/extension.
- 17.08.100 Appeal of administrative decision.

17.08.010 General provisions.

A. This chapter shall regulate the division of land resulting in four or fewer newly created lots.

B. The administrative official shall have the authority to approve or disapprove short subdivision applications.

C. All costs of required or requested town engineering, planning, and/or environmental review shall be at the expense of the applicant and shall be paid in full prior to the recording of approved final plats.

D. Lands determined to be unsuitable for development for reasons including, but not limited to, flooding, erosion, poor drainage, severity of slope, or proximity and relationship to designated critical areas shall not be

considered for division unless adequate controls are incorporated to mitigate adverse impacts to life, property, and the environment.

E. Any short subdivision lot, or portion of a lot located within an irrigation district organized pursuant to Chapter 87.03 of the Revised Code of Washington shall be provided with an irrigation water right-of-way.

F. Pursuant to RCW 58.17.060, land within a short subdivision may not be further divided in any manner within a period of five years without the filing of a final plat; provided, if the short plat contains fewer than four parcels or lots, the owner may file a plat alteration within the five-year period to create up to four parcels or lots within the original plat boundaries. (Ord. 954 (part), 2001).

17.08.020 Application.

A. A prospective applicant may arrange a pre-application meeting with the administrative official to discuss any division of land which he or she is considering. During the meeting, a sketch plat, if made available by the applicant, may be discussed with appropriate town staff regarding the requirements of this chapter, other town requirements, environmental issues, and other concerns which may apply to the proposed land division. The pre-application meeting may assist the prospective applicant in making a determination of the general feasibility of the proposal prior to submitting a formal application and preliminary plat for town review.

B. Each application for a short subdivision shall include the following:

1. An application form provided by the town, completed and signed by the applicant;
2. All application fees as determined by the current town fee schedule;
3. Five copies of a preliminary plat;
4. A fully completed, accurate, and clearly legible SEPA environmental checklist if environmental review is required. (Ord. 954 (part), 2001).

17.08.030 Application processing.

Short subdivision applications shall be processed in accordance with review procedures pursuant to Title 14 of the Granger Municipal Code. (Ord. 954 (part), 2001).

17.08.040 Preliminary short plat--Content.

A preliminary plat of a short subdivision shall be made by or under the supervision of a land surveyor registered with the state of Washington. The plat survey shall comply with requirements pursuant to RCW 58.09. A preliminary plat shall be clearly and legibly drawn to a scale not exceeding one inch equal to one hundred feet unless the administrative official requires or allows otherwise. The plat shall be drawn on reproducible high grade paper, or a town approved equivalent, of a size not less than eighteen by twenty-four inches or exceeding twenty-four by thirty-six inches, contain a north arrow, scale indicator and the following:

- A. Name of the plat;
- B. An accurate and complete legal description of the land being platted;
- C. The entire parcel of the subject land clearly showing the proposed land divisions;
- D. Lot lines, lot numbers and block numbers;
- E. The location and description of all existing structures on the subject property;
- F. The location and identity of any designated natural resource lands or critical areas which may be on or be affected by the proposed short subdivision;
- G. The location of existing roads, streets and easements, adjacent to or across the land being divided;
- H. The location and purpose of any proposed streets, roads, easements and rights-of-way with a clear designation of size, elevation, and approximate grade;
- I. Size and location of any water, sewer, drainage, irrigation and utility easements, including all private utilities, proposed to serve the short subdivision;
- J. The location and description of monuments and a certification by a registered land surveyor attesting to the accuracy of the plat survey;
- K. Name and address of the applicant, a title report identifying ownership, and notarized signatures of all parties having legal interest in the land agreeing to the division of the property and any dedication of land for public use;
- L. Space for the signed approval of the administrative official;

M. Space for a signature from the office of the county treasurer attesting that all taxes and assessments have been paid in full;

N. Any additional information which may be required by the administrative official. (Ord. 954 (part), 2001).

17.08.050 Preliminary short plat review and decision.

A. Concluding the review of the application pursuant to Title 14, GMC, the administrative official may approve, approve with conditions, or disapprove the preliminary short plat.

B. The administrative official may require that specific improvements be accomplished prior to the approval and/or recording of a final plat. The administrative official may also require the certification of a registered engineer attesting to the proper design of streets, bridges, water and sanitation systems, and other structural improvements which may be required. (Ord. 954 (part), 2001).

17.08.060 Effect of preliminary plat approval.

A. Construction of Improvements Not Required. If the approved preliminary plat requires no construction of improvements, the applicant shall prepare and submit a final plat to the administrative official within two years from the date of preliminary plat approval. The administrative official may file the final plat with the office of the county auditor after first determining that all requirements of this chapter and any conditions of preliminary plat approval have been satisfactorily met.

B. Construction of Improvements Required. If the approved preliminary plat requires construction of improvements, the applicant may choose one of the following alternatives to complete the construction:

1. The applicant may construct all improvements prior to final plat approval. Once the applicant completes construction, and within two years from the date of preliminary plat approval, the applicant shall submit a final plat prepared in accordance with Section 17.08.070 of this chapter to the administrative official. The administrative official may approve and file the final plat for recording after first determining that all requirements of this chapter, all construction requirements, and

all conditions of preliminary plat approval have been satisfactorily met.

2. The applicant may construct improvements after final plat approval; provided the following:

a. A development contract is entered into between the applicant and the town prior to construction. The development contract shall specify town construction and inspection requirements, a time limit for completion, and all requirements which may have been conditions of preliminary and final plat approval.

b. The applicant shall provide a financial bond or other security instrument acceptable to the town providing for and securing the actual construction of all required improvements. The security instrument shall be of no less value than one hundred percent of the estimated cost of improvements as determined by the town public works director and/or the town engineer.

c. After all requirements are completed, the administrative official shall file the approved final plat with the county auditor. (Ord. 954 (part), 2001).

17.08.070 Final plat--Content.

The final plat of a short subdivision shall contain the following:

A. A complete and accurate legal description shown on the face of the plat;

B. Certification that the applicant is the legal owner of the property;

C. Certification of a registered land surveyor attesting to the accuracy of the plat survey;

D. Certification or a separate written instrument identifying and evidencing the dedication of any land to the public, signed and acknowledged before a notary public by all parties of ownership interest in the subdivided land, which shall be recorded as part of the final plat;

E. Where a proposed lot/subdivision is within three hundred feet of any land zoned for agricultural use a declarative covenant shall be recorded indicating that the lot is situated near an agricultural area and, therefore, may be subject to noise, dust, smoke, odors, traffic and the application of chemicals resulting from commonly accepted practices associated with nearby agricultural use. Such covenant shall be in a form as prescribed by the town attorney;

F. The signature of the administrative official evidencing approval of the final plat;

G. Signature from the office of the county treasurer attesting that all taxes and assessments associated with the subject land have been paid in full;

H. Other information or certifications as may be required by the administrative official. (Ord. 954 (part), 2001).

17.08.080 Final plat--Recording.

The final plat shall be filed and distributed as follows:

A. The original final plat shall be filed for record with the county auditor. All filing fees shall be paid by the applicant.

B. One copy of the final plat shall be submitted to the county assessor.

C. One copy of the final plat shall be retained by the administrative official.

D. One copy of the final plat shall be submitted to the town public works director. (Ord. 954 (part), 2001).

17.08.090 Final plat--Time limitation/extension.

A final plat of a short subdivision which meets all requirements herein shall be submitted to the town clerk within two years of the date of preliminary plat approval or within a time period specified within a development contract. A written request for a time extension may be submitted to the administrative official at least thirty days prior to the preliminary plat expiration date. The administrative official may extend the time period a maximum of one additional year if first determining the request is reasonable and demonstrates just cause. Failure of the applicant to submit a final plat within the specified time limits, including any time extensions, shall void the approval of the preliminary plat. (Ord. 954 (part), 2001).

17.08.100 Appeal of administrative decision.

Administrative decisions regarding a short subdivision may be appealed to the town council in accordance with Title 14, Granger Municipal Code. (Ord. 954 (part), 2001).

Chapter 17.12SUBDIVISIONSSections:

- 17.12.010 General provisions.
- 17.12.020 Application.
- 17.12.030 Application processing.
- 17.12.040 Preliminary plat--Content.
- 17.12.050 Community development commission review.
- 17.12.060 Town council review and decision.
- 17.12.070 Effect of preliminary plat approval.
- 17.12.080 Final plat--Content.
- 17.12.090 Final plat--Recording.
- 17.12.100 Final plat--Time limitation/extension.
- 17.12.110 Appeal of decision.

17.12.010 General provisions.

A. This chapter shall regulate the division of land resulting in five or more newly created lots.

B. The town council shall have the authority to approve or disapprove a subdivision.

C. All costs of required or requested town engineering, planning, and/or environmental review shall be at the expense of the applicant and shall be paid in full prior to the recording of approved final plats.

D. Any subdivision lot, or portion of a lot located within an irrigation district organized pursuant to Chapter 87.03 of the Revised Code of Washington (RCW) shall be provided with an irrigation water right-of-way.

E. Lands determined to be unsuitable for development for reasons including, but not limited to, flooding, erosion, poor drainage, severity of slope, or proximity and relationship to designated critical areas shall not be considered for division unless adequate controls are incorporated to mitigate adverse impacts to life, property, and the environment. (Ord. 954 (part), 2001).

17.12.020 Application.

A. A prospective applicant may arrange a pre-application meeting with the administrative official to discuss any division of land which he or she is considering. During the meeting, a sketch plat of the proposal

could be discussed with appropriate town staff. The requirements of this chapter could also be discussed along with anything else which would better enable the property owner to decide upon proceeding, or not proceeding, with the proposal.

B. All subdivision applications shall include the following:

1. An application form provided by the town and completed by the applicant;
2. All application fees as determined by the current town fee schedule;
3. Five copies of a preliminary plat;
4. A fully completed, accurate, and clearly legible SEPA environmental checklist if environmental review is required. (Ord. 954 (part), 2001).

17.12.030 Application processing.

The administrative official shall process the application in accordance with review procedures pursuant to Title 14 of the Granger Municipal Code. (Ord. 954 (part), 2001).

17.12.040 Preliminary plat--Content.

A preliminary plat of a subdivision shall be made by or under the supervision of an engineer registered with the state of Washington. The plat survey shall comply with requirements pursuant to RCW 58.09. A preliminary plat shall be clearly and legibly drawn to a scale not exceeding one inch equal to one hundred feet unless the administrative official requires or allows otherwise. The plat shall be drawn on reproducible high grade paper, or a town approved equivalent, of a size not less than eighteen by twenty-four inches or exceeding twenty-four by thirty-six inches, contain a north arrow, legend, and the following:

- A. Name of the plat;
- B. An accurate and complete legal description of the land being platted;
- C. The entire parcel of the applicant's land clearly showing the proposed land divisions;
- D. Lot lines, lot numbers and block numbers;
- E. Location of existing roads, streets and easements, including utility easements, adjacent to or across the subject land;

F. Location and purpose of any streets, roads, easements and rights-of-way proposed for the subdivision with a clear designation of size, elevation, and approximate grade;

G. Size and location of any water, sewer, storm drainage, and utility facilities being proposed to serve the subdivision;

H. Location and description of all existing structures on the subject property;

I. The location and identity of any designated natural resource lands or critical areas which may be on or be affected by the proposed subdivision;

J. Location of any existing or proposed irrigation water rights-of-way and irrigation drains;

K. Name and address of the applicant, a title report evidencing ownership of the subject land, and notarized signatures of all parties having legal ownership interest in the land agreeing to the division of the property and dedication of any land for public use;

L. The location and description of monuments and the certification of a registered land surveyor attesting to the accuracy of the plat survey;

M. Certification by a registered engineer attesting to the proper design of structural improvements;

N. Signature space for the county treasurer evidencing all taxes and assessments associated with the subject property have been paid in full;

O. Signature space for the mayor evidencing approval of the city council;

P. Additional information as may be required by the administrative official.

Q. Written findings establishing adequacy of the proposal in reference to appropriate provisions for the following, as appropriate and relevant:

1. Streets or roads, sidewalks, alleys, other public ways, transit stops, and other features that assure safe walking conditions for students.

2. Potable water supplies, sanitary wastes, and drainage ways (stormwater retention and detention).

3. Open spaces, parks and recreation, and playgrounds.

4. Sites for schools and school grounds.
 (Ord. 954 (part), 2001).
 (Ord. No. 1139, § 2(Exh. B), 4-26-2011)

17.12.050 Community development commission review.

A. The community development commission shall hear and consider information presented at a scheduled open record public hearing and determine if the application conforms to the following standards:

1. The proposed subdivision complies with the city zoning ordinance, this chapter, the goals of the comprehensive land use, water, and wastewater plans;

2. The proposed lots will be served with adequate drainage, water, sewage disposal, and any other necessary or required services;

3. The proposed lots have been provided with adequate means of ingress and egress designed in compliance with city standards;

4. Appropriate provisions have been made for streets, sidewalks, alleys, other public ways, transit stops, and other features that assure safe walking conditions for students.

5. The proposed subdivision would not adversely affect the public's general health, safety and welfare.

B. Following the public hearing and review, the community development commission shall submit a report with a recommendation to the city council to approve, approve with conditions, or disapprove the application. The report shall include any findings and conclusions supporting the recommendation. (Ord. 954 (part), 2001).
 (Ord. No. 1139, § 2(Exh. B), 4-26-2011)

17.12.060 City council review and decision.

Following receipt of the community development commission report, the city council may accept, accept with modification, or reject the recommendations of the community development commission. (Ord. 954 (part), 2001).

17.12.070 Effect of preliminary plat approval.

A. Construction of Improvements Not Required. If the approved preliminary plat requires no construction of improvements, the applicant may prepare and submit a final plat to the administrative official within three years of preliminary plat approval. The administrative official shall

forward the final plat to the city council for approval. The city council may approve the final plat after first concluding that all conditions of preliminary plat approval have been satisfactorily met. Following city council final approval, the administrative official shall file the final plat for recording with the county auditor.

B. Construction of Improvements Required. If the approved preliminary plat requires the construction of improvements, the applicant may begin construction using one of the following alternatives:

1. The applicant may complete all improvements prior to final plat approval. Upon satisfactory completion of construction requirements, the applicant may submit a final plat to the administrative official within three years from the date of preliminary plat approval. The administrative official shall forward the final plat to the city council for approval. The city council may approve the final plat after first concluding that all conditions of preliminary plat approval have been

satisfactorily met. Following town council final approval, the administrative official shall file the final plat for recording with the county auditor.

2. The applicant may complete all improvements after final plat approval provided a development contract is entered into between the applicant and the town prior to construction. The development contract shall specify town construction and inspection requirements, a time limit for completion, and any requirements which may have been attached as conditions of preliminary plat approval. In addition, the applicant shall provide a financial bond or other security instrument acceptable to the town providing for and financially securing to the town the construction of improvements in the event the applicant is unable to complete all construction requirements. The security instrument shall be of no less value than one hundred percent of the estimated cost of improvements as determined by the town public works director and/or the town engineer. Upon satisfactory completion of all requirements attached as conditions of final plat approval, the administrative official shall file the final plat for recording with the county auditor. (Ord. 954 (part), 2001).

17.12.080 Final plat--Content.

A final plat of a subdivision shall contain the following:

A. A complete and accurate legal description shown on the face of the plat;

B. Certification that the applicant is the legal owner of the property;

C. Certification or a separate written instrument identifying and evidencing the dedication of any land to the public, signed and acknowledged before a notary public by all parties of ownership interest in the subdivided land, which shall be recorded as part of the final plat;

D. Where a proposed lot/subdivision is written three hundred feet of any land zoned for agricultural use, a declarative covenant shall be recorded indicating that the lot is situated near an agricultural area and, therefore, may be subject to noise, dust, smoke, odors, traffic and the application of chemicals resulting from commonly accepted practices associated with nearby agricultural use. Such covenant shall be in a form as prescribed by the town attorney;

E. Certification by a licensed engineer attesting to the proper design of structural improvements;

F. Certification of a registered land surveyor attesting to the accuracy of the plat survey;

G. A statement of approval from the town engineer, or an engineer acting in behalf of the town as to the layout of streets, alleys and other rights-of-way, design of bridges, sewage and water systems, and any other improvements contained within the plat;

H. The signature of the mayor evidencing final plat approval by the town council;

I. Signature from the office of the county treasurer attesting that all taxes and assessments associated with the subject land have been paid in full;

J. Other information which may be required by the administrative official. (Ord. 954 (part), 2001).

17.12.090 Final plat--Recording.

The final plat shall be distributed and filed as follows:

A. The original final plat shall be filed for record with the county auditor. Filing fees shall be paid by the applicant.

B. One copy of the final plat shall be submitted to the county assessor.

C. One copy of the final plat shall be retained by the town clerk.

D. One copy of the final plat shall be submitted to the town public works director. (Ord. 954 (part), 2001).

17.12.100 Final plat--Time limitation/extension.

A final plat meeting all requirements of this chapter shall be submitted to the town council for approval within three years from the date of preliminary plat approval or a time specified within a development contract. An applicant who files a written request with the town council at least thirty days before the expiration of the time limit may be granted an extension of no more than two years provided the town council determines the request is reasonable and demonstrates just cause. Failure of the applicant to submit a final plat within the specified time limits, including any time extensions, shall void the approval of the preliminary plat. (Ord. 954 (part), 2001).

17.12.110 Appeal of decision.

Town council decisions are final unless appealed to the Yakima County superior court. (Ord. 954 (part), 2001).

Chapter 17.16DESIGN STANDARDSSections:

- 17.16.010 General provisions.
- 17.16.020 Construction standards.
- 17.16.030 Lots.
- 17.16.040 Blocks.
- 17.16.050 Streets.
- 17.16.060 Water and sewer.

17.16.010 General provisions.

A. Standards for development design provided herein shall apply to all improvements, required or otherwise, affecting a short subdivision or subdivision of land within the town of Granger.

B. Streets, water, sewer, utilities and other improvements of a proposed subdivision shall be at the expense of the applicant and be in conformance with all applicable town design and construction specifications. Repair work to existing facilities which may be damaged as a result of any construction shall also be the financial responsibility of the applicant.

C. If any of the requirements herein are found to conflict with other town design, construction, building, or public works standards, the more restrictive standards shall apply unless determined otherwise by the town council. (Ord. 954 (part), 2001).

17.16.020 Construction standards.

Building, construction, and public works standards adopted by the town of Granger shall be the prevailing standards for subdivision and short subdivision improvements. Any construction that does not conform to town building, construction and/or public works standards shall be prohibited. (Ord. 954 (part), 2001).

17.16.030 Lots.

Lot design shall conform to the following minimum standards:

A. Each new lot shall front on and have access to a dedicated public right-of-way.

B. Lot area and dimensions shall conform to those pursuant to town zoning requirements. (Ord. 954 (part), 2001).

17.16.040 Blocks.

Block design shall conform to the following standards:

A. Blocks shall be of sufficient width to allow two tiers of lots except when topography or other pre-existing elements prohibit two tier design.

B. Alleys, when required or included by design, shall have a minimum fifteen foot right-of-way. (Ord. 954 (part), 2001).

17.16.050 Streets.

All required street improvements shall include sidewalks, curbs, gutters, storm drains, and paved surfacing. Street improvements may also include street trees, trash receptacles, crosswalks, street signs, traffic control devices, or other similar improvements determined by the city to be necessary in the interest of the general public. All streets shall be dedicated to the public and conform to the following standards:

A. Street grades shall not exceed ten percent.

B. Cul-de-sacs shall not exceed six hundred feet in length from the beginning intersection to the end and shall provide an end turn-around space having a minimum sixty feet radius.

C. Offset intersections shall have a minimum one hundred feet of centerline offset.

D. Streets shall intersect as near as possible to right angles.

E. Street right-of-way width for two-way streets shall be a minimum sixty feet. Cul-de-sacs may have a lesser minimum width as may be determined by the city.

F. Sidewalks shall be located on dedicated street right-of-way and have a minimum width of four feet per street side.

G. The city may exempt cul-de-sacs from required sidewalks if exemption would not be adverse to public safety.

H. Subdivisions or short subdivisions abutting an existing street shall not be required to provide a sidewalk on the opposite side of the abutting street.

I. Curbs shall be installed to separate sidewalks from vehicular traffic and parking lanes. (Ord. 1071 § 1, 2007: Ord. 954 (part), 2001).

17.16.060 Water and sewer.

Water and sewer improvements shall incorporate the following:

A. Domestic water and fire protection systems shall be installed in accordance with municipal standards and applicable state standards and requirements. (Ord. 954 (part), 2001).

Chapter 17.20

ENFORCEMENT/PENALTIES/EFFECTIVE DATE

Sections:

- 17.20.010 Penalties for violation.
- 17.20.020 Effective date.

17.20.010 Penalties for violation.

No person shall transfer, sell, or lease either by deed or contract any land subject to the requirements of this title until a final plat has been approved and recorded with the county auditor. Violation of any provision herein shall be a misdemeanor punishable by a citation of not less than five hundred dollars and/or thirty days imprisonment for each violation. Each day the violation continues past a date issued by the town for correction of the violation may be considered a separate offense. (Ord. 954 (part), 2001).

17.20.020 Effective date.

The ordinance codified in this title shall become effective immediately upon its adoption, approval, and publication. (Ord. 954 (part), 2001).

Title 18

ZONING

Chapters:

<u>18.04</u>	<u>General Provisions</u>
<u>18.08</u>	<u>R1 Zone Single-Family Residential</u>
<u>18.12</u>	<u>R2 Zone Multifamily Residential</u>
<u>18.16</u>	<u>C1 Zone Commercial</u>
<u>18.20</u>	<u>M1 Zone Manufacturing--Light Industrial</u>
<u>18.24</u>	<u>Manufactured Home Parks/Recreational Vehicle Parks</u>
<u>18.28</u>	<u>Off-Street Parking and Loading</u>
<u>18.32</u>	<u>Nonconforming Uses, Lots, and Structures</u>
<u>18.36</u>	<u>Conditional Uses</u>
<u>18.38</u>	<u>Wireless Communications Facilities (WCF)</u>
<u>18.40</u>	<u>Violation--Penalties</u>
<u>18.50</u>	<u>Siting Essential Public Facilities</u>
<u>18.55</u>	<u>Zoning Amendments</u>
<u>18.60</u>	<u>Landscaping Standards</u>
<u>18.64</u>	<u>Multifamily Development and Design Standards</u>

Chapter 18.04

GENERAL PROVISIONS

Sections:

18.04.010	Title and scope.
18.04.020	Purpose.
18.04.030	Administration and enforcement.
18.04.040	Appeal of decisions.
18.04.050	Variance.
18.04.060	Definitions.
18.04.070	Official zoning map.
18.04.080	Districts established.
18.04.090	Municipal facilities, uses and activities.
18.04.100	Illegal uses prohibited.

18.04.010 Title and scope.

The ordinance codified in this title shall be known as the city of Granger zoning ordinance and may hereinafter be referred to as "this title." This title shall be applicable to all lands within the city of Granger municipal boundaries. (Ord. 952 (part), 2001).

18.04.020 Purpose.

The purpose of this title is to provide uniform, equitable and reasonable standards to regulate the use of land within the city, to promote the general public health, safety and welfare, and to provide a primary means of implementing the land use goals of the Granger comprehensive plan. (Ord. 952 (part), 2001).

18.04.030 Administration and enforcement.

The city clerk, or a person or persons designated by the city clerk, shall be the administrative official of this title and shall have the authority to interpret and enforce all provisions herein. (Ord. 952 (part), 2001).

18.04.040 Appeal of decisions.

A. Administrative Appeal. Appeal of administrative decisions may be appealed before the city council. Procedures for administrative appeal shall be those pursuant to Title 14 of this code.

B. City Council Appeal. City council decisions are final unless appealed to Yakima Superior Court. (Ord. 952 (part), 2001).

18.04.050 Variance.

The city council may grant a variance from design and development requirements of this title where it can be demonstrated that, owing to special and unusual circumstances related to a property, the literal application of this title would cause an undue or unnecessary hardship to the property owner. A variance shall not be granted to allow a use or structure which is not listed as a permitted or accessory use within any designated zone. In granting a variance, the city council may attach conditions determined necessary to protect the health, safety, and welfare of the general public. In addition, a variance may be granted only if all of the following circumstances exist:

A. Exceptional circumstances resulting from lot size or shape, topography, or other physical characteristic beyond the control of the applicant which is applicable to the subject property but does not generally apply to other properties within the same zone;

B. The variance is necessary for the preservation of property rights as are commonly enjoyed by property owners within the same zone;

C. Granting the variance will not adversely affect property in the neighboring vicinity;

D. The variance will not confer special privilege to the applicant and shall be the minimum variance of regulations necessary to eliminate or mitigate the situation causing undue hardship. (Ord. 952 (part), 2001).

18.04.060 Definitions.

A. The definition of any word or phrase not listed in this title shall be defined from any one of the following sources:

1. The Revised Code of Washington;
2. A common dictionary such as Webster's;
3. Title 14, Granger Municipal Code.

B. The word "may" is permissive and allows discretion; the word "shall" is mandatory and does not allow discretion.

C. For the purposes of this title, the following terms shall have the attached meanings:

"Accessory use or structure" means a structure or use incidental and subordinate to the primary use of the property and located on the same lot as the primary use.

"Adult family home" means a regular family abode in which a person or persons provides personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services. An adult family home shall be licensed by the State of Washington Department of Social and Health Services, and a City of Granger business license shall be required.

"Alley" means a public right-of-way used as a secondary access to residences and business establishments.

"Apartment" means one or more rooms in a multiple dwelling structure designed for the occupancy of one family.

"Automobile wrecking yard" means any property where two or more inoperable vehicles and vehicle parts are wrecked, dismantled, substantially altered, or kept in unenclosed storage.

"Block" means a group of lots, tracts, or parcels located within defined and fixed boundaries.

"Building." See "Structure."

"Conditional use" means uses which may have a detrimental effect on surrounding properties and may have conditions imposed to mitigate such adverse impacts prior to permit approval.

"Day care center, mini" means the care of more than twelve children, including children who reside at the home, conducted by the occupant within their residence. A mini-day care center shall be regarded as a home occupation.

"Day care facility" means any institution or establishment in which children are received during established time periods in a non-residential facility for the purpose of being given nonparental care, supervision, or training.

"Day care provider, family" means a child daycare provider who regularly provides child daycare for not more than twelve children in the provider's home in the family living quarters.

"Dedication" means the deliberate appropriation of land by a property owner for any public use reserving to himself no other rights other than the public uses to which the property is dedicated.

"Dwelling" means a building or portion thereof designed exclusively for residential purposes excluding hotels, motels, and boarding houses.

"Dwelling unit" means one or more rooms within a building or apartment house designed for occupancy by one family.

Dwelling, single-family. "Single-family dwelling" means a singular building designed for the occupancy of one family. Single-family dwellings are further classified by their nature of construction as follows:

1. Site-built. Constructed primarily at the occupancy site and permanently affixed to the ground by a foundation.

2. Manufactured home. See "Manufactured home" and "Mobile home."

Dwelling, duplex. "Duplex dwelling" means a singular building designed for occupancy of two families living independently of each other.

Dwelling, multifamily. "Multifamily dwelling" means a singular building containing three or more one family dwelling units.

"Easement" means a grant by a property owner to persons or the public to use land for specific purposes.

"Essential public facilities" means:

1. Those facilities that are typically difficult to site, such as airports, state education facilities, state and local correctional facilities, state or regional transportation facilities, solid waste handling facilities, in-patient facilities including substance abuse facilities and mental health facilities, and group homes not falling under the purview of fair housing laws, such as adult correctional work release facilities;

2. Those facilities listed in RCW 36.70A.200 (Siting of essential public facilities); or

3. Those facilities appearing on the list maintained by the State Office of Financial Management pursuant to RCW 36.70A.200(4).

"Family" means a single person or two persons related by marriage, or two persons sharing residence in a manner typical of "common-law" marriages, of which any arrangement may include natural offspring or other dependents under legal guardianship or other dependents under legal guardianship or legal adoption. The term "family" shall also include consensual living arrangements of disabled persons living in a group home or other home-like setting which are protected by the provisions of the Federal Fair Housing Act and the Washington Housing Policy Act, RCW 36.70.990 and 36.70A.410 (See "Group home").

"Fence" means a built or placed aperture functioning as a boundary or barrier. Fences shall not be subject to building setback requirements pursuant to this title.

Fence, sight-obscuring. "Sight-obscuring fence" means a continuous fence, wall, evergreen planting or combination thereof constructed or planted to effectively screen a particular use from public view.

"Garage" means a building, or a portion of a building used primarily for the storage of vehicular and home maintenance equipment such as automobiles, boats, lawn mowers and similar apparatus.

"Group home" means any dwelling licensed, certified or authorized by state, federal or local authorities as a residence for handicapped, physically or developmentally disabled adults, or dependent or pre-delinquent children, providing special care in a home-like environment.

"Hazardous waste treatment and storage facilities" means facilities that require an interim or final status

permit from the Washington State Department of Ecology as required under the Dangerous Waste Regulations, Chapter 173-303 WAG.

"Home occupation" means any use customarily carried on within a dwelling by the inhabitants which is secondary to the residential use and which complies with the regulations set forth within this title.

"Junk yard" means the use of more than two hundred square feet of area for storage or keeping of salvage, junk or scrap materials including but not limited to metal, paper, plastic, glass, synthetic materials, inoperable vehicles, and/or the dismantling of automobiles and other vehicles or machinery.

"Livable floor area" means the interior area of a dwelling unit which may be occupied for living purposes by humans, including basements and attics (if permitted). Livable floor area does not include a garage or any accessory structure.

"Loading space" means an off-street space with direct access to a street or alley and located within a building or on the same lot with a building and primarily used for the temporary parking of vehicles being used to load or unload freight.

"Lot" means a fractional part of divided land having a fixed boundary and being of sufficient area and dimensions to meet minimum zoning density requirements.

"Lot coverage, means the percentage of the total area of a lot which is covered by principal and accessory structures.

Lot, corner lot. "Corner lot" means a lot abutting on two or more streets at their intersection.

"Lot depth" means the distance from the street line of a lot to its rear line measured parallel to the side lot lines.

"Manufactured home" means a home constructed after June 15, 1976, in accordance with state and federal requirements for manufactured homes, which:

1. Is comprised of at least two fully enclosed parallel sections each of not less than twelve feet wide by thirty-six feet long;
2. Was originally constructed with and now has a composition of wood shake or shingle, coated metal, or similar roof of nominal 3:12 pitch; and

3. Has exterior siding similar in appearance to siding materials commonly used on conventional site-built single-family residences that meets International Building Code standards.

"Manufactured home park" means a parcel of land which has been city approved for the exclusive siting of manufactured homes on individual spaces.

"Mobile home" means a transportable, factory-built home designed and intended to be used as a year-round dwelling, and built prior to the enactment of the Federal Manufactured Housing and Safety Standards Act of 1974. Mobile homes are no longer built, and their placement in this community is prohibited. This definition does not include manufactured home, modular home, modular commercial coach, recreational vehicle or motor home.

"Modular home" means a factory-assembled structure designed primarily for use as a dwelling when connected to the required utilities that include plumbing, heating, and electrical systems contained therein, does not contain its own running gear, and must be mounted on a permanent foundation. This definition does not include manufactured home, modular commercial coach, recreational vehicle, or motor home. The same standards shall apply to modular homes as are applied to manufactured homes. See "Manufactured homes."

"Nonconforming lot" means a lot legally platted prior to the effective date of the ordinance codified in this title but not in conformance with dimensional and/or area requirements of provided herein.

"Nonconforming structure" means an existing structure which was lawful prior to the effective date of this title but does not conform to provisions herein.

"Nonconforming use" means an existing use which was lawful prior to the effective date of this title but does not conform to provisions herein.

"Parking space" means an off-street enclosed or open area of not less than twenty feet in length and ten feet in width permanently reserved for the temporary parking of one vehicle.

"Recreational vehicle park" means an improved parcel of land which has obtained formal city approval to accommodate the temporary locating of recreational vehicles.

"Recreational vehicles" means travel trailers, campers, motor homes, boats, motorized bikes, and other vehicles used primarily for recreational activities.

"Right-of-way" means land dedicated and maintained for existing or future public access.

"Setback" means the distance between a front, side or rear lot line and a structure.

"Sign" means any medium, including its structure and component parts, which is used to attract attention to specific subject matter for advertising or information purposes.

"Street" means a public right-of-way improved and maintained for vehicular use.

"Structure" means a combination of materials constructed and erected permanently on the ground or attached to something having a permanent location on the ground excluding fences under six feet in height and retaining walls under three feet in height. For the purpose of this title, the terms "structure" and "building" shall be interchangeable. (Ord. 952 (part), 2001).

(Ord. No. 1139, § 2(Exh. A), 4-26-2011)

18.04.070 Official zoning map.

The city of Granger adopts the map attached to the ordinance codified in this section by reference, as if fully set forth herein, as the official zoning map of the city of Granger. (Ord. 1073 § 1, 2007; Ord. 952 (part), 2001).

18.04.080 Districts established.

Zoned districts have been established and provided with use classifications in conformance with the Granger comprehensive plan. District boundaries shall be those depicted pursuant to the official zoning map. Lands within the zoned districts shall be regulated pursuant to the requirements of this title. The districts are as follows:

- A. R1 Single-family residential;
- B. R2 Multifamily residential;
- C. C1 Commercial;
- D. M1 Manufacturing - light industrial. (Ord. 952 (part), 2001).

18.04.090 Municipal facilities, uses and activities.

Facilities, uses, and activities owned, leased, and/or provided by the City of Granger may be permitted in all

zoning districts. (Ord. 1139 § 2 (Exh. A), 2011; Ord. 1072 § 4(part), 2007).

Editor's note—Formerly, § 18.20.060.

18.04.100 Illegal uses prohibited.

A. General. No use that is illegal under local, state or federal law shall be allowed in any zone within the city.

B. Production, Processing, and Retailing of Marijuana Prohibited. Until such time that this code is amended to provide specific provisions and land use controls allowing and regulating production, processing, retail sale and retail outlets for the sale of marijuana and marijuana-infused products, all as defined in Initiative Measure No. 502, as codified in the Revised Code of Washington, and implementing regulations in Chapter 314-55 WAC, as now existing or hereafter amended, such uses are each prohibited and not allowed in any zone within the city. (Ord. 1251 § 1, 2016).

Chapter 18.08

R1 ZONE SINGLE-FAMILY RESIDENTIAL

Sections:

- 18.08.010 Permitted uses and structures.
- 18.08.020 Permitted accessory uses and structures.
- 18.08.030 Conditional uses.
- 18.08.040 Development requirements.
- 18.08.050 Signs.

18.08.010 Permitted uses and structures.

The following uses and/or structures shall be permitted within the single-family residential zone:

A. Single-family dwellings. One dwelling structure per lot;

B. Manufactured homes as defined in [Section] 18.04.060 (Definitions), one dwelling structure per lot, provided:

1. Each home includes permanent fire and weather resistant skirting to ground level.
2. All dwellings are placed on permanent foundations.
3. Was originally constructed with or now has a composition of wood shake or shingle, coated metal or similar roof of not less than 3:12 pitch.

4. Has exterior siding similar in appearance to siding materials commonly used on site-built single-family homes built according to the International Building Code.

C. Public parks and playgrounds.

D. Family day care providers.

E. Group homes.

F. Adult family homes. (Ord. 1139 § 2 (Exh. A), 2011; Ord. 952(part), 2001).

18.08.020 Permitted accessory uses and structures.

The following accessory uses and/or structures shall be permitted within the single-family residential zone:

A. Garages, carports, patios, buildings for home and garden equipment storage, greenhouses, hobby activities and home workshops;

B. Swimming pools. (Ord. 952 (part), 2001).

18.08.030 Conditional uses.

Certain uses may have detrimental effects on surrounding properties unless the use is conditioned to decrease the potential for adverse impacts. Such uses are classified as conditional uses and require conditional use permits. The following uses may be permitted as conditional uses:

- A. Municipal services and buildings;
- B. Home occupations;
- C. Public and private schools;
- D. Churches. (Ord. 952 (part), 2001).

18.08.040 Development requirements.

The following requirements shall apply to the development of any lots or of any buildings not existing prior to the effective date of this title:

- A. Minimum lot size: seven thousand two hundred square feet;
- B. Minimum lot width: sixty feet;
- C. Minimum lot depth: one hundred feet;
- D. Maximum percentage of lot coverage: forty percent;
- E. Minimum front yard setback: twenty-five feet;
- F. Minimum side yard setback: five feet;
- G. Minimum rear yard setback: fifteen feet; five feet for accessory buildings;
- H. Maximum building height: thirty feet for dwelling structures; twenty feet for accessory buildings;
- I. Minimum floor space per dwelling, not including basement or attic area: nine hundred forty square feet. (Ord. 952 (part), 2001).

18.08.050 Signs.

The following signs shall be permitted provided they are not illuminated:

- A. One name plate per residential dwelling not exceeding six square feet in size;
- B. One sign pertaining to the sale or lease of property not exceeding eight square feet;
- C. One temporary sign advertising the sale of land parcels or subdivision lots not exceeding forty square feet and set back a minimum ten feet from any property line;

D. Signs associated with public and community service buildings and uses shall not exceed fifty square feet of surface area. (Ord. 952(part), 2001).

Chapter 18.12

R2 ZONE MULTIFAMILY RESIDENTIAL

Sections:

- 18.12.010 Permitted uses and structures.
- 18.12.020 Permitted accessory uses and structures.
- 18.12.030 Conditional uses.
- 18.12.040 Development requirements.
- 18.12.050 Signs.

18.12.010 Permitted uses and structures.

The following uses and/or structures shall be permitted within the multifamily residential zone:

- A. Multifamily residential dwellings;
- B. Duplex dwellings, one two-dwelling structure per lot;
- C. Single-family residential dwellings, one dwelling structure per lot;
- D. Manufactured homes, as defined in GMC 18.04.060 (Definitions), one dwelling structure per lot, provided:
 - 1. Each home includes permanent fire and weather resistant skirting to ground level;
 - 2. All dwellings are placed on permanent foundations;
 - 3. Was originally constructed with or now has a composition of wood shake or shingle, coated metal or similar roof of not less than 3:12 pitch;
 - 4. Has exterior siding similar in appearance to siding materials commonly used on site-built single-family homes built according to the International Building Code;
- E. Public parks and playgrounds;
- F. Family day care providers;
- G. Group homes;
- H. Adult family homes. (Ord. 1333 § 1, 2019; Ord. No. 1139, § 2 (Exh. A), 4-26-2011; Ord. 952(part), 2001).

18.12.020 Permitted accessory uses and structures.

The following accessory uses and/or structures shall be permitted within the multifamily residential zone:

A. Garages, carports, patios, buildings for home and garden equipment storage, greenhouses, hobby activities and home workshops;

B. Swimming pools. (Ord. 952(part), 2001).

18.12.030 Conditional uses.

Certain uses may have detrimental effects on surrounding properties unless the use is conditioned to decrease the potential for adverse impacts. Such uses are classified as conditional uses and require conditional use permits. The following uses may be permitted as conditional uses:

A. Municipal services and buildings;

B. Home occupations;

C. Public and private schools;

D. Manufactured home parks;

E. Churches. (Ord. 952(part), 2001).

18.12.040 Development requirements.

The following requirements shall apply to the development of any lots or of any buildings not existing prior to the effective date of this title:

A. Minimum lot area:

1. Single-family structures: seven thousand two hundred square feet;

2. Duplex structures: seven thousand five hundred square feet;

3. Multifamily structures: minimum seven thousand five hundred square feet for duplex structures and an additional two thousand square feet for each dwelling unit thereafter;

B. Minimum lot width: sixty feet;

C. Minimum lot depth: one hundred feet;

D. Maximum lot coverage: eighty percent;

E. Minimum front yard setback: twenty-five feet;

F. Minimum side yard setback: five feet;

G. Minimum rear yard setback: fifteen feet; five feet for accessory buildings;

H. Maximum building height: thirty feet for dwelling structures; twenty feet for accessory buildings;

I. Minimum floor space per dwelling, not including basement or attic area:

1. Single-family structure: nine hundred forty square feet;

2. Multifamily units: five hundred sixty square feet per dwelling unit. (Ord. 1334 § 1, 2019: Ord. 952(part), 2001). (Ord. No. 1118, § 1, 7-14-2009).

18.12.050 Signs.

The following signs shall be permitted provided they are not illuminated:

A. One name plate per dwelling unit not exceeding six square feet in size;

B. One sign pertaining to the sale or lease of property not exceeding eight square feet;

C. One temporary sign advertising the sale of land parcels or subdivision lots not exceeding forty square feet and set back a minimum ten feet from any property line;

D. Signs common to public service buildings shall not exceed fifty square feet of surface area. (Ord. 952(part), 2001).

Chapter 18.16

C1 ZONE COMMERCIAL

Sections:

- 18.16.010 Permitted uses and structures.
- 18.16.020 Permitted accessory uses and structures.
- 18.16.030 Conditional uses.
- 18.16.040 Development requirements.
- 18.16.050 Reserved.
- 18.16.055 Sitescreening.

18.16.010 Permitted uses and structures.

The following uses and/or structures shall be permitted within the commercial zone:

1. Adult family homes;
2. Art studios and interior decorating services;
3. Automobile service stations;
4. Bakeries;
5. Book and stationary stores;
6. Business and professional offices;
7. Community centers and fraternal organizations;
8. Custom shops producing on-site retail items;

9. Day care facilities;
 10. Electrical or similar service shops and contractor offices excluding the storage and servicing of heavy equipment;
 11. Feed and seed stores;
 12. Financial institutions;
 13. Furniture stores;
 14. General retail and variety stores;
 15. Grocery stores;
 16. Group homes;
 17. Hardware, paint, building and automobile supply stores;
 18. Hotels and motels;
 19. Laundry and dry cleaning service coin operated facilities;
 20. Liquor stores;
 21. Medical and dental clinics including chiropractic services;
 22. Mortuaries and undertaking services;
 23. Municipal buildings including fire and police stations;
 24. Music stores including sales and service of musical instruments;
 25. Pawn shops excluding outdoor display or storage of goods;
 26. Personal service shops;
 27. Pet shops;
 28. Pharmacies;
 29. Photography services and camera shops;
 30. Printing establishments;
 31. Public garages;
 32. Real estate and insurance offices;
 33. Restaurants and cafes;
 34. Sporting equipment stores;
 35. Tailor and garment making shops including retail sales;
 36. Telephone and telegraph offices;
 37. Theaters, bowling alleys, and skating rinks;
 38. Video rental outlets. (Ord. 952 (part), 2001).
- (Ord. No. 1139, § 2 (Exh. A), 4-26-2011)

18.16.020 Permitted accessory uses and structures.

The following accessory uses and/or structures shall be permitted within the commercial zone:

- A. Uses incidental and subordinate to the principal permitted use;
- B. On-site hazardous waste treatment and storage facilities to any use generating hazardous waste and which such facilities are sited pursuant to 70.105.210 RCW;
- C. Owner or manager living quarters within the same building in which the commercial use is located provided the living quarters do not detract from the commercial character and use of the building. (Ord. 952 (part), 2001).

18.16.030 Conditional uses.

Certain uses may have detrimental effects on surrounding properties unless the use is conditioned to decrease the potential for adverse impacts. Such uses are classified as conditional uses and require conditional use permits. The following uses may be permitted as conditional uses:

- A. Churches;
 - B. Municipal facilities and services;
 - C. Recreational vehicle parks;
 - D. Auto body repair shops;
 - E. Commercial uses not listed as permitted or conditional uses may be regarded as conditional uses excluding the following:
 - 1. Feed lots;
 - 2. Salvage and vehicle wrecking yards.
- (Ord. 952 (part), 2001).

18.16.040 Development requirements.

The following requirements shall apply to the development of any lot or of any building not existing prior to the effective date of the ordinance codified in this title:

- A. Minimum lot size: three thousand square feet;
- B. Minimum lot width: thirty feet;
- C. Minimum lot depth: eighty feet;
- D. Minimum front yard setback: five feet;
- E. Minimum side yard setback: five feet;
- F. Minimum rear yard setback: five feet;
- G. Maximum building height: thirty-five feet;
- H. Maximum lot coverage: eighty percent.

I. Dwellings permitted in the C-1 zone must comply with R-2 development standards provided in Section 18.12.040 D.--I. (Ord. 952 (part), 2001). (Ord. No. 1118, § 2, 7-14-2009; Ord. No. 1139, § 2(Exh. A), 4-26-2011)

18.16.050 Reserved.

Editor's note—Ord. No. 1090, § 1, adopted April 22, 2008, repealed section 18.16.050 in its entirety, which pertained to signs and derived from Ord. No. 952, adopted 2001.

18.16.055 SITESCREENING.

On portions of a site where commercial developments abut existing residential areas, sitescreening shall be required. This shall consist of either 1) a three-foot-wide planting strip that will create a living evergreen screen that is at least six feet in height within three years, and maintained in a healthy living condition for the life of the development, or 2) a six-foot-high, view-obscuring fence, made of wood, masonry block, concrete, or slatted chain link material. Sitescreening in the C-1 district shall not be required where commercial developments abut roads.

(Ord. No. 1139, § 2(Exh. A), 4-26-2011)

Chapter 18.20

M1 ZONE MANUFACTURING - LIGHT INDUSTRIAL

Sections:

- 18.20.010 Permitted uses and structures.
- 18.20.020 Permitted accessory uses and structures.
- 18.20.030 Conditional uses.
- 18.20.040 Development requirements.
- 18.20.050 Signs.
- 18.20.055 Sitescreening.
- 18.20.060 Reserved.
- 18.20.070 Nonconforming uses and structures.

18.20.010 Permitted uses and structures.

The following uses and/or structures shall be permitted within the M1 zone:

A. Agricultural cold storage and bulk storage facilities, grain elevators;

- B. Commercial and mini-storage facilities;
- C. Farm feed and seed sales;
- D. Farm machinery, sales and service;
- E. Food processing;
- F. Heavy equipment sales and service, equipment rental service;
- G. Lumber yards;
- H. Machine shops, automobile engine and body repair;
- I. Petroleum product distribution facilities;
- J. Product assembly facilities;
- K. Veterinary clinics and animal hospitals;
- L. Vocational training schools and subordinate facilities;
- M. Wineries.

All uses or structures permitted in the commercial (C-1) zone may be permitted in the manufacturing - light industrial (M-1) zone. (Ord. 1072 § 4(part), 2007; Ord. 952 (part), 2001).

18.20.020 Permitted accessory uses and structures.

The following accessory uses and/or structures shall be permitted within the manufacturing - light industrial zone:

- A. Uses incidental and subordinate to the principal use;
- B. On-site hazardous waste treatment and storage facilities meeting criteria pursuant to the Revised Code of Washington;
- C. Off-site hazardous waste treatment and storage facilities meeting criteria pursuant to the Revised Code of Washington. (Ord. 952 (part), 2001).

18.20.030 Conditional uses.

Certain uses may have detrimental effects on surrounding properties unless the use is conditioned to decrease the potential for adverse impacts. Such uses are classified as conditional uses and require conditional use permits. The following uses may be permitted as conditional uses:

- A. Utility facilities including substations, reservoirs, and water towers.
- B. Recreational vehicle parks;
- C. Solid waste transfer stations;
- D. Airports of any scale and type;

E. Auto wrecking and salvage yards;
 F. Manufacturing - light industrial uses not listed as permitted or conditional uses may be regarded as conditional uses excluding the following:

1. Feed lots,
2. Manufacturing and storage of explosives. (Ord. 952 (part), 2001).

18.20.040 Development requirements.

The following requirements shall apply to the development of any lots or of any buildings not existing prior to the effective date of the ordinance codified in this title:

- A. Minimum lot size: three thousand square feet;
- B. Minimum lot width: thirty feet;
- C. Minimum lot depth: eighty feet;
- D. Maximum lot coverage: seventy-five percent;
- E. Maximum building height: thirty-five feet;
- F. Minimum front yard setback: five feet;
- G. Minimum side yard setback: five feet;
- H. Minimum rear yard setback: five feet. (Ord. 952 (part), 2001).

18.20.050 Signs.

A maximum of three signs not exceeding a combined total of one hundred square feet shall be permitted. Provided, any individual sign shall not exceed sixty square feet of area. Illuminated signs which flash or pulsate are prohibited. (Ord. 952 (part), 2001).

18.20.055 Sitescreening.

On portions of a site where manufacturing developments abut existing residential areas, sitescreening shall be required. This shall consist of either 1) a three-foot-wide planting strip that will create a living evergreen screen that is at least six feet in height within three years, and maintained in a healthy living condition for the life of the development, or 2) a six-foot-high, view-obscuring fence, made of wood, masonry block, concrete, or slatted chain link material.

(Ord. No. 1139, § 2(Exh. A), 4-26-2011)

18.20.060 Reserved.

Editor's note—Ord. No. 1139, § 2(Exh. A), adopted April 26, 2011, renumbered § 18.20.060. The user's attention is directed to § 18.04.090.

18.20.070 Nonconforming uses and structures.

The mayor or his or her designee may grant a variance or waiver from the requirements of the city zoning code or development regulations governing nonconforming uses and structures in accordance with the provisions of the city's regulations governing variances. (Ord. 1072 § 4(part), 2007).

Chapter 18.24MANUFACTURED HOME PARKS/RECREATIONAL VEHICLE PARKSSections:

- 18.24.010 Manufactured home parks.
- 18.24.011 Nonconforming manufactured home parks.
- 18.24.020 Recreational vehicle parks.

18.24.010 Manufactured home parks.

A. In addition to any conditions of approval which may be attached to a conditional use permit, the following standards shall be required of all manufactured home parks:

1. Minimum total area: two acres;
2. Maximum site coverage by buildings: sixty-five percent;
3. Minimum number of home spaces: twelve;
4. Minimum individual space area: three thousand square feet;
5. Minimum individual space width: thirty feet;
6. Minimum manufactured home width: fourteen feet;
7. Minimum manufactured home floor area: eight hundred square feet;
8. Minimum setback from individual home space lines: five feet;
10. Off-street parking per home space: two parking spaces.

B. All manufactured homes located within a manufactured home park shall be sited on a designated space within the park and shall comply with all applicable federal, state, and local building codes and standards.

C. Each park shall provide manufactured park streets allowing ingress and egress to a public street. Manufactured park streets shall be accessible to all homes within the park.

1. The width of all manufactured home streets shall be not less than twenty feet including curbs, and must have a minimum easement width of thirty feet.

2. Park streets shall be paved with asphalt, concrete or other durable material, in accordance with the standards established by the public works director.

3. All park streets shall be clearly marked and signed for traffic direction and safety.

D. Waste disposal containers or garbage dumpsters sufficient to serve all homes shall be provided by the park owner and be approved by the city.

E. Sitescreening is required to make the manufactured home park compatible with its adjacent surrounding uses, and shall be either 1) a three-foot-wide planting strip that will create a living evergreen screen that is at least six feet in height within three years, and maintained in a healthy living condition for the life of the manufactured home park, or 2) a six-foot-high, view-obscuring fence, made of wood, masonry block, concrete, or slatted chain link material.

F. Walkways of not less than two feet in width shall be provided from each manufactured home site to any service building, recreation area, or parking area.

G. Pads, stands, strips, or rails adequate for the support of manufactured homes shall be installed.

H. All manufactured homes within the manufactured home development shall be skirted on its lower perimeter by fire-resistant siding.

I. Structures located on a manufactured home site, in addition to the manufactured home, shall be limited to the following: covered patios and carports, decks, and storage buildings. No other structural additions shall be built onto or become part of any manufactured home, and no manufactured home shall support any building in any manner.

J. All utilities, including irrigation and domestic water and sewer, shall be installed prior to placement of units in the park. All utilities, including electrical distribution, telephone, and cable TV shall be installed underground.

K. Each individual home space shall be furnished with city sewer and water service located within three hundred feet of a city approved fire hydrant. (Ord. 952 (part), 2001).
(Ord. No. 1139, § 2(Exh. A), 4-26-2011)

18.24.011 Nonconforming manufactured home parks.

All existing manufactured home parks not meeting the requirements of this chapter shall be declared nonconforming and shall not be permitted to add spaces or make any improvements (as defined in Granger Municipal Code Section 17.04.080). that are not in full compliance with the regulations and requirements of this chapter. In addition, changes or additions to nonconforming structures or uses must conform to the requirements of Chapter 18.32 (Nonconforming Uses, Lots, and Structures).
(Ord. No. 1139, § 2(Exh. A), 4-26-2011)

18.24.020 Recreational vehicle parks.

A. In addition to any conditions of approval which may be attached to a conditional use permit, the following standards shall be required of all recreational vehicle parks:

1. Minimum total area: two acres;
2. Maximum site coverage by buildings: sixty-five percent;
3. Minimum number of vehicle spaces: twelve;
4. Minimum individual space area: one thousand five hundred square feet;
5. Minimum individual space width: twenty-five feet;

B. Buffering or screening is required to make the recreational vehicle parks compatible with its adjacent surrounding uses, and shall be a sight-obscuring fence, masonry wall, evergreen hedge or other suitable planting. Where walls or fences are required along boundaries or public roads, the walls or fences shall set back from the property lines to conform to setbacks for structures in base zoning district. Evergreen planting shall not be less than six feet in height, and shall be maintained in a healthy living condition for the life of the recreational vehicle park.

C. Boundaries of all spaces shall be defined and permanently marked. Signs identifying a recreational vehicle park shall be a maximum of one sign not exceeding thirty square feet of surface area.

D. City water shall be provided by the park owner to each recreational vehicle space.

E. Waste disposal containers or garbage dumpsters sufficient to serve all spaces shall be provided by the park owner.

F. Each park shall provide ingress and egress to a public street accessible to all recreational vehicle spaces within the park.

G. Recreational vehicle parks shall provide a minimum of one service building equipped with flush toilets, shower, and laundry facilities. Shower and toilet facilities shall be provided for each gender and be physically separated. Facilities shall be provided at a ratio of one shower and one toilet for each gender per twelve recreational vehicle spaces.

H. Length of stay of recreational vehicles shall be no more than thirty days, continuous or otherwise, per any sixty-day time period. Temporary workers employed within the Granger area may be granted an extension to stay in recreational vehicle parks for a total of one hundred eighty days, upon furnishing a written request and proof of employment to the appropriate administrative official.

I. Manufactured homes or any other structure designed or altered for permanent residency shall be prohibited within a recreational vehicle park.

J. Loading space that has been provided for an existing use shall not be reduced beyond the minimum requirements herein. Required off-street parking space shall not be used to satisfy requirements for off-street loading.

(Ord. 952 (part), 2001).

(Ord. No. 1139, § 2(Exh. A), 4-26-2011)

Chapter 18.28

OFF-STREET PARKING AND LOADING

Sections:

18.28.010 General provisions-Off-street parking and loading.

18.28.020 Off-street parking requirements.

18.28.010 General provisions-Off-street parking and loading.

A. Individual parking spaces shall be a minimum length of twenty feet and a minimum width of ten feet.

B. Areas used for parking and loading shall have durable surfaces maintained for all-weather use and be constructed in conformance with city construction standards.

C. Maintenance of off-street parking and loading spaces shall be the responsibility of the property owner.

D. Requirements for buildings and uses not specifically listed herein shall be determined by the administrative official whose decision shall be based upon the requirements of comparable listed uses within the subject zone.

E. If multiple uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of all uses computed separately.

F. Owners of two or more uses, structures, or parcels of land may agree to jointly utilize the same parking and loading spaces when hours of operation do not overlap; provided, satisfactory evidence is presented to the city identifying contractual agreement of the joint use by the subject property owners.

G. Residential off-street parking spaces shall be located on the same lot as the residence. Commercial and public assembly parking spaces shall be located no more than one hundred feet from the building and use being served.

H. Required off-street parking shall be for operable automobiles owned by residents, customers, and employees and shall not be used for storing vehicles or materials or for the parking of trucks used in conjunction with a business or other use.

I. Commercial and industrial uses which have existing parking provided by the city may include the spaces bordering their property to satisfy parking requirements.

J. Uses, or buildings and uses in combination, that regularly ship or receive goods shall provide an unencumbered loading zone having a minimum width of twelve feet and a minimum length of twenty-four feet beginning from the nearest public right-of-way and extending to the building and use being served.

K. Loading space that has been provided for an existing use shall not be reduced beyond the minimum requirements herein. Required off-street parking space shall not be used to satisfy requirements for off-street loading. (Ord. 952 (part), 2001).

18.28.020 Off-street parking requirements.

For the purpose of this section, square feet measurements shall be the gross floor area of the building excluding any interior space devoted to off-street parking or loading. Where the number of employees is specified, persons counted shall be those working on the premises during the largest shift of the subject use. Capacity and area requirements are as follows:

A. Residential Uses.

1. Single-family dwelling, duplex: two spaces per dwelling unit;

2. Multifamily units: one and one-half spaces per dwelling unit.

B. Commercial, Industrial and Service Uses.

1. Retail stores not including wholesale or furniture outlets: one space per three hundred square feet of floor area;

2. Service or repair shops: one space per five hundred feet of floor area

3. Financial institutions: one space per teller window or service counter plus one space for each employee;

4. Professional offices, clinics: one space per three hundred square feet of floor area plus one space per employee;

5. Eating or drinking establishments including fraternal clubs: one space per two hundred square feet of floor area plus one space per employee;

6. Motel, hotel: one space per guest room plus one space for each employee;

7. Storage, manufacturing, rail and truck freight terminals, wholesale and furniture stores: one space per seven hundred square feet of floor area;

8. Hospitals, nursing homes: one space per five beds plus one space per two employees.

C. Places of Public Assembly.

1. Churches, auditoriums, theaters, community and senior centers: one space per five seats;

2. Elementary and junior high school: one space per employee plus three spaces;
3. Senior high school and colleges: three spaces per employee;
4. Bowling alleys: three spaces per alley;
5. Amusement and recreation places: one space per one hundred fifty feet of floor area. (Ord. 952 (part), 2001).

Chapter 18.32

NONCONFORMING USES, LOTS, AND STRUCTURES

Sections:

- 18.32.010 Nonconformance--In general.
- 18.32.020 Continuation or completion of a nonconforming use or structure.
- 18.32.030 Discontinuance of a nonconforming use.
- 18.32.040 Changes of or additions to a nonconforming land use.
- 18.32.050 Reserved.
- 18.32.060 Nonconforming lots.

18.32.010 Nonconformance-In general.

Certain existing uses, structures, and lots will not meet all requirements of this title upon its adoption and will therefore be considered "nonconforming." Such uses, structures and lots shall be allowed to continue unabated if their existence was lawful prior to the effective date of this title provided that any future development or alterations comply with the terms of this title. (Ord. 952 (part), 2001).

18.32.020 Continuation or completion of a nonconforming use or structure.

A. A nonconforming use or structure may be continued and shall be maintained in reasonable repair but shall not be altered or expanded unless the expansion or alteration decreases the nonconformity as determined by the administrative official.

B. Structures for which a building permit has been issued prior to the adoption date of this title shall be allowed to be completed under the terms of the building permit. (Ord. 952 (part), 2001).

18.32.030 Discontinuance of a nonconforming use.

Discontinuance of a nonconforming use or structure, or a combined nonconforming use and structure for a period of one year shall cause permanent discontinuance of the use or structure, or use and structure in combination. For reasonable cause, the administrative official may grant a one year extension to the time period. (Ord. 952 (part), 2001). (Ord. No. 1139, § 2(Exh. A), 4-26-2011)

18.32.040 Changes of or additions to a nonconforming land use.

Excepting activities provided for above and accessory uses, all changes and additions to nonconforming uses shall require a conditional use permit, and permits for alterations, changes in use or additions shall be granted only after a determination by the city council that the following conditions have been, or will be, satisfied.

A. There shall be no expansion in the amount of land area outside a nonconforming facility (outdoor area) used for storage of materials, supplies and/or products, except as provided herein.

B. Where the nonconforming activity is one which necessarily results in the storage of large quantities of material, supplies or products outside (such as a lumberyard), dense evergreen screening sufficient to shield all such materials from the view of adjacent landowners and/or the traveling public may be required.

C. No addition, change or expansion of a nonconforming use shall further violate setback and/or height regulations of the district in which it is located. Moreover, no change of use shall be to one of a more intensive classification (e.g. one with more employees, more traffic, more parking or more off-site impacts). A nonconforming retail enterprise could be converted to a barber shop, for example, but not to an industrial use. Similarly, a nonconforming residential use could not be converted from a single-family use to a multi-family use.

D. There shall be no increase in the amount of storm water runoff for the site over what was existing as of the date of the enactment of this ordinance. A professional engineer or other appropriate professional may be relied upon to recommend appropriate measures to control storm water runoff. Such measures shall be attached as conditions of approval.

E. In no case will a change, addition or extension of a nonconforming use be allowed that would result in a traffic increase that would decrease the level of service for the road, the diversion of traffic closer to a nearby residence, or a reduction of any of the parking and unloading requirements of this law where additional parking or loading would otherwise be required due to the change, addition or expansion.

F. The use may only be expanded or extended onto another property of record if that property is immediately adjacent to the lot on which the original structure or use was located and is under the same ownership, as of the effective date of this ordinance or amendments hereto, and the use is not one which has been altogether prohibited as a new use under this ordinance.

G. Should the use proposed for expansion or extension be one which is specifically prohibited as a new use in the city or is determined by city council to be one similar to such a use or of such a nature as to impose health, safety or welfare concerns which cannot be satisfied by the imposition of the conditions permitted under this law, the requested expansion or extension shall be denied. (Ord. 952 (part), 2001).

(Ord. No. 1139, § 2(Exh. A), 4-26-2011)

18.32.050 Reserved.

Editor's note—Ord. No. 1113, § 1, adopted January 27, 2009, repealed section 18.32.050 in its entirety, which pertained to the destruction of a nonconforming use or structure and derived from Ord. No. 952, adopted 2001.

18.32.060 Nonconforming lots.

Lots that do not meet minimum area requirements required herein but were in lawful existence prior to the adoption of this title may be developed provided that all other requirements of this title are complied with. (Ord. 952 (part), 2001).

Chapter 18.36

CONDITIONAL USES

Sections:

18.36.010 Conditional uses--General provisions.

- 18.36.020 Conditional use permit--Criteria.
- 18.36.030 Conditions.
- 18.36.040 Termination of a conditional use permit.
- 18.36.050 Home occupations as conditional uses.

18.36.010 Conditional uses--General provisions.

Conditional uses may be permitted by the city council in accordance with provisions herein and review procedures pursuant to Title 14 of the Granger Municipal Code. Applications which involve a development project shall include a detailed site plan containing all information required by the city. Following their review of a conditional use permit application, the city council with consideration of recommendations submitted by the community development commission may either approve, approve with conditions, or disapprove the permit application. (Ord. 952 (part), 2001).

18.36.020 Conditional use permit--Criteria.

Approval of a conditional use shall be based on, but not limited to, the following criteria:

- A. The proposed use will not be detrimental to neighboring property or uses;
- B. The size of the site is adequate for the proposed use;

C. Traffic generated by the proposed use will not unduly burden the traffic circulation system within the vicinity. (Ord. 952 (part), 2001).

18.36.030 Conditions. The town council may attach conditions to an approved conditional use permit. Conditions may include, but shall not be limited to, the following:

- A. Limiting vehicular activity;
- B. Increasing the number of required off-street parking or off-street loading spaces;
- C. Requiring fencing, screening, landscaping or other facilities to protect adjacent property;
- D. Limiting the manner in which the use is conducted including restricting the time and frequency certain activities may occur. (Ord. 952 (part), 2001).

18.36.040 Termination of a conditional use permit. A conditional use permit may be revoked by the town council for any of the following reasons:

- A. Approval of the conditional use permit was obtained by fraud or misrepresentation;
- B. The use for which approval was granted is changed;
- C. The use fails to comply with any conditions attached to the permit or comes into violation of the terms of this title or any other town ordinance or code. (Ord. 952 (part), 2001).

18.36.050 Home occupations as conditional uses. Home occupations allowed by conditional use permit shall comply with the following requirements:

- A. The home occupation shall be contained and conducted within an enclosed building;
- B. Home occupations contained within a residential dwelling shall be limited to occupying twenty-five percent or less of the total floor area;
- C. Any structural alterations made to accommodate a home occupation shall not detract from the outward appearance or residential character of the property;
- D. Only residing members of the immediate family owning the property shall be engaged in the home occupation;
- E. Exterior display of products is prohibited;
- F. Mechanical and other equipment associated with a home occupation and prone to generating vibration, noise, dust, smoke, odor, interference with radio or television reception, or any other effect detrimental to the general public is prohibited. (Ord. 952 (part), 2001).

Chapter 18.38WIRELESS COMMUNICATIONS FACILITIESSections:

- 18.38.010 Purpose.
- 18.38.020 Definitions.
- 18.38.030 Exemptions.
- 18.38.040 WFC locations.
- 18.38.050 General provisions.
- 18.38.060 Site development standards.
- 18.38.070 Co-location.
- 18.38.080 Facility removal.
- 18.38.090 Electromagnetic field (EMF) standards compliance.
- 18.38.100 Application requirements.
- 18.38.110 Permit limitations.
- 18.38.120 Fees.
- 18.38.130 Rules and regulations of the town.

18.38.010 Purpose. This chapter addresses the issues of location and appearance associated with wireless communication facilities (WCF). It provides adequate siting opportunities through a range of locations and options that minimize the visual sometimes associated with wireless communications technologies. The siting of facilities on existing buildings or structures, co-location of several providers' facilities on a single support structure or site, and visual mitigation measures are encouraged to maintain neighborhood appearance and reduce visual clutter in the town. (Ord. 960 (part), 2001).

18.38.020 Definitions. "Abandonment" or "abandoned" means: (1) To cease operations for a period of sixty or more consecutive days; (2) To reduce the effective radiated power of an antenna by seventy-five percent for sixty or more consecutive days; (3) To relocate an antenna at a point less than eighty per cent of the height of an antenna support structure; or (4) To reduce the number of transmissions from an antenna by seventy-five per cent for sixty or more consecutive days.

"Antenna" means any system of electromagnetically tuned wire, poles, rods, reflecting discs or similar devices used to transmit or receive electromagnetic waves between terrestrial and/or orbital based points, including, but not limited to:

1. Whip antenna. "Whip antenna" means an omni-directional antenna, which transmits and receives radio frequency signals in a three

hundred sixty-degree radial patterns: typically four inches or less in diameter.

2. Panel antenna. A directional antenna which transmits and receives radio frequency signals in a specific directional pattern up to one hundred twenty degrees, and which is typically thin and rectangular in shape.

3. Tubular antenna. A tube, typically twelve inches in diameter, containing either omnidirectional or directional antennae, depending on the specific site requirement. This is often used as a means to mitigate the appearance of antennae on top of light standards and power poles.

4. Parabolic (or dish) antenna. A bowl-shaped device for the reception and/or transmission of communications signals in a narrow and specific direction.

5. Ancillary antenna. An antenna that is less than twelve inches in its largest dimension and that is not directly used to provide personal wireless communications services. An example would be a global positioning satellite (GPS) antenna.

"Co-location" means the placement and arrangement of multiple providers' antenna and equipment on a single-support structure or equipment pad area.

"Electromagnetic field" means the field produced by the operation of equipment used in transmitting and receiving radio frequency signals.

"Equipment shelter" means the structure associated with a WCF that is used to house electronic switching equipment, cooling systems and back-up power systems.

"Microcell" means a wireless communication facility consisting of a single antenna that is either: (i) a panel antenna four feet in height and with an area of not more than five hundred eighty square inches; or (ii) a whip antenna, no more than four inches in diameter and no more than six feet high; or (iii) a tubular antenna no more than eighteen inches in diameter and six feet in height.

"Minor facility" means a wireless communication facility consisting of up to three antennae, each of which is either (i) four feet in height and with an area of not more than five hundred eighty square inches; or (ii) a whip antenna, no more than four inches in diameter and no more than six feet in length; (iii) a tubular or panel antenna no more than eighteen inches in diameter and six feet in height; and, an associated equipment cabinet that is six feet in height and no more than forty-eight square feet in floor area.

"Property line" means the border of the property which defines its exterior.

"Setback" means the distance from the property line to the nearest structural component of a freestanding wireless communication facility.

Wireless Communication Facility (WCF). "Personal wireless service facility" or "wireless communication facility" or "wireless facility" or "facility" means a wireless communication facility, including a microcell, that is a facility for the transmission and/or reception of radio frequency signals, and which may include antennae, equipment shelter or cabinet, transmission cables, a support structure to achieve the necessary elevation, and reception and transmission devices and antennae.

"Personal wireless services" means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, as defined in Title 47, United States Code, Section 332 (c) (7) (C).

"Support structure" means any built structure, including any guy wires and anchors, to which antenna and other necessary associated hardware is mounted. Support structures may include the following:

1. Lattice tower. "Lattice tower" means a support structure which consists of a network of crossed metal braces, forming a tower which is usually triangular or square in cross-section.

2. Guy tower. "Guy tower" means a support structure such as a pole or narrow metal framework which is held erect by the use of guy wires and anchors.

3. Monopole. "Monopole" means a support structure that consists of a single steel or wood pole sunk into the ground and/or attached to a concrete pad.

"Existing nonresidential structure" means existing structures identified in this ordinance to which wireless facility components may be attached with certain mitigating conditions. (Ord. 960 (part), 2001).

18.38.030 Exemptions. The following are exempt from the provisions of this chapter and shall be permitted in all zones:

- A. Industrial processing equipment and scientific or medical equipment using frequencies regulated by the FCC;

- B. Antennae and related equipment no more than three feet in height that are being stored, shipped or displayed for sale;

- C. Facilities used for purposes of public safety, such as, but not limited to, police and the regional 911 system, either as a primary or secondary source, and upon property owned by the town;

D. Wireless radio utilized for temporary emergency communications in the event of a disaster;

E. Licensed amateur (ham) radio stations;

F. Satellite dish antennae less than two meters in diameter, including direct to home satellite services, when used as a secondary use of the property;

G. Wireless communication facilities (WCF) which legally existed or had a vested application on or prior to the effective date of the ordinance codified in this chapter; except that this exemption does not apply to modifications of existing facilities;

H. Routine maintenance or repair of a personal wireless service facility and related equipment, (excluding structural work or changes in height or dimensions of antennae, towers or buildings) provided that compliance with the standards of this chapter are maintained; and,

I. Subject to compliance with all other applicable standards of this chapter and this code, a building permit application need not be filed for emergency repair of a personal wireless facility until thirty days after the completion of such emergency activity. (Ord. 998 \$1, 2003; Ord. 960 (part), 2001).

18.38.040 WFC locations. A. Zoning District and Height. Free standing WCF's may be located in any M1 zoning district, but may not exceed one hundred fifty feet, and shall not be constructed within three hundred feet of any other zoning district, unless specifically waived by the town council and is on property owned by the town.

B. Existing Structures. Wireless facilities may be placed in any zoning district on the following existing structures subject to administrative approval of the proposal subject to a maximum height of one hundred fifty feet:

1. Any freestanding support structure currently used by a permitted WCF;

2. Non-residential building, including, but not limited to, office buildings, retail buildings, industrial buildings and clubhouses; but no structures considered accessory structures to a residential uses;

3. Minor facilities located on non-residential buildings and structures including but not limited to water towers, government or public buildings, churches, light standards, bridges, power poles and towers.

C. Rights-of-Way. Subject to prior approval of the town, wireless facilities may be placed in the town right-of-way provided the WCF is a microcell consisting of a whip or tubular antenna placed on a light standard or power pole and the equipment cabinet is placed in the ground. (Ord. 998 §2, 2003; Ord. 975 §1, 2003; Ord. 960 (part), 2001).

18.38.050 General provisions. A. Principal or Accessory Use. A WFC will be considered either a principal or an accessory use. A different use of an existing

structure on the same lot shall not preclude the installation of a WCF on that lot.

B. FCC Licensing. The applicant must demonstrate that it is licensed by the FCC if it is required to be licensed under FCC regulations. If the applicant is not the telecommunications service provider, it shall submit proof of lease agreements with a FCC licensed telecommunications provider if it is required to be licensed by the FCC.

C. Lot Size. For purposes of determining whether the installation of a wireless telecommunications facility complies with district development standards, such as, but not limited to, setback and lot coverage requirements, the dimensions of the entire lot shall control, even though a wireless telecommunications facility is located on a leased parcel within that lot.

D. Signs. No wireless telecommunications equipment shall be used for the purpose of mounting signs or message displays of any kind.

E. Lighting. Wireless facilities shall not be artificially lighted unless required by the FAA or other applicable authority.

F. Permanent Mounting Required. All commercial wireless telecommunications facilities shall be installed, erected or mounted in a manner that is intended to be permanent. Temporary and mobile commercial facilities are not allowed.

G. Cumulative Effects. The town shall consider the cumulative visual effects of wireless facilities mounted on existing structure and/or located on a given permitted site in determining whether the additional permits can be granted so as to not adversely affect the visual character of the town. (Ord. 960 (part), 2001).

18.38.060 Site development standards. All wireless facilities shall be constructed, erected or built in accordance with the following site development standards:

A. Wireless facilities shall be screened or camouflaged by employing the best available technology. This may be accomplished by use of compatible materials, location, color, stealth technologies, and/or other tactics to achieve minimum visibility of the facility as viewed public streets or residential properties.

B. Wireless facilities may be mounted on certain nonresidential buildings and structures in any zoning district accordance with the limitations of Section 17.085.040(B)(2), provided that the following conditions are met:

1. The WCF is co-located on an existing wireless facility and conforms to Section 18.38.040(A).

2. The WCF consists of a microcell or a minor facility as follows:

a. The combined antennae and supporting hardware shall not extend more than fifteen feet above the existing or proposed roof structure. Antennae may be mounted to rooftop appurtenances provided they do not extend beyond fifteen feet above the roof proper;

b. The antennae are mounted on the building such they are located and designed to minimize visual and aesthetic impacts to surrounding land uses and structures and shall, to the greatest extent practical, blend into the existing environment.

C. WCF's shall conform to all of the following site development standards:

1. Monopoles shall be the only freestanding support structures allowed in the town unless the applicant can present evidence and the reviewing body agrees in written findings that such evidence supports another type of wireless facility support structure;

2. Installation of a freestanding facility shall be denied if placement of the antennae on an existing structure can meet the applicant's technical and network location requirements;

3. The applicant shall demonstrate that the WCF is the minimum height required to function satisfactorily. No freestanding facility that is taller than the maximum allowed height shall be approved. Height shall be measured to the top of the antennae;

4. A freestanding WCF, including the support structure and associated electronic equipment, shall comply with all required setbacks of the zoning district in which it is located; except when on a lot adjacent to a residential use, then the minimum setback from the property line(s) of the adjacent residential use(s) shall be no less than the distance equal to the height of WCF;

5. Freestanding wireless facilities shall be designed and placed on the site in a manner that takes maximum advantage of existing trees mature vegetation, and structures so as to:

a. Use existing site features to screen as much of the total facility as possible from prevalent views; and/or

b. Use existing site features as a background so that the total facility blends into the background with increased sight distances;

6. In reviewing the proposed placement of a wireless facility on the site and any associated landscaping, the town may make a condition of the permit that the applicant supplement existing trees and mature vegetation to more effectively screen the facility; provide ongoing

maintenance of trees and vegetation, including replacement of dead or diseased plants and trees;

7. Support structures, antennae, and any associated hardware shall be painted a non-reflective color or color scheme appropriate to the background against which the facility would be viewed from a majority of points within its viewshed. A proposed color or color scheme shall be approved by the reviewing body.

D. Electronic equipment enclosures shall conform to the following:

1. Screening of WCF equipment enclosures shall be provided with one or a combination of the following: underground, fencing, walls, landscaping, structures or topography which will block the view of the equipment shelter as much as practicable from any street and/or adjacent properties. Screening may be located anywhere between the enclosure and the above mentioned viewpoints. Landscaping for the purposes of screening shall be maintained in a healthy condition; and,

2. No wireless equipment reviewed under this section shall be located within required building setback areas.

E. Security fencing, if used, shall conform to the following:

1. No fence shall exceed six feet in height without prior issuance of a permit by the town;

2. Security fencing shall be effectively screened from view through the use of appropriate landscaping materials;

3. Chain-link fences shall be painted or coated with a non-reflective color, and shall have a minimum three foot deep area to be planted with approved plant species in a manner that will completely screen the fencing. (Ord. 960 (part), 2001).

18.38.070 Co-location. The intent of co-location is to encourage several providers to use the same structure or site to keep the number of wireless facilities sites to a minimum as a means of reducing the overall visual effects throughout the community. The following procedures are required to further the intent of WCF co-location:

A. A permittee shall cooperate with other WCF providers in collocating additional antennae on support structures and/or existing buildings and sites provided said proposed co-locatees have received a permit for such use at said site from the town. A permittee shall allow other providers to co-locate and share the permitted site, provided such shared use does not give rise to substantial technical level impairment of the permitted use (as opposed to a competitive conflict or financial burden).

B. A signed statement indicating that the applicant agrees to allow for the potential co-location of additional

WCF equipment by other providers on the applicant's structure or within the same site location shall be submitted by the applicant as part of the permit application. If an applicant contends that future co-location is not possible on its site, the applicant must submit a technical study documenting that such, co-location is not possible. (Ord. 960 (part), 2001).

18.38.080 Facility removal. In instances where a WCF is to be removed, the removal shall be in accordance with the following procedures:

A. The operator of a WCF shall notify the town upon the discontinued use of a particular facility. The WCF shall be removed by the facility owner within ninety days of the date the site's use is discontinued, it ceases to be operational, the permit is revoked, or if the facility falls into disrepair or is abandoned. Disrepair includes structural features, paint, landscaping, or general lack of maintenance which could result in safety or visual impacts; and,

B. If the provider fails to remove the facility upon ninety days of its discontinued use, the responsibility for removal falls upon the landholder on which the facility has been located. (Ord. 960 (part), 2001).

18.38.090 Electromagnetic field (EMF) standards compliance. All WCFs shall be operated in compliance with the following standards:

A. The applicant shall comply with Federal Standards for EMF emissions. If on review the town finds that the WCF does not meet Federal Standards the town may revoke or modify the permit. The applicant shall be given a reasonable time based on the nature of the problem to comply with the Federal Standards. If the permit is revoked, then the facility shall be removed pursuant to Section 18.38.080

B. The applicant shall ensure that the WCF will not cause localized interference with the reception of area television or radio broadcasts. If the town finds that the WCF interferes with such reception, the town may revoke or modify the permit. The applicant shall be given a reasonable time based on the nature of the problem to correct the interference. If the permit is revoked, then the facility shall be removed pursuant to Section 18.38.080

C. Access will not be allowed to frequencies in the 24, 5.2, 5.7 and 5.8 gigabytes range, which are used by the public safety sites. (Ord. 960 (part), 2001).

18.38.100 Application requirements. Applications for a WCF shall be in a form prescribed by the town and include

the information below described. Applications shall be processed in accordance with the town's ordinances and regulations as presently constituted or hereafter amended, and a public hearing on the application shall be held as provided for zoning hearings. In addition to the information provided in the application form, the applicant must provide any combination of site plans, maps, surveys, technical reports, or written narratives that operate to convey all of the following information:

A. Photosimulations of the proposed facility as viewed from affected residential properties and public rights-of-way at varying distances;

B. A signed statement indicating that (i) the applicant and the landowner agree they will diligently negotiate in good faith to facilitate co-location of additional wireless communication facilities by other providers on the applicant's structure or within the same site location and (ii) the applicant and/or landlord agree to remove the facility within ninety days after abandonment;

C. Copies of any environmental documents required by any federal agency, if applicable. These shall include the environmental assessment required by FCC Paragraph 1. 13 07, or, in the event that a FCC environmental assessment is not required, a statement that describes the specific factors that obviate the requirement for an environmental assessment;

D. A full site plan shall be required for all sites, showing the tower, antenna, antenna support structure, building, fencing, buffering, access, and all other items required in this chapter. The site shall clearly indicate the location, the specific placement of the facility on the site, the type and height of the proposed WCF, on-site land uses and zoning, adjacent land uses and zoning, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed facility, the location of existing structures, trees and other significant site features, the type and location of plant materials used to screen the facility, fencing, proposed color(s) and any other proposed structures. The site plan may not be required if the antenna is to be mounted on an existing structure;

E. A current map showing the location and service area of the proposed WCF, and a map showing the locations and service areas of other wireless communication facilities operated by the applicant and those proposed by the applicant that are close enough to impact service within the town.

F. A legal description and county assessor tax parcel number of the lot upon which the WCF is to be located;

G. The approximate distance between the proposed tower and nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties;

H. The method of fencing, the finished color, and, if applicable, the method of camouflage and illumination, if required;

I. A letter signed by the applicant stating the WCF will comply with all FAA regulations and EIA standards and all other applicable federal, state and local laws and regulations;

J. A statement by the applicant as to whether construction of the WCF will accommodate co-location of additional antennae for future users;

K. Certification that the antenna usage will not interfere with other adjacent or neighboring transmission or reception functions. (Ord. 960 (part), 2001).

18.38.110 Permit limitations.

Approved permits issued by the city for WCFs shall be restricted by the following permit limitations:

Construction of a WCF shall commence within one year from the date of the city's approval, with opportunity for a six-month extension. If not used within one year, or within the extension period, the permit shall become null and void. (Ord. 960 (part), 2001).

18.38.120 Fees.

A. Fees associated with permits and reviews required under this chapter shall be two hundred dollars, which may thereafter be amended from time to time.

B. In addition to the application fee, the applicant will reimburse the city for costs of professional engineers and other consultants hired by the city to review and inspect the applicant's proposal when the city is unable to do so with its existing staffing resources. The city may require the applicant to deposit an amount with the city to cover anticipated costs of retaining professional services or consultants. (Ord. 960 (part), 2001).

18.38.130 Rules and regulations of the city.

Nothing in this chapter shall operate to restrict or limit the city's ability to adopt and enforce all appropriate ordinance requirements for telecommunications carriers'

and providers' use of the rights-of-way and public property, procedures for application and approval of telecommunication business registrations, telecommunications right of way use authorizations, franchises and facilities leases and describing violations and establishing penalties. Nothing in this chapter shall operate to release in whole or in part any applicant for a WCF facility from the obligation to comply with such ordinances, rules and regulations of the city. (Ord. 960 (part), 2001).

Chapter 18.40

VIOLATION-PENALTIES

Sections:

18.40.010 Violation and penalties.

18.40.010 Violation and penalties.

Violation of the terms of this title shall constitute a misdemeanor and shall be punishable by a citation of not less than three hundred dollars and/or thirty days imprisonment for each violation. Each day which passes a date the city has duly established for satisfactory correction of a violation may be considered a separate offence and subject to further penalty. (Ord. 952 (part), 2001).

Chapter 18.50

SITING ESSENTIAL PUBLIC FACILITIES

Sections:

18.50.010 Purpose.
 18.50.020 Applicability.
 18.50.030 Essential public facilities review process.
 18.50.040 Burden of proof.
 18.50.050 Decision.

18.50.010 Purpose.

The purpose of this chapter is to provide a process to site essential public facilities (EPFs). "Essential public facilities" is defined in Granger Municipal Code Section 18.04.060 (Definitions). This process involves the community and identifies and minimizes adverse impacts. (Ord. No. 1139, § 2(Exh. A), 4-26-2011)

18.50.020 Applicability.

A. Listed EPFs. All EPFs listed in the Granger Municipal Code Section 18.04.060 (Definitions) shall be reviewed through the EPF review process.

B. Unlisted Facilities. The director shall make a determination that a facility be reviewed pursuant to this section based on the following criteria:

1. The facility is a type difficult to site because of one of the following:

a. The facility needs a type of site of which there are few sites;

b. The facility can locate only near another public facility;

c. The facility has or is generally perceived by the public to have significant adverse impacts that make it difficult to site;

d. The facility is of a type that has been difficult to site in the past;

e. It is likely that the facility will be difficult to site; or

f. There is a need for the facility and the City of Granger is in the facility service area.
(Ord. No. 1139, § 2(Exh. A), 4-26-2011)

18.50.030 Essential public facilities review process.

A. All EPFs shall comply with the provisions of this chapter. An EPF shall require a Level 3 Review in all zones of the city and applications shall conform to Granger Municipal Code Chapter 14.12 Land Use Action and Project Permits--Levels of Review. In the event of a conflict with any other Granger Municipal Code provision, the provisions of this chapter shall govern.

B. The application for an EPF shall include a public participation plan designed to encourage early public involvement in the siting decision and to assist in determining possible mitigation measures. Informational public meetings within the city shall be scheduled pursuant to this process: the number of meetings shall be set by the director consistent with the size, complexity and estimated impacts of the proposal. The director shall determine the format and location(s) for the meetings, and shall require that public notice and meeting summaries acceptable to the city shall be either prepared or paid for by the EPF sponsor.

C. An applicant may have one or more alternative sites considered during the same process.

D. The director has the authority to require the consideration of sites outside of the City of Granger. Alternative sites shall cover the service area of the proposed essential public facility.

E. An analysis of the facility's impact on city finances shall be undertaken. Mitigation of adverse financial impacts shall be required.

F. The following criteria shall be used to make a determination on the application:

1. The applicant shall provide a justifiable need for the essential public facility and for its location within the City of Granger.

2. The impact of the facility on the surrounding uses and environment, the city and, if applicable, the region.

3. Whether the design of the facility or the operation of the facility can be conditioned, or the impacts otherwise mitigated, to make the facility compatible with the affected area and the environment.

4. Whether the factors that make the facility difficult to site can be modified to increase the range of available sites or to minimize impacts in affected areas and the environment.

5. Whether the proposed essential public facility is consistent with the City of Granger Comprehensive Plan.

6. If a variance is requested, the proposal shall comply with Granger Municipal Code Section 18.04.050 (Variance).

7. Essential public facilities shall also comply with all other applicable city and state siting and permitting requirements.

(Ord. No. 1139, § 2(Exh. A), 4-26-2011)

18.50.040 Burden of proof.

The applicant has the burden of proving that the proposed use meets all criteria set forth in Granger Municipal Code Section 18.50.030 F.

(Ord. No. 1139, § 2(Exh. A), 4-26-2011)

18.50.050 Decision.

The city council may approve an application for an EPF, approve with conditions or require modification of the

proposal to comply with specified requirements or local conditions. The city council may deny an application for an EPF if the placement of the use would be unreasonably incompatible with the surrounding area or incapable of meeting the criteria required for approval or with specific standards set forth in this code. (Ord. No. 1139, § 2 (Exh. A), 4-26-2011)

Chapter 18.55

ZONING AMENDMENTS

Sections:

- 18.55.010 Definitions.
- 18.55.020 Amendments and area-wide rezones.
- 18.55.030 Initiation of legislative amendments.
- 18.55.040 Planning commission consideration of legislative amendments.
- 18.55.050 Hearing required for planning commission consideration of amendments--Notice.
- 18.55.060 Council action on legislative proposals.
- 18.55.070 Site-specific rezone applications.
- 18.55.080 Hearing required--Notice.
- 18.55.090 Site-specific rezones--Criteria.
- 18.55.100 Council action on site-specific rezone proposals.

18.55.010 Definitions.

For purposes of this chapter, the following terms shall have the assigned meaning.

"Area-wide rezone" means an amendment to the zoning map that addresses the zoning district classification of five or more tracts of land in separate ownership or any parcel of land (regardless of the number of lots or owners) in excess of fifty acres.

"Comprehensive plan" means the generalized coordinated land use policy statement and comprehensive land use plan and all elements and sub-elements thereof, as adopted by the city council in accordance with the Growth Management Act, Chapter 36.70A RCW.

"Development regulation" means the controls placed on development or land use activities by this title, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances,

and binding site plan ordinances together with any amendments thereto. A development regulation does not include a decision to approve a project permit application, as defined in RCW 36.70B.020, even though the decision may be expressed in a resolution or ordinance of the legislative body of the county or city.

"Site-specific rezone" means the amendment of the zoning map, and/or the comprehensive plan land use map, to change or amend the zoning designation of a specific parcel or site or small number of associated parcels or sites, not otherwise constituting an area-wide rezone.

"Zoning map" means that official zoning map as designated and adopted by the city. (Ord. 1317 § 2, 2018).

18.55.020 Amendments and area-wide rezones.

A. The following amendments and area-wide rezones are legislative in nature and shall be reviewed and considered under the procedures set forth in this chapter:

1. Area-wide rezones;
2. Amendments to development regulations;
3. Proposals for new development regulations;

B. Site-specific rezones are a project permit and shall be submitted, processed, and reviewed in accordance with those procedures set forth for Level 3 review in GMC Title 14; provided, that where a proposed rezone also requires an amendment to the comprehensive plan land use map, the comprehensive plan amendment and site-specific rezone may be consolidated and processed together, subject to the consolidation provisions of GMC Title 14. Where consolidated, the planning commission shall be the hearing body for purposes of both the rezone and comprehensive plan amendment. (Ord. 1317 § 3, 2018).

18.55.030 Initiation of legislative amendments.

A. Any interested person, including applicants, citizens, hearing examiners, and staff of other agencies, may petition the city clerk to recommend legislative amendments to the city council. The petition shall be filed with the city and shall include, among the information deemed relevant by the clerk:

1. The name, address, and phone number of the petitioner;

2. A specific description of the proposed amendment, including text and maps as necessary to define and illustrate the proposed amendment;

3. A statement of how the proposed amendment is consistent with the comprehensive plan, containing references to specific policies, goals, or other elements of the comprehensive plan;

4. A "nonproject" environmental checklist prepared in accordance with the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, Chapter 197-11 WAC, and GMC Title 14;

5. The applicable processing fee, as established by resolution of the city council;

6. Any maps, studies, reports, or technical data that supports or analyzes the proposal, as deemed necessary or appropriate by the city planner;

7. An analysis of the cumulative impacts of the proposed amendment upon the city and the implementation of the comprehensive plan.

B. Upon receipt of a complete request or petition as provided in subsection (A) of this section, the city shall compile and maintain a list of all requests and petitions received. Such requests and petitions shall be reviewed and considered on an annual basis as provided herein. Each year, no later than the fourth Tuesday of January, the city clerk shall present the current list of requests and petitions to the city council for consideration to be included within that year's docket. The city council shall consider the list and shall vote to accept or reject each request and petition for docketing. Once a request or petition has been rejected for docketing by the city council, resubmittal of the same request or petition, or its substantial equivalent, shall not be allowed for a period of at least two years following the date the original request or petition was rejected for docketing. The docket approved by the city council shall be available for public inspection and copying.

C. At least once annually, the city will hold a public hearing for the purpose of allowing members of the public to identify legislative proposals for amendments or revisions to the city's development regulations.

D. Nothing contained in this chapter shall be construed to prohibit or limit the authority of the city council to adopt moratoria, interim zoning ordinances, interim development regulations, and other land use controls as authorized by RCW 36.70A.390 and 35A.63.220. The procedures set forth

in this chapter shall be inapplicable to such action by the council. (Ord. 1317 § 4, 2018).

18.55.040 Planning commission consideration of legislative amendments.

A. The city will provide a written report to the planning commission analyzing the legislative proposal and recommending approval, approval with modifications, denial, or remand in accordance with those criteria set forth in subsection (D) of this section.

B. The planning commission shall review each request or petition and shall hold at least one public hearing on such requests and petitions. More than one request or petition may be considered at any individual public hearing.

C. Following the public hearing on request or petition, the planning commission shall make one of the following written recommendations to the council:

1. Approval of the legislative proposal;
2. Approval of the legislative proposal as modified or amended by the planning commission;
3. Denial of the legislative proposal; or
4. Remand the proposal with a request for additional information, studies or reports deemed necessary to fully analyze and consider the proposal and its associated impacts.

D. In making the recommendation provided for in subsection (C) of this section, the planning commission shall consider the following criteria:

1. If a proposal is for an area-wide rezone:
 - a. Consistency with the Growth Management Act (Chapter 36.70A RCW);
 - b. Consistency with existing goals and policies of the city's comprehensive plan;
 - c. The cumulative impact of the proposed amendment upon the city;
 - d. The availability of capital facilities and infrastructure to support the proposed amendment;
 - e. Any change in circumstances supporting such amendment, such as revisions to population estimates, expansion or reduction of the urban growth area, annexation, new infrastructure or capital facilities, and other such similar factors.
 - f. The probable significant adverse environmental impacts of the proposal, if any.

2. If a proposal for amendment or revision to the city's development regulations:

- a. Consistency with the Growth Management Act (Chapter 36.70A RCW);
- b. Consistency with existing goals and policies of the comprehensive plan;
- c. Whether the proposal adequately implements the goals and policies of the comprehensive plan;
- d. The cumulative impact of the proposed amendment upon the health, safety, and welfare of the city;
- e. The probable significant adverse environmental impacts of the proposal, if any. (Ord. 1317 § 5, 2018).

18.55.050 Hearing required for planning commission consideration of amendments--Notice.

A. No legislative proposal shall be adopted without a planning commission recommendation pursuant to GMC 18.55.040.

B. For public hearings before the planning commission as required by the provisions of this chapter, the city clerk shall publish a notice of the public hearing once a week for two successive weeks in a newspaper having general circulation in the area. The notice shall be published for the first time not less than ten days, nor more than thirty days, before the date fixed for the hearing. In computing this period, the date of publication shall not be counted but the date of the hearing shall be. Notice for multiple legislative proposals may be contained within a single publication notice. The notice required or authorized by this section shall:

- 1. State the date, time, and place of the public hearing;
- 2. Summarize the nature and character of the legislative proposal;
- 3. If the proposed amendment involves a change in zoning district classification, reasonably identify the property whose classification would be affected by the proposal;
- 4. State that the full text of the amendment can be obtained from the city clerk; and
- 5. State that substantial changes in the proposed amendment may be made following the public hearing.

C. The city, in its discretion, may provide additional public notice regarding the public hearing described above in subsection (B) of this section, to encourage early and continuous public participation and involvement. Such additional methods may include, but are not required to include, any of the following methods:

1. Posting of one or more notices of the public hearing near the property affected by the legislative proposal;
2. Posting of notices of the public hearing upon the city's web page;
3. Notifying public or private individuals or groups with known interest in a certain proposal or type of proposal, or in proposals within a certain area or areas of the city;
4. Mailing notices to property owners and occupants;
5. Placing public notices in city newsletters, utility billings, or regional or neighborhood newsletters, newspapers or journals.

D. Any person may request that the city clerk provide written notice by mail of any public hearing on all docketed legislative proposals or any particularly identified proposal. If such request is made in writing and timely filed with the city clerk, the city clerk shall, in addition to that required notice as set forth in subsection (B) of this section, provide written notice to such person, by first class mail, of any scheduled public hearing on the identified legislative proposal(s) at least ten days prior to such hearing. The notice shall include that information as specified for the required publication notice in subsection (B) of this section.

E. The city clerk shall make every reasonable effort to comply with the notice provisions set forth in this section. However, it is the council's intention that failure to comply with any of the specific notice provisions as set forth in this section shall not render the council's action upon any legislative proposal invalid. (Ord. 1317 § 6, 2018).

18.55.060 Council action on legislative proposals.

A. At least once annually, the city council shall hold a public meeting to consider the recommendations of the planning commission on those requests and petitions initiated and

docketed pursuant to GMC 18.55.030. More than one request or petition may be considered at any individual public meeting.

B. Following the city council's meeting upon the legislative proposal, the council shall determine whether to take any of the following action:

1. Approve the legislative proposal;
2. Approve the legislative proposal as modified or amended by the planning commission and/or by the council;
3. Deny the legislative proposal;
4. Remand the proposal with a request for additional information, studies or reports deemed necessary to fully analyze and consider the proposal and its associated impacts;
5. Refer the legislative proposal to a legislative committee for further review and evaluation and report back to the council.

C. In electing to take the action described in subsection (B) of this section, the council shall apply that criteria for legislative proposals set forth in GMC 18.55.040.

D. Nothing contained in this section shall be construed to prohibit or limit the authority of the city council to adopt moratoria, interim zoning ordinances, interim development regulations, and other land use controls, without prior public hearing, as authorized by RCW 36.70A.390 and 35A.63.220. The procedures set forth in this section shall be inapplicable to such action by the council. (Ord. 1317 § 7, 2018).

18.55.070 Site-specific rezone applications.

Applications for site-specific rezones shall be submitted pursuant to Chapter 14.16 GMC. (Ord. 1317 § 9, 2018).

18.55.080 Hearing required--Notice.

A. No site-specific rezone shall be adopted without a hearing examiner recommendation pursuant to GMC 18.55.090 and further without a closed record hearing before the city council as provided in GMC 18.55.100.

B. For public hearings before the hearing examiner as required by the provisions of this chapter, the city shall publish a notice of the public hearing in a newspaper having general circulation in the area. The notice shall be published not less than ten days nor more than thirty days before the date fixed for the hearing. In computing this pe-

riod, the date of publication shall not be counted but the date of the hearing shall be. The notice required or authorized by this section shall:

1. State the date, time, and place of the public hearing;
2. Summarize the nature and character of the legislative proposal;
3. If the proposed amendment involves a change in zoning district classification, reasonably identify the property whose classification would be affected by the proposal.

C. The city may, but is not required to, provide additional public notice, as deemed appropriate, to encourage early and continuous public participation and involvement. Such additional methods may include, but are not required to include, any of the following methods:

1. Posting of one or more notices of the public hearing near the property affected by the legislative proposal;
2. Posting of notices of the public hearing upon the city's web page;
3. Notifying public or private individuals or groups with known interest in a certain proposal or type of proposal, or in proposals within a certain area or areas of the city;
4. Mailing notices to property owners and occupants;
5. Placing public notices in city newsletters, utility billings, or regional or neighborhood newsletters, newspapers or journals. (Ord. 1317 § 10, 2018).

18.55.090 Site-specific rezones--Criteria.

The following criteria shall be used by the hearing examiner in making recommendations upon, and by the city council in acting upon, a request for a site-specific rezone:

A. The hearing officer shall recommend or grant approval of the rezone only upon finding that the following criteria are met:

1. The proposed rezone advances the public health, safety, or welfare;
2. The proposed rezone is consistent with and implements the comprehensive plan;
3. There has been a change in circumstances that supports the proposed rezone;

4. The proposed rezone will not have a significant adverse impact upon surrounding properties;

5. The proposed amendment does not impose a burden upon public facilities beyond their capacity to serve or reduce such services to lands, which are deemed unacceptable by the city; and

6. There is merit and value in the proposal for the community.

B. The hearing officer shall not consider any representations made by the petitioner that if the rezone is granted the rezoned property will be used for only one of the possible range of uses permitted in the requested classification. Rather, the council shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification.

C. The council shall not regard as controlling any advantages or disadvantages to the individual requesting the change but shall consider the impact of the proposed change on the public at large. (Ord. 1317 § 10, 2018).

18.55.100 Council action on site-specific rezone proposals.

A. The city council shall hold a closed record public hearing to consider the recommendations of the hearing examiner on a site-specific rezone request.

B. Following the city council's closed record hearing, the city council shall determine whether to take any of the following actions:

1. Approve the rezone proposal;
2. Approve the rezone proposal as modified or amended by the planning commission and/or by the council;
3. Deny the rezone proposal;
4. Remand the proposal with a request for additional information, studies or reports deemed necessary to fully analyze and consider the proposal and its associated impacts;
5. Refer the rezone proposal to a legislative committee for further review and evaluation and report back to the council.

C. In taking action described in subsection (B) of this section, the city council shall apply the criteria set forth in GMC 18.55.090 to a request for a site-specific rezone request.

D. Nothing contained in this section shall be construed to prohibit or limit the authority of the city council to adopt moratoria, interim zoning ordinances, interim development regulations, and other land use controls, without prior public hearing, as authorized by RCW 36.70A.390 and 35A.63.220. The procedures set forth in this section shall be inapplicable to such action by the council. (Ord. 1317 § 11, 2018).

Chapter 18.60

LANDSCAPING STANDARDS

Sections:

18.60.010	Purpose.
18.60.020	Applicability.
18.60.030	Definitions.
18.60.040	Required review and approval.
18.60.050	Submittal requirements.
18.60.060	Standards--Residential.
18.60.070	Standards--Commercial and industrial.
18.60.080	Penalty--Enforcement.

18.60.010 Purpose.

The purpose of this chapter is to provide landscape development standards and site buffering requirements for all proposed developments to:

- A. Improve the character of the city.
- B. Reduce urban runoff and soil erosion.

C. Increase compatibility between abutting land uses and between land uses and public right-of-way by providing landscaping or buffers.

D. Protect public health, safety and welfare by preserving and enhancing the positive visual experience of the built environment, preserving neighborhood character, and enhancing pedestrian and vehicular traffic safety. (Ord. 1336A § 1(part), 2019).

18.60.020 Applicability.

The standards as required by this chapter shall apply to all land uses which are subject to site plan review, building permits, and land clearing permits. (Ord. 1336A § 1(part), 2019).

18.60.030 Definitions.

For purposes of this chapter, the following terms shall have the assigned meaning:

"Hardscape space" means any space made up of concrete, paving stones, asphalt, gravel, cobblestones, or other such materials, that is not of a vegetative nature or intended for traffic areas; i.e., driveways, sidewalks, parking strips, etc.

"Living landscape" consists of turf, trees, shrubs, plant material both flowering and nonflowering, and may include indigenous plants that are not noxious weeds and are maintained as set out within this chapter.

"Nonliving landscape" consists of boulders, rock, lava rock, wood chips, decorative curbing, and masonry work.

"Open space" means all the space on the property not occupied by the residence, a driveway, carport, or attached garage, swimming pool, or any other structure or improvement creating an impervious surface.

"Xeriscaping" means a system of landscaping that includes a mix of living and nonliving landscape designed to minimize the use of water with an emphasis on the use of plant material compatible with the local climate. (Ord. 1336A § 1(part), 2019).

18.60.040 Required review and approval.

The public works director or designated representative shall review the proposed landscaping plan for compliance with the standards prescribed in this chapter and any other applicable code or condition of project permit approval. (Ord. 1336A § 1(part), 2019).

18.60.050 Submittal requirements.

All site plans submitted to the city must show the location and type of landscaping to be used on the site. (Ord. 1336A § 1(part), 2019).

18.60.060 Standards--Residential.

A. Landscaping for newly constructed residential properties shall consist of predominately living landscape or a balance of living landscape, nonliving landscape, or xeriscaping.

B. All newly constructed properties shall have an automatic underground sprinkler system installed to accommodate watering of live plant material.

C. Trees and shrubs shall be planted so that at maturity they do not interfere with power lines, traffic safety visibility areas, or basic property rights of adjacent property owners.

D. Trees planted near public trails, sidewalks, streets, curbs, gutters, water meters or any other public improvements shall be of a species and installed in a manner which prevents physical damage to or interference with the use of such public improvements. Root control barriers shall be utilized when trees are planted in park strips or immediately adjacent to sidewalks, curbs, or adjacent property owners' sidewalks or driveways.

E. All living landscape shall be maintained in an orderly, attractive, and healthy condition to include but not be limited to proper pruning, mowing, weeding, and removal of litter.

F. All hardscape and xeriscaping shall be maintained to be free from defects and weeds.

G. In no case shall bare dirt be exposed except for small areas around plants, trees, and other shrubs, etc., or an area designated for a garden, in which case the area shall be properly watered and maintained not to cause any dust problems.

H. All single-family dwellings, duplexes and multifamily units shall have a four-foot-wide sidewalk from the street or street sidewalk to the front door. A combination of paving bricks, colored stamped concrete or similar paving material is encouraged for sidewalks.

I. All multifamily dwelling projects must have at least five percent of the site in landscaping, including all parking area must include five percent of the parking area in landscaping.

J. All landscaping and irrigation installation work shall be completed per approved plans or necessary performance guarantee prior to the issuance of a certificate of occupancy for the dwellings.

1. Any landscaping and irrigation work, incomplete at the time of a request of occupancy, but that does not constitute a safety or health hazard, may be assured by the submittal of a performance guarantee.

2. The applicant must submit a written request to the city detailing specific circumstances that warrant a delay in completion of required project improvements and cost estimate for all incomplete landscape and irrigation work to

be verified by the city. At its option, the city may accept the performance guarantee and establish a completion time line, not to exceed six months, from the date of issuance of the certificate of occupancy. (Ord. 1336A § 1(part), 2019).

18.60.070 Standards--Commercial and industrial.

A. All pervious surfaces, a minimum of five percent of designated parking areas, shall be landscaped with healthy and well-maintained plant materials in a manner consistent with typical high-quality business areas. All landscaped surfaces shall be properly maintained and contribute to the visual appeal of the development and surroundings.

B. In commercial and industrial zones additional landscaping will be required adjacent to a residential use as listed in GMC 18.16.055 and 18.20.055.

C. Landscaping shall employ a variety of trees, shrubs, ground covers and lawn. The horizontal ("shade area") of the mature crown of each tree incorporated in the landscaping plan shall be included in the calculation of the minimum five percent coverage requirement.

D. Boulders, gravel and assorted rocks shall be limited to use as a design accent element that supplements the overall landscape plan.

E. Bark, mulch, wood shavings or other organic product may be used as a supplement to the plantings but shall not be the primary design element.

F. Landscaping shall consist primarily of living plant material. Hardscape improvements shall not be counted toward fulfilling the required landscape.

G. Trees and shrubs shall be planted so that at maturity they do not interfere with service lines, traffic safety visibility area and basic property rights of adjacent property owners.

H. Trees planted near public bicycle trails or curbs shall be of a species and installed in a manner which prevents physical damage to sidewalks, curbs, gutters and other public improvements. Trees shall not interfere with the public use of bicycle trails, sidewalks, streets or curbs. Root control barriers shall be utilized.

I. All landscaping projects shall include an operable irrigation system.

J. All state and local regulations pertaining to water conservation shall apply to all new and rehabilitated public and private projects.

K. Site development shall incorporate adequate storm water filtration.

L. All landscaping and irrigation installation work shall be completed per approved plans or necessary performance guarantee prior to the issuance of a certificate of occupancy for the dwellings.

1. Any landscaping and irrigation work, incomplete at the time of request of occupancy, that does not constitute a safety or health hazard may be assured by the submittal of a performance guarantee.

2. The applicant must submit a written request to the city detailing specific circumstances that warrant a delay in completion of required project improvements and cost estimate for all incomplete landscape and irrigation work to be verified by the city. At its option, the city may accept the performance guarantee and establish a completion time line, not to exceed six months, from the date of issuance of the certificate of occupancy. (Ord. 1336A § 1(part), 2019).

18.60.080 Penalty--Enforcement.

Enforcement of the provisions of this chapter will occur through the enforcement procedure contained in Chapter 14.24 GMC. (Ord. 1336A § 1(part), 2019).

Chapter 18.64

MULTIFAMILY DEVELOPMENT AND DESIGN STANDARDS*

Sections:

- 18.64.010 Purpose.
- 18.64.020 Applicability.
- 18.64.030 Site design and parking.
- 18.64.040 Pedestrian access and amenities.
- 18.64.050 Building design.
- 18.64.060 Building details and materials.
- 18.64.070 Landscaping and screening.

*Code reviser's note: Ord. 1352 adds these provisions as Chapter 18.60. The chapter has been renumbered to avoid duplication of numbering.

18.64.010 Purpose.

The general purpose of the multifamily development and design standards are as follows:

A. To improve the overall quality of multifamily development in Granger;

B. To ensure the compatibility of multifamily development with surrounding land uses;

C. To provide clear directions to public and private decision makers regarding the city's property development expectations; and

D. To require building design that is compatible with adopted requirements, while allowing design professionals guidance that is flexible and encourages creative solutions. (Ord. 1352 § 2, 2020).

18.64.020 Applicability.

A. These multifamily design guidelines and standards shall apply to all new multifamily development within the city of Granger.

B. These design guidelines shall apply to all major redevelopment of existing multifamily structures or conversion of other existing buildings. Major rehabilitation shall not include routine maintenance and repair of a structure or other site features such as a parking lot or landscaping.

C. An applicant may propose alternatives to the design standards set forth in this chapter. It shall be incumbent upon the applicant to demonstrate that the proposed alternative meets the purpose and intent of these regulations. The administrator shall forward to the planning commission for its consideration alternative design proposals along with a recommendation. Such requests shall be processed according to the planning commission's review process and be subject to its review fees. (Ord. 1352 § 3, 2020).

18.64.030 Site design and parking.

A. Orient all multifamily buildings towards streets, interior private roadways, or common open space and not parking lots or adjacent properties. Specifically:

1. Pedestrian building entrances shall face the street and be clearly visible from the street.

2. Building entries that face onto a common open space which is oriented towards the street are acceptable.

3. Buildings shall also provide windows that face the street to provide "eyes on the street" for safety.

B. Front Yard Transitional Space. Multifamily buildings should incorporate a front yard transitional space between the adjacent street(s) and the building(s). This may include a landscaped front yard and/or landscaped entry court. This creates a semi-public space that divides the public space (the street) from private space (the building). This space is an important security element, particularly when views are maintained between the street and building(s).

C. Surface Parking.

1. Parking lots shall be landscaped and buffered per the requirements.

2. Parking lot landscape shall be used to reinforce pedestrian and vehicular circulation at: (i) parking lot entrances; (ii) ends of driving aisles; and (iii) to define pedestrian walkways through parking lots.

3. Off-street parking shall be provided at a rate of 1.35 stalls per dwelling unit, unless otherwise stated in this chapter. For any multifamily development, visitor parking shall be provided at a rate of one additional stall per five dwelling units. For example, a twelve-unit development would be required to provide nineteen off-street parking spaces (twelve units x 1.35 spaces per unit + two visitor parking stalls). Fractional results shall be rounded up to the nearest whole number.

4. Off-street parking areas shall be topped with a hard surface such as asphalt or concrete.

D. Parking garage entries (both individual private and shared parking garages) must not dominate the streetscape. They should be designed and sited to complement the pedestrian entry. This applies to both public garages and any individual private garages, whether they front on a street or private interior access road.

E. Common Parking Garage Design Guidelines. Buildings containing above-grade structured parking shall screen such parking areas with landscaped berms or incorporate contextual architectural elements that complement adjacent buildings or buildings in the area. Upper level parking garages must use articulation or fenestration treatments that break up the massing of the garage and/or add visual interest.

F. Privacy and Relationship to Adjacent Sites. Adequate privacy for multifamily dwelling units shall be provided along the side yard. Specific standards and guidelines:

1. Transparent windows shall occupy no more than ten percent of any facade within fifteen feet of the interior side property line.

2. Balconies or rooftop decks within fifteen horizontal feet of an internal side property line must utilize opaque guard rails to minimize privacy impacts to adjacent properties.

G. Vehicular Access and Connectivity.

1. On corner lots, the driveway(s) shall be located off the side street (unless the side street is an arterial) and away from the street intersection to the extent possible.

2. Sites abutting an alley shall be required to gain vehicular access from the alley.

3. Where no alley access is available, the development shall be configured to minimize the number and width of driveways. Shared driveways are encouraged and may be required depending on the nature of the adjacent street.

4. The shared driveway or access shall be located to one side of the lot and away from the center of the site to the maximum extent feasible.

5. The location and design of pedestrian access from the sidewalk shall be emphasized to be more prominent than the vehicular access. Special landscaping, lighting, and architectural treatment may be used to accomplish this.

H. Service, Loading, and Garbage Areas. Developments shall provide a designated spot for service elements. Such elements shall meet the following requirements:

1. Service elements shall be sited off the alley, where available. Where there is no alley, service elements shall be located to minimize the negative visual, noise, odor, and physical impacts to the street environment, adjacent (on- and off-site) residents or other uses, and pedestrian areas.

2. Service elements shall be sited and designed to provide sufficient visibility to prevent hiding places for unwanted persons.

3. The designated spot for service elements shall be paved.

4. Appropriate enclosure of the service elements shall be required. Preferences and considerations:

i. Enclosures are particularly important for corner lots, where that portion of the alley is more visible from the adjacent street.

ii. Proximity to adjacent residential units will be a key factor in determining appropriate service element treatment.

iii. The design of any detached service enclosure should be compatible with the design of the primary structure or structures on the site. This could include similar building materials and/or detailing.

5. Exterior mechanical devices shall be shielded to reduce visibility and noise impacts.

I. Utility meters, electrical conduit, and other service utility apparatus shall be located and/or designed to minimize their visibility from the street. If such elements are mounted in a location visible from the street, pedestrian pathway, common open space, or shared auto courtyards, they shall be screened with vegetation or by architectural features. (Ord. 1352 § 4, 2020).

18.64.040 Pedestrian access and amenities.

A. Internal Pedestrian Paths and Circulation. An on-site pedestrian circulation system meeting the following standards shall be provided:

1. Pathways between dwelling units and the street are required. Such pathways between the street and buildings fronting on the street shall be in a straight line. Exceptions may be allowed where steep slopes prevent a direct connection or where an indirect route would enhance the design and/or use of a common open space.

2. The pedestrian circulation system shall connect all main entrances on the site. For townhouses or other residential units fronting on the street, the sidewalk may be used to meet this standard. Pedestrian connectivity between dwelling entrances and parking areas, recreational areas, common outdoor areas and any pedestrian amenities shall be required.

3. Elevated external stairways or walkways which provide pedestrian access to dwelling units located above the ground floor are prohibited. The administrator may allow exceptions for external stairways or walkways located in or

facing interior courtyard areas provided they do not compromise visual access from dwelling units into the courtyard.

4. Appropriate screening or buffering to create a physical separation between pedestrians and vehicle access areas and the windows of residential units shall be provided. Acceptable treatments include:

i. Landscaped beds that separate the pathway from the building facade featuring windows; and/or

ii. Site windows to maximize privacy while allowing for surveillance from dwelling unit. For example, where ground floor units are raised three or more feet above the level of a walkway, pedestrians have limited views into dwelling units.

5. Materials Standards for Pathways.

i. The pedestrian circulation system must be hard-surfaced and at least four feet wide. Segments of the circulation system that provide access to no more than four residential units may be four feet wide.

ii. Except as allowed in subsection (A) (5) (iii) of this section, the pedestrian circulation system shall be clearly defined and designed so as to be separated from driveways and parking/loading areas through the use of raised curbs, elevation changes, bollards, landscaping, different paving materials, and/or other similar method. Striping alone does not meet this requirement. If a raised path is used it must be at least four inches high and the ends of the raised portions must be equipped with curb ramps. Bollard spacing must be no further apart than five feet on center.

iii. The pedestrian circulation system may be within an auto travel lane if the auto travel lane provides access to sixteen or fewer parking spaces and the entire auto travel lane is surfaced with paving blocks, bricks, or other special paving. Trees and other landscaping elements shall be integrated into the design of a shared auto/pedestrian court.

B. Required Open Space for Multifamily Developments. Multifamily developments shall provide open space (designed per subsection (C) of this section) equivalent to ten percent of the building's livable floor area.

C. Open Space Types and Standards.

1. Common Open Space. Where accessible to all residents, common open space may count for up to one hundred percent of the required open space for vertically stacked

apartments. This includes landscaped courtyards or decks, front porches, gardens with pathways, children's play areas, or other multipurpose recreational and/or green spaces. Special requirements and recommendations for common open spaces include the following:

i. Required setback areas shall not count towards the open space requirement, except for spaces that meet the dimensional and design requirements and guidelines herein.

ii. Space shall be large enough to provide functional leisure or recreational activity. To meet this requirement, no dimension shall be less than fifteen feet in width (except for front porches).

iii. Spaces (particularly children's play areas) shall be visible from dwelling units and positioned near pedestrian activity.

iv. Spaces shall feature paths, landscaping, seating, lighting and other pedestrian amenities to make the area more functional and enjoyable.

v. Individual entries shall be provided onto common open space from adjacent ground floor residential units, where applicable. Small, semi-private open spaces for adjacent ground floor units that maintain visual access to the common area are strongly encouraged to enliven the space.

vi. Separate common space from ground floor windows, streets, service areas and parking lots with landscaping, low-level fencing, and/or other treatments as approved by the administrator that enhance safety and privacy (both for common open space and dwelling units).

vii. Space should be oriented to receive sunlight, facing east, west, or (preferably) south, when possible.

viii. Stairways, stair landings, above grade walkways, balconies and decks shall not encroach into the common open space. An atrium roof covering may be built over a courtyard to provide weather protection provided it does not obstruct natural light inside the courtyard. Front porches are an exception.

ix. Front porches qualify as common open space; provided, that no dimension is less than eight feet. "Cave" porches are not included in calculations for common open space. "Cave" porches are porches that are entirely inset into the building. Porches set into the corner of a building are an exception.

2. Balconies. Covered private balconies, porches, decks, or patios may be used to meet up to fifty percent of the required open space for vertically stacked apartments. To qualify as open space, such spaces shall be at least thirty-five square feet, with no dimension less than four feet, to provide a space usable for human activity.

3. Indoor Recreational Areas. Indoor recreational areas may count for up to twenty-five percent of the required open space only in buildings on lots less than one hundred feet in width. The following conditions must be met:

i. Indoor spaces must be located in visible areas, such as near an entrance lobby and near high traffic corridors.

ii. Space must be designed to provide visibility from interior pedestrian corridors. Windows should generally occupy at least one-half of the perimeter of the space (towards internal corridors or outside) to make the space inviting and encourage use.

iii. Space must be designed specifically to serve interior recreational functions and not merely be left-over unrentable space used to meet the open space requirement. Such space must include amenities and design elements such as swimming pools, sport courts, etc., that will encourage use by residents.

D. Lighting.

1. Intent. Lighting should eliminate adverse impacts of light spillover; provide attractive lighting fixtures and layout patterns that contribute to a unified exterior lighting design; and provide exterior lighting that promotes safe vehicular and pedestrian access to and within a development, while minimizing impacts on adjacent properties.

2. Design Guidelines and Standards.

i. Plan Required. Applicants shall submit a lighting plan for all multifamily developments subject to the requirements of this chapter. Lighting plans require design review board approval.

ii. Pedestrian Walkway Lighting. Pedestrian-level, bollard lighting, ground-mounted lighting, or other low, glare controlled fixtures mounted on building or landscape walls shall be used to light pedestrian walkways.

iii. Lighting Height. Light poles and lighting structures shall be no more than twenty feet high. Bollard-type lighting shall be no more than four feet high.

iv. Building-Mounted Lighting. Building-mounted lighting shall be limited to accent lighting used to illuminate architectural features and entrances, with a maximum height of twenty feet. Building-mounted lighting shall not be permitted to illuminate parking lots/areas. Interior and exterior lighting shall be uniform to allow for surveillance and avoid isolated areas.

v. Illumination Levels. Pedestrian areas, driveways, and parking areas shall be illuminated to a minimum average of one foot-candle.

vi. Design of Fixtures/Prevention of Spill-over Glare. Light fixtures shall use full cut-off lenses or hoods to prevent glare and light spill off the project site onto adjacent properties, buildings, and roadways.

vii. Color of Light Source. Lighting fixtures should be color-correct types such as halogen or metal halide to ensure true color at night and ensure visual comfort for pedestrians. (Ord. 1352 § 5, 2020).

18.64.050 Building design.

A. Building Articulation--Multifamily Residential Buildings. All residential buildings shall include at least three of the following modulation and/or articulation features at intervals of no more than thirty feet along all facades facing a street, common open space, and common parking areas:

1. Repeating distinctive window patterns at intervals less than the minimum required interval.

2. Vertical building modulation. Minimum depth and width of modulation is thirty-six inches and four feet (respectively) if tied to a change in color or building material and/or roofline modulation as defined below. Otherwise, minimum depth of modulation is ten feet and minimum width for each modulation is fifteen feet. Balconies may not be used to meet modulation option unless they are recessed or projected from the facade and integrated with the building's architecture. For example, "cave" balconies or balconies that appear to be "tacked on" to the facade will not qualify for this option.

3. Horizontal modulation (upper level step-backs). To qualify for this measure, the minimum horizontal modulation shall be five feet.

4. Articulation of the building's top, middle, and bottom. This typically includes a distinctive ground floor

or lower floor design, consistent articulation of middle floors, and a distinctive roofline.

B. Maximum Facades Width. Buildings visible from the street must use design techniques to break up long continuous building walls, reduce the architectural scale of the building and add visual interest. Buildings exceeding one hundred twenty feet in width along the street front shall be divided by a thirty-foot-wide modulation of the exterior wall, so that the maximum length of a particular facade is one hundred twenty feet. Such modulation must be at least twenty feet or deeper and extend through all floors. Decks and roof overhangs may encroach up to three feet (per side) into the modulation. Examples could include a combination of vertical and/or horizontal building modulation with a change in building materials or finishes, a clear change in building articulation and/or fenestration technique.

C. Diversity of Building Types. Multibuilding developments shall be required to provide different architectural designs to provide interest and variety. This is particularly important where multiple buildings front on the same street. Simple changes in building colors or reversal of basic facade designs are not sufficient to comply with this standard. Consider changes in vertical and/or horizontal articulation, fenestration, building materials, architectural style, and/or roof design provided they meet the requirements of subsection (B) of this section and other applicable standards.

D. Roofline Standards.

1. Multifamily residential buildings must provide a pitched roof with minimum 5:12 roof pitch. Alternative roof designs will be considered provided design elements are included to help the building and its roofline fit into the site's context.

2. All buildings shall incorporate roofline modulation. The maximum length of any continuous roofline shall be thirty feet for residential buildings. Specifically:

- i. For flat roofs or facades with a horizontal eave, fascia, or parapet, the minimum vertical dimension of roofline modulation is the greater of two feet or 0.1 multiplied by the wall height (finish grade to top of wall).

- ii. Other roof forms consistent with the design standards herein may satisfy this standard if the individual segments of the roof with no change in slope or

discontinuity are less than forty feet in width (measured horizontally).

E. Raised Ground Floor. Developments are encouraged to raise the ground floor of residential buildings at least thirty-six inches above the sidewalk or common parking area to enhance residents' privacy. This is particularly important when dwelling units are within fifteen feet of a sidewalk or common parking area or for buildings in established neighborhoods that have an established pattern with raised dwelling units. (Ord. 1352 § 6, 2020).

18.64.060 Building details and materials.

A. Details Toolbox. All multifamily buildings shall be enhanced with appropriate details. Each of the types of details listed below is worth one point unless otherwise noted. Multifamily buildings must achieve the equivalent of two points worth of architectural details from each section, on each of their four facades, from the following elements:

1. Decorative porch design with distinct design and use of materials.

2. Decorative treatment of windows and doors, such as decorative molding/framing details around all ground floor windows and doors, bay windows, decorative glazing, or door designs and/or unique window designs.

3. Landscaped trellises or other decorative element that incorporates landscaping near the building entry or entries.

4. Decorative light fixtures with a diffuse visible light source, such as a globe or "acorn" that is nonglaring or a decorative shade or mounting for each building entry on the facade.

5. Brick or stonework covering more than ten percent of the facade (two points).

6. Decorative building materials that add visual interest, including:

- i. Individualized patterns or continuous wood details.

- ii. Decorative moldings, brackets, wave trim or lattice work.

- iii. Decorative brick or stonework (may be in addition to the brick or stonework credits noted above if they are arranged in a decorative manner that add visual interest to the facade).

7. Decorative roofline design, including multiple gables and/or dormers or other design that adds distinct visual interest.

8. Decorative balcony design, railings, grill work, or terraced landscape beds integrated along the facade of the building.

9. Windows in all garage doors.

B. Window Design.

1. Transparent windows or doors facing the street are required. To meet this requirement, at least fifteen percent of each street-facing facade must be transparent.

2. Building facades shall employ techniques to recess or project individual windows above the ground floor at least two inches from the facade or incorporate window trim at least four inches in width that features color that contrasts with the base building color. Exceptions will be considered where buildings employ other distinctive window or facade treatment that adds visual interest to the building.

C. Preferred Building Materials. Building exteriors shall be constructed from high quality, durable materials. Preferred exterior building materials that reflect the city's desired and traditional character.

D. Prohibited Materials. The following materials are prohibited in visible locations unless an exception is granted based on the integration of the material into the overall design of the structure:

1. Vinyl or plywood siding (including T-111 or similar plywood), except when used as a component in board and batten siding.

2. Highly tinted or mirrored glass (except stained glass) as more than ten percent of the building facade.

3. Corrugated fiberglass.

4. Chain link fencing (except for temporary purposes such as a construction site or as a gate for a refuse enclosure).

5. Crushed colored rock/crushed tumbled glass.

6. Noncorrugated and highly reflective sheet metal.

E. Special Material Standards.

1. Concrete Block. When used for the facade of any building, concrete blocks shall be split, rock- or ground-faced. To add visual interest, the use of specialized textures and/or colors used effectively with other building materials and details are encouraged. Plain concrete block or

plain concrete may be used as foundation material if the foundation material is not revealed more than three feet above the finished grade level adjacent to the foundation wall.

2. Metal Siding. If metal siding is used, it shall have visible corner moldings and trim and incorporate masonry or other similar durable/permanent material near the ground level (first two feet above ground level).

3. Exterior insulation and finish system (EIFS) and similar troweled finishes (stucco) shall be trimmed in wood, masonry, or other approved materials and shall be sheltered from extreme weather by roof overhangs or other methods.

4. Composite boards manufactured from wood or other products, such as hardboard or plankboard, may be used when the board product is less than six inches wide. (Ord. 1352 § 7, 2020).

18.64.070 Landscaping and screening.

A. Landscaping.

1. Foundation Planting. All street-facing elevations must have landscaping along any exposed foundation. The landscaped area may be along the outer edge of a porch instead of the foundation. This landscaping requirement does not apply to portions of the building facade that provide access for pedestrians or vehicles to the building. The foundation landscaping must meet the following standards:

i. The landscaped area must be at least three feet wide.

ii. There must be at least one three-gallon shrub for every three lineal feet of foundation.

iii. Groundcover plants must fully cover the remainder of the landscaped area.

2. Landscaping techniques including living plant material and supporting elements should include the following:

i. Landscape open areas created by building modulation.

ii. Use plants that require low amounts of water, including native drought-resistant species.

iii. Locate trees on street frontages at appropriate spacing so that at maturity residential entrances are clearly visible from the street and sidewalk.

iv. Plant a mix of evergreen and deciduous plants to maintain year-round color and interest.

v. Shrubs, grasses and other non-tree vegetation as appropriate.

vi. Existing trees and native vegetation should be preserved whenever possible.

3. An irrigation method shall be included in the landscaping plan. Irrigation shall be required immediately after planting and May through October thereafter or as recommended by a landscape professional. Developers should consider installing underground irrigation systems whenever possible to avoid drought loss.

4. Optional landscaping techniques may also include, where appropriate:

i. Providing frameworks such as trellises or arbors for plants;

ii. Incorporating planter guards, retaining walls, or low planter walls as part of the architecture;

iii. Incorporating upper story planter boxes, roof gardens, or plants;

iv. Incorporating outdoor furniture into the landscaping plan. (Ord. 1352 § 8, 2020).

STATUTORY REFERENCES
FOR
WASHINGTON CODE CITIES

The statutory references listed below refer the code user to state statutes applicable to Washington code cities and towns. They are up to date through July 2016.

General Provisions	Penalties for ordinance violations in first class cities
Incorporation Wash. Const. Art. XI § 10 and RCW ch. 35.02	RCW 35.22.280(35); 35.21.163 and 35.21.165
Classification of municipalities RCW chs. 35.01 and 35.06	Penalties for ordinance violations in second class cities RCW 35.23.440(29); 35.21.163 and 35.21.165
Annexations RCW ch. 35.13	Penalties for ordinance violations in towns RCW 35.27.370(14); 35.21.163 and 35.21.165
First class cities RCW ch. 35.22	Civil infractions RCW ch. 7.80
Second class cities RCW ch. 35.23	Elections RCW title 29A
Towns RCW ch. 35.27	Campaign finances and disclosure RCW ch. 42.17A
Unclassified cities RCW ch. 35.30	Official newspaper RCW 35.21.875
Miscellaneous provisions applicable to all cities and towns RCW ch. 35.21	Administration and Personnel
Adoption of codes by reference RCW 35.21.180	Commission form of government RCW ch. 35.17
Codification of ordinances RCW 35.21.500 through 35.21.580	

Council-manager plan
RCW ch. 35.18

City council in second class
cities
RCW 35.23.181 et seq.

Town council
RCW 35.27.270 et seq.

Officers in second-class
cities
RCW 35.23.021 et seq.

Officers in towns
RCW 35.27.070 et seq.

Local government whis-
tleblower protection
RCW ch. 42.41

Code of ethics for officers
RCW ch. 42.23

Open Public Meeting Act of
1971
RCW ch. 42.30

Municipal courts
RCW chs. 3.46, 3.50,
35.20

Planning commissions
RCW ch. 35.63

Hearing examiner system for
zoning amendments
RCW 35A.63.170

Emergency management
RCW ch. 38.52

Revenue and Finance

Budgets
RCW chs. 35.32A, 35.33,
35.34

Bonds
RCW chs. 35.36, 35.37,
35.41

Depositories
RCW ch. 35.38

Investment of funds
RCW ch. 35.39

Accident claims and funds
RCW ch. 35.31

Validation and funding of
debts
RCW ch. 35.40

Local improvements
RCW ch. 35.43--35.56

Retail sales and use taxes
RCW ch. 82.14

Leasehold excise tax
RCW ch. 82.29A

Real estate excise tax
RCW ch. 82.46

Tax on admissions
RCW 35.21.280

Property tax in first class
cities
RCW 35.22.280(2)

Property tax in second class
cities
RCW 35.23.440(46)

Property tax in towns
RCW 35.27.370(8)

Lodging tax
RCW 67.28.180 et seq.

Gambling taxes
RCW 9.46.110 et seq.

State preemption of certain
tax fields
RCW 82.02.020

**Business Licenses and
Regulations**

First class city licenses
RCW 35.22.280(32) and
(33)

Second class city licenses
RCW 35.23.440(2)--(8)

Town licenses
RCW 35.27.370(9)

Municipal business and
occupation tax
RCW ch. 35.102

Uniform license fee or tax
rate
RCW 35.21.710 and
35.21.711

License fees or taxes on
telephone businesses
RCW 35.21.712--35.21.715

Ambulance business taxes
RCW 35.21.768

Freight carrier taxes
RCW 35.21.840--35.21.850

Gambling
RCW chs. 9.46, 9.47

Liquor
RCW 66.08.120 and
66.44.010

Auctioneers
RCW 35.21.690

Cabarets
RCW 66.28.080

Cable television
RCW ch. 35.99

Massage practitioners
RCW 35.21.692

Newspaper carriers
RCW 35.21.696

Animals

Power of second class cities
to regulate
RCW 35.23.440(11)

Power of towns to regulate
RCW 35.27.370(7)

Cruelty to animals
RCW ch. 16.52

Dangerous dogs
RCW 16.08.070 et seq.

Health and Safety

Generally
RCW Title 70

Local health boards and
officers
RCW ch. 70.05

Garbage collection and disposal
RCW 35.21.120 et seq. and
RCW ch. 35.67

Litter control
RCW ch. 70.93

Fireworks
RCW ch. 70.77

Public Peace, Morals and Welfare

Crimes and punishments
RCW Title 9

Washington Criminal Code
RCW Title 9A

Drunkenness and alcoholism
RCW 70.96A.190

Discrimination
RCW ch. 49.60

Juvenile curfew
RCW 35.21.635

Vehicles and Traffic

Motor vehicles
RCW title 46

Model traffic ordinance
RCW ch. 46.90

Penalties for driving while intoxicated
RCW 35.21.165

Accident reports
RCW ch. 46.52

Streets, Sidewalks and Public Places

Local improvements
RCW chs. 35.43--35.56

Metropolitan park districts
RCW ch. 35.61

Street construction and maintenance
RCW chs. 35.72--35.79

Sidewalk construction
RCW chs. 35.68--35.70

Public Services

Municipal utilities
RCW ch. 35.92

Municipal Water and Sewer Facilities Act
RCW ch. 35.91

Sewer systems
RCW ch. 35.67

Water or sewer districts, assumption of jurisdiction
RCW ch. 35.13A

Buildings and Construction

State building code
RCW ch. 19.27

Unfit dwellings, buildings and structures
RCW ch. 35.80

Energy-related building standards
RCW ch. 19.27A

Electrician and electrical
installations
RCW ch. 19.28

Electrical construction
RCW ch. 19.29

Development impact fees
RCW 82.02.050 et seq.

Subdivisions

Subdivisions generally
RCW ch. 58.17

Short plats and short
subdivisions
RCW 58.17.060 et seq.

Hearing examiner system for
plat approval
RCW 58.17.330

Zoning

Generally
RCW 35.63.080 et seq.

Hearing examiner system for
zoning applications
RCW 35.63.130

Growth management
RCW ch. 36.70A

Judicial review of land use
decisions
RCW ch. 36.70C

ORDINANCE LIST AND DISPOSITION TABLE

Beginning with Supplement No. 7, this table will be replaced with the "Code Comparative Table and Disposition List."

<u>Ordinance Number</u>	<u>Disposition</u>
1	Town seal (1.08)
2	Council meetings (.2.08)
3	Tax assessment and collection (Repealed by 512)
4	Town attorney, police justice, town engineer (2.04)
5	Superintendent of streets and poundmaster (Repealed by 512)
6	Salaries of town officials (Repealed by 51)
7	Alcoholic beverage sale regulations (Repealed by 512)
8	Local improvement assessment (Repealed by 64)
9	Billiard hall, pool room and cardroom licensing (5.20)
10	Dog licenses (Repealed by 26, 472)
11	Yakima Valley Power Company franchise (Special)
12	Licensing of drays, hacks and other vehicles used for draying (Repealed by 514)
13	Prevention of horses, cattle, swine and other animals running at large (6.12)
14	Sidewalk construction (Repealed by 20)
15	Sidewalk construction (Repealed by 31)
16	Sidewalk construction (Special)
17	Sidewalk construction (Special)
18	Street vacation (Special)
19	Grades at intersections (Repealed by 65)

STATUTORY REFERENCES

<u>Ordinance Number</u>	<u>Disposition</u>
20	Sidewalk construction; repeals Ord. 14 (Special)
21	Grades at intersections (Repealed by 65)
22	Disorderly conduct (Not codified)
23	Penalty for nonpayment of fines (Repealed by 512)
24	Prisoner labor (Repealed by 512)
25	Health officer and board of health (Repealed by 512)
26	Dogs (Repealed by 472)
27	Street and sidewalk grading (Not codified)
28	Street obstruction prohibitions (Repealed by 512)
29	Vagrancy (Repealed by 512)
30	Bonds for town officials (Repealed by 512)
31	Sidewalk construction (Special)
32	Alley vacation (Special)
33	Missing
34	Local improvement district #7 (Special)
35	Local improvement district #8 (Special)
36	Street vacation (Special)
37	Pacific Power and Light Company (Special)
38	Alley vacation (Special)
39	Tax levy (Special)

<u>Ordinance Number</u>	<u>Disposition</u>
40	Pacific Power and Light Company (Repealed by 271)
41	Street grading, graveling (Special)
42	Amends §2 of Ord. 26, dog licensing (Repealed by 472)
43	Street grading (Special)
44	Street graveling (Special)
45	Horse and vehicle traffic regulations (Repealed by 512)
46	Peddling license (Repealed by 514)
47	Void
48	Street grading (Special)
49	Amends §3 of Ord. 26 and §1 of Ord. 42, dogs (Repealed by 472)
50	Pool, card and billiard hall closing hours (Repealed by 512)
51	Salaries of town officials; repeals Ord. 6 (Repealed by 83)
52	Council meeting place (Repealed by 512)
53	Fire limits established and building regulations (Repealed by 102, 204)
54	Auctioneering (Repealed by 514)
55	Local improvement bonds (Special)
56	Street grading (Special)
57	Street grading (Special)
58	Sidewalk construction (Special)
59	Sidewalk construction materials (Repealed by 512, 514)
60	Sidewalk improvement (Not sent)
61	Irrigation piping system (Special)
62	Void
63	Amends §§1 and 2 of Ord. 53, fire limits (Repealed by 102, 204)
64	Local improvements district #8 (Special)
65	Grades at intersections (Not codified)
66	Tax levy (Special)
67	Water works system (Special)
68	Special election (Special)
69	Void
70	Water, sewer bonds (Special)
71	Street vacation (Special)
72	Void
73	Water system bids notice (Special)
74	Town attorney duties (2.16)
75	Town attorney salary (Not codified)
76	Water bonds (Special)
77	Alley vacation (Special)
78	Tax levy (Special)

<u>Ordinance Number</u>	<u>Disposition</u>
79	Street improvement (Special)
80	Saloons closed on specified holidays (Repealed by 512)
81	Street improvement (Special)
82	Street improvement (Special)
83	Salaries of town officials; repeals Ord. 51 (Re- pealed by 117)
84	Water system (Repealed by 512)
85	Tax levy (Not sent)
86	Street vacation (Special)
87	Street and alley vacation (Special)
88	Street and alley vacation (Special)
89	Street and alley vacation (Special)
90	Street and alley vacation (Special)
91	Street and alley vacation (Repealed by 246)
92	Reassessment (Not sent)
93	Reassessment (Not sent)
94	Official newspaper designated (Not sent)
95	Reassessment confirmation (Not sent)
96	Reassessment confirmation (Not sent)
97	Easements (Not sent)
98	Amends §7 of Ord. 7, alcoholic beverage sales license (Repealed by 5.12)
99	Tax levy (Not sent)
100	Prohibits bicycle riding on sidewalks (Repealed by 512)
101	Domestic fowl (Repealed by 760)
102	Fire limits; repeals Ords. 53 and 63 (Repealed by 204)
103	Tax levy (Special)
104	Alley vacation (Special)
105	Tax levy (Special)
106	Street vacation (Special)
107	Tax levy (Special)
108	Budget for 1919 (Special)
109	Budget (Not sent)
110	Budget for 1920 (Special)
111	Budget for 1922 (Special)
112	Street vacation (Special)
113	Amends §1 of Ord. 112 (Special)
114	Tax levy (Special)
115	Void
116	Franchise tax (Special)
117	Salaries of town officials; repeals Ord. 83 (Repealed by 142)
118	Oregon Wash Railroad and Navigation Co. (Not sent)
119	Dancehall licensing (5.08)

<u>Ordinance Number</u>	<u>Disposition</u>
120	Oregon Washington Telephone Co. (Not sent)
121	Street and alley vacation (Special)
122	Amends \$20 of Ord. 84, water rates (Repealed by 512)
123	Vehicles (Repealed by 512)
124	Natural gas franchise (Special)
125	Void
126	Void
127	Amends \$4 of Ord. 124 (Special)
128	Void
129	Budget for 1934 (Special)
130	Street improvement (Special)
131	Void
132	Void
133	(Not sent)
134	General obligation bonds (Special)
135	Special revenue (Not sent)
136	Pinball machine licensing (5.16)
137	Street vacation (Special)
138	Drainage district (Not sent)
139	Budget and tax levy for 1942 (Not sent)
140	Town elections (Repealed by 512)
141	Municipal Defense Council (Repealed by 512)
142	Salaries of town officials; repeals Ord. 117 (Repealed by 147)
143	Traffic regulations (Repealed by 238)
144	Junk dealers (5.12)
145	Driving regulations near emergency vehicles and equipment (Repealed by 512)
146	Card game closing time (Repealed by 512)
147	Salaries of town officials; repeals Ord. 142 (Not codified)
148	Card game license fees (Repealed by 512)
149	Combines offices of clerk and treasurer (Repealed by 512)
150	Pinball machine licensing (5.16)
151	Street vacation (Repealed by 153)
152	Taxes for admission to entertainment (Repealed by 285)
153	Repeals Ord. 151 (Repealer)
154	Street vacation (Special)
155	Building code (Repealed by 512)
156	Salaries of town officials (Not codified)
157	Tax levy (Special)
158	Bicycle licensing (10.16)
159	Weed control (Repealed by 512)
160	Pacific Power and Light Franchise (Special)

<u>Ordinance Number</u>	<u>Disposition</u>
161	Water bonds (Special)
162	Amends §§1, 2, 3, 4 and 8 or Ord. 161 (Special)
163	Official newspaper designated (1.12)
164	Budget for 1949 (Not sent)
165	Salaries for town officials (Not sent)
166	Police judge salary (Not codified)
167	Building code (Repealed by 512)
168	Repeals §3 or Ord. 165 (Repealer)
169	Street vacation (Special)
170	Alley vacation (Special)
171	Budget for 1950 (Not sent)
172	Peddling and soliciting prohibitions (Repealed by 613)
173	Garbage collector license (Repealed by 512)
174	Amends Ord. 140 (Repealed by 217)
175	Amends budget for 1950 (Not sent)
176	Amends budget for 1950 (Not sent)
177	Amends budget (Not sent)
178	Budget for 1950 (Not sent)
179	Amends budget for 1950 (Not sent)
180	Amends budget for 1950 (Not sent)
181	Water bonds reserve fund (Not sent)
182	Dogs (Repealed by 472)
183	Amends budget for 1951 (Not sent)
184	Fireworks (Repealed by 512)
185	Salaries for volunteer firemen (Repealed by 457)
186	Vacation and sick leave (2.56)
187	Amends budget for 1951 (Not sent)
188	Amends budget for 1951 (Not sent)
189	Amends budget for 1951 (Not sent)
190	Budget for 1952 (Not sent)
191	Amends budget for 1951 (Not sent)
192	Combining of water, sewer system (Special)
193	Annexation (Special)
194	Police car purchase (Not sent)
195	Amends Ord. 194 (Not sent)
196	Water and sewer department (Repealed by 427)
197	Salaries for town officials (Not sent)
198	Amends §3 of Ord. 143 (Repealed by 238)
199	Pensions and retirement (2.60)
200	Alley vacation (Special)
201	Nuisances (Repealed by 845)
202	Sewer connection regulations (Repealed by 427)
203	Speed limit on Inland Empire Highway (10.08)
204	Fire limits; repeals Ords. 63, 63 and 102 (Re- pealed by 773)
205	Budget for 1953 (Not sent)
206	Amends budget (Not sent)
207	Amends budget (Not sent)

<u>Ordinance Number</u>	<u>Disposition</u>
208	Sewer connection charge (Repealed by 427)
209	Salaries for town officials (Not sent)
210	Minors and liquor (Repealed by 613)
211	Obstructing justice prohibited (Repealed by 613)
212	Public intoxication, disorderly conduct, indecent behavior prohibited (Repealed by 613)
213	Amends Ord. 152 (Repealed by 285)
214	Budget for 1954 (Not sent)
215	Transfer of budget (Not sent)
216	Salaries of marshal, deputy marshal; repeals §§2, 3 and 12 of Ord. 209 (Not sent)
217	Declaration of candidacy; repeals Ord. 174 (Not sent)
218	Budget for 1955 (Not sent)
219	Amends budget for 1954 (Not sent)
220	Residential setback requirements (Repealed by 512)
221	Franchise tax (Not sent)
222	Cascade Natural Gas franchise tax (Not sent)
223	Street vacation (Special)
224	Street vacation (Special)
225	Local improvement guarantee (Not sent)
226	Amends §603 of Ord. 196 (Repealed by 427)
227	Street improvement (Special)
228	Tax levy (Special)
229	Salary of assistant water and sewer superintendent; repeals §§8, 9 of Ord. 209 (Repealed by 241)
230	Street vacation (Special)
231	Deficiency appropriation (Not sent)
232	Construction of curbs and gutters (12.04)
233	Amends budget for 1956 (Not sent)
234	Assessment roll of local improvement district #1 (Not sent)
235	Tax levy (Not sent)
236	P P & L franchise tax (Not sent)
237	Deficiency appropriation (Not sent)
238	Traffic regulation; repeals Ord. 143 (Repealed by 512)
239	Amends Ord. 208 (Repealed by 427)
240	Budget amendment (Not sent)
241	Salaries for superintendent and assistant; repeals Ord. 229 (Not sent)
242	Transfer of moneys (Not sent)
243	Uniform Building Code, 1955 edition (Not sent)
244	Bond for clerk-treasurer and marshal (2.48)
245	Expenditure (Not sent)

<u>Ordinance Number</u>	<u>Disposition</u>
246	Repeals Ord. 91 (Repealer)
247	Amends budget for 1957 (Not sent)
248	Tax levy (Not sent)
249	Transfer of LID to LID redemption (Not sent)
250	Street vacation (Special)
251	Salaries (Repealed by 292)
252	Fire restrictions (8.20)
253	Street vacation (Special)
254	Amends §1 of Ord. 204 (15.16)
255	Adds §84(6) to Ord. 238 (Repealed by 512)
256	Tax levy (Not sent)
257	Amends budget for 1958 (Not sent)
258	Amends budget for 1959 (Not sent)
259	Alley vacation (Special)
260	Amends budget for 1959 (Not sent)
261	Tax levy (Not sent)
262	Amends §609 of Ord. 196 (Repealed by 427)
263	Oregon-Washington Telephone System (Not sent)
264	General obligation bond (Not sent)
265	Larceny (Repealed by 613)
266	General obligation bond (Not sent)
267	Adopts state motor vehicle laws (Repealed by 512)
268	Amends budget for 1960 (Not sent)
269	Tax levy (Not sent)
270	Amends budget for 1960 (Not sent)
271	Pacific Power and Light; repeals Ord. 40 (Not sent)
272	Amends budget for 1961 (Not sent)
273	Redemption of 1951 water/sewer bonds (Not sent)
274	Street vacation (Special)
275	(Number not used)
276	Tax levy (Not sent)
277	Fire equipment use outside of city limits (Repealed by 512)
278	Garbage collection (8.12)
279	Amends Ord. 196, water service charges (Repealed by 427)
280	Amends §12(a) of Ord. 278 temporarily (Not codified)
281	Amends Ord. 196 (Repealed by 427)
282	Street vacation (Special)
283	Loitering by minors prohibited (Repealed by 512)
284	Amends §§501 and 609 of Ord. 196 (Repealed by 427)
285	Tax on admission to places of entertainment; repeals Ords. 152 and 213 (3.08)
286	Planning commission (Repealed by 455)

<u>Ordinance Number</u>	<u>Disposition</u>
287	Tax levy (Not sent)
288	Amends Ords. 136 and 150, pinball machine li- cense fee (5.16)
289	Expenditure (Not sent)
290	Zoning (Repealed by 952)
291	Tax levy (Not sent)
292	Salaries for town officials; repeals Ord. 251 (Not sent)
293	Dance permits (Repealed and Replaced by 972)
294	Intersection sight area obstruction prohibited (12.08)
295	Amends §7 of Ord. 155, building code (Repealed by 512)
296	Alley vacation (Special)
397	Amends Ord. 158, bicycle license fee (10.16)
298	Fire equipment use outside of city limits (2.28)
299	Distribution on money held in LID (Not sent)
300	Residency requirement for certain appointed of- ficials (Repealed by 576)
301	Terminates consolidation of offices of clerk and treasurer (2.12)
302	Tax levy (Special)
303	Street vacation (Special)
304	Adopts Uniform Building Code, 1964 edition, short form (Repealed by 512)
305	Tax levy (Not sent)
306	Amends §3 of Ord. 182, dog license fee (Repealed by 472)
307	Local improvement funds (Not sent)
308	Milk and milk products (Repealed by 814)
309	Salaries for mayor and council members (Not sent)
310	Traffic regulations; repealed Ord. 267 (Re- pealed by 512)
311	Amends Ord. 310, traffic regulations (Repealed by 512)
312	Glue sniffing prohibited (Repealed by 613)
313	Tax levy (Not sent)
314	Card game license fees (Repealed by 512)
315	Amends §15 of Ord. 278, garbage rates (8.12)
315-A	Alley vacation (Special)
316	Raises basic water rates (Repealed by 427)
317	Tax levy (Not sent)
318	Disorderly persons (Repealed by 613)
319	Salaries of town officials and employees (Not sent)
320	Amends §1 of Ord. 310, traffic regulations (Re- pealed by 512)

<u>Ordinance Number</u>	<u>Disposition</u>
321	Bonds in local improvement funds #13, 15, 16 declared obsolete (Not sent)
322	Tax levy (Not sent)
323	Budget for 1970 (Not sent)
324	Salaries of town officers (Not codified)
325	Fireworks (Repealed by 512)
326	Sales or use tax (3.12)
327	Firemen's pension plan (2.28)
328	Abandoned vehicles (8.32)
329	Amends effective date of Ord. 326 (Not codified)
330	Tax levy (Not sent)
331	Budget for 1971 (Not sent)
332	Solid waste management plan agreement (Special)
333	Salaries for town officials and employees (Not sent)
334	Amends Ord. 278, garbage collection rates (8.12)
335	Amends §8 of Ord. 290, zoning (18.36)
336	Utility bill charge for mosquito and insect control (13.24)
337	Tax levy (Not sent)
338	Transfer of moneys from garbage fund (Not sent)
339	Street vacation (Special)
340	Budget for 1972 (Not sent)
341	Salaries for town officials and employees (Not sent)
342	Street vacation (Special)
343	Amends §6 of 182, impounded dog redemption fees (Repealed by 472)
344	Amends §§1 and 3 of Ord. 310, traffic regulations (Repealed by 512)
345	Alley vacation (Special)
346	Street vacation (Special)
347	Rezone (Special)
348	Overtime payments for city employees (Not sent)
349	Amends §602 of Ord. 196, sewer rates (Repealed by 427)
350	Salary for EEA employee (Not sent)
351	Transfer of funds (Not sent)
352	Tax levy (Not sent)
353	License or occupation tax (5.04)
354	Salaries of officers and employees (Not sent)
355	Washington Public Employees' Retirement system (2.60)
356	Budget for 1973 (Not sent)
357	Trust fund for federal revenue sharing (Not sent)
358	Amends budget for 1973 (Not sent)

Ordinance
Number

ORDINANCE TABLE

359	Clerk (2.12)
360	Copy work and map sales (3.16)
361	Amends §3 of Ord. 182, dog license fees (Repealed by 472)
362	Amends §609 of Ord. 196, water charges (Repealed by 427)
363	Alley vacation (Repealed by 371)
364	Temporarily amends §12a of Ord. 278 (Expired)
365	Amends §3(H) of Ord. 290, zoning (Repealed by 437)
366	Pool rates (Not codified)
367	Amends §8(B) of Ord. 290, zoning (18.36)
368	Salaries for mayor and council members (Not sent)
369	Adopts Model Litter Control Act (8.28)
370	Prohibits hooved animals in parks and on sidewalks (6.16)
371	Repeals Ord. 363 (Repealer)
372	Combines office of clerk-treasurer with town supervisor (Repealed by 459)
373	Salary for clerk-treasurer/supervisor (Not sent)
374	Amends budget for 1973 (Not sent)
375	Transfer of funds (Not sent)
376	Loitering prohibited (Repealed by 512)
377	Alley vacation (Special)
378	Tax levy (Not sent)
379	Discharge of firearms (Repealed by 613)
380	Prohibits minors from operating pinball machines and punch boards (Repealed by 613)
381	Prohibits loitering about school buildings (Repealed by 613)
382	Budget for 1974 (Not sent)
383	Amends §4 of Ord. 182 (Repealed by 472)
383A	Amends §15 of Ord. 278, garbage (8.12)
384	Special revolving fund for police department (Not sent)
385	Additional compensation for certain employees (Repealed by 471)
386	Fireworks (Repealed by 1283B)
387	Amends budget for 1974 (Not sent)
388	Amends budget for 1974 (Not sent)
389	Amends budget for 1974 (Not sent)
390	Auxiliary police department (2.24)
391	Tax levy (Not sent)

Ordinance
Number

Disposition

ORDINANCE TABLE

392	Amends budget for 1974 (Not sent)
393	Budget for 1975 (Not sent)
394	Water and sewer construction fund (Not codified)
395	States sections of ordinances declaring public intoxication a crime are repealed (Not codified)
396	Amends budget for 1975 (Not sent)
397	Improvement of property by use of asphaltic paving (Not sent)

<u>Ordinance Number</u>	<u>Disposition</u>
398	LID 74-1 assessment roll (Not sent)
399	Amends budget for 1975 (Not sent)
400	Weed removal (8.08)
401	Adopts Uniform Building Code, 1973 edition (Repealed by 464)
402	Adopts Uniform Fire Code, 1973 edition (Repealed by 773)
403	Water and sewer tap-in fees (Repealed by 427)
404	Amends budget for 1975 (Not sent)
405	Municipal judge (2.36)
406	Pool rates (Not sent)
407	Amends budget for 1975 (Not sent)
408	Time payment LID (Not sent)
409	Amends budget for 1975 (Not sent)
410	Amends budget for 1975 (Not sent)
411	Street vacation (Special)
412	Tax levy (Not sent)
413	Repeals and replaces §7(b) from Ord. 278, burn barrels (8.12)
414	Amends Ord. 344, traffic regulations (Repealed by 512)
415	Budget for 1976 (Not sent)
416	Amends budget for 1975 (Not sent)
417	Amends Ord. 408 (Not sent)
418	(Number not used)
419	Purchasing real estate, water reservoir (Not sent)
420	Park commissioners board (2.40)
421	Street and alley vacation (Special)
422	Leasehold excise tax (Not sent)
423	Street vacation (Special)
424	Amends budget for 1976 (Not sent)
425	Amends budget for 1976 (Not sent)
426	Water/sewer Revenue Bonds (Not sent)
427	Water sewer rates (2.32, 13.04, 13.08, 13.12, 13.16, 13.20, 13.24, 13.28)
428	Amends budget for 1976 (Not sent)
429	Amend budget for 1976 (Not sent)
430	Amends Art. VII of Ord. 427, water/sewer rates (13.24)
431	Tax levy for 1979 (Not sent)
432	Creates additional deputy marshal position (Special)
433	Amends budget for 1976 (Not sent)
434	Environmental policy (Repealed by 611)
435	Budget for 1977 (Not sent)

Ordinance
Number

Disposition

436	Antirecession fiscal assistance fund (Not codified)
437	Amends §3(H) of Ord. 290; repeals Ord. 365, zoning (18.40)

<u>Ordinance Number</u>	<u>Disposition</u>
438	Subdivisions (Repealed by 570)
439	Annexation (Special)
440	Annexation (Special)
441	Amends budget for 1977 (Not sent)
442	Amends §3(H) of Ord. 290, mobile homes (Repealed by 525)
443	Amends budget for 1977 (Not sent)
444	Amends Ord. 438, subdivisions (17.20)
445	Claim settlement (Special)
446	Deputy clerk-treasurer (2.12)
447	Tax levy (Not sent)
448	Amends budget for 1977 (Not sent)
449	Amends budget for 1977 (Not sent)
450	Housing and community development fund (Not codified)
451	Amends budget for 1977 (Not sent)
452	Intergovernmental Personnel Act fund (Not codified)
453	Amends budget for 1977 (Not sent)
454	Animal control officer (2.20)
455	Community development commission (2.44)
456	Budget for 1978 (Not sent)
457	Repeals Ord. 185 (Repealer)
458	Refunding sewer bonds (Not sent)
459	Eliminates position of town supervisor; repeals Ord. 372 (2.04)
460	Salaries of mayor and clerk-treasurer (Not codified)
461	Street vacation (Special)
462	Amends Ord. 278, garbage collection (8.12)
463	Amends §§701, 706 and 711 of Ord. 427 and Ord. 430, water/sewer rates (13.24)
464	Adopts Uniform Building Code, 1976 Edition; repeals Ord. 401 (Repealed by 495)
465	Amends Ord. 460, salaries (Not codified)
466	Water and sewer rates (13.24)
467	Reimbursement for firemen; amends Ord. 457 (Not sent)
468	Adopts Uniform Code for the Abatement of Dangerous Buildings, 1976 Edition (15.08).
469	Tax levy (Not sent)
470	Bond redemption fund (Not sent)
471	Repeals Ord. 385 (Repealer)
472	Dogs; repeals Ords. 10, 26, 42, 49, 182, 306, 343 and 361 (6.04)
473	Amends budget for 1978 (Not sent)

<u>Ordinance Number</u>	<u>Disposition</u>
474	Amends budget for 1978 (Not sent)
475	Pool rates (Repealed by 524)
476	Salary of mayor (Repealed by 926)
477	Copy work rates (3.16)
478	Budget for 1979 (Not sent)
479	Transfer of funds (Special)
480	Amends Ord. 475, pool rates (Repealed by 524)
481	Local improvements assessment foreclosure date (3.04)
482	Court costs (2.36)
483	Amends budget for 1979 (Not sent)
484	Tax levy for 1980 (Not sent)
485	Urban arterial street fund (Repealed by 489)
486	Amends Ord. 353, license or occupation tax (5.04)
487	Temporary advisory assistance in clerk-treasurer office (Not codified)
488	Budget for 1980 (Not sent)
489	Repeals Ord. 485 (Repealer)
490	Amends budget for 1979 (Not sent)
491	Amends budget for 1979 (Not sent)
492	Salaries of mayor and council members; repeals \$2 of Ord. 368 and \$\$1 and 2 of Ord. 476 (Not codified)
493	Accumulated vacation time for police officers (Special)
494	Pool rates (Repealed by 524)
495	Adopts Uniform Building Code, 1979 Edition; repeals Ord. 464 (Repealed by 565)
496	Amends Ord. 472, dogs (6.04)
497	Tax levy (Not sent)
498	Amends Ord. 497 (Not sent)
499	Adopts Washington Model Traffic Ordinance (10.04)
500	Amends water and sewer rates (13.24)
501	Amends Ord. 353, license or occupation tax (5.04)
502	Fire department cumulative reserve fund (Special)

<u>Ordinance Number</u>	<u>Disposition</u>
503	Salaries of mayor and council members; repeals §§1 and 2 of Ords. 476 and 492 (Not codified)
504	Budget for 1981 (Not sent)
505	(Not sent)
506	Pacific Power and Light Co. (Not sent)
509	Amends regular meeting time for town council (2.08)
510	General penalty (1.16)
511	General provisions (1.04)
512	Repeals §1 of Ord. 52, §§2 through 6 of Ord. 158, §3 of Ord. 201, §§3 and 4 of Ord. 212, §1 of Ord. 360 and Ords. 3, 5, 7, 23, 24, 25, 28, 29, 30, 45, 50, 59, 80, 84, 98, 100, 122, 123, 140, 141, 145, 146, 148, 149, 155, 159, 167, 173, 184, 220, 238, 255, 267, 277, 283, 295, 304, 310, 311, 314, 320, 325, 344, 376 and 414 (Repealer)

<u>Ordinance Number</u>	<u>Disposition</u>
513	Amends §15 of Ord. 278, garbage collection rates; amends Ords. 334 and 462, bin fees (8.12)
514	Repeals §§2--9 of Ord. 13, Ords. 12, 46, 54 and 59 (Repealer)
515	Amends §1 of Ord. 499, traffic (Repealed by 769)
516	Amends §719 of Ord. 427, water and sewer (13.24)
517	Amends §1 of Ord. 402, Uniform Fire Code (Repealed by 773)
518	Amends §1 of Ord. 212, disorderly conduct (Repealed by 613)
519	Amends §6 of Ord. 201, penalty for nuisances (Repealed by 845)
520	Amends Ord. 9, poolrooms and billiard halls (5.20)
521	Amends §1 of Ord. 285, admissions taxes (3.08)
522	Amends Ord. 327, fire department (2.28)
523	Amends §3 of Ord. 119, dancehalls (5.08)
524	Pool rates; repeals Ords. 475, 480 and 494 (Not codified)
525	Mobile homes; repeals Ord. 442 (Repealed by 952)
526	Meeting dates of town council (2.08)
527	Establishes curfew for all town parks (Repealed by 613)
528	Tax levy for 1982 (Not sent)
529	Amends §719 of Ord. 427, water and sewer rates (13.24)
530	Civil service commission (2.64)
531	Amends 1981 budget (Not sent)
532	Establishes salaries for the clerk-treasurer and the clerk's adviser (Not sent)
533	Creates local improvement district No. 1981-1 (Special)
534	Amends §15 of Ord. 278 and Ords. 334 and 462, garbage collection rates (8.12)
535	Amends 1981 budget (Not sent)
536	Budget for 1982 (Not sent)
537	Adds §403(a) to and amends §715(a) and (b) of Ord. 427, sewer connection regulations and fees (13.12, 13.24)
538	Adds language to §714 of Ord. 427, sewer connection and disconnection charges (13.24)
539	Repeals and replaces §8 of Ord. 525, mobile homes (Repealed by 952)
540	Amends §709 of Ord. 427, bulk water charges (13.24)
541	Code adoption ordinance (1.01)
542	Additional sales and use tax (3.14)
543	Amends §§13.24.170 and 13.24.190, water assessment charges and turn-on fees (13.24)

Ordinance
Number

Disposition

544	Void
545	Establish rates for use of city pool (Not sent)
546	Alley vacation (Special)

<u>Ordinance Number</u>	<u>Disposition</u>
547	Amends Ord. 342, street vacation (Special)
548	Repeals and replaces Ord. 290, zoning (Repealed by 952)
549	Fire equipment use outside city limits (2.28)
550	Adds a new section to Ch. 9.16, bad checks (Repealed by 613)
551	Removal of temporary signs (Repealed by 613)
552	Tax levy for 1983 (Special)
553	Amusement device licensing and regulation (5.24)
554	Assessment roll for LID 81-1 (Special)
555	Amends §13.24.010, water use charge (13.24)
556	Amends §§8.12.150, 8.12.160, garbage rates (8.12)
557	Amends §5.04.030, utility license fee (5.04)
558	1983 budget (Special)
559	Amends 1982 budget (Special)
560	Amends 1982 budget (Special)
561	Amends 1982 budget (Special)
562	Amends 1982 budget (Special)
563	Amends 1982 budget (Special)
564	Amends §6 of Ord. 542, additional sales and use tax (3.14)
565	Uniform Building Code adopted; repeals Ord. 495 (Repealed by 629)
566	LID 81-1 bonds (Special)
567	Establishes garbage disposal/collection cumulative reserve fund (Special)
568	Amends municipal court costs (Special)
569	Pool rates; repeals Ord. 545 (Repealed by 607)
570	Repeals and replaces Ord. 438, subdivisions (Title 17)
571	Fund transfer (Special)
571-A	Amends §5.04.030, utility license fee and tax (Repealed by 579)
572	Distribution of tax receipts (Special)
573	Cumulative reserve fund for a library and visual arts building (Special)
574	Grants CATV franchise to McCaw Cablevision Mid-Valley, Inc. (Special)
575	Livestock (6.20)
576	Repeals Ch. 2.52 (Repealer)
577	Amends Ord. 571-A, utility license fee and tax (Repealed by 579)
578	Tax levy for 1984 (Special)
579	Repeals Ords. 571-A and 577 (Repealer)
580	Fund transfer (Special)
581	Amends §5.04.030, utility license fee tax (5.04)

Ordinance
Number

ORDINANCE TABLE

582	Amends 1983 budget (Special)
583	Amends 1983 budget (Special)
584	Amends 1983 budget (Special)
585	Amends 1983 budget (Special)
586	Amends 1983 budget (Special)
587	Amends 1983 budget (Special)
588	Amends 1983 budget (Special)
589	Amends 1983 budget (Special)
590	Street vacation (Special)
591	Rezone (Special)
592	Annexation (Special)
593	Street vacation (Special)
594	Issuance and sale of limited tax levy general obligation bonds (Special)
595	Adopts 1984 budget (Special)
596	Establishes a water and sewer construction fund (Special)
597	Amends §§1.16.0108, 10.04.020 and 10.04.060, model traffic ordinance (1.16)
598	Rezone (Special)
599	Establishes municipal judge position (2.36)
600	Cable television community access committee (Repealed by 874)
601	Amends 1984 budget (Special)
602	Amends 1984 budget (Special)
603	Establishes cumulative reserve fund for the redemption of general obligation bonds (Special)
604	Amends §2.36.030, municipal court (2.36)
605	Amends §10.04.020, model traffic ordinance (Repealed by 769)
606	Adoption of Uniform Code for the Abatement of Dangerous Buildings (15.08)
607	Pool rates; repeals Ord. 569 (Special)
608	Amends §2.04.020A and Ch. 2.36, municipal court (2.04, 2.36)
609	Repeals and replaces §§8.12.060 and 8.12.150, garbage (8.12)
610	Amends 1984 budget (Special)
611	State environmental policy act; repeals Ord. 434 (16.04)
612	Tax levy for 1985 (Special)

Ordinance
Number

ORDINANCE TABLE

Disposition

613	Repeals and replaces Title 9, public peace, morals and welfare (9.26, 9.84, 9.88)
614	Municipal court (2.36)
615	Amends 1984 budget (Special)
616	Amends 1984 budget (Special)
617	Amends 1984 budget (Special)
618	Amends 1984 budget (Special)
619	Amends 1984 budget (Special)
620	Amends §13.24.010, water rates (13.24)
621	Establishes cumulative reserve fund for construction of water and sewer lines (Special)
622	Rezone (Special)
623	Adopts 1985 budget (Special)
624	Pool rates; repeals Ord. 569 (Repealed by 640)
625	Amends §18.40.060(A), zoning (Repealed by 952)
626	Amends §1 of Ord. 593, street vacation (Special)
627	Readopts §5.04.030 and adds new section, utility license fee and tax (5.04)
628	1986 tax levy (Special)
629	Uniform Building Code; repeals Ord. 565 (Repealed by 1025)
630	Amends 1985 budget (Special)
631	Amends 1985 budget (Special)
632	Amends 1985 budget (Special)
633	Amends 1985 budget (Special)
634	Amends 1985 budget (Special)
635	Amends 1985 budget (Special)
636	Amends §701 of Ord. 427, water use charges (13.24)
637	1986 budget (Special)
638	Real estate sales excise tax (3.20)
639	Amends §9.76.240; repeals §9.76.250, liquor regulations (Repealed by 1287)
640	Pool rates; repeals Ord. 624 (Special)
641	Amends §2 of Ord. 640, pool rates (Repealed by 653)
642	Cumulative reserve fund for swimming pool (Repealed by 978)
643	Amends 1986 budget (Special)
644	1987 tax levy (Special)
645	Amends Ord. 610, budget (Special)
646	Amends §§8.12.150 and 8.12.160, garbage rates (8.12)

Ordinance
Number

ORDINANCE TABLE

Disposition

647	1987 budget (Special)
648	Amends 1986 budget (Special)
649	Flood damage prevention (15.20)
650	Adds Ch. 6.06, dangerous dogs (6.06)
651	Adds subsection B to §17.16.170, subdivisions (17.16)
652	Street vacation (Repealed by 655)
653	Pool rates; repeals Ord. 641 (Special)
654	Parental responsibility law (Repealed by 791)
655	Street vacation; repeals Ord. 652 (Special)
656	Amends §5.08.020, dances and dancehalls (5.08)
657	Sidewalk construction and repair (12.12)
658	Amends Uniform Building Code (Repealed by 1025)
659	Tax levy (Special)
660	Amends 1987 budget (Special)
661	Amends 1987 finance and administrative expenditure account (Special)
662	Amends 1987 law enforcement expenditure account (Special)
663	Amends 1987 budget (Special)
664	Amends 1987 budget (Special)
665	Amends 1987 budget (Special)
666	Amends Art. 7, §701 of Ord. 427, public services (13.24)
667	Amends §§8.12.150 and 8.12.160(A), garbage and solid waste (8.12)
668	Adopts 1988 budget (Special)
669	Amends 1987 budget (Special)
670	Amends 1987 budget (Special)
671	Establishes public works trust fund reserve (Repealed by 1259)
672	Establishes water and sewer construction fund (3.28)
673	Amends Ord. 610 (Special)
674	Establishes irrigation water charges and establishes irrigation fund (3.32)
675	Amends §1 of Ord. 674, irrigation fund (3.32)
676	Delinquent irrigation water payments (3.32)
677	Adds §9.14.030, crimes relating to fire (Repealed by 1287)
678	Establishes special investigative drug account (Repealed by 895)

Ordinance
Number

ORDINANCE TABLE

Disposition

679	Adds §§18.20.040(E) and 18.24.040(E); amends Ch. 18.04 and §18.24.030, zoning (Repealed by 952)
680	Establishes street naming and property numbering (12.16)
681	Amends §17.12.070, subdivisions (17.12)
682	Adds §17.16.110(D), subdivisions (17.16)
683	Waives bidding requirements on rehabilitating town well (Special)
684	Tax levy (Special)
685	Amends 1988 budget (Special)
686	Amends 1988 budget (Special)
687	Amends 1988 budget (Special)
688	Amends 1988 budget (Special)
689	Amends 1988 budget (Special)
690	Amends 1988 budget (Special)
691	Establishes small works roster (2.72)
692	Amends 1989 budget (Special)
693	Creates claims/payroll clearing fund (3.36)
694	Adds Ch. 1.18, crime prevention assessment (Repealed by 895)
695	Creates federal housing rehab grant fund (3.40)
696	1990 tax levy (Special)
697	LID No. 89-1 (Special)
698	Amends 1989 budget (Special)
699	Amends 1989 budget (Special)
700	Amends 1989 budget (Special)
701	Amends 1989 budget (Special)
702	Adopts 1990 budget (Special)
703	Amends §701 of Art. 7 of Ord. 427, water use charges (13.24)
704	Adds §9.84.040, drug-related activity (9.84)
705	Yard sales (5.28)
706	Rezone (Special)
707	1991 tax levy (Special)
708	General penalty; repeals Ch. 9.92 (Repealed by 1287)
709	Amends 1990 budget (Special)
710	Amends 1990 budget (Special)
711	Amends 1990 budget (Special)
712	Amends 1990 budget (Special)
713	Amends §§8.12.150 and 8.12.160(A), garbage collection charges (8.12)

Ordinance
Number

ORDINANCE TABLE

Disposition

714	Amends §701 of Art. 7 of Ord. 427, water use charges (13.24)
715	Amends §18.40.080(B) and (D), mobile homes (Repealed by 952)
716A	Adds new section to Ch. 9.26, nuisances (9.26)
716B	Adopts 1991 budget (Special)
717	Amends Ord. 600, interlocal community access CATV committee (Not codified)
718	(Number not used)
719	Bonds (Special)
720	1992 tax levy (Special)
722	Adopts 1992 budget (Special)
722	Amends 1991 budget (Special)
723	Closes out certain funds and transfers funds (Special)
724	Establishes interest rate for LID 89-1 funds (Special)
725	(Number not used)
726	Failure to deliver leased personal property (Repealed by 1287)
727	Confirms LID No. 89-1 assessment roll (Special)
728	Establishes trust fund reserve account for Hispanic Cultural Center (Special)
729	(Not used)
730	Sale and use of fireworks (Repealed by 1283B)
730A	Flea market licensing regulations (5.32)
731	Tax levy for 1993 (Special)
732	Trespassing (Repealed by 1287)
733	Amends §9.92.010, general penalty (Repealed by 895)

<u>Ordinance Number</u>	<u>Disposition</u>
734	Amends §§8.12.160(A) and 8.12.170, garbage (8.12)
735	Establishes parks and recreation reserve fund (3.48)
736	Creates arterial street construction fund (3.52)
737	Amends Art. 7 of Ord. 427, water and sewer charges (13.24)
738	Creates public irrigation water system (13.32)
739	Adopts preliminary 1993 budget (Special)
740	Establishes emergency medical services fund (3.56)
741	Establishes criminal justice fund (3.60)
742	Amends 1992 budget (Special)
743	Amends 1992 budget (Special)
744	Amends 1992 budget (Special)
745	1993 tax levy (Special)
746	Amends Ord. 746 (Ord. 694, \$1.18.010), crime prevention assessment (Repealed by 895)
747	Amends Ord. 600, cable television community access committee (Not codified)
747A	Sign regulations (15.24)
748	Amends Ord. 716 (Ord. 717), cable television community access committee (Not codified)
748A	Bidding regulations for collection services (Special)
749	1994 tax levy (Special)
750	Adds \$6.20.100, livestock butchering regulations (6.20)
751	Adopts preliminary 1994 budget (Special)
752	Amends 1993 budget (Special)
753	Amends 1993 budget (Special)
754	Amends 1993 budget (Special)
755	Amends 1993 budget (Special)
756	Amends Ord. 678, special investigative drug account (Repealed by 895)
757	Amends Art. 7 of Ord. 427, water and sewer charges (13.24)
758	Amends 1994 budget (Special)
759	Amends §§18.08.040(F)(3), 18.12.040(F)(3) and 18.16.040(F)(1), zoning (Repealed by 952)
760	Repeals and replaces §§6.08.010 and 6.08.020, domestic fowl (6.08)
761	Adds Ch. 2.56 (amends Ch. 2.56), vacation, sick leave and health insurance provisions (2.56)
762	Adds Ch. 2.54, expense allowance (2.54)
763	Adds Ch. 2.60 (amends Ch. 2.60), retirement (2.60)
764	Adds Ch. 2.59, employee license requirements (2.59)

<u>Ordinance Number</u>	<u>Disposition</u>
765	Adds Ch. 2.70, handicapped individuals (2.70)
766	(Not used)
767	Establishing rates and requirements for installation of new irrigation water facilities (13.32)
768	Swimming pool rates; repeals Ord. 748-A (Special)
769	Repeals and replaces §§10.04.010 and 10.04.020, Washington Model Traffic ordinance (10.04)
770	Annexation (Special)
771	1995 tax levy (Special)
771A	Adopts preliminary 1995 budget (Special)
772	Amends Art. 7 of Ord. 427, water and sewer charges (13.24)
773	Amends §§15.04.010, 15.04.020, 15.08.010, 15.08.050(A); repeals Chs. 15.12 and 15.16, buildings and construction (15.08)
774	Temporarily increasing salaries for assistant clerks (Special)
775	(Not used)
776	Amends 1994 budget (Special)
777	Amends 1994 budget (Special)
778	Amends 1994 budget (Special)
779	Amends 1994 budget (Special)
780	Creates fire station construction fund (Not codified)
781	Amends §1.12.010, official newspaper (1.12)
782	Amends §§1.16.010(B), general penalty, 15.04.020, building code, 17.32.030, subdivisions and 18.40.160, mobile homes and repeals §§5.04.160(A), 6.04.240, 6.08.020, 6.20.090, 8.04.050, 8.12.180, 10.04.060, 12.08.040, 12.16.060, 15.12.060 and 15.16.080 (1.16, 17.32, 18.40)
783	Amends §6.04.020(B), dogs, and §§13.24.140(C), 13.24.150(A), 13.24.170(B) and 13.24.190, public services--rates and charges (6.04, 13.24)

Ordinance
Number

ORDINANCE TABLE

Disposition

784	Amends §18.40.060(K), mobile homes (Repealed by 952)
785	Amends §§18.40.020, 18.40.030, 18.40.060 and 18.40.110, mobile homes (Repealed by 952)
786	Amends §15.08.010, uniform housing code for the abatement of dangerous buildings (15.08)
787	Repeals §§1, 2, 3 and 4 of Ord. 773 (Repealer)
788	Amends §§15.04.010 and 15.04.020, state building code (Repealed by 1025)
789	Swimming pool rates; repeals Ord. 768-A (Special)
790	Adds §8.24.120, fireworks (Repealed by 1283B)
791	Adds Ch. 9.86, juvenile curfew and parental responsibility; repeals Ch. 9.68 (9.86)
792	Adds Ch. 9.90, sale of aerosol containers of paint to minors (9.90)
793	Tax levy (Special)
794	Amends 1995 budget (Special)
795	Creates city hall/police department construction fund (Not codified)
796	Amends Ord. 794, 1995 budget (Special)
797	Closes out certain funds and transfers balances (Special)
798	Amends 1995 budget in the swimming pool reserve fund (Special)
799	1996 budget (Special)
800	Amends 1995 budget in the fire station construction fund (Special)
801	Amends §701 of Ord. 427 [§13.24.010], public services--rates and charges (13.24)
802	Amends §1 of Ord. 674 [§3.32.010], irrigation charges (3.32)
803	Council meeting time (2.08)
804	Annexation (Special)
805	Amends §2.36.070, municipal court (2.36)
806	Amends Ord. 727, LID No. 89-1 assessment roll (Special)
807	Amends §13.32.100, public irrigation water system (13.32)

Ordinance
Number

ORDINANCE TABLE

Disposition

808	1996 town pool rates; repeals Ord. 789 (Special)
809	Amends Ord. 808, 1996 town pool rates (Special)
810	Amends §15.04.010, building code (Repealed by 1025)
811	Annexation (Special)
812	Rezone (Special)
813	Alcohol and drug abuse policy (2.76)
814	Repeals Ord. 308 (Repealer)
815	Procedures for inspection of public records (2.80)
816	Tax levy (Special)
817	Planning only grant fund (Repealed by 1310)
818	Bell fund (3.68)
819	COPS grant fund (3.72)
820	Amends §5.04.030, cellular telephone service (5.04)
821	Amends §1 of Ord. 802 (3.32)
822	Amends §§8.12.150 and 8.12.160(A), garbage service charge (8.12)
823	Amends §701 of Art. 7 of Ord. 427, monthly water use charges (13.24)
824	Amends §5.28.040, yard sale permit fee (5.28)
825	Rezone (Special)
826	Budget amendment (Special)
827	Budget amendment (Special)
828	Budget amendment (Special)
829	Budget amendment (Special)
830	Budget amendment (Special)
831	Amends §§2.08.010 and 2.08.020, council meetings (2.08)
832	Amends §13.24.170(A), delinquent charges (13.24)
833	Adds §§8.16.030(R) and 8.32.030(C) and (D); amends §8.08.050, nuisance ordinance (8.08, 8.32)
834	Repeals and replaces §8.16.040, nuisance abatement procedure (Repealed by 845)

Ordinance
Number

Disposition

ORDINANCE TABLE

835	Repeals and replaces § 15.04.010(B)--(E), building code (Repealed by 1025)
836	Festival/float fund (3.76)
837	Security contract fund (3.80)
838	Service charge for nonsufficient funds checks (3.84)
839	Dinosaur fund (3.88)
840	Adds § 13.24.050 [13.24.310], adjustment to utility bills (13.24)
841	Amends § 8.32.030(A), abandoned vehicles (8.32)
842	Adds Title 14, development code administration and procedures (14.01, 14.04, 14.08, 14.12, 14.16, 14.20, 14.24)
843	Amends § 2.36.070, municipal court (2.36)
844	Amends § 1.16.010(B), general penalty (1.16)
845	Repeals and replaces Ch. 8.16, public nuisances (8.16)
846	Amends § 9.60.010(A)(4), public disturbance (Repealed by 1287)
847	Excludes police chief from civil service provision (Repealed by 1081)
848	Creates city hall contents fund (Not codified)
849	Amends § 2 of Ord. 503, council member salaries (Not codified)
850	Rezone (Special)
851	Budget amendment (Special)
852	Levy real and personal tax (Special)

<u>Ordinance Number</u>	<u>Disposition</u>
853	Amends §701 of Art. 7 of Ord. 427, monthly water use charges (13.24)
854	Amends §§8.12.150 and 8.12.160(A), garbage and solid waste (8.12)
855	Transfers street fund no. 110 to no. 100 (Not codified)
856	Amends SVI-5 of employee requirement policy adopted by Ord. 764 (2.56)
857	Adopts 1997 budget (Special)
858	Budget amendment (Special)
859	Budget amendment (Special)
860	Budget amendment (Special)
861	Budget amendment (Special)
862	Budget amendment (Special)
863	Amends §2.54.020, expense allowance, and §2.56.040, vacations, sick leave and health insurance (2.54, 2.56)
864	Amends §1 of Ord. 802, irrigation charges and irrigation fund (3.32)
865	(Pending)
866	Adds Ch. 5.36, peddlers (5.36)
867	Amends §§6.04.020(E) and 6.04.090(A), fees and kennels (6.04)
868	Amends §6.06.020, dangerous animals (6.06)
869	Amends §§18.08.010(A), 18.20.040, 18.40.060, 18.40.080(A) and 18.40.090(A); repeals §§18.40.020(E), 18.40.070(A) through (N) and deletes references to "mobile home subdivisions" throughout Ch. 18.40, mobile homes (Repealed by 952)
870	Adds §§8.16.021 and 8.16.105; amends §§8.16.050 and 8.16.100, public nuisances (8.16)
871	Adds §2.56.060(C); amends §§2.56.010(C) and 2.56.060(A) and (B); repeals §2.56.220, town employee holiday pay (2.56)
872	Amends Ord. 856 and §2.56.240, overtime (2.56)
873	CATV franchise grant (Special)
874	Interlocal community access committee; repeals Ord. 600 (2.68)
875	Establishes McElfresh beautification fund (Not codified)
876	Tax levy (Special)
877	Annexation (Special)
878	Amends Section 701 of Article 7 of Ord. 427, water and sewer rates (13.24)
879	Amends §§8.12.150 and 8.12.160(A), garbage service charge (8.12)
880	Adds §13.24.050(C), issuance of water and sewer connections (13.24)

<u>Ordinance Number</u>	<u>Disposition</u>
881	Amends §1 of Ord. 802, rate for irrigation water distribution (3.32)
882	Tax levy (Special)
883	Amends budget in W/S fund (Special)
884	Amends budget in city construct (Special)
885	Amends budget in LID fund (Special)
886	Amends budget in swim pool fund (Special)
887	Amends budget in fire department reserve fund (Special)
888	Amends budget in street fund (Special)
889	Amends budget in garbage fund (Special)
890	Amends budget in current expense fund (Special)
891	Amends §13.24.150(A) and (B), rates and charges (13.24)
892	Reaffirms consistency of Titles 15, 16, 17 and 18 with the comprehensive plan (Not codified)
893	Rezone (Special)
894	Establishes crime prevention fund and special investigative drug account fund (3.90)
895	Repeals and replaces §1.18.010, crime prevention assessment and drug penalty; repeals Ordinances 678, 694, 733, 746 and 756 (1.18)
896	Street vacation (Special)
897	Tax levy (Special)
898	Amends §2.36.070(A), court costs (2.36)
899	Amends §701 of Ord. 427, domestic water and sewer charges (13.24)
900	Amends Ord. 802 §1, rate for irrigation water distribution (3.32)
901	Amends 1999 budget in the current expense fund (Special)
901A	Franchise grant to Pacific Power and Light Company, electrical services (Special)
902	Amends 1999 budget in the street fund (Special)
902A	Adds new section to Title 3 [Title 12]; amends §§ 17.04.060(B), 17.12.020, 17.16.020, 17.20.020(F), 17.28.010(A), 18.36.020, 18.36.030(B), 18.36.050(B), 18.36.080 and 18.40.140, land use application and permit fees and land use fees (12.20, 17.04, 17.12, 17.16, 17.20, 17.28)
903	Amends § 17.24.040(7)(C) Appendix 1, grading and surfacing requirements (17.24)
904	Amends §§ 13.24.150(A) and 13.24.150(B), meter installation and water and sewer connection charges (13.24)
905	Amends § 13.24.090, bulk water charges (13.24)
906	Adopts 2000 budget (Special)
907	Amends 1999 budget in the current expense fund (Special)

<u>Ordinance Number</u>	<u>Disposition</u>
908	Amends 1999 budget in the Granger housing rehab fund (Special)
909	Amends 1999 budget in the planning only grant fund (Special)
910	Amends 1999 budget in the garbage fund (Special)
911	Amends 1999 budget in the EMS fund (Special)
912	Amends 1999 budget in the crime prevention fund (Special)
913	Amends 1999 budget in the fire department reserve fund (Special)
914	Amends 1999 budget in the swim pool reserve fund (Special)
915	Amends 1999 budget in the irrigation fund (Special)
916	Amends § 12.16.030(B) and (C), house numbers (12.16)
917	Amends Ord. 901A, franchise grant to Pacific Power and Light Company; repeals Ord. 506 (Special)
918	Amends the 2000 budget in the swim pool reserve fund (Special)
919	Establishes irrigation reserve fund (3.34)
920	Revokes the special investigative drug account fund and transfers balance to crime prevention assessment fund (3.90)
921	Amends § 1.18.010(A) and (B); repeals § 1.18.010(C), alcohol and drug assessments (1.18)
922	Adds §§ 13.32.100(A)[B] and 13.32.130(A)[B], enforcement of irrigation line construction costs (13.32)
923	(Number not used)
924	Establishes provisions for vehicle impoundment procedures and town-operated facility (10.20)
925	Amends developer guidelines and public works design standards (Special)
926	Amends salary of mayor; repeals Ord. 476 (Not codified)
927	(Number not used)
928	Rezone (Special)
929	Tax levy (Special)
930	Reenacts Ord. 899, water charges (13.24)
931	Reenacts Ord. 905 and § 13.24.040 [13.24.090], bulk water charges (13.24)
932	Reenacts Ord 881, irrigation water distribution rates (3.32)
933	Reenacts Ord. 902A; amends § 18.36.030(B), land use fees (12.20, 17.04, 17.12, 17.16, 17.20, 17.28)

Ordinance
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ORDINANCE TABLE

Disposition

934	Reenacts Ord. 904 and § 13.24.150(A) and (B), meter installation and water and connection charges (13.24)
935	Amends §§ 8.12.150 and 8.12.160(A), garbage service charges (Repealed by 952)
936	Amends § 1 of Ord. 802, irrigation charges (3.32)
937	Amends § 701 of Ord. 427, water and sewer charges (13.24)
938	Tax levy (Special)
939	Adopts 2001 budget (Special)
940	Creates San Isidoro Plaza CDBG program project fund (Repealed by 1019)
941	Amends 2001 budget (Special)
942	Amends 2001 budget (Special)
943	Amends 2001 budget (Special)
944	Amends 2001 budget (Special)
945	Amends 2001 budget (Special)
946	Amends 2001 budget (Special)
947	Amends 2001 budget (Special)
948	Amends §§ 18.08.040(4) and 18.12.040(4), zoning (Repealed by 952)
949	Establishes provisions for recycling centers (8.36)
950	Alley vacation (Special)
951	Amends developer guidelines and public works design standard (Special)
952	Repeals and replaces Title 18, zoning (18.04, 18.08, 18.12, 18.16, 18.20, 18.24, 18.28, 18.32, 18.36, 18.40)
953	Amends Ord. 949 [8.36.030], recycling center restrictions (8.36)
954	Subdivision ordinance (17.04, 17.08, 17.12, 17.16, 17.20)
955	Amends § 13.24.150(A), water connection charges (13.24)
956	Street vacation (Special)
957	Amends § 701 of Ord. 427 [13.24.010], monthly water use charges (13.24)
958	Amends §§ 8.12.150 and 8.12.160(A), garbage service charges and containers (8.12)
959	Amends Ord. 802 [3.32.010], irrigation water distribution rates (3.32)

Ordinance
Number

ORDINANCE TABLE

Disposition

960	Established regulations for wireless communications facilities (18.38)
961	Amends § 5.04.030, garbage solid waste refuse (5.04)
962	Annexation (Special)
963	2002 preliminary budget (Special)
964	Amends 2001 budget in the water and sewer fund (Special)
965	Amends 2001 budget in the San Isidro Project Fund (Special)
966	Amends 2001 budget in the street fund (Special)
967	Amends 2001 budget in current expense fund (Special)
968	Establishes petty cash fund for municipal court (3.95)
969	Amends §2.54.020, reimbursement for use of private vehicles (2.54)
970	Amends §§13.24.060(A) and 13.24.130, multiple unit water charges (13.24)
971	Cross connections (13.36)
972	Repeals and replaces Ch. 5.08, dances and dance-halls (Repealed by 1252)
973	Transferring funds from Hispanic cultural center trust fund and closing fund (Special)
974	Concurrency management (14.22)
975	Amends §18.38.040(A), zoning (18.38)
976	Street vacation (Special)
976A	Tax levy (Special)
977	(Number skipped)
978	Repeals Ord. 642, terminates swimming pool fund and transfers monies to a new general reserve account (Special)
979	Amends §2.36.070, court costs (2.36)
980	(Number skipped)
981	Amends Art. 7, §701 of Ord. 427 §13.24.010], domestic water and sewer charges (13.24)
982	Amends §§8.12.150 and 8.12.160(A), garbage service (8.12)
983	Amends §1 of Ord. 802 [§3.32.010], irrigation charges (3.32)
984	Adopts 2003 budget (Special)
985	Amends 2002 budget in the current expense fund (Special)

<u>Ordinance Number</u>	<u>Disposition</u>
986	Amends 2002 budget in the street fund (Special)
987	Amends 2002 budget in the garbage fund (Special)
988	Annexation (Special)
989	Home irrigation district fund (3.35)
990	Amends §§13.04.130, 13.16.090 and 13.24.110, water and sewer (13.04, 13.16, 13.24)
991	Amends 2003 budget (Special)
992	Amends 2003 budget parks and recreation fund (Special)
992A	Granger Aquatic Center/swimming pool fund (3.82)
993	Public works department CDL policy (2.30)
994	Tax levy (Special)
995	Amends 2003 crime prevention fund (Special)
996	Amends 2003 San Isidro fund (Special)
997	Amends 2003 home irrigation fund (Special)
998	Amends §§18.38.030 and 18.38.040, wireless communication facilities (18.38)
999	Amends \$5.04.030, utility license fee and tax (5.04)
1000	Amends Ord. 802, irrigation charges (3.32)
1001	Amends §§8.12.150 and 8.12.160, garbage and solid waste (8.12)
1002	Amends Ord. 427, public services rates and charges (13.24)
1003	(Number not used)
1004	Amends 2003 budget (Special)
1005	Amends 2003 budget criminal justice fund (Special)
1006	Amends 2003 budget crime prevention fund (Special)
1007	Amends 2003 budget irrigation fund (Special)
1008	Amends 2003 budget home irrigation fund (Special)
1009	Amends 2003 budget housing rehab fund (Special)
1010	Amends 2003 budget PWTF fund (Special)

<u>Ordinance Number</u>	<u>Disposition</u>
1011	Amends \$13.24.090, water rates and charges (13.24)
1012	Authorizes sale of fill dirt from right-of-way (Special)
1013	Adds \$10.08.030, speed limits (10.08)
1014	Amends Ch. 5.36, peddlers (5.36)
1015	Adds Ch. 9.10, town park hours (9.10)
1016	Adds \$1.04.100, general provisions (1.04)
1017	Adds Ch. 5.40, street vendors (5.40)
1018	Annexation (Special)
1019	Terminates San Isidro Plaza/CDBG program project fund (Special)
1020	Terminates special school contract fund (Special)
1021	Terminates LID-89 fund (Special)
1021A	Annexation (Special)
1022	Terminates parks and recreation reserve fund (Special)
1023	Terminates City Hall content fund (Special)
1024	Adds \$13.24.095, rates and charges (13.24)
1025	Repeals and replaces Ch. 15.04, building code (15.04)
1026	Amends 2004 budget in irrigation fund (Special)
1027	Annexation (Special)
1027A	Amends 2004 budget in crime prevention fund (Special)
1028	Fixes tax levy for 2005 (Special)
1029	Amends 2004 budget in irrigation fund (Special)
1030	Amends 2004 budget in current expense fund (Special)
1031	Amends \$13.24.010, rates and charges (13.24)
1032	Amends §§8.12.150 and 8.12.160, garbage and solid waste (8.12)
1033	Amends \$3.32.010, irrigation charges and irrigation funds (3.32)
1034	Amends \$2.56.040, vacations (2.56)
1035	Amends 2004 budget in the San Isidro fund (Special)

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1036	Amends 2004 budget in the parks and recreation fund (Special)
1037	Amends 2004 budget in the City Hall contents fund (Special)
1038	Amends 2004 budget in the current expense fund (Special)
1039	Amends 2004 budget in the school contract fund (Special)
1040	Street vacation (Special)
1041	Amends § 13.24.190, rates and charges (13.24)
1042	Amends § 9.86.040, juvenile curfew and parental responsibility (9.86)
1043	Annexation (Special)
1044	Salaries for mayor and council members (Not codified)
1045	Capital improvement fund (Special)
1046	Closes cash surplus fund (Special)
1047	Fixes tax levy for 2006 (Special)
1048	Amends Ord. 427, rates and charges (13.24)
1049	Amends Ord. 802, irrigation charges an irrigation fund (3.32)
1050	Amends §§ 8.12.150 and 8.12.160, garbage and solid waste (8.12)
1051	Adopts 2006 budget (Special)
1052	Amends 2005 budget in the fire department reserve fund (Special)
1052A	Amends 2005 budget in the current expense fund (Special)
1053	Amends 2005 budget in the home irrigation fund (Special)
1054	Amends 2005 budget in the general reserve fund (Special)
1055	Establishes office hours for the clerk's office [adds § 2.12.025] (2.12)
1056	Program for discounts (13.40)
1057	Amends Ord. 976, street vacation (Special)
1058	Northwest Community Service Center Program project fund (3.98)
1059	Capital project fund (3.102)
1060	SIED loan fund (Repealed by 1258)

<u>Ordinance Number</u>	<u>Disposition</u>
1061	Tax levy (Special)
1062	Adopts 2007 budget (Special)
1063	Amends 2006 budget in the current expense fund (Special)
1064	Amends 2006 budget in the street fund (Special)
1065	Amends 2006 budget in the crime prevention fund (Special)
1066	Amends 2006 budget in the float/festival fund (Special)
1067	Amends 2006 budget in the Granger Travel Plaza fund (Special)
1068	Extends process for adopting amendments to comprehensive plan and future land use map; adopts revised zoning map (Special)
1069	Amends § 13.08.110, general regulations (13.08)
1070	(Not used)
1071	Amends Ch. 4, Section E (Streets) of Granger subdivision ordinance (17.16)
1072	Adopts amendments to comprehensive plan and future use map; amends city zoning code (18.20)
1073	Adopts official zoning map (18.04)
1074	Amends §§ 15.04.010 and 15.04.020, building code (15.04)
1075	Tax levy (Special)
1076	Annexation (Special)
1077	(Failed)
1078	Authorizes transfer of funds from garbage fund to garbage reserve fund (Special)
1079	Authorizes transfer of funds from water/sewer fund to public works trust reserve fund (Special)
1080	Establishes water/sewer reserve fund and authorizes transfer of funds from water/sewer fund to water/sewer reserve fund (3.110)
1081	Includes position of police chief within coverage of civil service provisions; repeals Ord. 847 (2.64)

<u>Ordinance Number</u>	<u>Disposition</u>
1081A	Amends 2007 budget in the current expense fund (Special)
1082	Amends 2007 budget in the street fund (Special)
1083	Amends 2007 budget in the EMS fund (Special)
1084	Amends 2007 budget in the criminal justice fund (Special)
1085	Amends 2007 budget in the crime prevention fund (Special)
1086	Amends 2007 budget in the water/sewer fund (Special)
1087	Adopts 2008 budget (Special)
1088	Amends 2007 budget in the garbage fund (Special)
1088A	Establishes personal cellular telephone use policy for city employees (Not codified)
1089	Provides for flexibility in work schedules in police and fire departments (Not codified)

Beginning with Supplement No. 7, this table will be replaced with the "Code Comparative Table and Disposition List."

ORDINANCE TABLE

CODE COMPARATIVE TABLE AND DISPOSITION LIST

This is a chronological listing of the ordinances of the City of Granger, Washington, beginning with Supplement No. 7, included in this Code.

Ordinance Number	Date	Description	Section	Section this Code
1090	4-22-2008	Signs	1 Rpld	18.16.050
1091	5-3-2008	Code enforcement	1 Added	Tit. 8, Ch. 8.34, §§ 8.34.010-- 8.34.110
1092	5-13-2008	Criminal street gangs and gang-related activities	1 Added	Tit. 9, Ch. 9.36, §§ 9.36.010-- 9.36.100
1093	6-34-2008	Yakima County Regional Shoreline Master Program	1 Rpld	Tit. 16, Ch. 16.04
1095	6-24-2008	Fireworks prohibited in city parks	1 Added	Repealed by 1283B
1096	6-24-2008	Meetings	1	2.08.010
1097	8-12-2008	Job description review by city council	1 Added	2.08.030
1098	8-12-2008	Collective bargaining agreement		Not codified
1099A	9-9-2008	Business licenses	1 Added	Tit. 5, Ch. 5.44, §§ 5.44.005-- 5.44.100
1100	9-9-2008	Animals	1	Tit. 6, Chs. 6.04--6.20
1101	9-9-2008	Fair Labor Standards Act		Not codified
1102	9-23-2008	Itinerant merchants	1 Added	Tit. 5, Ch. 5.48, §§ 5.48.020-- 5.48.050
1103A	10-28-2008	Regular city council meeting protocol established	1 Added	2.08.040
1104	11-25-2008	Code enforcement	1 Added	§§ 8.34.120-- 8.34.140
1105	12-9-2008	Schedule of service charges-- Cans	1	8.12.150
		Schedule of service charges-- Bins	2	8.12.160A
1106	12-9-2008	Monthly water use charges	1	13.24.010
1107	12-2-2008	Comprehensive plan amendments		Not codified

ORDINANCE TABLE

Ordinance Number	Date	Description	Section	Section this Code
1112	1-13-2009	Meter installation and water connection charges--Sewer connection charge	1	13.24.150
113	1-27-2009	Destruction of a nonconforming use or structure	1 Rpld	18.32.050
1114	3-10-2009	Official newspaper	1	1.12.010
1115	5-12-2009	Meetings	1	2.08.010
1116	6-16-2009	Domestic fowl	1 Rpld	6.08.010, 6.08.020

CODE COMPARATIVE TABLE AND DISPOSITION LIST

Ordinance Number	Date	Description	Section	Section this Code
1117	7-14-2009	Adult cabarets	1 Added	5.45.005-- 5.45.210
1118	7-14-2009	R2 and C1 development requirements	1	18.12.040 D.
			2	18.16.040 H.
1119	8-11-2009	Flood damage prevention	1 Rpld	15.20.010-- 15.20.220
			2 Added	15.20.010-- 15.20.190
1120	12-15-2009	Animals	1	Tit. 6(note)
1121	11-20-2009	Levy		Not codified
1122	12-22-2009	Monthly water use charges	1	13.24.010
1123	12-22-2009	Garbage and solid waste charges	1	8.12.150
			2	8.12.160 A.
1124	12-22-2009	Rate for irrigation water distribution	1	3.32.010
1125	12-22-2009	Budget		Not codified
1126	12-22-2009	Comprehensive plan amendments		Not codified
1127	12-22-2009	Public safety fund established		Not codified
1128	12-29-2009	Budget		Not codified
1129	12-29-2009	Criminal justice fund		Not codified
1130	8-10-2010	Power to appoint and remove employees	1	2.04.010-- 2.04.030
			2 Added	2.06.010-- 2.06.060
			3 Rpld	2.12.010-- 2.12.030
			4 Rpld	2.16.010, 2.16.020
1131	11- 9-2010	Levy		Not codified
1132	12-14-2010	Monthly water use charges	1	13.24.010
1133	12-14-2010	Rate for irrigation water distribution	1	3.32.010
1134	11-23-2010	Budget		Not codified
1135	12-28-2010	Comprehensive plan amendments		Not codified
1136	12-28-2010	Budget		Not codified
1137	12-28-2010	Budget		Not codified
1138	12-28-2010	Budget		Not codified
1139	4-26-2011	Zoning amendments	2(Exh. A)	18.04.060
				18.08.010
				18.12.010
				18.16.010
			Added	18.16.040 I.
			Rpld	18.16.050
			Added	18.16.055
			Added	18.20.055

Ordinance Number	Date	Description	Section	Section this Code
			Rnbd	18.20.060
			as	18.04.090
				18.24.010
			Added	18.24.011
				18.24.020
				18.32.030
				18.32.040
			Added	18.50.010-- 18.50.060
		Subdivision amendments	2 (Exh. B) Added	17.12.040 Q.
				17.12.050 A.
		Comprehensive plan adopted	2 (Exh. C) Added	14.17.010, 14.17.020
1140	6- 7-2011	Meetings	1	2.08.010
1143	6-28-2011	Special fund		Not codified
1150	12-13-2011	Rate for irrigation water distribution	1	3.32.010
1160	4-24-2012	Regulation of dogs	1	6.04.020 E.1.
1161	5-22-2012	Fees and charges related to delinquent water service accounts	1	13.24.190
1164	12-11-2012	Rate for irrigation water distribution	1	3.32.010
1165	12-11-2012	Schedule of service charges--Cans	1	8.12.150
		Schedule of service charges--Bins	2	8.12.160 A.
1177	1- 8-2013	Critical areas ordinance	3 (Exh. A) Added	16.06.010-- 16.06.870
1180	2-12-2013	Terminating the Granger Home Irrigation Fund		Not codified
1182	2-12-2013	Terminating the dinosaur fund	1 Rpld	3.88.010-- 3.88.040
1183	2-12-2013	Restrictions on street use	1 (Exh.) Added	10.12.010-- 10.12.070
1184	2-26-2013	Policies and procedures for the issuance, use and control of credit cards to and by city officials and employees	1 (Exh., §§ 1.0-- 6.0) Added	3.18.010-- 3.18.060
1185	2-26-2013	Additional charges and penalties related to sewerage and water charges	1	13.24.190 A.
1188	6-11-2013	Correcting the fund number of the capital improvement fund		Not codified
1189	6-25-2013	Mayor and council compensation	2 Added	2.08.025
1190	7-23-2013	Fee for returned checks		3.84.010
1191	7- 9-2013	Creating capital project fund "Cultural Plaza Project Fund"		Not codified
1195	12-23-2013	Rate for irrigation water distribution	1	3.32.010
1196	12-23-2013	Monthly water use charges	1	13.24.010

Ordinance Number	Date	Description	Section	Section this Code
1198	1-28-2014	Designating official newspaper	1	1.12.010
1199	1-28-2014	Adoption of referenced Codes	1	15.04.010
			2	15.04.020
1205	11-25-2014	Rate for irrigation water distribution	1	3.32.010
1214	1-13-2015	Creating special fund "EMS Trauma Grant Fund"		Not codified
1215	1-27-2015	Rates and charges for irrigation, domestic water, sewer and garbage	1	13.24.170
			2	13.24.180
			3	13.24.190
			4	13.32.070

ORDINANCE LIST AND DISPOSITION TABLE

Beginning with Supplement No. 12, the Code Comparative Table and Disposition List will be discontinued. Ordinances of the City of Granger, Washington, will be chronologically listed beginning with Ordinance 1216, included in this Code, in this table.

<u>Ordinance Number</u>	<u>Disposition</u>
1216	Rezone (Special)
1217	Establishes § 1.12.010 remain unchanged, official newspaper (1.12)
1218	Interfund loan (Special)
1219	Moratorium on producing, processing and retail sales of recreational marijuana (Special)
1220	Renewal of agreement (Not codified)
1221	Terminates Cosecha Court CDBG project fund (Special)
1222	Fire department reserve (Special)
1223	Public defender services (Repealed by 1227)
1224	Cultural plaza (Not codified)
1225	Granger travel plaza (Not codified)
1226	Moratorium on producing, processing and retail sales of recreational marijuana (Special)
1227	Repeals Ord. 1223, public defender services (Repealer)
1228	Public defender services (2.84)
1229	Current expense (Not codified)
1230	Annexation (Special)
1231	Public safety (Not codified)
1232	Home irrigation (Not codified)
1233	Dinosaur (Not codified)
1234	Cosecha (Not codified)
1235	Planning only (Not codified)
1236	PWT (Not codified)
1237	Amends Ch. 3.20, real estate excise tax (3.20)
1238	Criminal justice (Not codified)
1239	Crime prevention (Not codified)
1240	EMS (Not codified)
1241	Public safety (Not codified)
1242	Current expense (Not codified)
1243	Adopts 2016 budget (Special)

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ORDINANCE TABLE

Disposition

1244	Establishes § 1.12.010 remain unchanged, official newspaper (1.12)
1245	Amends Ord. 802 § 1, irrigation water distribution (3.32)
1246	Establishes court bond fund (3.92)
1247	Interfund loan (Special)
1248	Amends Ord. 502 §§ 3, 4; reserve fund (Not codified)
1249	Adds § 18.04.100, marijuana sales (Repealed by 1251)
1250	Interfund loan (Not sent)
1251	Adds § 18.04.100; repeals Ord. 1249, marijuana sales (18.04)
1252	Amends Ch. 5.08; repeals Ord. 972, special events (5.08)
1253	Interfund loan (Not sent)
1254	(Number not used)
1255	W/S (Not codified)
1256	Amends 2016 budget (Special)
1257	Interfund loan (Special)
1258	Terminates SIED loan fund (Repealer)
1259	Terminates public works trust fund (Repealer)
1260	Amends 2016 budget (Special)
1261	Amends 2016 budget (Special)
1262	Amends Ord. 802 § 1, irrigation water distribution rate (3.32)
1263	Amends 2016 budget (Special)
1264	Amends 2016 budget (Special)
1265	Adopts 2017 budget (Special)
1266	Amends Ord. 427 § 701, water use charges (13.24)
1267	Amends 2016 budget (Special)
1268	Establishes scout cabin rental fee (3.114)
1269	Authorizes check payments (3.83)
1270	Amends 2016 budget (Special)
1271	Amends 2016 budget (Special)
1272	Amends 2016 budget (Special)
1273	Amends 2016 budget (Special)
1274	Establishes § 1.12.010 remains unchanged, official newspaper (1.12)
1275	Interfund loan (Special)
1276	Adds Ch. 12.02, complete streets policy (12.02)
1277	(Number not used)

Ordinance
Number

ORDINANCE TABLE

1278	Amends water/sewer fund (Special)
1279	Rezone (Special)
1280	Code enforcement officer appointment (2.04)
1281	Amends water/sewer fund (Special)
1282	Amends current expense fund (Special)
1283B	Repeals and replaces Ch. 8.24, fireworks (8.24)
1284	Adopts comprehensive plan (Special)
1285	Amends water/sewer fund (Special)
1286	Adopts public records request fee schedule (Special)
1287	Adds Chs. 9.01, 9.03, 9.05, 9.06, 9.06 [9.07], 9.07 [9.08] and 9.101; repeals Chs. 9.02, 9.04, 9.08, 9.14, 9.16, 9.20, 9.22, 9.24, 9.34, 9.40, 9.42, 9.44, 9.46, 9.48, 9.50, 9.52, 9.56, 9.60, 9.62, 9.64, 9.72, 9.74, 9.76, 9.78, 9.82, 9.92, 9.96 and 9.100, criminal code (9.01, 9.03, 9.05, 9.06, 9.07, 9.08, 9.101)
1288	Street vacation (Special)
1289	Amends current expense fund (Special)
1290	Amends zoning map (Special)
1291	Appoints municipal court judge (Special)
1292	Amends criminal justice fund (Special)
1293	Amends crime prevention fund (Special)
1294	Amends float/festival fund (Special)
1295	Amends housing rehabilitation fund (Special)
1296	Adopts 2018 budget (Special)
1297	Amends Ord. 802 § 1, irrigation water rates (3.32)
1298	Amends street fund (Special)
1299	Amends public safety fund (Special)
1300	Amends 2017 budget (Special)
1301	Amends water/sewer fund (Special)
1302	Amends garbage fund (Special)
1303	Establishes § 1.12.010 remains unchanged, official newspaper (1.12)
1304	Interfund loan (Special)
1305	Repeals § 5.32.040, flea markets (Repealer)
1306	Amends § 8.24.070, fireworks (8.24)
1307	Amends § 2.08.025(B), council and mayoral compensation (2.08)
1308	Adds §§ 13.12.090 and 13.12.100, standard specifications (13.12)
1308A	Establishes parks and recreation program (3.50)

ORDINANCE TABLE

1309	Establishes parks and recreation program fund (3.50)
1310	Repeals Ch. 3.64, planning only grant fund (Repealer)
1311	Adds § 14.08.050, alternative land use application review by hearing examiner (14.08)
1312	Amends 2018 budget (Special)
1313	Amends 2018 budget (Special)
1314	Amends 2018 budget (Special)
1315	Amends 2018 budget (Special)
1316	(Number skipped)
1317	Adds Ch. 18.55, zoning amendments (18.55)
1318	Amends Ord. 427 § 701, water use charges (13.24)
1319	Adopts public facilities fee schedule (3.118)
1320	Adopts 2019 budget (Special)
1321	Amends § 1 of Ord. 802, irrigation charges (3.32)
1322	Adds §§ 5.44.007 and 5.44.017, business licenses (5.44)
1323	Amends 2018 budget (Special)
1324	Amends 2018 budget (Special)
1325	Amends 2018 budget (Special)
1326	Amends 2018 budget (Special)
1327	Amends 2018 budget (Special)
1328	Amends 2018 budget (Special)
1329	Amends § 1.12.010, official newspaper (1.12)
1330	Interfund loan (Special)
1331	Amends 2019 budget (Special)
1332	Amends 2019 budget (Special)
1333	Amends § 18.12.010, zoning (18.12)
1334	Amends § 18.12.040, zoning (18.12)
1335	Grants electric utility franchise to PacifiCorp (Special)
1336	Amends §§ 5.44.005, 5.44.007, 5.44.010, 5.44.015, 5.44.017, 5.44.020, 5.44.030, 5.44.060, 5.44.070, 5.44.080 and 5.44.085, business licenses (5.44)
1336A	Adds Ch. 18.60, landscaping standards (18.60)
1337	Amends 2019 budget (Special)
1338	Amends 2019 budget (Special)
1339	Amends 2019 budget (Special)
1340	Grants cable franchise to Charter Communications (Special)
1341	Amends 2019 budget (Special)
1342	Adds §§ 6.04.075 and 6.04.090(A)(3), dogs (6.04)
1343	Adopts 2020 budget (Special)

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1344	Amends § 2.08.025(A), city council (2.08)
1345	Amends § 1 of Ord. 802, irrigation charges (3.32)
1346	Amends § 1.12.010, official newspaper (1.12)
1347	Amends 2019 budget (Special)
1348	Amends 2019 budget (Special)
1349	Amends 2019 budget (Special)
1350	Amends 2019 budget (Special)
1351	Amends 2019 budget (Special)
1352	Adds Ch. 18.60 [18.64], multifamily development, design standards (18.64)
1352A	Interfund loan (Special)
1353	Amends 2020 budget (Special)
1354	Amends 2020 budget (Special)
1355	Amends 2020 budget (Special)
1356	Adds § 8.12.165, overfull garbage containers (8.12)
1357	Interfund loan (Special)
1358	Amends § 15.04.010, adoption of referenced codes (15.04)
1359	Authorizes transfer of earned interest income to the current expense fund (Special)
1360	Adopts 2021 budget (Special)
1361	Amends 2020 budget (Special)
1362	Amends 2020 budget (Special)
1363	Amends 2020 budget (Special)
1364	Amends 2020 budget (Special)
1365	Amends 2020 budget (Special)
1366	Amends 2020 budget (Special)
1367	Amends 2020 budget (Special)
1368	Amends 2020 budget (Special)
1369	Amends 2020 budget (Special)
1370	Amends 2020 budget (Special)
1371	Amends 2020 budget (Special)
1372	Amends 2020 budget (Special)
1373	Amends § 1.12.010, official newspaper (1.12)
1374	Interfund loan (Special)
1375	Interfund loan (Special)
1376	Establishes contingency sub-fund within general fund (Special)
1377	Amends 2021 budget (Special)
1378	Amends 2021 budget (Special)
1379	Amends 2021 budget (Special)
1380	Amends 2021 budget (Special)

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1381	Amends § 8.24.070(A), fireworks (8.24)
1382	Amends 2021 budget (Repealed by 1383)
1383	Amends 2021 budget; repeals Ord. 1382 (Special)
1384	Adopts 2022 budget (Special)
1385	Amends 2021 budget (Special)
1386	Amends 2021 budget (Special)
1387	Amends 2021 budget (Special)
1388	Amends 2021 budget (Special)
1389	Amends 2021 budget (Special)
1390	Establishes § 1.12.010 to remain unchanged, official newspaper (1.12)
1391	Interfund loan (Special)
1392	Amends Ord. 427 § 701, water use charges (13.24)
1393	Amends Ord. 427 § 701, water use charges (13.24)
1394	Amends Ord. 802 § 1, rate for irrigation water distribution (3.32)
1395	Amends §§ 8.12.150 and 8.12.160(A), garbage and solid waste (8.12)
1396	Adopts 2023 budget (Special)
1397	Adopts wheeled all-terrain vehicles regulations (10.56)

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