

ORDINANCE 2016-1036

AN ORDINANCE OF THE CITY OF WAITSBURG, WASHINGTON, AMENDING AND REPEALING VARIOUS SECTIONS OF THE WAITSBURG MUNICIPAL CODE

WHEREAS, the City Council regularly reviews the City Municipal Code to identify necessary changes, clarifications, updates, and amendments; and

WHEREAS, the City Council has determined that updates are needed to the City Municipal Code to update and repeal various sections of the code that are no longer current or necessary.

WHEREAS, a text amendments was required to make changes to the City development code; and

WHEREAS, the City posted notice as required and held a public hearing by the City's planning Commission; and

WHEREAS, the no one testified against the amendment and no comments were received by the City from the State of Washington; and

WHEREAS, the Waitsburg Planning Commission recommends approval of the text amendments; and

NOW THEREFORE, the City Council of the City of Waitsburg ordains as follows:

Section I. Code Sections to be Amended.

The following provisions of the Waitsburg Municipal Code are hereby amended, the bolded language ("**bolded language**") indicating insertions and the stricken language ("~~stricken language~~") indicating deletions:

1.02.200. Filling City Council Vacancies.

(3) APPOINTMENT PROCESS

(a) A Council position shall be officially declared vacant upon the occurrence of any of the causes of vacancy set forth in RCW 42.12.010, including resignation, recall, forfeiture, written intent to resign, or death of a Council Member. The Council Member who is vacating his or her position cannot participate in the appointment process.

1. In the event that the vacancy is for the position of Mayor, the Mayor Pro Tem will succeed to the office of Mayor upon taking the oath of office for the position at the next City Council meeting, whether that be a regular or special meeting. The resulting Council Member vacancy created by

the Mayor Pro Tem becoming Mayor, shall then be filled by process outlined here within WMC 1.02.200.

1.04.040. City Superintendent of Water and Sewer Department.

A. There is hereby created the office of City Superintendent of Water and Sewer Department of the City of Waitsburg, with the duties and powers hereinafter prescribed, and the City ~~Marshal~~ **Administrator** shall be ex-officio ~~said~~ Superintendent of Water Works

3.01.090. The filing period for declarations of candidacy shall be open for ten (10) ~~business~~ **calendar** days beginning on the first ~~Monday~~ **day** of March.

09.01.050 I. The maintenance and repair of sewer lines on a customer's property (commencing at the point where the City has provided a tap of its mainline to the homeowner for private use) is the responsibility of the customer. The customer shall keep the sewer service lines in good order and free of leaks. The City will continue to provide for any necessary repairs to the mainline which are not caused by the private side service lines.

9.01.105 (3). Dispatch fees.

a. In the event a property owner or utility customer contacts Columbia County Dispatch for their respective water and/or sewer lines, ~~regardless of reason~~, **after regular city working hours**, there shall be a fee charged in the amount of ten dollars (\$10.00) per call. Charges will be added to the customer's next monthly utility bill and be payable in accordance with the City Utility Payment Policy

10.1K.060. Yards and Site Coverage. B. Rear Yard. Rear yards shall have a minimum depth of ~~20~~ **10** feet from the rear property line.

10.8C.060. B. The Planning Commission shall, not later than ~~14~~ **30** days following the conclusion of the public hearing, express a recommendation for approval and may state conditions, if any, of such approval, or recommend disapproval. The recommendation of approval or disapproval shall be based upon the factors specified in this chapter, and every such recommendation shall be in writing and shall include findings of fact and conclusions to support the recommendation.

10.8I.020. Shown On Plat. All dedications of land shall be clearly and precisely indicated on the face of the plat **and shall include a statement declaring that all improvements (including all water, sewer and stormwater utilities) become wholly owned by the City following approval of the final plat by the City Council and the recording of the final plat with the Walla Walla County Auditor's office. The recording of a final plat, following approval by the City Council, will be presumptive evidence that the ownership of the improvements, shown on the final plat, have been transferred to the City.**

9.02.520. Appendix A: Rates, Etc.

1. Rates for Refuse Collection - **Contact City Hall for complete list of solid waste collection fees.**

10.1k.065. Fence Standards. Fences constructed for single or multifamily residential dwellings are required to meet the following standards:

1. Height Limits.

b. Maximum height of ~~3.5'~~ (42") **4 feet (48")** may be located on the front and flanking property lines

ARTICLE 10.4. TREES

Chapter 10.4A. Trees

Sections:

10.4A.010	Declaration and Purpose
10.4A.020	Definitions
10.4A.030	Establishment of City Tree Committee
10.4A.040	Jurisdiction
10.4A.050	Duties of Committee
10.4A.060	Committee Control of Activities Affecting Trees
10.4A.070	Tree Destruction
10.4A.080	Appeals
10.4A.090	Regulations; Violations

10.4A.010. Declaration and Purpose. The Council of the City finds and declares that there are benefits, both tangible and intangible, of maintaining trees on public and private property within the City. The Council finds that trees are valuable assets and that the benefits to the public of maintaining trees on public and private property significantly outweigh the detriments. (Ord. No. 822; September 2001)

10.4A.020. Definitions. As used in this Chapter, the following words and phrases shall have the meanings ascribed to them in this Section.

A. "City" means the City of Waitsburg, Washington.

B. "Committee" means the ~~Street~~ **Tree** Committee of the City Council.

C. "Number". The singular number includes the plural, and the plural shall include the singular.

D. "Owner" means the legal owner of real property and also includes the person legally entitled to possession of real property.

E. "Person" means and includes any individual, firm, association, corporation, partnership and trust, and the lessees, receivers, agents, and employees of any individual, firm, association, corporation, partnership or trust.

F. "Public Property" means all roads, streets, avenues, alleys, parking strips, public rights-of-way, and all other property owned or possessed by the City of Waitsburg, within the City limits or any portion thereof.

10.4A.030. Establishment of City Tree Committee. There is hereby created a Committee to be designated as the "City Tree Committee." **The Committee shall be considered a City Advisory Committee, governed by WMC 1.02.180, and shall include five members made up of two interested council members, the public works director, and two citizens at large that are all appointed by the City Council.**

10.4A.040. **Authority. The Committee is advisory only and shall not possess or exercise any power or authority on behalf of the City (including no authority, control, or direction of the planting, setting out location, placement, removal, care or trimming and cutting of all trees on public property).**

A. Decisions involving the removal of any diseased, dying or hazardous tree(s) are not subject to the provisions of the WMC 1.02.180 related to City Advisory Committees and therefore do not need to be ratified by the City Council.

B. City Staff retains authority for maintenance responsibility (including removal) of all trees in the City Parks and Cemeteries.

10.4A.050. Duties of Committee. The duties of the Committee with regard to trees. In addition to other duties of the committee, the duties of the Committee with regard to trees shall be as follows:

A. To work with City Staff to formulate a tree maintenance program for the City.

B. To provide to the City information regarding the selection, planting, and maintenance of trees within the City, whether on public property.

C. To determine the types and species suitable and desirable for planting and the areas and conditions under which such trees should be planted on public property. The Committee shall make such determinations after consulting persons familiar with the subject of such plantings, such as landscape architects, arborist, nurserymen, extension service and others who may have pertinent information.

D. To establish a program for inspecting all trees which are upon public property or which overhang any public property to determine the condition of the same. After such periodic inspections the Committee shall make **recommendations to the City Council** ~~such reports or take such action as are necessary and appropriate~~ for the abatement of nuisances, planting trees, maintenance of existing trees, control of disease or pest or other such action as may be reasonably necessary.

E. Provide input and recommendations to the City regarding potential issues related to trees in the Public Right of Way that are potentially hazardous or are negatively impacting the surround sidewalk(s) and or utilities.

F. Develop a City tree inventory with an emphasis on old growth trees

10.4A.060. Committee Control of Activities Affecting Trees. No person other than ~~the Committee or~~ persons authorized by ~~it~~ **the City Administrator**, may cut, trim, prune, spray, plant, move, remove or replace any tree located on public property or which encroaches on public property.

10.12.070. Tree Destruction. It is unlawful for any person to break, injure, deface, mutilate, cut, kill or destroy any tree or to set a fire or permit any fire to burn where such fire or heat thereof

may injure any portion of a tree on public property. It is also unlawful for any such person to place, apply, attach, or keep attached to any tree any wire, rope, sign, paint or any other substance, structure or thing or device of any kind or nature whatsoever.

10.4A.080. Appeals. Any person aggrieved by any act or determination of the Committee shall have the right of appeal to the City Council, as provided for and in accordance with WMC Title 10A.

10.4A.090. Regulations; Violations. The regulations adopted by the Committee and approved by the City Council shall have force of law and be enforceable to the same extent as any ordinance of the City. Any person violating any provisions of this Chapter or any other regulations adopted by the Committee and approved by the Council or failing to comply with them, shall upon conviction be punished by a fine not to exceed \$300.00 for each offense. Each day or part thereof that a violation of this Chapter occurs shall be deemed as a separate offense.

Chapter 10A.15 - Summary of Requirements

Sections:

10A.15.010. Flow Chart of Quasi-Judicial Project Application Process

10A.15.020. Flow Chart of Administrative Project Application Process

10A.15.010 Flow Chart of Quasi-Judicial Project Application Process.

- Application Filed with the City
- Applicant meeting held with Planning Commission to determine if additional information is required prior to issuance of Determination of Completeness**
- 28 days maximum - Issue Determination of Completeness
- 10 days maximum - Distribute completed application for comment to municipal departments and interested agencies with 15- to 45-day comment period
- Issue Notice of Application/Public Notice - 15 to 30 days before public hearing
- Complete SEPA threshold determination at least 15 days before public hearing
- Complete Staff Report at least 10 days before public hearing and make it available to the applicant, interested agencies, and the public
- Hold Open Record Predecision Public Hearing - 120 days maximum after issuance of Determination of Completeness
- Prepare findings and conclusions, applicable approval conditions, and issue Notice of Decision

- Closed Record Reconsideration/Appeal available for 15 days after Notice of Decision issuance
- Hold Closed Record Reconsideration/Appeal hearing and issue Notice of Decision no later than 60 days after the original Notice of Decision that followed the Open Record Predecision Hearing
- Judicial Appeal available for 21 days after issuance of Notice of Decision

10A.15.020. Flow Chart of Administrative Project Application Process.

- Application Filed
- Applicant meeting held with Planning Commission to determine if additional information is required prior to issuance of Determination of Completeness**
- 28 days maximum - Issue Determination of Completeness
- 10 days maximum - Distribute completed application for comment to municipal departments and interested agencies with 15- to 45-day comment period
- Issue Notice of Application - 14 to 30 days before administrative decision
- Complete SEPA threshold determination after comment period (when applicable)
- Complete Staff Report after comment period and make it available to the applicant, interested agencies, and the public
- 120 days maximum after issuance of Determination of Completeness - Prepare findings and conclusions, applicable approval conditions, and issue Notice of Decision
- Open Record Reconsideration/Appeal available for 15 days after Notice of Decision issuance
- Hold Open Record Reconsideration/Appeal hearing and issue Notice of Decision no later than 90 days after the original Notice of Decision that followed the administrative comment period
- Judicial Appeal available for 21 days after issuance of Notice of Decision

Section II. Code Sections to be Repealed.

The following provisions of the Waitsburg Municipal Code are hereby repealed in their entirety:

1.04.050. Street Commissioner.

A. That there be and is hereby created the office of Street Commissioner in and for the City of Waitsburg, under the direction of the Street and Alley Committee.

1.04.060. Municipal Court Judge. The office of Municipal Court Judge of the City of Waitsburg is hereby established, and the salary of that Judge shall be as established by the City Council. (Ord. No. 637; April, 1988).

Chapter 7 - Fire Zones

1.07.010. That area of the City of Waitsburg north of the center line of Third Street, west of the center line of Coppei Avenue, east of the extended north-south center line of Warren Street and the south bank of the Touchet River is hereby known and designated as Fire Zone #1. All other areas of the City of Waitsburg shall be known and designated as Fire Zone #3.

Chapter 2 - Fire Department

2.02.010. That on and after the effective date of Chapter 261, Laws of 1945, all firemen, including volunteer and fully paid, shall be entitled to the benefits of the death and disability and pension and retirement provisions provided under Chapter 261, Laws of 1945.

2.02.020. The City Clerk shall be the Secretary-Treasurer of the Board of Trustees created by said act and shall enroll each fireman under the death and disability provisions of said law; and when requested by a fireman, such request to be in writing, shall enroll him under the pension and retirement provisions of said law.

2.02.030. The Volunteer Fire Department personnel of the City shall not at any time exceed twenty-five (25) in number for each one-thousand (1,000), or fraction thereof, of the City's population; provided that, at no time, shall the membership of the Fire Department be less than fifteen (15). For purposes of compliance with this section, the Mayor shall determine the population of the city each year. This shall be done at a time, in a manner, and by persons selected or approved by the Mayor. (Ord. No 668; Jan., 1992; Ord. No 636; April, 1988).

2.02.040. It shall be the duty of the Fire Chief of the City of Waitsburg to see that all apparatus, machinery, and appliances of the Fire Department owned by, under control of, or in the possession of the City are kept in good order and condition; and that all members of the Fire Department are competent to discharge the duties devolving upon them. (Ord. No. 636; April, 1988).

2.02.050. The fire chief and his assistants shall have the right to enter upon any premises at all reasonable hours for the purpose of inspecting the same to determine whether or not any fire hazards shall exist or whether any condition exists which is a potential hazard, and it shall be unlawful for any person or persons to interfere with, prevent or seek to prevent any such fire chief or any duly authorized inspector of the fire department from entering and examining any car, building or place, or other premises situate within the city limits of the City of Waitsburg.

2.02.060. It shall be unlawful and it is hereby declared to be a nuisance for any person, firm or corporation or any other organization to maintain, cause or suffer to exist, on or upon any premises in the City of Waitsburg, leased, occupied or controlled by such person, firm or corporation, any condition which constitutes a fire hazard and a menace to the safety of life and property.

2.02.070. Whenever the Fire Chief of the City of Waitsburg or his duly appointed assistants, shall ascertain by any means whatever, that there exists a condition which constitutes a fire hazard and a menace to life and/or property, the said Fire Chief shall notify in writing the owner, lessee, occupant or other person having control of such premises, or any of them, that such condition exists and that the same constitutes a fire hazard and a menace to life and property, and direct that immediate steps be taken to eliminate such fire hazard and in case notice is not promptly complied with, the person or person so notified shall be deemed guilty of violation of this Chapter.

2.02.080. Except when used to combat a fire, it shall be unlawful for any person other than the owner thereof to use or molest any fire extinguisher, fire hydrant, fire hose or fire nozzle on any public or private place within the City of Waitsburg.

2.02.090. It shall be unlawful for any person, firm or corporation, unless duly authorized by the proper officials of the City of Waitsburg, to turn in any false alarm of fire, or tamper with, break or in any manner interfere with the fire alarm boxes or other apparatus belonging to the fire alarm system of the said City of Waitsburg, or to cut, break or otherwise interfere with or interrupt the line wires or connections of said system.

2.02.100. It shall be unlawful for anyone other than an active member of either the Fire Department or the Volunteer Fire Department of the City of Waitsburg to get upon or ride upon any of the engines, carts, wagon, trucks or other apparatus of the Fire Department , unless authorized to do so by the Fire Chief. (Ord. No. 636; April, 1988).

2.02.105. All motor equipment and all personal cars of the department shall have right of way over all traffic when responding to an alarm.

2.02.110. No unauthorized person with any vehicle shall follow within 500 feet of any apparatus belonging to the department nor park any vehicle within 200 feet of a fire; nor in any manner interfere with members of the department in the performance of their duties as such.

2.02.120. All regularly appointed and elective officers of the department are hereby given the necessary special police powers for the purpose of enforcing the provisions of this Chapter.

2.02.130. The City of Waitsburg is hereby authorized to enter into contracts with nearby incorporated communities or other governing bodies to provide the members of such communities or organizations with fire protection or to establish a mutual system.

2.02.140. Any person, firm or corporation who shall violate or fail to comply with any provisions of this Chapter or who shall council, aid or abate any violation or failure to comply with this

Chapter shall be deemed guilty of a misdemeanor and shall be fined in an amount not to exceed \$300.00 plus the cost of prosecution. (Ord. No 636; April, 1988).

2.02.150. If any section or provision of this chapter shall be adjudged to be invalid or unconstitutional, such adjudication shall not effect the validity of the chapter as a whole or any section, provision or other part thereof nor adjudged as invalid or unconstitutional.

2.02.160. Filling City Fire Chief Vacancies.

(1) PURPOSE

The purpose of this section is to provide guidance to the City Council when the Waitsburg Fire Department Fire Chief position becomes vacant.

(2) REFERENCES

RCW 42.12 – Vacant Position.

(3) APPOINTMENT PROCESS

(a) The Fire Chief position shall be officially declared vacant upon the occurrence of any of the causes of vacancy set forth in RCW 42.12.010, including resignation, recall, forfeiture, written intent to resign, or death of the current Fire Department Fire Chief

(b) Nominations to fill the vacant Fire Chief must come among the active fireman currently serving the fire department. The City Clerk's Office shall collect all nominations from the fire department for City Council's consideration of the applicants.

(c) Nominations received by the deadline date and time will be copied and circulated, by the City Clerk's Office, to the Mayor and City Council. Packets may also contain additional information received such as endorsements, letters of reference and other pertinent materials.

(d) The City Clerk's Office shall inform the candidates for Fire Chief of the location, date and meeting time scheduled for interviewing applicants for consideration to the vacant position. This meeting may be a regularly scheduled City Council meeting or a Special City Council meeting.

(5) VOTING

Upon completion of the interviews, Council Members may convene into Executive Session to discuss the qualifications of the applicants; however, all interviews, nominations and votes taken by the Council shall be in open public session. Appointment process is as follows:

(1) The Mayor shall ask for nominations from the Council Members.

(2) After a nomination and second has been received, the City Clerk shall proceed with a roll-call vote.

(3) Elections will continue until a nominee receives a majority of three (3) votes.

(4) At any time during the appointment process, the City Council may postpone the appointment until a certain date or regular meeting if a majority vote has not been received.

(5) Nothing in this policy shall prevent the City Council from reconvening into Executive Session to further discuss the applicant/candidate qualifications.

(6) The Mayor shall declare the nominee receiving the majority vote as the new Fire Chief and shall be appointed at that time by the Mayor.

1.02.210. Suspension and Amendment of Rules.

(1) Any provision of these rules not governed by state law or ordinance may be temporarily suspended by majority vote of the Council. In conjunction with this, these rules may be amended or new rules adopted, by a majority vote of the Council.

Chapter 7A – Public Arts Commission

(Ord. No. 1010; January 2013)

Sections

02.07A.010 Created – Powers and duties.

02.07A.020 Membership.

02.07A.030 Ex officio member.

02.07A.040 Residency requirements.

02.07A.050 Term.

02.07A.060 Meetings – Reports.

02.07A.010 Created – Powers and duties.

There is created the City of Waitsburg arts commission, which shall:

(1) Represent the interest of the city in matters of the arts, to act as a spokesperson for the arts in the city and to keep the city council informed on all such related matters.

(2) Evaluate, prioritize, and make recommendations on funding for cultural arts needs within the city.

(3) Review and recommend works of art for the city, especially works to be acquired through appropriations set aside from municipal construction projects. Local artists will be encouraged and given equal consideration for these projects.

(4) Inform, assist, sponsor or coordinate with arts organizations, artists, or others interested in the cultural advancement of the community.

(5) Encourage and aid programs for the cultural enrichment of the citizens of the City of Waitsburg and encourage more public visibility of the arts.

(6) Develop cooperation with schools, local, regional, state and national arts organizations.

(7) Obtain private, local, regional, state or federal funds to promote arts projects within the City of Waitsburg community.

02.070A.020 Membership.

The City of Waitsburg arts commission shall consist of 5 members. Members shall be artists, members of arts groups, or individuals interested in the arts. One member of the City of

Waitsburg city council, or their designee, shall act as a liaison with the City of Waitsburg arts commission.

02.07A.030 Ex officio member.

The City Administrator for the city or designee shall serve as an ex officio member of the City of Waitsburg arts commission.

02.07A.040 Residency requirements.

Three members of the City of Waitsburg arts commission shall reside within the city limits of the City of Waitsburg.

02.07A.050 Term.

(1) Regular Term. The regular term of office (after the initial appointment term) for members of the City of Waitsburg arts commission shall be three years or until such time as there is no longer a need for the commission.

(2) Initial Appointment Term. The initial appointment term will be for two years, after which the initial members can elect to continue on the commission indefinitely at the pleasure of City Council or until such time as there is no longer a need for the commission.

(3) Appointment. City Council shall be responsible for the appointment of all members of the Arts Commission, including the filling of vacancies as they arise.

02.07A.060 Meetings – Reports.

The City of Waitsburg arts commission shall meet monthly when there is art-related business to conduct. The City of Waitsburg arts commission shall report its annual programmatic and funding recommendations to the City of Waitsburg city council during the month of August of each year.

Chapter 6 - Payroll Clearing Fund

4.06.010. Payroll Fund. There is created a fund, known and designated as the "Payroll Clearing Fund," into which shall be paid and transferred from the various departments an amount of money equal to the various salaries and wages and other compensations due city employees.

4.06.020. 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 Payroll Clearing Fund sufficient monies to pay the salaries, wages and other compensations of the employees of the various departments of the city.

4.06.030. Purposes of Expenditures. The Payroll Clearing Fund shall be used and payments there from shall be made only for the purpose of paying and compensating employees of the city for services rendered, and paying employees deductions to those persons, agencies and organizations entitled to such payments.

4.06.040. Issuance of Warrants. The City Clerk is authorized, empowered and directed to issue warrants on and against the fund for payments authorized by Section 3 hereinabove. The warrants shall be issued only after there has been filed with the City Clerk proper payrolls, due bills, or time certificates approved by the City Council stating the nature of the service rendered, the amount due or owing and the person entitled thereto. All warrants issued on or against the fund shall be solely and 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 printed on its face the words "Payroll Clearing Fund."

Chapter 12 - Water System Capital Fund

4.12.010. There is hereby created a special fund to be known as the "Water System Capital Fund."

4.12.020. From and after January 1, 2014 the City Treasurer shall pay into the Water System Capital Fund from each monthly payment received pursuant to WMC 9.01.080.

4.12.030. All monies deposited in the Water System Capital Fund shall be used exclusively, and to the extent necessary, as the Council may determine, for making capital improvements, additions, repairs and restorations, maintenance, and similar activities on the City's domestic water supply system.

4.12.040. The amount of money to be deposited into the Water System Capital Fund may be amended, from time to time, by resolution of the City Council. (Ord. No. 697; July, 1994.)

Chapter 16 - Fire Department Capital Fund

(Ord. No. 743; Dec., 1997)

4.16.010. There is hereby created a special fund to be known and designated as the "Fire Department Capital Fund."

4.16.020. All monies deposited in the Fire Department Capital Fund shall be used exclusively, and to the extent necessary, as the Council may determine, for making capital improvements, additions, and repairs for the City's Fire Department.

4.16.030. The amount of money to be deposited into the Fire Department Capital fund shall be determined, from time to time, by resolution of the City Council.

4.16.040. The City Clerk is authorized, empowered, and directed to issue warrants on and against an emergency for payments authorized by paragraph 2 above. The warrants shall be issued only after there has been filed with the City Clerk proper vouchers, purchase orders, or other evidence, approved by the City Council, stating the nature of the expense, the amount due, and the person entitled thereto. Each voucher for payment under the provisions of this Section shall have printed on its face the words Emergency.

Chapter 17 - Sewer Facilities Planning and Construction Fund

(Ord. No. 748; April, 1998.)

4.17.010. There is hereby created a special fund known and designated as the General Sewer Facilities Planning and Construction Fund.

4.17.020. Monies deposited into this Fund shall be used for the planning, engineering, and related costs and services necessary to complete a General Sewer Plan and Facilities Plan, as

required by the City's State Waste Discharge permit; and for capital expenses, labor, materials, equipment, and all related and necessary costs and expenses to implement that General Sewer Plan and Facilities Plan.

4.17.030. The City Clerk is authorized, empowered, and directed to issue warrants on and against this Fund for payments authorized by 4.17.020 above. The warrants shall be issued only after there has been filed with the City Clerk proper vouchers or other evidence, approved by the City Council, stating the nature of the expense, the amount due, and the person entitled thereto. Each voucher for payment under the provisions of this Section shall have printed on its face the words "General Sewer Facilities Planning and Construction Fund."

Chapter 19 - Sewer Capital Maintenance Fund

4.19.010. There is hereby created a special fund known and designated as the Sewer Capital Maintenance Fund.

4.19.020. The Fund shall be used for repair and maintenance of sewer system capital facilities and for capital improvements to the sewer plant and related facilities.

4.19.030. The City Clerk is authorized, empowered, and directed to issue warrants on and against this Fund for payments authorized by Section 020 above. Warrants shall be issued only after there has been filed with the City Clerk proper vouchers or other evidence, approved by the City Council, stating the nature of the expense, the amount due, and the person entitled thereto. Each voucher for payment under the provisions of this Section shall have printed on its face the words "Sewer Capital Maintenance Fund."

Chapter 21 – Water System Improvements Repayment Fund, 2003

4.21.010. It is hereby created a special fund to be known and designated as the Water System Improvements Repayment Fund, 2003.

4.21.020. The fund shall be used for the repayment of any and all debts and obligations incurred by the City at any time for the purpose of making any additions, betterments, improvements, capital maintenance, capital repairs and other work, except routine maintenance, to the City's water system or any part or portion of the City's water system.

4.21.030. The city clerk is authorized, empowered, and directed to issue warrants on and against this fund for payments authorized in section 020 above. The warrants shall be issued only after there has been filed with the city clerk proper vouchers or other evidence approved by the city council stating the nature of the expense, the amount due, and the person entitled to payment thereof. Each voucher for payment under the provisions of this section shall be printed on its face the words Water System Improvement Repayment Fund, 2003.

4.21.040. From and after January 1, 2010 the city treasurer shall pay into the Water System Improvements Repayment Fund, 2003 the sum of \$11.36 from each "contributing water user."

“Contributing water user” shall mean each separate water user for which the City collects a basic water fee.

(Ord. 20021218-850; Dec. 18, 02, 2009-956)

Chapter 22 - Community Revitalization and Improvement Fund, 2003

4.22.010. It is hereby created a special fund to be known and designated as the Community Revitalization and Improvement Fund, 2003.

4.22.020. The fund shall be used for the payment and repayment of any and all debts and obligations incurred for any plan, engineering services, additions, betterments, improvements, maintenance, repairs, and payment for expenses, labor materials, equipment, administration, and all necessary expenses, relating to or for the purpose of community revitalization.

4.22.030. The city clerk is authorized, empowered, and directed to issue warrants on and against this fund for payments authorized in section 020 above. The warrants shall be issued only after there has been filed with the city clerk proper vouchers or other evidence approved by the city council stating the nature of the expense, the amount due, and the person entitled to payment thereof. Each voucher for payment under the provisions of this section shall be printed on its face the words Community Revitalization and Improvement Fund, 2003.

(Ord. 854; April 16, 03)

Chapter 23 - Flour Mill Fund, 2003

4.23.010. It is hereby created a special fund to be known and designated as the Flour Mill Fund, 2003.

4.23.020. The fund shall be used for the payment and repayment of any and all costs, expenses, fees, debts and obligations incurred for any and all plans, engineering services, additions, betterments, improvements, maintenance, repairs, restoration, labor, materials, equipment, administration, and all necessary expenses, relating to the City’s flour mill property.

4.23.030. The city clerk is authorized, empowered, and directed to issue warrants on and against this fund for payments authorized in section 020 above. The warrants shall be issued only after there has been filed with the city clerk proper vouchers or other evidence approved by the city council stating the nature of the expense, the amount due, and the person entitled to payment thereof. Each voucher for payment under the provisions of this section shall be printed on its face the words Flour Mill Fund, 2003.

(Ord. 853; April 16, 03)

Chapter 3 - Parks

5.03.010. There is hereby reserved a strip of land six feet wide, measured from the outside line of the sidewalk, on all the streets in the City of Waitsburg, except on Main Street and on Preston Avenue from Main Street to Coppei, for park purposes

5.03.020. Hereafter any person, firm, company or corporation desiring to set out trees in front of his, her or its property on any street in the City of Waitsburg, except Main Street and except Preston Avenue, from Main Street to Coppei Avenue, shall set them out in said parking strip two feet from the outside line of the sidewalk or seven feet and four inches from the outside property line. (Ord. No 634; Mar, 1988).

9.01.080. Fees - Domestic Water. Section 5. In computing the monthly charge for water service, results ending in \$.01 or \$.02 will be considered as naught; results ending in \$.03, \$.04, \$.05, \$.06 or \$.07 will be counted as \$.05; results ending in \$.08 or \$.09 will be counted as \$.10. In calculating monthly water consumption the two right hand digits of the meter reading shall always be deemed to be a zero.

9.01.095. Each monthly payment collected pursuant to 9.01.090 above, when it is received by the City, shall be allocated as follows:

A. First, Seventeen Percent (0.00%) of each monthly payment shall be deposited into the Sewer Facilities Planning and Construction Fund, pursuant to Chapter 17 of Title 4 of the Waitsburg Municipal Code (Ordinance 2009-956).

B. Second, Thirty Percent (14.50%) of each monthly payment shall be deposited into the Water and Sewer Revenue Bond Fund, 2002 Principal and Interest Account, pursuant to Chapter 1E of Title 9 of the Waitsburg Municipal Code(Ordinance 2009-956).

C. Third, Three Percent (5.43%) of each monthly payment shall be deposited into the Sewer Capital Maintenance Fund, pursuant to Chapter 19 of Title 4 of the Waitsburg Municipal Code (Ordinance 2009-956).

D. Finally, the remaining portion of each monthly payment shall be deposited into the Water and Sewer Revenue Fund. (Ord. No. 894; October 2005)

Chapter 1E – Water and Sewer Revenue Bond Anticipation Note, 2002
(Ord. No 20021204-847; Dec, 02)

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9.02.440. Cart, Container, Etc.

Section A. CONTRACTOR will not charge the rates specified in Appendix A, if a customer is subject to the following exemptions;

- i. Customers who have had their extra carts for longer than twelve (12) consecutive months
- ii. Customers who have permanently moved from their property.

Customers will have 30 days from the commencement of this Agreement to have their extra carts picked up at no charge. After that initial 30-day period, charges will apply at the rate specified in Appendix A, subject to the exemptions listed above in Section A.

10A.05.050. Technical Review Committee.

A. Immediately following the issuance of a letter of completeness, the City shall schedule a meeting of the Technical Review Committee (TRC). The TRC may be composed of representatives of all affected City department, utility districts, the fire department, and any other entities or agencies with jurisdiction.

B. The TRC shall review the development application for compliance with City plans and regulations, coordinate necessary permit reviews, and identify the development's environmental impacts.

Chapter 5 - Ditches

11.05.010. No person shall dig any trench, ditch or other excavation, in any street, alley or other public place in the City or Waitsburg, or lay any pipe, box or other conduit of any kind therein without first making written application to the City Council, and receiving permission from the City Council therefore.

11.05.020. The application provided for in 7.09.010 must set forth in detail the exact location of the proposed excavation with the size and length of the same and set forth the use that is to be made of the proposed trench, ditch or excavation.

11.05.030. Any person obtaining permission to dig any trench, ditch or other excavation in any street, alley or other public place must use the same for the purpose designated in his application and for no other or different purpose.

11.05.040. Any person violating any portion of this chapter shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not exceeding \$300.00, plus the costs of prosecution.

The provisions of this Chapter do not apply to persons making application to tap the city mains pursuant to other sections of this Code.

Chapter 6 - Cross-Connections to the Water System

11.06.010. Definitions.

A. Administrator means the City's Public Works Superintendent or his designee.

B. Backflow means the flow, other than the intended direction of the flow, of water or any foreign liquids, gases, or substances into the distribution system of a public water system.

C. Backflow prevention assembly means an assembly to counteract back pressure or prevent back siphonage.

Cross-connection means any physical arrangement whereby the City's water system is connected, directly to indirectly with any other water system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other assembly which contains, or may contain, contaminated water, sewage or other waste or liquid of unknown or unsafe quality which may be capable of importing contamination to the public water system as a result of backflow. Bypass arrangement, jumper connection, removable section, swivel or change-over assemblies, and other temporary or permanent assemblies through which, or because of which, backflow could occur are considered to be cross-connections.

11.06.020. Cross-connection declared unlawful. The installation or maintenance of an unprotected cross-connection, now existing or hereinafter installed, is hereby declared unlawful and shall be disconnected and removed within thirty (30) days after notification of the property owner of the requirements of the ordinance.

11.06.030. Backflow prevention assemblies to be installed.

A. Backflow prevention assemblies, when required to be installed, shall be installed and maintained by, and at the expense of, the property owner on any service connection to the City's water supply.

B. Initial installation of any backflow device shall require a building permit.

C. All backflow prevention assemblies must be installed in accordance with applicable provisions of the Uniform Plumbing Code and with the state regulations.

D. All reduced pressure principle backflow prevention assemblies must be installed above grade level.

11.06.040 Backflow prevention assemblies to be inspected. Backflow prevention assemblies installed shall be inspected and tested:

- A. At the time of initial installation;
- B. Annually after initial installation;
- C. After the device is repaired;
- D. After the device is moved, relocated, or instated; and
- E. More often if tests indicate repeated failures.

Every backflow prevention assembly shall be tested annually. The testing shall be the obligation of the owner. The property owner may have such test performed by any person certified by the Washington State, and the results shall be delivered to the City on a form prescribed by the City. If such test is not performed within the time required herein, the City may terminate water service.

The property owner shall be responsible for the repair, overhaul or replacement of backflow prevention assemblies whenever they are found to be defective.

11.06.050. Procedure of abatement of unlawful cross-connection and installation of backflow prevention assemblies. Cross-connections as declared in Section 11.06.020 to be unlawful, and/or services requiring backflow prevention assemblies, and/or unlawful use or operation of a private water supply system served by the City's water supply system, shall be subject to abatement in accordance with the following procedure:

- A. In the event that the Administrator determines that an unlawful cross-connection exists, the Administrator shall provide written notice to the property owner or, alternatively, a copy of such written notice shall be posted on the premises served.
- B. The notice shall provide that the unlawful cross-connection shall be corrected within thirty (30) days of the date such notice is mailed or posted on the premises.
- C. In the event such unlawful cross-connection is not abated within the prescribed time, water service to said premises may be shut off immediately or, if the Administrator determines that service should not be interrupted, the City may hire a contractor to abate the unlawful cross-connection as required by the City, including the installation of a backflow prevention device. In such event, the City shall charge the property owner for all costs incurred, ten (10) days after default in payment of such costs, the City shall have the right to place a lien against the real property and commence foreclosure proceedings to collect such amount.
- D. In the event that the unlawful cross-connection, in the option of the Administrator poses a potential health or system hazard to the public water supply, service from the City water supply system to the premises may be terminated without prior notice, provided, however, that notice will be posted on the premises at the time said service is terminated; provided, further, that the Administrator shall notify the Department of Health when a water service has been disconnected pursuant to this section.

E. Any new service customer with unlawful cross-connection shall be refused water service by the City until such time as the prospective service customer has installed a backflow prevention assembly as required by the City.

11.06.060. Adoption of State Regulations. Rules and regulations of the State Department of Health regarding public water supplies, entitled "Cross-Connection Control", WAC 241-290-490, as they presently exist and as they may, from time to time be amended, are hereby adopted and incorporated herein by this reference as if set forth in full. A copy of WAC 241-190-490 shall be filed with the City Clerk for review by the public.

11.06.070. Installation of Control Assembly. The City reserves the right, as a condition of water service, to require any party seeking water service to install a backflow prevention assembly at any location where the City, or the City's designee, determines a need to protect the City's water system and/or facilities.

11.07.080. Disclaimer of City Liability.

A. The City's provision of water service to any customer does not constitute the creation of a duty by the City to any person or to indemnify any person for any damages or injury which may accrue as a result of any unlawful cross-connection to the City's water supply.

B. Nothing contained in this chapter is intended to be nor shall be construed to create or form the basis for any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from the failure of a customer or any member of the public to comply with the provisions of this chapter, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this chapter on the part of the City, its officers, employees or agents.

C. It is expressly the purpose of this chapter to provide for and promote the health, safety, and welfare of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially benefited by the terms of this chapter.

D. It is the specific intent of this chapter to place the obligation of complying with its requirements upon the customer within its scope, and no provision nor term used in this chapter is intended to impose any duty whatsoever upon the City or any of its officers or employees.

11.06.090. Severability. If any section or part of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section or part of this ordinance.

11.06.100. Effective Date. This ordinance, being an exercise of power specifically delegated to the City legislative body, shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

Section III. This Ordinance shall take effect immediately upon passage by the Council and publication as required by law.

Passed by the Waitsburg City Council this 21th day of December, 2016.

APPROVED

APPROVED AS TO FORM

Mayor Marty Dunn

City Attorney Jared Hawkins

ATTEST:

City Clerk Randy Hinchliffe